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**Rabbi Yaakov Neuburger –
Pondering Our Unique Mission**

I often found it seemingly juvenile, and yet the Torah obviously sees it sufficiently substantial to warrant a military exemption: "Let him go back to his home, lest he die in battle and another dedicate it...Let him go back to his home, lest he die in battle and another harvest it....Let him go back to his home, lest he die in battle and another take her [into his household as his wife]" (Devarim 20:5-7).

To be sure, starting a family, a home, and an orchard business all require focus and the investment of one's greatest energies. The uncertainty of whether one's early investments in some of the defining enterprises of life will bear fruit can spark anxiety that will hamper the necessary focus of any soldier. In turn, his value as a soldier is diminished and his participation in military exercises can be bettered by someone else. That is how Rav Boruch Epstein, author of the Torah Temima, justifies the exemptions. Certainly, ruminating over one's

personal dreams could reduce his ability to be totally in for the team, something that may be necessary in military maneuvers, and that I am able to grasp. However, the Torah predicates this military deferral on the fear that someone else will take over one's dream rather than the fear of losing it entirely. Rashi quotes the Gemara that explains that it is human nature to be particularly tormented when someone else waltzes in and gains control over our efforts and our investment is consequently ignored. Nevertheless, should the fruitlessness of the investment and attendant instability inflicted on family seem secondary to the aggravation of feeling cast aside and irrelevant? Isn't the priority recorded born out of a self-absorption that is inconsistent with the ideal Torah character we are training ourselves to become?

Perhaps the Torah is not highlighting jealousy and self-centeredness at all, but rather encouraging each person to reflect on what makes their home, family, and business unique. Possibly the Torah challenges us to consider how each of these things could not be done in the same way by anyone else? What G-d given talents and what divinely ordained encounters characterize my accomplishments? Perhaps my business and profession could model integrity, caring, humility and the patience of providing opportunities to others, in a way that others don't? Given the "potentials" in place, should our home be bustling with goodness and expectations, or should our home prioritize peacefulness and acceptance and emotional safety? With all the givens of life, should I focus on legacies or on relationships?

Through the troubling and very real mind games of the soldier, we are all asked to wonder whether we will do justice to the avoda that we may be destined to accomplish. This is certainly a good kri'as ha'Torah with which to welcome the month of Elul!

More divrei Torah and shiurim from Rabbi Neuburger
More divrei Torah on Parshas Shoftim
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from: **Rabbi YY Jacobson** <rabiyy@theyeshiva.net>
reply-to: info@theyeshiva.net date: Aug 17, 2023, 7:08 PM
subject: If Judaism Is Immutable, How Can It Be Relevant? -
Essay by Rabbi YY

If Judaism Is Immutable, How Can It Be Relevant? A Tale of Two Torah's: The Timeless and the Timely
The King's Torah's

In this week's Torah portion, Shoftim, the Torah teaches us a fascinating mitzvah concerning every Jewish King:

18 And it will be, when he sits upon his royal throne, that he shall write for himself a copy of this Torah on a scroll from

[that Torah which is] before the Levitic kohanim.

19 And it shall be with him, and he shall read it all the days of his life, so that he may learn to fear the Lord, his G-d, to keep all the words of this Torah and these statutes, to perform them.

Asks the Talmud:[1]

סנהדרין כא, ב: מלך אין, הדיוט לא? לא צריכא לשתי תורות וכדתניא וכתב לו את משנה וגו' כותב לשמו שתי תורות, אחת שהיא יוצאה ונכנסת עמו ואחת שמונחת לו בבית גזיו.

Every Jew is obligated to write a Torah Scroll (Sefer Torah), as the Torah states explicitly[2] ("And now, write for yourselves this song, and teach it to the Children of Israel. Place it into their mouths, in order that this song will be for Me as a witness for the children of Israel." The Talmud[3] understands it as an obligation to write the entire Torah).[4] If so, why does the Torah give a separate mitzvah for the king to do this?

The Talmud explains that the Torah is instructing the Jewish leader to write not one, but two Torah Scrolls. One travels with him wherever he goes, and one remains permanently at home, in his private treasury.

But why? What's the point of the king having two Sifrei Torah?[5]

Timeless and Timely

There is, perhaps, a profound message here.[6] The Leader must hold on to two Torah's, as it were. One remains in his treasure chest; the other travels with him wherever he goes, in the words of the Mishnah:[7] "He goes to battle, and it goes with him; he enters the palace and it enters with him; he sits in judgement, and it sits with him. He sits down to eat, and the Torah is there with him."

There are two elements to Torah: On one hand Torah represents the unwavering truth that remains unchangeable, unbendable, un-phased by the flux of time, space and history. Shabbos never changes. Tefilin, matzah, shofar, sukkah, mikvah, mezuzah, the text of Torah, the bris milah—these are eternal, unchangeable, Divine laws and truths. The same delicious or horrible "stale" matzah we ate 3300 years ago in the desert we still eat in the 21st century in New York, Miami, and Los Angeles. The same ram's horn we blew two millennia ago is still blown today the world over. The same tzitzis, the same Shabbos, the same Yom Kippur, the same kosher laws, the same conversion laws, the same Torah.

But there is another element to Torah—its ability to give perspective and guidance to each generation according to its unique needs, challenges, struggles and experiences. Each generation is different. The issues that plagued us a half-century ago are not the issues we confront today, and conversely: today we have dilemmas never experienced before in history. Our bodies, psyches, souls, sensitivities, and environments are different. Our world has changed in

significant ways. Torah must also be a blueprint and luminary to the unique journeys of each milieu, to the climate of each generation, to the ambiance of every era, to the sensitivities of each age, to the yearnings of every epoch.

The prophet Isaiah says:

My Lord has granted me a tongue for teaching, to understand the need of the times, to give knowledge to those who thirst for knowledge.

A Jewish leader—and every one of us is a leader in our own individual way—must have two Torah's. One Torah remains immune to change. One pristine Torah Scroll never leaves the ivory tower of the king's treasury house. It speaks of truths of life and of G-d that are timeless. It transcends borders of time, geography, and people.

The Kilogram

There was a recent report concerning 'The Kilogram' in Paris. 'The Kilogram' is a calibrated weight by which all other kilograms in the entire world are measured. It is kept in triple layered glass casing, to ensure that it is in no way influenced by the elements. Unfortunately, scientists are afraid that this standard kilogram has been losing some mass over the years. This, at least theoretically, -has ramifications for all types of commerce throughout the world. The pure kilogram standard must never become corrupted!

The famous Maggid of Dubno once told the story of a country boy whose fame as an archer had spread far and wide. A delegation of the finest archers traveled to his farm estate in order to see for themselves if the rumors were true. As they approached the estate, they observed hundreds upon hundreds of trees, each one painted with a target, and in the center of each bullseye there was a single arrow. Amazed at the sight, they asked the lad how it was that he had become such a fine shooter. He replied plainly that he would shoot the arrow first and then paint the target around it.

This is the error some make with Torah. You can't just keep on adjusting Torah to your predefined positions and desires. If Torah is truth, it is true in all times and in all places. If it is not true, who needs it all together?

But it is not enough to just teach a timeless Torah. A leader must also find in Torah the language of G-d to this particular generation, to this individual person, to this unique situation, to this singular struggle, to this mindset and weltanschauung. Torah has the capacity to speak to the timely as much as to the timeless, to the modern as much as to the ancient, to the future as much as to the past, to the things that are always in flux as much as to those that remain unchangeable.

To Find Your Bio in Torah

This is also the deeper meaning of the Torah's words: "And it shall be with him and he should read it all the days of his life in order that he learn to fear G-d, to observe all the words of this Torah..."

The Torah is telling us more than just the fact that the king has

to read the Torah throughout the days of his life. The actual literal translation reads: “He should read in it all the days of his life.” This means that the Jewish leader must be able to see in Torah a perspective for “all the days of his life,” for everything that transpires in his life and in the life of his people. He has to read in it (v'kara bo) his entire biography (kol yemei chayav), all the events of his life. Every new situation has a perspective from Torah, guidance from G-d’s blueprint for life.[8]

The Balance

It is not always an easy balance. How can the same Torah address both the timeless and the timely? If it was relevant 3000 years ago how can it still be relevant today?

The answer is: Since the Torah comes from the Creator of the world, He embedded into the Torah all the changes, developments and fluctuations of history. The Torah is the Divine blueprint not only for timeless truths, but also for timely issues and questions—it speaks to each generation addressing its dilemmas and concerns.

The late Israel Shenker, a New York Times reporter, interviewed the Lubavitcher Rebbe for his 70th birthday. Here are his words published in April 1972, in The Times:

“To the suggestion that his orthodoxy marks him as a conservative he [the Rebbe] objected, saying: ‘I don’t believe that Reform Judaism is liberal and Orthodox is conservative. My explanation of conservative is someone who is so petrified, he cannot accept something new. For me, Judaism, or halacha [Jewish religious law], or Torah, encompasses all the universe, and it encompasses every new invention, every new theory, every new piece of knowledge or thought or action.

“Everything that happens in 1972 has a place in the Torah, and it must be interpreted, it must be explained, it must be evaluated from the point of view of Torah even if it happened for the first time in March of 1972.”

These are the “Two Torah’s” a Jewish king—and by extension every Jewish teacher and leader—must possess.

[1] Sanhedrin 21b

[2] Deuteronomy 31:19

[3] Nedarim 38a

[4] The Rosh (Rabbi Asher ben Yechiel, c.1250-1328) writes (Laws of Sefer Torah 7:1) that in previous eras, the Torah scroll was the only text that Jews could use for study, since it was forbidden to write down the Oral Law. Nowadays, however, when it is permissible to write down the Oral Law, and the Torah scroll is stored in the synagogue for public readings rather than used as a study text, the obligation to write a Torah scroll encompasses the obligation to purchase other holy books (seforim) which can be used for study. Some halachic authorities understand this to mean that there is no longer an obligation to own or write a Torah scroll and that the obligation is fulfilled in its entirety by owning other holy books, e.g., a Chumash, Mishnah, Talmud, Code of Jewish Law, etc. Other authorities say that the Rosh meant that the

obligation to write a Torah scroll still exists, but that in addition to this, one must also purchase other holy books. The Lubavitcher Rebbe once explained a fascinating insight. We don’t find any record that upon receiving this mitzvah the Jews en masse wrote hundreds of thousands of Torah scrolls! Nor do we find historically that many people commissioned the writing of their own scrolls. Why not? The Rebbe concluded, that since the main purpose of the Torah Scroll is to read from it, one can fulfill one’s obligation through the Torah scroll that is owned by the community. In addition to the fact that as a member of the community, he owns a part of the Torah scroll, the Rebbe proved from various sources that he can also be considered a full owner during the time that he actually reads from it – that is, when he receives an Aliya. It is an unspoken agreement that whenever anybody is called to the Torah, all of the community members temporarily give that person full ownership of the Torah for the duration of that aliyah. When the Aliya is over, he then “returns” the ownership to the entire community. Although ownership of a Torah scroll is not enough to fulfill the mitzvah, but rather the person must commission a scribe to write it for him or write it himself, in the case of scrolls written for the community, we consider the scribe an agent of the entire community. In addition, if the Torah needs to be corrected – something which is a frequent occurrence – the scribe who does the corrections is seen as an agent of the entire community. Thus, even those who were not yet born when the Torah was written have a part in the writing.

This answers the above questions and also explains how we can all fulfill this mitzvah today—even according to the opinions that one must actually write one’s own Torah scroll and not simply be a partner. (For all the sources, see Likkutei Sichos vol. 23, p. 24, and all references noted there.) In addition, the Lubavitcher Rebbe initiated campaigns to unite all of Jewry in this mitzvah by having as many Jews as possible purchase letters in Torah scrolls. Separate scrolls are written specifically to unite Jewish children.

[5] Rabbi Shlomo Kluger (1785-1869), the famed chief Rabbi of Brody, Galicia, and other Rabbis, offer the following insight into these two Sefer Torahs. The Torah describing the appointment of the King uses the double language of “Som Ta’sim,” You shall surely place upon yourselves. The Rabbis infer from here that the fear of the King must be upon the people. On the other hand, at the end of the section dealing with the monarchy, the Torah emphasizes concern “That his heart not become haughty over his brethren and that he does not turn from the commandment right or left” (Deut. 17:20). This almost seems to contradict the earlier language. Should the king be humble or powerful? Power corrupts and absolute power corrupts absolutely. The Jewish Monarch must act like a king when he is in front of the people, but he is not allowed to let his heart get carried away. He must remember who he is and remember who the Only real King is. Rabbi Shlomo

Kluger says that this is what is meant by the fact that the King writes two Torah scrolls for himself - one with which he goes out and one which remains at home. When he goes out, he must wear the Torah of "You shall surely place upon yourselves a King," he must act like a King and instill awe like a King. But when he returns home and settles down into the privacy of his own abode, he must be aware of the Torah that is hidden away at home. That is the Torah of "Lest his heart be lifted above that of his brethren."

[6] The following explanation is based on the Lubavitcher Rebbe's explanation on the difference between the Torah of Moshe and the Torah of Aaron, between "Emes" and "Chesed," Sichas 13 Nissan, Parshas Shmini, 5748 (1988), published in Sefer Hasichos 5748 vol. 2, and in Likkutei Sichos Parshiyos Shmini.

[7] Sanhedrin 21b

[8] This is the interpretation of the Chasam Sofer Parshas Shoftim.

from: **Ira Zlotowitz** <Iraz@klalgovoaah.org> date: Aug 17, 2023, 7:00 PM subject: **Tidbits for Parashas Shoftim In Memory of Rav Meir Zlotowitz ZTL**

Reminders

The first opportunity for Kiddush Levana is Motzaei Shabbos, August 19th. The final opportunity is Wednesday night, August 30th.

Pirkei Avos: Chapter 6.

Daf Yomi - Friday: Bavli: Kiddushin 5 • Yerushalmi: Kilayim 34 • Mishnah Yomis: Rosh Hashanah 2:7-8 • Oraysa: Rosh Hashanah 30a & 30b. The siyum on Masechta Rosh Hashanah is this Monday, Mazal Tov! Next is Masechta Yoma.

Make sure to call your parents, in-laws, grandparents and Rabbi to wish them a good Shabbos. If you didn't speak to your kids today, make sure to connect with them as well!

Next on Calendar Rosh Hashanah begins on Friday evening, September 15th.

Yom Kippur begins on Sunday evening, September 24th.

Succos begins on Friday evening, September 29th.

Parsha in a Paragraph

SHOFTIM: Establishing local courts • Penalties for idolatry • The Sanhedrin • The laws of Kings • Levi'im to receive no portion in the land, as Hashem is their portion • A Kohen or Levi's right to serve in the Beis Hamikdash at all times • Do not engage in sorcery like the gentiles; Hashem has granted you access to prophecy • Laws of witnesses • Preparation and laws of war • Take captives only from distant cities • See Taryag Weekly for the various mitzvos.

Haftarah: The Haftarah (Yeshaya 51:12-52:12) brings Hashem's promise that "I myself will bring you consolation", which will occur at the final redemption. Although the time of the arrival of Mashiach is unknown, it is a fact that he will arrive. Belief in this tenet brings a measure of consolation and

spurs one to anticipate Mashiach's arrival, and the salvation and relief that the redemption will bring.

Taryag Weekly Parashas Shoftim: 97 Pesukim • 14 Obligations • 27 Prohibitions

1) Appoint judges and officers. 2) Do not plant trees in the courtyard of the Beis Hamikdash. 3) Do not create an altar from a single stone. 4) Do not sacrifice a blemished animal. 5-6) Heed the Beis Din Hagadol; do not disobey them. 7) Appoint a king. 8) Do not appoint a non-Jewish born king. 9) A king may not possess too many horses. 10) Do not return to settle in Egypt. 11-12) A king must not have too many wives, nor amass treasures beyond his needs. 13) A king should write a Sefer Torah and carry it with him. 14-15) Shevet Levi should not get a portion of the land nor share in the booty of war. 16-18) Give a Kohen specific portions of a slaughtered animal, Terumah from crops and the first shearing of wool. 19) Kohanim and Levi'im families should serve in the Beis Hamikdash in weekly shifts. 20-25) Do not engage in clairvoyance, magic, casting spells, Ov v'Yidoni, or speak with spirits of the deceased. 26) Heed true nevi'im. 27-28) Do not prophesy falsely, or in the name of avodah zarah. 29) Do not be fearful to execute a false navi. 30) Establish Arei Miklat for accidental murderers. 31) Beis Din shall not be merciful to a murderer. 32) Do not infringe on the boundaries of another's property. 33) Do not render judgment based on the testimony of a single witness. 34) Punish false witnesses with the punishment they tried to inflict. 35) Do not fear opposing nations. 36) Anoint a Kohen for wartime purposes. 37) Attempt peaceful outreach before attacking the nations. 38) Do not allow survivors in war with the 7 nations. 39) Do not needlessly cut down a fruit tree. 40) Perform the rite of Eglah Arufah. 41) Do not utilize the area where the Eglah Arufah rite was performed.

FOR THE SHABBOS TABLE

וְכָל זְקֵנֵי הָעִיר הַהוּא הַקְרִיבִים אֶל־הַתְּהֵלֶל

"All the elders of the city nearest to the corpse" (Devarim 21:6)

When a corpse is found outside a city the Torah requires that the closest city perform the ritual of eglah arufah. This seems to indicate a degree of responsibility on the nearby city. Why does the Torah impose this atonement despite there being nothing to prove that the nearby city was at fault?

The Ibn Ezra explains that for such an occurrence to take place near a city, it must be that the city has done certain sins that allowed such a tragedy to have occurred in its vicinity. Therefore the city must take part in atoning for the death. There once was a tragic accident on the Lower East Side of Manhattan where a young boy was struck by a car. Seeing a yarmulke on the ground near the child an onlooker assumed that it was a Jewish boy who was struck. The onlooker went into nearby Mesivta Tiferes Yerushalayim and advised the Rosh Yeshivah of the tragic event. Rav Moshe Feinstein

responded that it's impossible for a Jewish boy to have been killed so close to a yeshivah where so many were learning Torah. The Rosh Yeshivah was confident that the merit of Torah study could not have allowed something like this to occur. Sure enough, it came to light that the yarmulke was there by chance and in fact it was not a Jewish boy that was struck.

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from: **The Rabbi Sacks Legacy** <info@rabbisacks.org>
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date: Aug 17, 2023, 11:15 AM subject: The Greatness of Humility 🕊️ (Shoftim)

The Greatness of Humility
SHOFTIM

With thanks to the Schimmel Family for their generous sponsorship of Covenant & Conversation, dedicated in loving memory of Harry (Chaim) Schimmel.

An extraordinary couple who have moved me beyond measure by the example of their lives. "I have loved the Torah of R' Chaim Schimmel ever since I first encountered it. It strives to be not just about truth on the surface but also its connection to a deeper truth beneath. Together with Anna, his remarkable wife of 60 years, they built a life dedicated to love of family, community, and Torah." – Rabbi Sacks

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At a dinner to celebrate the work of a communal leader, the guest speaker paid tribute to his many qualities: his dedication, hard work, and foresight. As he sat down, the leader leaned over and said, "You forgot to mention one thing." "What was that?" asked the speaker. The leader replied, "My humility."

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

This makes one provision in our parsha unexpected and powerful. The Torah is speaking about a king. Knowing, as Lord Acton put it, that power tends to corrupt and absolute power corrupts absolutely,"[1] it specifies three temptations to which a king in ancient times was exposed. A king, it says, should not accumulate many horses or wives or wealth – the three traps into which, centuries later, King Solomon eventually fell. Then it adds:

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

Deut. 17:18-20 If a king, whom all are bound to honour, is commanded to be humble – "not feel superior to his brethren" – how much more so the rest of us. Moses, the greatest leader the Jewish people ever had, was "very humble, more so than anyone on the face of the earth" (Num. 12:3). Was it that he was great because he was humble, or humble because he was great? Either way, as R. Johanan said of God Himself, "Wherever you find His greatness, there you find His humility." [2]

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

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

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

There is a fundamental difference between two words in Hebrew: anava, "humility", and shiflut, "self-abasement". So different are they that Maimonides defined humility as the middle path between shiflut and pride.[3] Humility is not low self-regard. That is shiflut. Humility means that you are secure enough not to need to be reassured by others. It means that you

don't feel you have to prove yourself by showing that you are cleverer, smarter, more gifted, or more successful than others. You are secure because you live in God's love. He has faith in you even if you do not. You do not need to compare yourself to others. You have your task, they have theirs, and that leads you to co-operate, not compete.

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

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

I sometimes think that narcissism and the loss of religious faith go hand in hand. When we lose faith in God, what is left at the centre of consciousness is the self. It is no coincidence that the greatest of modern atheists, Nietzsche, was the man who saw humility as a vice, not a virtue. He described it as the revenge of the weak against the strong. Nor is it accidental that one of his last works was entitled, "Why I am So Clever."^[4] Shortly after writing it he descended into the madness that enveloped him for the last eleven years of his life.

You do not have to be religious to understand the importance of humility. In 2014 the Harvard Business Review published the results of a survey that showed that "The best leaders are humble leaders."^[5] They learn from criticism. They are confident enough to empower others and praise their contributions. They take personal risks for the sake of the greater good. They inspire loyalty and strong team spirit. And what applies to leaders applies to each of us as marriage partners, parents, fellow-workers, members of communities, and friends.

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

greatness within them.

Ezra Taft Benson said that "pride is concerned with who is right; humility is concerned with what is right." To serve God in love, said Maimonides, is to do what is truly right because it is truly right and for no other reason.^[6] Love is selfless. Forgiveness is selfless. So is altruism. When we place the self at the centre of our universe, we eventually turn everyone and everything into a means to our ends. That diminishes them, which diminishes us. Humility means living by the light of that-which-is-greater-than-me. When God is at the centre of our lives, we open ourselves up to the glory of creation and the beauty of other people. The smaller the self, the wider the radius of our world.

[1] Transcript of Letter to Bishop Mandell Creighton, April 5, 1887, published in *Historical Essays and Studies*, edited by J. N. Figgis and R. V. Laurence (London: Macmillan, 1907).

[2] Pesikta Zutrata, Eikev.

[3] Maimonides, *Eight Chapters*, ch. 4; Commentary to Avot 4:4. In *Hilchot Teshuvah 9:1*, Maimonides defines shiflut as the opposite of malchut, sovereignty.

[4] Part of the work published as *Ecce Homo*.

[5] Jeanine Prime and Elizabeth Salib, 'The Best Leaders are Humble Leaders', *Harvard Business Review*, 12 May 2014.

[6] Maimonides, *Hilchot Teshuvah 10:2*.

from: **Esplanade Capital** <jeisenstadt@esplanadecap.com>
date: Aug 18, 2023, 12:39 AM subject: **Rabbi Reisman's Weekly Chumash Shiur**

Rabbi Reisman – Parshas Shoftim 5783

Topic – Elul & Eretz Yisrael

As I speak to you on this first day of Rosh Chodesh Elul as we prepare for Shabbos Parshas Shoftim. On Tuesday I was still in Eretz Yisrael, and I was talking to one of the Bochorim there. In Eretz Yisrael there is a stronger Hergish of Rosh Chodesh Elul, of the Zman of Elul beginning. I told him that in America Rosh Chodesh Elul doesn't start until Erev Rosh Hashana. He looked at me incredulously. This Bochor told me that he is in Chevron Yeshiva. He said Elul is too tense and it gets him so nervous. Every day one of the Roshei Yeshiva speaks about the meaning of Elul. I explained to him that here people because of the calendar are still vacationing, making BBQ's, wearing polo shirts and caps, and Elul just doesn't get started. But as a thinking person though, we have to start to realize that it is Elul. Elul is really a time of growth, a time of opportunity for everybody. We don't want to really be left behind.

How does a person know if his Elul is meaningful, how does a person know in life whether what he is accomplishing is meaningful? The Chovos Halevavos in the Shaar Yichud Hamaiseh, Perek Hei, writes a rule. Kol Me She'ain Lo Tosafos Ain Lo Ikkar. Someone who doesn't add to his Avodas Hashem has no root. Rooted things grow. Things that are rooted in something that gives it sustenance grow from

what they are.

A wooden bench on the ground doesn't grow. A tree on the same ground which is also made of wood, grows because it is rooted. In Elul we have to look to grow, to do more, to add in a pleasant way to our Avodas Hashem.

In this week's Parsha, Parshas Shoftim, the Posuk says in 17:10 (ועשית, על-פי הדבר אשר יגידו לך). This is the source for the idea of Daas Torah, of a person who is Paskening in Klal Yisrael and taking responsibility for the things that he says and Klal Yisrael being able to accept and follow the Psak of the Sanhedrin and the Batei Dinim, of those who are also responsible for Psak in Klal Yisrael. (ועשית, על-פי הדבר אשר יגידו לך, מן-המקום ההוא, אשר יבסר ירנר; ושמרת לעשות, ככל אשר יוריד).

In the Hakdama of the Shev Shmaita, he writes that this was the Taina of the Malachim to HKB"H. Why are You giving Torah to Bnei Adam. They knew that the Mitzvas Hatorah are connected to people. But the idea that people could issue a Psak in Halacha and that becomes Torah, to them that was an incredible Chiddush.

Zagt the Shev Shmaita that is what we have. We have the ability to devote ourselves totally to Torah, to spending years and have the Shimush to be able to know how to deal with the Halacha L'mayseh of Torah and to be able to Pasken.

The Gemara says in Avodah Zorah 28b (11 lines from the bottom) that there was a dispute. (רב יהודה שרא למיכחל עינא). Rav Yehuda permitted putting certain medication into the eye on Shabbos. He said this disease is a danger, a Sakana of Pikuach Nefashos. (רב שמואל בר יהודה) said Assur. He disagreed. He said it is not a Sakana. The Gemara brings an incident where (רב שמואל בר יהודה) became ill with this very eye disease. He sent a message to (רב יהודה) asking can I put on this medication on Shabbos? (רב יהודה) replied to him that (שלח) for the whole world it is Muttar because I hold that you are allowed to put on this medication. (לדידך אסיר) You Paskened that it is not a Sakana, so for you it is Assur.

The question is, what are you talking about? Rav Yehuda holds that it is a Sakana because of Pikuach Nefashos. He is punishing somebody for disagreeing with him? If his Shittah is that it is Pikuach Nefashos, then he has to tell (רב שמואל בר) (יהודה) for you it is Muttar.

From here we see a Chiddush says the Steipler. That the Halacha is Paskened (על-פי התורה אשר יורוד), for everyone else it is a Sakana. You are a Posek in Klal Yisrael and you Paskened that it is not a Sakana, for you it is not a Sakana. HKB"H runs the world according to the Psak of the individual Poskei Halacha.

It is known that Rav Chaim Volozhiner told someone with a lung disease to stay in his city and never move out. Why? Because that particular lung disease is a Machlokes in Hilchos Treifos if it is something that causes death or not. The Shaagas Aryeh Paskened that it is not a Treifa. This man lived in the

city of the Shaagas Aryeh. As long as you stay there in your city the Psak is that it is not a Treifa and by a human being too it is not something that will kill. But don't move away.

Rav Chaim Kanievsky brings that he once asked the Steipler the following question and this is the most incredible application of this Yesod. He said there is a Machlokes in Rosh Hashana 16a when people are judged. The Mishna there says (בפסח על התבואה). That on Pesach the world is judged L'gabei the wheat. There are others who disagree. There are those who say (אדם נידון בכל יום), (אדם נידון בכל שעה). There are those who say that the Psak on everything is on Rosh Hashana. It is a Machlokes.

The Gemara brings in Berachos 18b (18 lines from the top) (מעשה בחסיד אחד). An individual who for whatever reason had run from someone chasing him (happened to be his wife), and hid in the (בית הקברות). While he was there, he heard the Neshama of two young girls speaking. They said, let us go up to the Kisei Hakavod and hear what the judgement is on this coming year's wheat. So we see that there is a Psak on Rosh Hashana. Especially it says over there that it was on Rosh Hashana but certainly not (אדם נידון בכל יום). We see that there is one judgment for the year on Rosh Hashana. So why don't we Pasken based on that? This is what Rav Chaim said was asked of the Steipler.

The Steipler answered that it says there in the Meforshet HaGemara that that Man D'amara held like Rav Yehuda in the version that the Chosid was himself Rav Yehuda. He held like Rav Yehuda. Therefore, Rav Yehuda held that the Psak was on that day.

Freigt Rav Chaim, there is only one Psak in Shamayim, what is the difference who it is. We see the facts that this is the Psak? The Steipler told him no. Even in Shamayim, somehow it is like an alternative universe. There is a place where the Psak is once a year and there is a place where the Psak is every day. Because (על-פי התורה אשר יורוד) is a Psak Halacha. A Psak Halacha which you follow of a person who is Ro'i L'hora'a, then you are safe. That is the Chiddush here in Parshas Shoftim of (על-פי התורה אשר יורוד).

As we know from Micha 4:2 (כי מציון תצא תורה). The seat of Torah from the time of the Beis Hamikdash was in Eretz Yisrael, the Poskei Hatorah are in Eretz Yisrael and it is returning to Eretz Yisrael.

I would like to share with you an insight, a Hergish that I had when I left Eretz Yisrael. I was on the plane leaving and this is the thought that came to me. It seems to me that Yerushalayim the holy city is elusive. What do I mean that it is elusive?

It is an incredible history of Yerushalayim. When Avraham Avinu is sent to Har Hamoriah he was not told the place 22:2 (לך-לך, אל-ארץ המדינה; והעלהו שם, לעלה, על אסד הקרים, אשר אמר) (אלדי). He wasn't sure where it was until he saw it with his own eyes. As Rashi says on (נראה את-המקום--מרחוק), (ראה ענו קשור על) (קהר)

When Yaakov Avinu left his father's house, he slept on Har Hamoriah, what was to be Yerushalayim. He didn't even realize it. He didn't even see an (עָנָן קָשׁוּר עַל הַהָר). It was like Yerushalayim was hiding from people. An incredible thing.

When Klal Yisrael entered Eretz Yisrael, for the first 400 years they knew there is a place (אֶל-הַמְּקוֹם, אֲשֶׁר יְבַחֵר יְרֹנָה). They didn't know where it was. For some reason they didn't know that Yerushalayim is the chosen city. Incredible. They had the greatest Gedolim and it was not revealed to them (עָנָן קָשׁוּר עַל הַהָר), where the mountain is.

Finally Shlomo Hamelech builds a Beis Hamidash. Dovid and Shmuel reveal its location and a generation later 10 of the 12 Shevatim are cut away from visiting Yerushalayim. Again it is elusive to the overwhelming majority of Jews, of Klal Yisrael. It is an incredible thing. It has been that way throughout our history. Yerushalayim has been inaccessible for so much of the time that Klal Yisrael was there.

The Ramban as you know, when he arrived, said there was no Minyan in Yerushalayim. Rav Ovadia Bartenura who visited the city in 1488, said he found 70 Jews in Yerushalayim. It is incredible that even after the Shoah, even after the Churban Europe when Yidden returned to Eretz Yisrael from 1948 – 1967 Yerushalayim was inaccessible. The Kosel was not accessible. Again, the same pattern that we see.

Even from 1967 until today, we are proud to be in Yerushalayim. However, the majority of the geography of the old city and the immediate area around the old city is still not accessible, it is not a place where Jews go. Jews can go there, but for the most part Jews don't go there. So much of Yerushalayim is cut off from us. Certainly those of us in Galus, it seems could it be that the answer to the mystery of Yerushalayim is that HKB"Y wants Hishtokekus, he wants the desire. When we Daven (וְלִירוּשָׁלַיִם עֵינֵינוּ בְּרַחֲמֵימָה תְּשׁוּבָה) we should not settle for half prizes. We shouldn't settle for compromises.

Today, Baruch Hashem we have much of Yerushalayim, but look at the map of the old city, the Arab Quarter Jews sometimes go but for the most part is not a place of Jewish habitation, not a place of Torah. It is still cut away from us, it is still not accessible, it is still not a place the majority of the old city. Are we going to take and settle to be happy with what HKB"Y has given us, we are happy with what HKB"Y has given us. But the Hishtokekus when we Daven (וְלִירוּשָׁלַיִם עֵינֵינוּ בְּרַחֲמֵימָה תְּשׁוּבָה) has to be a strong desire, bearing in mind that this is the way it has always been that the Hishtokekus, the desire for Artzeinu Hakedosha is something which is very basic to our Neshamos, basic to our desire, basic to our Ratzon to be able to be in the Makom Hakodesh. The whole Galus of Klal Yisrael, the whole exile of Klal Yisrael, it is all a desire to be there, to be Mishtokek to be there.

And so, we are not there. We aren't there for whatever reason, but the Hishtokekus has to be a strong Hishtokekus. A certain desire, a Ratzon to be there and a Ratzon to be able to feel the

Kedusha of Eretz Yisrael.

There is a Malbim in the beginning of Sefer Ezra. In the beginning of Sefer Ezra it says that when Klal Yisrael returned to Eretz Yisrael they went to Yerushalayim and as it says in 2:1 (וַיָּשׁוּבוּ לִירוּשָׁלַם וַיהוָה, אִישׁ לְעִירוֹ). The Jews didn't settle in Yerushalayim in the time of Ezra and Nechemiah. In Nechemiah we find that they did a Gorel to get people to live in Yerushalayim. Why? Because everyone had free land. They had the land that was their Cheilek Nachala in Eretz Yisrael. They didn't go necessarily to Yerushalayim.

But the Posuk says (וַיָּשׁוּבוּ) when they returned they went (לִירוּשָׁלַם). So what does it mean (לִירוּשָׁלַם) (וַיָּשׁוּבוּ)? Rashi has a hard time with this. Secondly, what does it mean, they went (אִישׁ לְעִירוֹ)? The Malbim says everyone who went to Eretz Yisrael went Derech Yerushalayim. Everyone understood that the Shefa of Ruchnios is in the Ir Hakodesh. When people came to Eretz Yisrael after being away for 70 years, they first went there to feel a Hishtokekus.

Getting back to that with which we began. The Chovos Halevavos said how do you know if your Avoda is a real Avoda. It says somebody who has no addition, no Hosafa in his Avodas Hashem Ain Lo Ikkar, is not rooted there. He is missing something. Somebody who comes to Yerushalayim and doesn't have a Tosafa, doesn't have some addition, Ain Lo Ikkar, something is missing.

That is our Avoda in this special Zman which is Elul and Tishrei. In our special Makom which is Artzeinu Hakedosha. In Makom and Zman we have to put it together and be able to seek, to grow in the days that come. Let's try to connect to the month of Elul. Take a moment, something special, something you didn't do until now.

If you run out of Shul in the morning, stop and learn one Mishna every day. Or come early and learn a Mishna. Or Daven Vasikin. Many people Daven at the 6 or 6:30 Minyan every day. If you Daven a quarter to six or ten to six for most of Elul you will be able to Daven Vasikin. It is worth it. But something extra. Mi She'ain Bo Hoasafos Ain Bo Ikkar.

How do you know the plant is dead maybe it is alive? If it is not blooming, it is not blossoming, it is not giving forth leaves or flowers it is dead. The same thing with people. Let's be Zoche to an extraordinary Chodesh Elul with a connection to Kedusha and a Hishtokekus, a desire to see Mekomos Hakedoshim in the Zmanim of Kedusha and to let them influence us. Wishing everybody a wonderful Shabbos!

From: **Torah Musings** <newsletter@torahmusings.com> via sendingservice.net reply-to: Torah Musings <Newsletter@torahmusings.com> date: Aug 17, 2023, 11:02 AM

Subject: Torah Musings Daily Digest for 08/17/2023
Murder, War, and a King to Lead It All
by **R. Gidon Rothstein**

Parshat Shofetim

The end of Parshat Shofetim describes the eglah arufah ceremony, where someone is found murdered between cities (as portrayed in Murderer in the Mikdash, for those who have not yet read it). To atone for the insufficiently safe roads, the nearest city enacts breaks a heifer's neck in a riverbed, what the Torah prescribed. Among the many questions one could raise, Abarbanel had wondered about its placement here, in the middle of a series of discussions of war.

People and Trees

Unsatisfied with Abarbanel's or others' answers, Kli Yakar draws our attention to Sotah 46a, where R. Yochanan b. Sha'ul links the eglah, which has not had offspring, the place, a riverbed that has never been plowed or sown, and the victim, who will not again be able to have children.

Were that the whole story, there should be no eglah arufah for someone too old or unable to have children, yet no such distinction is made. The Gemara therefore reads it in terms of mitzvot, the victim will no longer be able to produce those kinds of fruit.

Either of those fortunately connects this passage with the one just before, the prohibition against cutting down fruit trees as part of a siege. In 20;19, the Torah justifies the rule by saying 'ki ha-adam etz ha-sadeh, for is a tree of the field a man,' to be able to flee the battlefield/ siege? Were our eglah arufah about ending the person's bearing children, it would belong here, right after the Torah prohibited cutting down fruit trees, because we are supposed to preserve productivity, of fruits and of babies.

Of course, we don't end up thinking it is about biological offspring. Fortunately, Ta'anit 7a read the verses about fruit trees in terms of Torah scholars, those Torah scholars who have good "fruit" are worth attending, those whom we know do not have edible fruit we can cut off, not study with. If the Torah was concerned about our making sure not to cut off a Torah scholar who is a source of wisdom, it then wants us to know the same is true of all who produce mitzvot, shown in the eglah arufah ceremony.

He closes with wonder that other commentators had not seen something so obvious, the Torah inserts the eglah arufah ceremony here, in the middle of discussions of war, because it amplifies a point the siege rules had made: we are to protect that which bears fruit, of valuable Torah knowledge as well as of mitzvot, both in war and by keeping our roads free of murderers.

The Mandatory Call to Peace

One of the war rules earlier in the series, 20;10, required Jews to call for peace before attacking a city [it wasn't a peace many would accept, since—if they weren't Canaanite cities—they had to agree to keep the Noahide laws and offer physical and financial service, or flee. But it was something]. Chatam Sofer is reminded of II Shemuel 20;19, where Yo'av lays siege to

Avel Beit Ha-Ma'acha for harboring Sheva b. Bikhri, a rebel. In the text, a wise woman comes to the walls to convince him not to destroy the city.

Bereshit Rabbah 99;9 identifies here as Serach the daughter of Asher, and thinks she challenged his failure to offer them a peace option (I think the Midrash infers it from her calling herself shelomei emunei Yisra'el, the peaceful believers of Israel, the idea of peace her way of telling off Yoav for not offering peace). Were the Midrash correct, however, we should have seen some answer by Yo'av, which we do not.

Chatam Sofer offers one. The call for peace comes only in a state of war, an army attacking a city in order to conquer it. That is what Yoav means when he tells her he has no interest in the city only in Sheva b. Bikhri. He does not need to call out for peace, because he hasn't come for war.

[A subtle distinction, because had the city refused to hand over Sheva, it seems Yo'av would in fact have conquered it. Since it wasn't his goal, he wasn't required to call out for peace. He doesn't explain why that would be; I think it might be that when it's part of a war and conquest, the victor will take over the city and impose himself on it. Here, even had Yoav conquered the city, he would have taken Sheva and left, so there were no long term consequences for which he had to offer an alternative.]

The Impossibility of a Specific Mitzvah Demand to Appoint a King

I had heard people quote Netziv's reading of 17;14 before I ever saw it, and it bothered me. People would say he said the mitzvah to appoint a king is voluntary, similar to the mitzvah to kill animals a certain way if we want to eat their meat. When I finally read it, I found that's not what he said [although, full disclosure, I have made this point to others and they have insisted their original reading of Netziv is the correct one. I guess you'll have to check me on this yourselves.]

The verse speaks of appointing a king only after the people ask for one, giving some readers the sense that it was voluntary, that if the Jews never ask, there is no mitzvah. If so, it would like shechitah, killing animals a certain way to make them kosher, where it's only a mitzvah if we want meat. But, says Netziv, it's well known there's a mitzvah to appoint a king, Chazal are clear it is not like shechitah.

Here's his explanation: monarchies differ greatly from representative democracies, and some societies cannot tolerate a king, where others are rudderless without one. The force of a mitzvah asah cannot turn a society from one kind into another, because how the society works at a whole quickly affects issues of life and death, and saving lives pushes aside Torah obligations.

Before I summarize the next bit, I want to stress I am close to translation here; it is so easy to reject my reading as the reading I want, I am doing my best to put in all his points. He says it is therefore impossible to command us to appoint a

king, as long as the people are unwilling or unable to agree to bear the yoke of a king, especially if they see societies around them functioning well or better with a democracy.

Only when the people realize they want a king can the Sanhedrin then appoint one.

A Mitzvah We Must Be Ready For

I think he's making a remarkably subtle point, that gets lost in people's rush to find a rabbi who will tell them they need not contemplate a monarchy. When the Torah tells us to shake a lulav on Sukkot, our mental state mostly does not matter, as is true for many mitzvot. Sure, we may not feel like putting on tefillin on a particular morning, but it's not going to destroy our lives to submit and listen, so we just have to do it.

Not so with forms of government, Netziv is saying; there, if we try to impose it on our society—even if we all kind of think we should—it won't work until we're ready. You might think—as many have—he's really saying we never need to get ready, except he goes on to say it is impossible to relegate this mitzvah to shechitah status, because then why did the Torah say we should appoint this king after we conquer the Land? We're allowed to have a king before, such as Yehoshu'a, whom Rambam assumed had the status of a king.

Then he says: "Rather, you must say it is a mitzvah, just not one incumbent on the Sanhedrin until the people say they want one." It's why there was no king the whole time the Mishkan was in Shiloh, because the people were not moved to ask for one.

The response I get from people is that, sure, but there's also no need for the people to want one, in Netziv's view. To which I say, that's not what a mitzvah is. He emphasizes there is a mitzvah, just not one we can fulfill until we are ready. I think we know this idea from other mitzvot, like the mitzvah to fear God. While there is a higher level of the mitzvah, it's impossible to command, because people aren't ready for it. But we're supposed to do our best to get ready. Here, too, I understand Netziv saying that as well: you can't get a king—a mitzvah to have—until you're ready for one.

Killing a person, making war on many, how to have a king to lead those wars, in our comments for Parshat Shofetim.

from: **Rav Immanuel Bernstein**

<ravbernstein@journeysintorah.com> date: Aug 17, 2023, 8:35 AM subject: Pshuto Shel Mikra in Shoftim

PSHUTO SHEL MIKRA From the Teachings of Rav Yehuda Copperman zt"l PARSHAT SHOFTIM "Right and Left" – Following the Rulings of the Sanhedrin

לא תסור מן הדבר אשר יגידו לך ימין ושמאל

You shall not deviate from the matter which they will tell you, right or left (Devarim 17:11)

The beginning of Parshat Shoftim discusses the mitzvah of establishing a Sanhedrin, which has supreme authority in matters of halachah, and concerning whose words the Torah

requires full adherence, as set forth in our pasuk.

The Drashah of the Sifrei With regards to the concluding phrase, "ימין ושמאל" — right or left," there is a well-known drashah of Chazal in the Sifrei (siman 154), quoted by Rashi, which states:

אפילו הוא אומר לך על ימין שהוא שמאל ועל שמאל שהוא ימין, וכל שכן כשהוא אומר לך על ימין שהוא ימין ועל שמאל שהוא שמאל

Even if it (the Sanhedrin) tells you that right is left and left is right; and this is certainly the case if it tells you that right is right and left is left.[1]

Interestingly, Rashi himself does not elaborate on this drashah. Nonetheless, as we will see, numerous mefarshim — including mefarshei Rashi — discuss the matter at quite some length.

Understanding "Right and Left" The obligation to follow the Sanhedrin "even if they say that right is left" is certainly something that requires understanding. What is the nature of the requirement to follow their rulings even under such circumstances?

This matter as well is discussed by the Ramban in his peirush to our pasuk. As we will see, he begins by presenting one approach, and then concludes by introducing an additional idea which may result in adopting a different approach altogether:

The understanding of this mitzvah is as follows. Even if you may think in your heart that they are in error, and the matter is as clear to you as is the difference between right and left, nonetheless act in accordance with their ruling, and do not say, "How can I eat this fat which is completely forbidden or kill this person who is innocent?" Rather, you should say, "Thus have I been commanded by my Master who has commanded that I perform all His mitzvot in accordance with the rulings of those who stand before Him in the place that He has chosen;[2] and it is based on their understanding He has given me the Torah, even if they should err." This is similar to the episode with R' Yehoshua and Raban Gamliel on the day which Yom Kippur fell according to the calculation of R' Yehoshua.[3]

The necessity for this mitzvah is very great indeed, for the Torah was given to us in written form, and it is well-known that not all opinions will be in concurrence regarding new questions that arise, so that disputes will proliferate and the Torah will become like many Torahs. Thus, the pasuk states that we will heed the instructions of the supreme Beit Din which stands before Hashem in the place that He chooses, with regards to anything they state as an interpretation of the words of the Torah; whether it is an interpretation they received as an unbroken transmission all the way back to Moshe who received it from Hashem, or whether it is their own interpretation of the intent of the pasuk. For the Torah has been given contingent on their understanding, even if in your estimation they have mistaken right for left.

[The requirement to heed their words is] all the more incumbent since you should consider that in reality what they

say is “right” is actually “right,” for “the spirit of Hashem rests on those who serve in His Mikdash,”[4] and “he will not abandon His pious ones, they will always be protected”[5] from error and mishap.

The Ramban has presented two approaches to understanding the requirement of full compliance with the rulings of the Sanhedrin, even if they appear to be in error:

The Torah has been given based on their understanding; even if it is in error, it is Hashem’s Will that we follow them. The Sanhedrin has special *siyata dishmaya* (Heavenly assistance) which protects them against erroneous rulings; rather, it is the individual, who feels they have mistaken right for left, who is actually in error.

In *Mefarshai Rashi* Both of these approaches presented by the Ramban find expression in the classic *mefarshai Rashi* on our pasuk. Rabbeinu Eliyahu Mizrahi explains the idea in accordance with the second approach of the Ramban, i.e. that in reality the Sanhedrin are not in error, that is simply the way it seems to the onlooker; indeed, his words are practically a verbatim quote from that section of the Ramban.

Conversely, the Maharal in the *Gur Aryeh* explains this idea in a manner similar to the first approach of the Ramban. First, Maharal explains the expression “right is left and left is right”:

The meaning is, concerning something which is permitted to do (“right”), they have stated that it is forbidden (“left”); and similarly, something which is “left” i.e. forbidden to do, they have declared “right” i.e. permitted.

With regards to the obligation itself to follow them even under such circumstances, Maharal writes:

For even if they are mistaken in a matter of halachah and have declared something *tamei* when it is actually *tahor*, or something *tahor* when it is actually *tamei*, you are permitted to follow them and you are fulfilling a mitzvah of Hashem by doing so ... as the Gemara explains (Sanhedrin 88a), “in order that *machloket* should not proliferate in Israel.”

Actually, if we look a little more carefully, we will see that it is possible that the *Gur Aryeh* and the Ramban are not necessarily saying exactly the same thing: On the one hand, it is clear from the words of the Maharal that in his understanding, should the Sanhedrin confuse “right” and “left,” that is a mistake and remains as such even as we are told to follow it. The mitzvah of the Torah to follow them in such a situation is based on an overriding consideration, namely, of not increasing *machloket* in Yisrael.

In contrast to this, it is possible to understand the Ramban’s (first) explanation as saying that in order not to increase *machloket*, the Torah was given at the outset on the understanding that the halachah by definition is what the Sanhedrin say it is, based on their discussions and investigations.

As we shall now see, another of the Rishonim explains the words of the Sifrei in a way which is much closer to the

explanation of the Maharal.

Derashot HaRan In one of his classic *Derashot*, Rabbeinu Nissim (the Ran) discusses the idea of following the Sanhedrin even when they say “right” is “left” etc. (Drush 11):

The explanation of the matter is that mitzvot and the laws of the Torah are analogous to the laws of nature. In the same way that natural law exists in order to benefit man, and indeed, for the most part these laws are beneficial, nonetheless, there are certain exceptional times when these laws themselves can be the cause of damage and loss. In this respect, nature is not absolutely protected against harmful effects, for it is impossible for something to be beneficial more than the majority of the time. For example, the faculty of digestion is part of man’s natural make-up, enabling him to digest his food, and is something without which he could not survive. Yet this very faculty can sometimes be the source of harm,[6] and natural law will not make allowances for those cases. For Hashem’s primary intent is for the general benefit which derives from these laws

The same is true when it comes to this mitzvah (of not deviating from the Sanhedrin). The Torah’s primary concern is to avoid the potential damage that exists as an ongoing concern, namely, divisiveness and *machloket* which could lead the Torah to become as two Torahs. The way the Torah protected against this ongoing danger was by entrusting the arbitration of doubtful cases to the Chachamim of the generation, which in most cases will lead to a beneficial outcome, as their judgment will be correct for the most part. For the mistakes made by great chachamim will be fewer than those made by people of lesser wisdom; all the more so when it comes to the Sanhedrin who stand before Hashem in His Mikdash, that the Shechinah will be with them (and help protect them from error). Even though it is possible that they will err on occasion, the Torah did not concern itself with a loss that is marginal in scope, for such a loss is worthwhile bearing when set against the ongoing benefit, and it is impossible to ensure benefit to a degree greater than this, as is the case with the laws of nature.

The Ran is reminding us of the correlation between “*חוקות ה' וארץ*,” i.e. natural law, and “*ברייתא יומם וליילה*,” i.e. Torah law. Chazal themselves told us (*Zohar Parshat Terumah*) that “*אסתכל באורייתא וברא עלמא*” — (Hashem) looked into the Torah and created the world.” A balanced diet is of great benefit for most people. Yet there are some for whom it is not appropriate, and a competent physician will know when to recommend avoiding certain foods or consuming higher quantities of others. Milk is a basic necessity for most babies, yet for some it provokes an allergic reaction. The same is true when it comes to the laws of Torah. We follow rules that are beneficial in most cases,[7] even though there might be occasions where that rule itself is the source of mishap.[8] [9]

Abarbanel’s Approach The final approach we will consider to

the question of the Sanhedrin saying “right is left,” is that of the Abarbanel in his peirush to our pasuk. As we will see, this approach differs significantly from all those we have mentioned so far in terms of its understanding of the scope of this idea:

It appears to me that the correct understanding of this matter is that the laws of the Torah are general in nature and it is not possible for them to address each particular situation that could exist at any time. It is therefore clear that whereas the general laws of the Torah are righteous and just in themselves, a specific situation could arise where applying the general rule is not appropriate.

For example, the Torah sets general guidelines as the basis upon which to execute a murderer, which are quite restrictive in nature. If these guidelines will be followed in all cases, no murderer will ever be executed, and murderers will abound! It is with this in mind Chazal (Bava Metzia 30b) said “Yerushalayim was destroyed because they adjudicated based on Torah law.” The meaning is, they only ever applied the general law, without considering that a particular case might require an exceptional ruling. Therefore, the Torah states that if a local Beit Din should be in doubt as to whether they should be following general Torah law regarding a particular case that comes before them which may require a contingency response ... for this is something which the Torah empowers the Sanhedrin to do if they feel the circumstances warrant it. It is with regards to this type of ruling the Torah commands that we shall not deviate from their words right or left. As if to say, even in a situation where the general rule would dictate that we go to “the left,” while the Sanhedrin ruled that in this particular case we should go to “the right,” and vice versa, we may not deviate from their words. For although in terms of the general rule, they may have said that what is “left” is “right,” in terms of this particular case, they have actually stated that “right is right,” for this is the correct response to this particular case, and any other course of action would be incorrect! And through these means, the Torah has ultimately given the Sanhedrin the wherewithal to deal with every case that may come before them, applying the general rule to most cases, and the contingency rule to cases which they assess warrant such an approach.

The well-known legal maxim states: “Suma jure Suma injure” — extreme justice is extreme injustice. This means that the more a law encompasses, the greater is its potential for harm. In terms of our discussion, the Abarbanel is stating that it is impossible for a single uniform law to fit each and every specific circumstance. The nitzchuyut (eternity) of the Torah requires that means should exist within the Torah itself through which the correct ruling can be applied in all situations. According to the Abarbanel, this is the background to the flexibility given by the Torah to the Sanhedrin. When they say that “left is right,” they are saying that the general response to

this situation would be “left” — and that remains true as a general rule! — but this particular situation requires a “right” verdict. This ensures that no case is ever without an appropriate response from the Torah.

אשרנו מה טוב חלקנו ומה נעים גורלנו ומה יפה ירושתנו

Summary: We have seen four approaches among the mefarshim regarding how to understand the obligation to follow the Sanhedrin even when they say that “left is right and right is left.” Ramban (first approach): The Torah has been given on the understanding that whatever the Sanhedrin rules to be the halachah is by definition the halachah. Thus, the Torah entrusts them with the definitions of “right” and “left.” Ramban (second approach, and the Mizrahi): The individual should consider that although it seems to him that the Sanhedrin have confused right and left, in truth it is he who is in error, for they have special *siyata dishmaya* in arriving at the correct halachic ruling.

Ran (and Gur Aryeh): Even if the Sanhedrin did in fact confuse right and left, it is worth following them in order to avoid the greater peril of increased *machloket* and the Torah becoming “two (or more) Torahs”

Abarbanel: This obligation is stated specifically in a case where the Sanhedrin judges that circumstances warrant an exceptional response (e.g. “left”), even though the general halachic response would be different (e.g. “right”).

[1] It should be noted that Rashi’s concluding words, “and this is certainly the case etc.,” are not found in the Sifrei, but are rather Rashi’s own additional comment. [2] [The Sanhedrin was located on the premises of the Beit Hamikdash in a place known as the Lishkat HaGazit (Chamber of Hewn Stone).] [3] Rabban Gamliel commanded R’ Yehoshua to come before him on that day with his walking stick and bundle, see Rosh Hashanah 25a. [4] Based on Yechezkel 45:4. [5] Based on Tehilim 37:28. [6] [E.g. if he swallows something harmful.]. [7] [Such as following the Sanhedrin.]. [8] [If the Sanhedrin should make an erroneous decision.] [9] Developing the idea further, the Ran proceeds to state that even in the event that the Sanhedrin made a mistake, the spiritual harm which would be caused by doing that act will be countered by the overwhelming spiritual benefit that comes from the mitzvah of following the Sanhedrin. In this regard, too, the Ran presents an analogous case as found in the laws of nature. Copyright © 2023 Journeys in Torah, All rights reserved. You’re receiving this email either because you signed up on the website or you requested to be added. <http://www.journeysintorah.com>

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Wisdom in Civil Law

Shoftim: The Wisdom in Civil Law

Three Types of Courts The Torah commands that a system of courts and police be established in every town. The Torah's judicial system contains three levels of courts:

Regular courts of three judges who deal with matters of civil law — litigation and other monetary cases (in Hebrew, *dinei mamonot*). Higher courts made up of 23 judges who hear cases relating to capital crimes (in Hebrew, *dinei nefashot*). These courts were called 'Minor Sanhedrins.' A supreme court consisting of 71 judges, called the 'Great Sanhedrin.' Located in the Temple complex in Jerusalem, this high court had two functions: (a) to clarify the law in new or unclear cases, and (b) to promulgate new decrees.

The Complexity of Civil Law Acceptance to the bench of the Great Sanhedrin was certainly most prestigious. All judges are required to be wise and humble, to love truth and hate bribery, to be well-liked and respected. Members of the Supreme Court were expected to be among the greatest scholars of the generation. They needed to be proficient in many of the sciences, such as medicine and astronomy.

We would similarly expect that membership in a Minor Sanhedrin court would demand a greater level of scholarship than participation in a humble three-member court. However, the Talmud indicates that cases of civil law require greater expertise and wisdom than the capital crimes that are judged in the Minor Sanhedrins.

"A student who has humbly accepted his teacher's rebuke on two occasions will be worthy to distinguish between civil law and laws of capital crimes. As Rabbi Ishmael taught: One who wishes to be wise should study civil law, for no other area of Torah study is as intricate; it is like a flowing wellspring." (Berachot 63b)

This Talmudic statement raises a number of questions. What sort of reward is this for a suffering student? And why is civil law more complex than other areas of Torah?

Civil versus Criminal Law For some students, proficiency in their studies comes easily and quickly. Other students must struggle in order to master the material. The student who perseveres in his studies, despite blunders in class, will be compensated for his efforts. As a reward for his diligence and determination, he will not only grasp the particulars of the law, but will also gain insight into its underlying principles. This insight goes beyond the actual details, which are taught directly. It reflects a much more profound understanding of the subject matter.

Civil and capital crimes are both areas of law, yet they differ fundamentally in their objectives. The primary goal of civil law is to resolve monetary disputes between individuals and restore property to its rightful owner. It is only as a secondary goal that current or future benefits to society as a whole are taken into consideration. Capital crimes, on the other hand, are

usually cases where there is nothing that can be rectified or returned. Here the primary goal is to protect society from future offenses.

Because of this fundamental difference, monetary law is intrinsically more complicated. Since the judge must decide between conflicting claims of ownership in all of the numerous situations of interpersonal relations, this type of law inherently deals with many more intricate details and complex issues. Study of civil law is therefore one of the most challenging areas of Torah study. True mastery of this subject requires a profound understanding of the underlying issues — an understanding that can be attained only by the most diligent and persevering students.

(Sapphire from the Land of Israel. Adapted from Ein Eyah vol. II, p. 391. Illustration image: London Beth Din (Illustrated London News, 1926)

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