

## Potomac Torah Study Center

Vol. 12 #45, August 29-30, 2025; 6 Elul, 5785; Shoftim 5785

**NOTE: Devrei Torah presented weekly in Loving Memory of Rabbi Leonard S. Cahan z"l, Rabbi Emeritus of Congregation Har Shalom, who started me on my road to learning more than 50 years ago and was our family Rebbe and close friend until his untimely death.**

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**Devrei Torah are now Available for Download (normally by noon on Fridays) at [www.PotomacTorah.org](http://www.PotomacTorah.org). Thanks to Bill Landau for hosting the Devrei Torah archives.**

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**May Hashem protect Israel and Jews everywhere. May Hashem's protection shine on all of Israel, the IDF, and Jews throughout the world. May the remaining hostages soon come home, and may a new era bring security and rebuilding for both Israel and all others who genuinely seek peace.**

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**Mazel-Tov to Dr. Evan & Heather Fisher on the Bar Mitzvah of their son Shlomo Peretz at Ner Tamid Congregation, Baltimore, MD. Mazel-Tov also to Shlomo's brother Yosef and grandparents, Chaim & Sandra Burstyn and Hannah & Alan Fisher.**

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Shoftim brings our Torah focus into politics and the study of government. "*Righteousness, righteousness, shall you pursue*" (16:20). The parsha explores how a society can set up a religious system to pursue righteousness. The focus of enforcing a righteous legal system is on the judicial system. The basis of this system is to be the Torah, and the Sanhedrin (a court of 71 leading Rabbis) has the ultimate authority of deciding legal issues. With Roman opposition, the Sanhedrin ended with the death in 425 CE of the last Nasi (president), and regional religious courts in Jerusalem and Yeshivot in Babylon took over the role of deciding religious questions. Over time, leading rabbis have continued making and publishing decisions on religious issues, always basing their decisions on precedent from the Torah, Mishnah, and Talmud. The Sanhedrin and rabbis always provide both majority and minority opinions to guide scholars in the future.

The Sanhedrin rules focus on methods to guarantee full participation of judges and points of view (Rabbi Marc D. Angel). In the Sanhedrin, the newest judges would speak first to guarantee that views of more experienced judges would not pressure them to be silent. The Sanhedrin would search for opinions from experts in other fields as well as rabbinic scholars. Should a Sanhedrin in a murder case decide unanimously that a defendant was guilty, he would go free, because the Sanhedrin would assume that it had not searched well enough for witnesses or experts who would have voted not guilty.

Concern for minority views continues in religious courts. For example, Rabbi Haim Ovadia provides numerous examples wondering whether a man or an all male jury can be unbiased when judging women's issues. Rabbi Dr. Katriel (Kenneth) Brander urges Israel to judge carefully and openly whether to permit widows of IDF soldiers killed in action to use preserved sperm of their late husbands to impregnate themselves to have a posthumous child to carry on the name and legacy of the fallen soldier. (Ukraine actively encourages its soldiers to freeze their sperm, while many western countries do not permit postmortem retrieval of sperm for reproduction.) Rabbi Brander urges the Israeli government to decide this issue carefully and sensitively.

Rabbi Lord Jonathan Sacks, z"l, notes that a Jewish leader must study Torah and chochmah (wisdom) carefully: chochmah to understand the world as it is, and Torah to understand the world as it should be. Rabbi Angel adds that Israel should be open to all Jews, including religious and secular, but also including those forced to convert centuries ago (*benei anusim*) if they want to re-convert back to Judaism.

Rabbi Angel also warns about "*groupthink*," a tendency of a group to force its own interpretation on society and prevent those who dissent from expressing their contrary views. A prime example is the "woke" view that one must consider all members of a minority group to be homogeneous and have the same views on social policy. Anti-Semitism is a particularly harmful form of groupthink that has exploded in the last two years to the extent that many people around the world attack anyone they believe to be Jewish. These attacks started as verbal insults, then became attacks in Jewish majority neighborhoods, schools, and government institutions. Now we read frequently about attacks in tourist destinations, on airplanes, and many other places that are no longer safe for Jews. In many of these recent examples, government employees participate in making life dangerous for Jews.

Rabbi Lam's Devar Torah from eighteen years ago discusses a tendency for even the "noblest" world bodies to hijack words of the Torah to justify the most "un-just" statements and policies. Does Rabbi Lam mean un-just as not following the ways of justice, or UN-just, meaning following the views of a majority of member nations in the UN? I remember looking at my grandmother's Yiddish copies of the Forward when I was in graduate school. The one word that I always recognized in the headlines was "U-N." Even fifty years ago, one of the main concerns for Jews was the UN. Now that the UN's anti-Semitic policies have become mainstream in most of the world, these concerns have multiplied grotesquely.

What kind of world are we leaving to our children and grandchildren? I wish that I could have a more positive message for my very special oldest grandson, Shlomo Peretz, as he becomes Bar Mitzvah this Shabbat. The day after his Bar Mitzvah, 7 Elul, will be the 18<sup>th</sup> yearzeit of my father, Shlomo ben David, after whom our sons both named their first born sons. My father was a sharpshooter in the army during World War II, and he earned medals for his action during the Normandy invasion. My father never discussed his war career with me when I was young, but fortunately he told both of my sons about his experiences, so I learned of his efforts through my sons. Shlomo will be proud of his paternal great grandfather, as are both of our sons.

We shall be out of town again next Friday and unavailable much of Thursday, so I may not be able to send Devrei Torah next week.

Shabbat Shalom,

Hannah and Alan

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**Much of the inspiration for my weekly Dvar Torah message comes from the insights of Rabbi David Fohrman and his team of scholars at [www.alephbeta.org](http://www.alephbeta.org). Please join me in supporting this wonderful organization, which has increased its scholarly work during and since the pandemic, despite many of its supporters having to cut back on their donations.**

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**Please daven for a Refuah Shlemah for Velvel David ben Sarah Rachel; Moshe Aaron ben Leah Beilah (badly wounded in battle in Gaza but slowly recovering), Daniel Yitzchak Meir HaLevy ben Ruth; Avram David ben Zeezi Esther, Avraham Dov ben Blimah; Ariah Ben Sarah, Hershel Tzvi ben Chana, Reuven ben Basha Chaya Zlata Lana, Avraham ben Gavriela, Mordechai ben Chaya, David Moshe ben Raizel; Zvi ben Sara Chaya, Reuven ben Masha, Meir ben Sara, Oscar ben Simcha; Miriam Bat Leah; Yehudit Leah bas Hannah Feiga; Miriam bat Esha, Chana bat Sarah; Raizel bat Rut; Rena bat Ilsa, Riva Golda bat Leah, Sharon bat Sarah, Kayla bat Ester, and Malka bat Simcha, and all our fellow Jews in danger in and near Israel. Please contact me for any additions or subtractions. Thank you.**

Shabbat Shalom and Hodesh Tov,

Hannah & Alan

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## **Shoftim: Judaism's Views of Government: Democracy or Monarchy?**

By Rabbi Dr. Katriel (Kenneth) Brander \* © 5782 (2022)

President and Rosh HaYeshiva of Ohr Torah Stone \*\*

*Ian and Bernice Charif of Sydney, Australia have dedicated the Devrei Torah from Ohr Torah Stone this week in honour of their granddaughter Leia Elison's 8th birthday.*

*Dedicated in memory of Israel's murdered and fallen, the refuah shlayma of the wounded, the return of those being held hostage in Gaza, and the safety of our brave IDF soldiers.*

Winston Churchill once said, "*Democracy is the worst form of government, except for all those other forms that have been tried from time to time*" )Speech in the British Parliament, November 11, 1947(.

What form of government does Judaism prefer? Monarchy, democracy or theocracy?

We're told in this week's Torah portion:

*If, after you have entered the land that the Lord your God has assigned to you, and – having taken possession of it and settled in it – you decide, "I will set a king over me, as do all the nations about me..." )Deuteronomy 17:14(*

It would seem from the above verses that monarchy is preferred. However, many do not view it as such. First, because of context clues.

The Torah opens Parshat Shoftim with the command:

*You shall appoint magistrates and officials for your tribes, in all the settlements that the Lord your God is giving you, and they shall govern the people with due justice. )ibid., 16:18(*

*You shall not judge unfairly: you shall show no partiality; you shall not take bribes, for bribes blind the eyes of the discerning and upset the plea of the just.)ibid., v. 19(*

And this culminates with the clarion call for a clear form of justice:

*Justice, justice shall you pursue, that you may thrive and inherit the land that the Lord your God is giving you. )ibid., v. 20(*

In fact, we're told if a case is too baffling for the local courts to decide, you don't bring it to the king. Whether it's a controversy over homicide, civil law or assault, any matters of dispute in the courts that can't be judged by the local courts:

*...you shall promptly ascend to the place that the Lord your God will have chosen. )ibid., 17:8(*

Furthermore:

*Go to the priests, the Levites, and the judge... )ibid., v. 9(*

The Torah tells us to go to those who have integrity and scholarship – to help us adjudicate and make sure there's justice in the land.

In other words, as James Monroe once stated *"the best form of government is that which is most likely to prevent the greatest sum of evil."*

There is a balance of power here. Etched into the parsha is that the king is not the sole ruler. There is no absolute power, there is no absolute authority.

There are legislative and judicial branches run by the courts: the Kohanim and the judges. In fact, unless he has approval from the Sanhedrin, the king can wage only defensive wars and, according to some, capture the land of Israel.

The king cannot have too many horses, cannot marry too many women, and must write his own Sefer Torah that accompanies him throughout his life, in order to place limitations on his stature and to ensure that there is no abuse of power, to remain mindful of the true source of his power, God. )ibid., 17:16-20(

However, there are those that suggest that even from these verses, there is no clear indication about the responsibility to appoint a king.

Yes, Maimonides and the *Laws of Kings* )1:1( says that this is one of the commandments.

But Rav Ovadia Seforno comments that a king is despised by God, and is to be appointed only when there is a necessity, when there's a need of protection against the nations of the world )Rav Ovadia Seforno's commentary to Deuteronomy 17:14(.

The Abarbanel states, like the Seforno, that it is not a mitzvah. And he reminds us of what happens in the Book of Shmuel when the Jewish people tell Shmuel, *'You've grown old. Your sons have not followed your ways. Therefore appoint a king for us, to govern us, like all the other nations'* )I Samuel 8:5(.

Which would seem to be consistent with what we read in our Torah portion.

Shmuel is upset, and God tells him, *'Heed the demand of the people because everything they're saying to you is not because they have rejected you, Shmuel, it's because they have rejected me as a king'* )ibid., v. 6-7(.

In fact, the Abarbanel is an advocate for other forms of government and feels a king is only a last resort )Rav Isaac Abarbanel's commentary to Parshat Shoftim(.

He supports the idea of government with term limits to avoid corruption, and states clearly that there should be leaders who have a maximum time in office of four years.

The Netziv looks at the paradigms of Maimonides and the paradigms of the Abarbanel, and he merges the perspectives. He says it might be that Maimonides is correct, that it might be a commandment, if necessary, to have a king )Commentary of HaEmek Davar to Deuteronomy 17:14(.

But when democracy works better, when democracy can protect the people better, then it's *"pikuach nefesh,"* then it is a form of making sure that every individual life is protected.

Therefore, if democracy can work better, then the commandment, even according to Maimonides, would be suspended in order to make sure we have a better form of government.

**What is the message of all this? That leadership is not a right; it is a privilege.** ]emphasis added[

And the responsibility of leaders is to be able to give of themselves. In the process, they become better people, they live more meaningful lives, and in the process, please God, they empower others.

\* Ohr Torah Stone is a modern Orthodox group of 32 institutions and programs. Rabbi Dr. Shlomo Riskin is the Founding Director, and Rabbi Dr. Brander is President and Rosh HaYeshiva. For more information or to support Ohr Torah Stone, contact [ohrtorahstone@otsyny.org](mailto:ohrtorahstone@otsyny.org) or 212-935-8672. Donations to 49 West 45<sup>th</sup> Street #701, New York, NY 10036.

\*\* Rabbi Brander is away, so I am using an earlier Dvar Torah: <https://ots.org.il/parsha-and-purpose-reeh-5782/> I thank Yishai Hughes, Director of Special Projects for the President and Rosh HaYeshiva, for sending this Dvar Torah to share with our readers.

<https://ots.org.il/parsha-and-purpose-shoftim-5782/#transcript>

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### **Israel confronts the moral dilemma of posthumous parenthood**

By Rabbi Dr. Katriel (Kenneth) Brander \* © The Washington Times (August 24, 2025)

First, her son was taken hostage to the Gaza Strip during the Hamas-led attacks on Israel on Oct. 7, 2023. Then, after managing to escape his captors, he was tragically killed by Israeli troops who mistook him for an armed militant.

Now, Iris Haim wants to use the sperm harvested from her son's dead body to conceive a grandchild through surrogacy. She says her son, Yotam, who was 28 when he was killed, wanted children, and bringing his child into the world is also a way to show resilience in the face of tragedy. *"Every mother whose child was killed wants to have something from that child, not just photos,"* she has said.

Iris Haim is not alone. Requests are now coming through the court system in Israel to use reproductive material from posthumous sperm retrieval from men killed on Oct. 7 and in the war's aftermath to make babies, sometimes with women the deceased never knew. In addition to legal challenges, the issue encompasses complex ethical, emotional and psychological issues, which I have seen firsthand as a rabbi in Israel advising couples and families on the issue.

A high value placed on family motivates Israel's other reproductive-related policy, including government-subsidized in vitro fertilization and pre-implantation genetic diagnosis for couples experiencing infertility, as well as for single women who want to build families on their own. The Jewish state is among the world's most liberal countries when it comes to posthumous sperm retrieval, and is an outlier in facing this issue head-on.

Most countries, including the United States, do not see the volume of requests relative to their population sizes that Israel now does. Many countries, including France, Germany and Canada, do not allow the postmortem retrieval of sperm at all for reproduction.

However, science is rapidly advancing, the makeup of families is changing and more places in the world are facing deadly military conflicts. This includes Ukraine, where the government pays for soldiers to freeze their sperm before they head to battle so their partners can have their future children. Today, posthumous parenthood is an issue that policymakers, medical professionals and faith leaders everywhere must prepare to face.

Even ancient Jewish sources, written long before modern science enabled such procedures, discuss intrauterine insemination and posthumous fatherhood as legitimate concepts, linking the sperm donor to the conceived child and thus recognizing the paternal relationship between baby and donor, even if the latter is deceased.

Courts and other advisers, including religious leaders and health professionals, must address the psychological and ethical issues. We need to be careful not to create children as *"living memorial candles,"* babies created for the sake of

the grieving family. Many have questioned the ethics of knowingly bringing an orphan into the world; a recent survey in Israel revealed that 47.3% of men would oppose their parents' using their sperm in such a way. In certain circumstances, 38.3% would be fine with it.

Some studies have shown that posthumous parenthood presents risks to remaining family members' mental health. The family must grieve its recent loss and gain distance from it; that process cannot play out if they bring a child of the deceased into the world.

Other studies have shown that raising such a child can help the grieving and healing process. No matter which approach is correct, and this likely depends on each family's situation, professionals should carefully consider the impact on the grieving process and mental health of the family. Perhaps mandating appropriate counseling would be an effective approach. Organizations that provide guidance on organ donation or will preparation should begin to address posthumous reproduction too.

In Jewish tradition, we add the Hebrew words for "*May they rest in peace*" after mentioning the name of a deceased person, but what does that really mean? Does it communicate that the deceased deserve to rest in peace and that their genetic material should not be reproduced in any fashion? Or does it mean that the deceased can truly rest in peace when their legacy lives on and their loved ones find healing through the creation of new life?

Ultimately, every individual and family must answer this question for themselves, but it is up to policymakers, medical professionals and faith leaders to build the frameworks needed to help grieving families navigate these increasingly relevant and complex questions.

\* Rabbi Kenneth Brander is the president of Ohr Torah Stone, an international network of 32 religious educational institutions. He previously served as a vice president at Yeshiva University in New York and is the rabbi emeritus of the Boca Raton Synagogue in Florida.

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### **Shoftim: The Most UN-Just** By Rabbi Label Lam © 2007 (5767)

You shall not pervert judgment, you shall not take notice of someone's presence, and you should not take a bribe, for bribery blinds the eyes of the wise and makes **righteous words** crooked. )Devarim 16:19(

***Righteous words:*** *Even words that are justifiable and true judgments.* )Rashi(

A lot can go wrong in a judgment call. Here we are talking about the occupational hazards of actual judges. In a more general way, we are all called upon to make many types of determinations throughout the course of our days and lives. About this, the 1st Mishne in Pirke Avos cautions, "*Be deliberate in judgment!*" Sometimes one litigant is dressed up while the other has a slovenly appearance. One path is more attractive to us because it is easier and the alternative approach is perceived as wrong simply because it is more effortful. The imaginative powers of the mind have a way of wreaking havoc on the rational faculties when even the slightest advantage is given to one side over the other.

That much might be self evident if still hard to comply with. However, what does the Torah mean to tell us when it says that bribery "*makes righteous words crooked*"? Is that in reference to the words of the judge? Are they righteous words or not? If they are just, then what's the problem? If they're not then they are not righteous. Why then call them "righteous words"?

A good number of years back I had the privilege to hear directly from Rabbi Simcha Wasserman ztl. an anecdote from his experience in Jewish Outreach in California. Reb Simcha, as he was known, was a son of Rabbi Elchonon Wasserman ztl. Reb Elchonon was one of the prime students of the Chofetz Chaim. He had gone back to Europe to join his Yeshiva

after the outbreak of the 2nd World War. There he died a martyrs death with his students at the hands of Nazis. His son was an old world European bred type and not a likely candidate to be involved in outreach with young people, especially on the left coast. However, his deep instinct for truth, a spry wit, combined with a grandfatherly charm, helped him overcome his old worldly Yiddish accent and made him a profound communicator to young seeking Jewish hearts.

He told us that a young man had approached him in a little bit of a panicky state. He complained to Rabbi Wasserman that there's a certain Chassidic Rebbe that had been saying the same thing that Yoshke )I presume you know of whom I speak( had said. The young man wanted to know how such a thing is possible.

Rabbi Wasserman asked him, *"What does he say?"* The fellow told him, *"You have to be more careful about what comes out of your mouth than what goes into your mouth!"* Rabbi Wasserman paused and commented, *"Now, I never read 'that book,' but I promise you that when the Rebbe said what he did he meant to make a 'Chumra' a stringency in Shmiras HaLoshon" guarding the tongue but when Yoshke said it he was looking to make a 'Koola' a leniency in Kashrus!"* He reported that the fellow went back to check the source in *"that book"* and so it was recorded in that context, *"Who needs Kosher? You have to be more careful about what comes out of your mouth than what goes into your mouth!"*

The words themselves are certainly virtuous enough, but they are capable of being perverted. In search of an easy way out, holy words are pounded like plowshares into bludgeoning instruments to strike at the Torah, its principles, and practitioners. Fine phraseology is used to abuse by the *"noblest"* of world bodies, as wise words are woven into elaborate fig leaves and sagely sayings are hijacked to mask and justify **the most UN-just**.

<https://torah.org/torah-portion/dvartorah-5770-shoftim/>

]When I read the title, I thought that I would be reading about the UN. I suspect, however, that this story includes a slightly disguised dig at the UN, perhaps the most UN-just world agency. Read more below for similar messages coming through in some additional Devrei Torah.[

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### **Shoftim: Can We Tolerate Dissent? Can We Not?**

by Rabbi Dov Linzer, Rosh HaYeshiva, Yeshivat Chovevei Torah © 2012, 2014

One of the primary institutions needed for the well running of society is its legal system, both the laws proper, and the bodies to adjudicate and enforce those laws. For those about to enter the Land of Israel, the substance of the laws is no less than all the mitzvot of the Torah. As to the judicial system that will enforce these laws – that is that focus of the beginning sections of this week's parasha, named, fittingly, Shoftim, judges.

The Torah commands not only the appointment of judges and officers of the law throughout the land, it also sets up a High Court and takes serious measures to protect the authority of this court. We are told that when a matter cannot be resolved otherwise, we are to take it to the place that God has chosen – Jerusalem – and bring it before the *"priests and the judge who will be at that time"* (17:9). This body, understood to be the Sanhedrin or High Court, will issue a ruling, and that ruling must be followed without deviation. Dissent will not be tolerated: *"And the person who acts presumptuously, and will not listen to the priest who stands there to serve before the Lord thy God, or unto the judge, that man shall die, and you shall eradicate the evil from Israel"* (17:12). The court will act harshly and decisively to stamp out any threat to its authority.

We can understand the need to protect the court's role as the highest and ultimate authority empowered to interpret the law. If people could interpret and apply the law as they saw fit, general lawlessness would ensue. Nevertheless, it is hard to identify with the harshness of the response – the death penalty! – for any deviation. Moreover, such squelching of opposing and critical voices would see to give the court absolute, unchecked power. What, then, is to stop absolute power from corrupting absolutely?

As far as the death penalty is concerned, the Rabbis have significantly limited its scope. While making it clear that the duty to follow the rulings of the court is incumbent upon everyone, the Rabbis have said that the death penalty of the verses is reserved for the *zaken mamre*, the rebellious elder. Only a great sage, a great legal scholar, can receive such a punishment. If he acts in opposition to the court, and not only acts, but – add the Rabbis – rules for others in this manner, then he has positioned himself as a competing legal authority. Theoretical debate is fine, but to rule in practice against the court is not fine. This can truly undermine the court, and must be stopped.

The Rabbis impose many more criteria that must be met before one can be considered a *zaken mamre*, effectively making this category moot. With the death penalty effectively removed, how would the court's authority be defended when there was real opposition? Well, there are other ways.

In a well-known story, we hear that Rabbi Eliezer ruled that a certain oven was ritually pure while all other rabbis ruled that it was impure. Rabbi Eliezer provides miraculous signs that he is correct: a carob tree is uprooted, a stream of water flows backwards, and the walls of the study house bend in. The punch line that we are all familiar with is when the rabbis say to God: *"The Torah is not in Heaven! It is for us to decide!"* The authority of the court is so great, this audacious story tells us, that it trumps even God's own claim as to the true meaning of the Torah!

But the story doesn't end there. For the court's authority has been challenged not only by God, who in the story chuckles and steps back, but also by a great rabbinic sage, someone who is not willing to step down and go quietly, some who acts in highly public and demonstrative ways to prove that he is right. This, the story tells us, is a serious threat. This perhaps is the meaning of the carob, the stream, and the walls of the study house. These represent the societal structures and the natural order of things. For Rabbi Eliezer to push his position against the court was an attempt to reverse the natural order, an act that could shake the foundations of society. And it must be stopped. And so: *"On that day all that objects that R. Eliezer had declared to be ritually clean were brought in and burnt by fire."* (Baba Mezia 59b). Without violence and without putting anyone to death, the rabbis demonstrated, firmly and decisively, that challenges to its authority would not and could not be tolerated.

All this is well and good. But with such absolute authority, who is to keep the court honest? What checks and balances exist over them? For this, we return to the beginning of the parasha – the appointment of judges. In the United States, the check that the other branches have over the Supreme Court is its ability to appoint and approve of the justices, and to create lower courts. This echoes the Torah's mandate that the people appoint the judges and also create regional courts: *"Judges and officers you shall appoint in all your gates"* – that is your cities – *"and all your tribes"* (16:18). Regional courts distribute the power somewhat – it is not all concentrated in the hands of the High Court. Beyond this, there is a mandate that the court not only represent the majority, but that they also work to protect the rights of the marginal and disempowered in society: *"You shall not pervert judgment; you shall not respect persons... Justice, only justice, you shall pursue."* (16:19-20). And the judges must protect themselves against outside influences: *"You may not take a bribe"* – even, say the Rabbis, if it is with the intent of judging correctly – *"for a bribe blinds the eyes of the wise and corrupts the words of the righteous"* (16:19).

Structurally, however, there is no one whose role it is to ensure that these mandates are being followed. The court must be its own watchdog. If they are found violating, they can be disqualified – a type of impeachment – but short of that, it is their own integrity which needs to keep them in check. It is for this reason that the Torah, in Yitro's advice to Moshe, describes the need for high personal character of the judges. This and only this is what will keep them honest.

But such men are hard to find, and – even when found – can be corrupted by power. A story is told that when Rav Maimon, the first Minister of Religion in Israel, was looking to re-form the Sanhedrin, he was asked by Ben Gurion: *"But where will you find people who are sonei batzah, (Shemot 18:21), despisers of unearned gain?"* To which Rav Maimon responded, *"With enough money, you can get anything, even sonei batzah."*

In looking at this system and its challenges, it is clear that a lot rides on the appointment of judges – who is chosen, who does the choosing, who they represent, and the strength of their personal character and integrity. Outside of Israel, halakhic authority is distributed and adherence to it is volitional (as a matter of secular law), and by nature the rabbis and

the batei din have to be more responsive to those who would come to them. In Israel, however, we have courts with real concentrated authority, as described in our parasha. For such a system to be just, to be free of corruption and non-oppressive, the right judges are needed. Without this, such authority can do more harm than good. If we are to have a rabbinic body such as this, then it is incumbent upon us to make sure that we are all – as a society – living up to the mandate of our parasha and ensuring that the judges we appoint are the judges who will truly embody “*justice, only justice*” for the people whom they serve. With this we will be deserving to merit the blessing of the verse: “*So that you will live and possess the land with the Lord your God gives you*”(16:20), which teaches us, says Rashi, “*that the appointment of fit and proper judges is worthy of give life to the Jewish People and to cause them to dwell in their land.*”

Shabbat shalom!

From my archives

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## The Power of Return: Thoughts for Parashat Shofetim

By Rabbi Marc D. Angel \*

*“I, even I, am He that comforts you; who are you that you should be afraid of humans who will die?...” (Isaiah 51:12)*

During these seven weeks of consolation, the Haftarat offer prophecies of God’s eternal love for Israel, the return of the people of Israel to their land, and Israel’s ultimate vindication among the nations of the world. In this week’s Haftarah, we are reminded not to be afraid; we should have confidence that Almighty God will prevail over mortal human beings who wish us harm.

This message has a special poignancy for me this year. I recently was privileged to officiate at the wedding of a couple both of whom are “*benei anusim.*” Among their ancestors were Spanish and Portuguese Jews who were forcibly converted to Catholicism during the 15th century, a period of virulent anti-Jewish persecution in the Iberian Peninsula. In the name of the Catholic faith, many thousands of Jews were expelled, plundered, or compelled to convert. In Hebrew, the converts were called “*anusim*,” forced ones. Their descendants are known as “*benei anusim.*”

This newly married couple, like many other “*benei anusim*,” have reclaimed their Jewish heritage. They have chosen to live proudly and openly as religiously observant Jews. The spark of Jewishness, which had been dormant for centuries, has now emerged brightly. The souls of their Jewish ancestors must be rejoicing that their descendants have finally come home to their historic faith and identity.

Each of the “*benei anusim*” who returns to Judaism testifies thereby that the Jewish faith and the Jewish People are indeed indestructible. No matter how dire the situation seems, God has not forgotten us. God comforts us. God reminds us not to fear our enemies even when they seem to be prevailing over us. Each person of Jewish ancestry will one day come back home. We have a precedent in the Torah’s account of the exodus from Egypt.

The Torah states that the Israelites were expelled from Egypt (*ki goreshu mimitsrayim*). Apparently, not all the slaves wanted to leave...they had to be forcibly sent out. A question arises: why was it necessary for all the Israelites to leave Egypt? Why not leave the laggards behind? Rabbi Hayyim David Halevy, late Sephardic Chief Rabbi of Tel Aviv, pointed out that the **Torah is teaching that no one must be left behind. Redemption requires full participation.** [emphasis added]

From the Biblical model, we can extrapolate concerning the future redemption. It, too, will necessarily be complete. All Jews will be part of the redemption. Even those who have assimilated and have lost their Jewish identity — even they will be brought back into the peoplehood of Israel. The redemption of all the people must come with the redemption of each person (Rabbi H. D. Halevy, *Asei Lekha Rav*, vol. 4).

As those of Jewish ancestry return to their Jewish roots today, we witness rays of hope for the ultimate redemption that will bring peace and security to the Jewish People and all good people everywhere.

*"I, even I, am He that comforts you; who are you that you should be afraid of humans who will die?..." (Isaiah 51:12)*

\* Founder and Director, Institute for Jewish Ideas and Ideals, and rabbi emeritus of the historic Spanish and Portuguese Synagogue of New York City.

<https://www.jewishideas.org/node/3371>

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## **The Dangers of "Groupthink:" Thoughts for Parashat Shofetim**

By Rabbi Marc D. Angel \*

Several years ago, Professor Eliezer Schnall of Yeshiva University and his student Michael Greenberg presented a paper at the annual convention of the American Psychological Association in which they discussed an influential theory developed by the psychologist Irving Janis, known as *"groupthink."* Janis posited that tight-knit, smart and well-informed cliques can suppress dissent and create a "groupthink" phenomenon — where the general public goes along with the ideas of the inner power group. People either come to accept the dictates of the power group, or they are de-legitimized or ostracized. Dissent is crushed. Open and free discussion is not tolerated.

Dr. Schnall demonstrated how the deleterious effects of "groupthink" were consciously counteracted by the methods of operation of the Sanhedrin, the classic judicial system of ancient Israel. For example, when discussing cases in the Sanhedrin, the judges of lesser authority spoke first. The more senior judges offered their own opinions later. This system was adopted in order to ensure free and open discussion. If the veteran "expert" judges spoke first, the other judges might be reluctant to express disagreement with them. The result would be "groupthink" — control of discussion by a small, powerful clique.

The Sanhedrin sought to avoid becoming insular. Outside experts were consulted. Disciples who watched the proceedings were allowed to offer their opinions. If the Sanhedrin reached a unanimous guilty verdict in capital cases, the defendant was acquitted! It was assumed that absence of dissension meant that group conformity was operating and that the defendant did not have a fair trial.

"Groupthink" is a highly dangerous phenomenon. It arrogates considerable authority into the hands of a small inner circle and essentially causes the public to conform to the views of this power clique. This is the method employed by tyrannies. This is the method that enables small elite groups to impose their views on a passive or frightened public. "Groupthink" is quite evident in anti-Jewish and anti-Israel propaganda and in the "politically correct" movement. Individuals stop thinking for themselves, stop demanding facts, stop evaluating the "truths" that are imposed on them. If they resist the pressures of "groupthink," they risk being branded as social and intellectual outcasts. They risk being isolated and ostracized.

In this week's Torah portion, we read that the courts are to pursue justice, *tsedek tsedek tirdof*. Many commentators have understood this phrase to mean: you must pursue justice in a just way. The search for truth must be conducted in an open

and free environment, without coercion or intimidation. People must feel free to offer their insights and opinions, and must not succumb to “groupthink.” Discussion and dissension are to be encouraged, not stifled.

Manifestations of “groupthink” are ubiquitous in our society, and it requires considerable astuteness and courage to resist its pressures. “Groupthink” is increasingly evident in religious life, where small groups of clerics/intellectuals seek to impose their narrow views on the public. They state what is “true” and expect the public to go along with their pronouncements. Those who don’t follow the dictates of the power group are branded as heretics. The tyranny of “groupthink” is rampant in religious fundamentalist circles of whatever religion. Small cliques of “authorities” are granted incredible status, bordering on or including infallibility, and they proclaim what is “true” and what is “heresy.” Discussion, debate, and dissent are ruled out. Woe unto the person who does not conform in thought or behavior to the dictates of the “authorities.”

If “groupthink” is highly dangerous for society at large, it is perhaps even more pernicious for religious life. It injects a spiritual poison into religion, gradually sapping religious life of vitality, creativity, dynamism. Instead of fostering a spirit of discussion and free inquiry, it demands a ruthless conformity. Instead of empowering religious people to think and analyze and debate, it forces religious people to stop thinking independently, to refrain from analysis and debate, and to suppress any ideas that do not conform to the framework of “groupthink.” It insists on abject obedience to “authorities” — even when we don’t agree with them, even when we don’t acknowledge them as our “authorities,” even when we are convinced that these “authorities” are leading the public in an entirely incorrect direction.

If we are to be responsible individuals, we must resist the tyranny of “groupthink.” We must insist on the freedom to think for ourselves, to evaluate ideas independently, to stand up against coercion and intimidation. We must strive for a religious life that is alive and dynamic.

We must pursue truth and justice in a true and just way.

<https://www.jewishideas.org/dangers-groupthink-thoughts-parashat-shofetim>

**[Editor’s Note:** The explosion of anti-Semitism in recent years is a prime example of “groupthink.” Charles Kushner, the U.S. ambassador to France, attacks the French government’s policy of groupthink regarding favoring Hamas and other virulent anti-Semitic elements in France and other western countries in a recent editorial column in the Wall Street Journal. Jonathan S. Tobin, editor-in-chief of the Jewish News Syndicate, applauds Ambassador Kushner and the Trump administration for their clarity in attacking anti-Semitism and opposing groupthink that supports and encourages the evil of anti-Semitism. All Jews should read Tobin’s excellent analysis, available at:

[https://www.jns.org/only-a-rule-breaking-administration-can-truly-combat-antisemitism/?\\_hsmi=116172493](https://www.jns.org/only-a-rule-breaking-administration-can-truly-combat-antisemitism/?_hsmi=116172493) ]

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## Shoftim – Do You Know You?

by Rabbi Mordechai Rhine \* © 2016

The mitzvah of *Eglah Arufa* is well known. If a person was found killed outside of the city, the sages must come and, with great gravity, perform a pointing-to-meritful acknowledging the loss. They must declare that it was not due to their negligence that the person was killed.

The commentaries wonder why this mitzvah of *Eglah Arufa* is placed between two mitzvos about war: Not to cut down a fruit tree when setting siege on a city, and the mitzva regarding a woman captured in battle. What is the connection between *Eglah Arufa* and war?

During my youth, I was fond of reading biographies of people who fought in the IDF. I once read a story written by someone who fought in the Six Day War. He wrote that a few weeks after the war he was driving on a highway when suddenly he found that traffic had come to a standstill. He got out of his car to see what was going on, and he saw that a car had slipped down an embankment and people were trying to help the driver out to safety. He writes that he remembers thinking at the moment, *"What is the big fuss. During battle, tens of people were in such situations- in tanks, trucks, and cars- and we just kept moving forward. What is the big deal?"*

I believe that by placing the mitzvah of Eglah Arufa amongst the laws of battle, the Torah is sharing a precious message. Often circumstances will bestow a certain perspective upon us. But we must remain in touch with our own value system. Experiencing the ravages of war should not desensitize us to the loss of even a single person.

Sometimes when the media reports battles or "incidents," they report losses as if they are statistics in a game of sports. This side lost 5; the other side lost 10. The listener might actually think that if they lost fewer people they are the winner. The impression might be given that it is like a basketball or soccer game. The Torah comes to remind us that even after witnessing the losses of war, we must remain sensitive to each individual loss, because that is our value system.

Similarly, we are often sucked into the value system that surrounds us. We define victory and failure accordingly. This demands a reality check: What are the values that we hold dear?

For many years, Jewish continuity was gauged by the intermarriage rate. This is a view that was thrust upon us, but it is not a Jewish perspective. A Jewish community that just manages to marry Jewish does not have a strong prognosis of continuity. Upon contemplation, many will feel that a different definition involving vibrant education and observance might better express our feelings of success.

Similarly, a person may grow up feeling that when they own a certain class of vehicle, or own a certain type of home, they will have "arrived." It is worth considering whether those are sentiments that really represent one's own value system. If they do, then they are a reflection of self. But if they don't, then one's definition of "arriving" needs to be revisited to accurately portray what a person feels is important.

The Torah recognizes that a person can go through life experiences that will impact his or her perception of even the most basic values. The value of life can be diminished as a result of war. By strategically placing Eglah Arufa right in between other war related mitzvos, the Torah reminds us to retain our treasured value system even as we encounter the challenges of life.

With best wishes for a wonderful Shabbos.

\* Rabbi Mordechai Rhine is a certified mediator and coach with Rabbinic experience of more than 20 years. Based in Maryland, he provides services internationally via Zoom. He is the Director of TEACH613: Building Torah Communities, One family at a Time, and the founder of CARE Mediation, focused on Marriage/ Shalom Bayis and personal coaching. To reach Rabbi Rhine, his websites are [www.care-mediation.com](http://www.care-mediation.com) and [www.teach613.org](http://www.teach613.org); his email is [RMRhine@gmail.com](mailto:RMRhine@gmail.com). **For information or to join any Torah613 classes, contact Rabbi Rhine.**

Rabbi Rhine is on vacation, so I am reprinting a Dvar Torah from his archives:

<https://www.teach613.org/shoftim-do-you-know-you/>

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## Shoftim – G-d's Relationship With Us

by Rabbi Yehoshua Singer \* © 2022

There is a mitzvah in this week's parsha which sounds beautiful but can be very difficult to define. It is difficult both because of its wording and because of the context in which it is given. We are commanded, "*Tamim tih'yeh im Hashem Elokecha*" – "*You shall be tamim with Hashem, your G-d.*" (Devarim 18:13) The word tamim can mean complete or simple. On its surface, this mitzvah seems to be instructing us in our relationship with Hashem. However, either definition – "*be complete with Hashem*" or "*be simple with Hashem*" – is difficult to define. How do we measure the completeness or simplicity of a relationship?

This mitzvah is further complicated by its context. It is given in the middle of the prohibition against necromancy and soothsaying. Moshe warns us that when we enter the land of Canaan we should not follow in their idolatrous ways. He explains that this includes necromancy and soothsaying. It is here that we are commanded, "*be tamim with Hashem, your G-d.*" Moshe then continues to discuss necromancy and soothsaying, explaining that we are different than the nations of Canaan. They would turn to these methods and ideologies, but this is not the portion Hashem has given us. Hashem has promised to guide us directly through prophecy. (Devarim 18:9-15) The context indicates that this mitzvah is somehow specifically connected with avoiding necromancy and soothsaying. Why are these idolatrous practices singled out?

The Sforno teaches that the meaning of this mitzvah is that our reliance on G-d must be complete. He explains that one question answers the other. It is the context which helps us to understand the meaning and parameters of this mitzvah. He explains that necromancy and soothsaying are both forms of idolatry used for learning about the future. The mitzvah is that our relationship with Hashem should be so complete that it involves every area of our lives. "*Even for seeking out the future, we shouldn't seek help from anyone else.*" We should see Hashem as the ultimate Guiding Force in our lives. We must develop within ourselves the understanding that Hashem is, was and will always be there for us. If there is anything we need, we should turn to Hashem and the Torah which He gave us. All the moral and spiritual guidance we need is already there for us. We must place our trust solely in Him. In fact, the Sforno continues and says that Hashem so greatly desires to be there for us that He has created us in a way where necromancy and soothsaying won't work for us. This is the meaning of the final verses – "*this is not the portion Hashem has given to you.*"

)The Sforno is referring to seeking out spiritual sources for supernatural and moral guidance. It goes without saying that Hashem wants us to study the physical world and follow scientific, medical, and financial guidance from those who have studied His world and understand how it works.(

Rash"i takes this concept even further and says that the mitzvah is to be "simple" in our relationship with Hashem. He explains that this means we must rely on Hashem's involvement and protection of our lives with simple faith that He will take care of us. The prohibition against necromancy and soothsaying is because they are used to determine if a wise course of action will or will not succeed. Even wise decisions contain an element of risk, and they are seeking to avoid any risk. A Jew, however, must understand that Hashem is always with us and will lead us where we need to be. As long as we are making wise decisions, there is never any risk. Hashem will always guide us to the best situation for us.

This mitzvah can give us a new perspective as we prepare for the High Holidays. Hashem is commanding us to appreciate the depth of His commitment to us. We must live with that faith and understanding that He loves us and is with us. We must recognize that our relationship with G-d is a two-way street. Only then can we ask ourselves, how have I lived up to my side of the relationship?

\* Co-founder of the Rhode Island Torah Network in Providence, RI. Until recently, Rabbi, Am HaTorah Congregation, Bethesda, MD., and associated with the Savannah Kollel.

## Shofetim: Can a Man Be Unbiased?

By Rabbi Haim Ovadia \*

Parashat Shofetim opens with a call for Justice for All (Deut. 16:18-20):

*Judges and overseers you shall set for yourself within all your gates that YHWH your God is about to give you according to your tribes, and they shall judge the people just judgment.*

*You shall not skew judgment, you shall recognize no face, and no bribe shall you take, for a bribe blinds the eyes of the wise and perverts the words of the innocent.*

*Justice, justice shall you pursue, so that you may live and take hold of the land that YHWH your God is about to give you.*

The Torah stresses, both directly and indirectly, the importance of a judicial system which takes care of all citizens:

**Within all your gates:** the judges should be available to the people in every city and every village, whether in the center of the country or the periphery.

**Gates:** the judges sit in the open, at the gate, and not in intimidating marble palaces, to make themselves accessible to all people.

**To your tribes:** all tribes are included.

**They shall judge the people:** all the people. The word *אִישׁ* is related to the word *אִתּוֹ* – with. To be a nation there must equality and togetherness.

**You shall not skew judgment:** judgment is skewed when one party is favored by one judge or by the judicial system for political, financial, or personal reasons. Favoring one party denies the other party its rights.

**You shall recognize no face:** this admonition is metaphorical, in the sense of not giving preferential treatment to anyone. It is also literal. We tend to identify with people who look like us, and we subconsciously register factors like skin color, gender, and dress code. Unless the judge makes a deliberate effort to treat everyone equally, his body language and facial expression will signal to the parties who is the favorite and that might skew the results.

**No bribe shall you take:** bribe is not only money, but any type of favor or benefit the judge is standing to receive. Taking care of those who are similar to the judge causes him a certain satisfaction which is a form of bribe.

**Justice, justice shall you pursue:** the word justice is repeated to emphasize that justice should be equally distributed to all

**So that you may live and take hold of the land:** this aspiration applies to all citizens, men, women, and children, so it is appropriate that the quest for justice will be shared by all.

The question must be asked now: can we trust that a male judge will not be biased in favor of men?

We would like the answer to be positive. We would like to believe that an observant, God-fearing judge, will treat everyone equally. The sad truth is, however, that the orthodox Jewish judicial system is an all-male system, and very few among these men fully understand or identify with the strife of women. The problem cannot be clearer than in the cases of divorce.

I have read a ruling by the chief rabbinate of Jerusalem dealing with a woman who filed for divorce citing her husband's violent behavior. The court dragged her case for years and agreed to grant her a get only after her husband shot her with

the intention of killing her. The court ruled that the woman, who luckily survived the attack, is justified in her fear of her husband and she deserves a get.

Even worse is the situation of the Agunot, the women whose husbands refuse to give them a get. Recently, the chief rabbi of Israel ruled that a man who denies his wife a get would not be allowed to bury his mother. Some people applauded what they consider a groundbreaking precedent, but others, me included, were frustrated with the system. Why must we use such desperate measures, which are disrespectful to the deceased mother, when the court can simply, yes, simply, annul the wife's marriage retroactively?

That option might seem extreme, but Rabbi Shmuel Wozner writes that it is the safety net in every case of a missing husband whose wife is given permission to marry. When the question is raised whether the husband is still alive, since we do not have sufficient evidence, Rabbi Wozner says that we rely on questionable evidence and allow the woman to marry, and that to guarantee that she is not still married to her first husband we nullify the marriage. But that solution is reserved only for cases of missing husbands and not to a husband which is accessible but denies his wife a get.

Why the difference? Rabbi Wozner writes to a rabbi who asked him to annul a woman's marriage, and says that he cannot annul her first marriage )Shevet HaLevi, 4:172( because:

*...this is what the secular heretics are waiting for... they want to find a way to nullify matrimonial obligations without a divorce, God forbid!*

*Any lenient ruling on those issues supports the hands of those who want to destroy religion and puts a sword in their hands. Therefore, one should not be lenient at all in such a case.*

What was the case? It wasn't some marital dispute that the woman wanted to solve by retroactively annulling her marriage, but rather a harmful, insidious deception:

*...the woman married him in the Salzburg camp [post WWII] ...she had a son and he refused to circumcise him... he then told her that he converted to Christianity years ago when he was in the DP camp and he never told her a thing... he said that he has no connection to the Jewish people... when the woman heard this she left him...*

*she now asks to be permitted to remarry and be disassociated from the man who deceived her and violated her...*

The poor woman was deceived by the man. Had she known that truth about him she would never marry him. And now that she knows, she perceives him as a rapist. She begs to be freed of those spiritual and emotional shackles but is denied because of "what will the secular people say..."

But there is a completely different sentiment when Rabbi Wozner discusses the request by a man whose wife refuses to receive a get and insists on staying married to him )ibid. 5:190(. He explains that the man should be allowed to marry a second wife because of several reasons:

- 1. The man resents his cantankerous wife and cannot have normal marital relationships.*
- 2. He does not have children.*
- 3. He has sexual fantasies which might cause him to waste his seed.*
- 4. She makes his life miserable and endangers his health.*

I am not saying that these arguments are not valid )well, except for the third which I have discussed thoroughly elsewhere(, but it is obvious that the judge here can identify with men and not with women. It would not be improbable to say that this happened because he is a man, and if that is so, then the admonition against being partial, the insistence on justice for all, and the demand for equality are all blatantly ignored or transgressed.

The ideal solution would be to have a diverse judicial system, with many more Devorahs who judge all the people, and who sit under )a metaphorical( palm tree where justice is accessible for all, but until that happens, maybe we should ask our judges to undergo a special sensitivity training program. It is told about the great khaliph Haroun el Rashid – the righteous, that he would dress in simple clothes and intermingle with the people of Baghdad to feel their needs and strife firsthand. Some good-hearted modern husbands wear pregnancy suits to try to feel, as much as possible, what their wives are going through )though all women would agree they are not even getting close(. So why can't we ask our judges to do the same?

Let those judges, in front of whom the pleas of women in fear of domestic violence and those seeking get from resentful husbands are brought, feel a little of what those women have to endure. Let them live for six months deprived of the right of meeting new people or maybe connecting to their loved ones. Let them be denied certain rights and feel that they depend on the whims of someone who does not care about them. As a matter of fact, I should not be the one suggesting how to do that. There should be a committee of get-applicants and agunot who will create a plan which will simulate their lives and by which the judges will live for a while.

Maybe, if we start working on this, we will be able to communicate with God and say that:

*Justice, justice we are pursuing...*

Shabbat Shalom

\* Judaic faculty, Ramaz High School, New York; also Torah VeAhava. Until recently, Rabbi, Beth Sholom Sephardic Minyan )Potomac, MD(. Faculty member, AJRCA non-denominational rabbinical school(.

**Many Devrei Torah from Rabbi Ovadia this year come from an unpublished draft of his forthcoming book on Tanach, which Rabbi Ovadia has generously shared with our readers. Rabbi Ovadia reserves all copyright protections for this material.**

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## Yes. That's "Holy" Also

By Rabbi Moshe Rube \* © 2021

Should religion and government mix?

Our kneejerk reaction would be no. This is America after all.

And yet we know that our Torah, the same book that exhorts loving Hashem, keeping the Sabbath, and shaking a lulav, tells us in our portion this week to *"Set up judges and policement in all your gates in the land that Hashem gave you."*

Rabbi Hershel Schachter points out that the Torah tells us to build many cities of refuge for accidental murderers not because we assume that murders will be plentiful but because it's a sanctification of God's name to show the world that Israel has a righteous system of justice.

Rabbi Cary Friedman in his book *Spiritual Survival for Law Enforcement* states:

*"A law enforcement officer protects God's world and his children. He is a partner -- nothing less -- with God in the perfection of that God created world. He protects the legal structure that ensures*

*the property and safety of every citizen. In doing this, he acknowledges the humanity and dignity -- the Divine Spark -- of every citizen."*

As Rabbi Cary told us when he hosted him [in Birmingham, AL], he was the only religious professional who succeeded in creating a spiritual training for the FBI that was not couched in the language of a specific theology. There's something about Judaism that is integrative of life instead of separating it out into "spiritual" and "physical." Of course, these are useful terms that we have to use, but we always have to wink to each other because we know that they are just separate parts of the same pattern. A right and left arm connected to the same body.

Within this definition, Judaism can absolutely mix with government, as to think Jewishly does not only mean being lost in mystical thoughts. Rather, when dealing with governmental/societal/judiciary issues, we adopt the mindset of strict analysis through reasoning within our civil halachic system )which also requires us to follow the civil laws of the land where we live. In Hebrew, this is called *Dina Demalchusa Dina*(.

The Torah tells us not to exalt a poor person in court. If the rich person has a valid claim that according to the judges has merit, they must award the rich man the money of the poor man. Whatever mercy the judges want to show can be exercised outside the courtroom. What a mitzvah it would be to give charity to the poor man so he could pay the rich man. But that is an obligation that should be fulfilled when court ends.

The mark of a spiritual person is one who can play this game of "spiritual hopscotch." Can you traverse these different mindsets without losing respect and appreciation for the other? Can you be a righty but still love your left hand?

To take this a step further, can we appreciate the people who express one mindset more readily over the other? Let's say you're someone who prides themselves on only thinking what you consider to be reasonable. That's wonderful, but should that stop us from celebrating and loving those who tend more towards what we call mysticism?

And if you're a mystic awash in the love of God, can you celebrate those who love the strictness of justice?

To be spiritual isn't just goo, and it's not just prickles. It's gooey prickles and prickly goo. Both serve the same purpose of perfecting God's world.

This is the key to respecting others, even those who are different than you. "*A wise man learns from everybody*" say the Sages. So if someone disagrees with you, rather than feeling annoyed, we should celebrate because we're about to learn something we didn't before. The right and the left hand are about to clap. That doesn't mean we'll end up being best friends or even that we have to be together.

But just because we are separate does not mean we can't appreciate.

Shabbat Shalom!

\* Rabbi Moshe Rube is outgoing Senior Rabbi of Auckland Hebrew Congregation, Remuera )Auckland(, New Zealand. Formerly Rabbi, Congregation Knesseth Israel )Birmingham, AL(. Rabbi Rube will be moving to Australia to lead a new congregation. Once he settles in his new position, we hope to share new insights.

From my archives. Auckland Hebrew Congregation did not send me its weekly post this week.

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## **Rav Kook Torah**

### **Shoftim: The Murderer's Admission**

We all live a double life. There is our external world: our relationships with friends and family, our jobs, our place in society. And we have our inner world: our private thoughts and emotions, our introspections and contemplations. We are influenced by both spheres, and we need them both.

One of the positive aspects of the outside world is the sense of worth and respect that society bestows to the individual. The Sages placed great value on human dignity, even waiving rabbinical prohibitions when one's dignity is at stake )Berachot 19b(.

#### **Honoring Criminals**

What about criminals? Do they also deserve respect and honor?

The Talmud )Makkot 12b( raises an interesting question regarding people who have killed unintentionally. Accidental manslaughters are penalized with exile to one of the designated cities of refuge. What if the people in the city of refuge wish to honor the murderer is some way, perhaps with a public position — may he accept? Or would doing so negate the very purpose of exile? After all, one of the principal aspects of this punishment is loss of recognition and place in society. To what extent must the murderer suffer public disgrace in order to atone for his criminal negligence?

#### **Accepting Responsibility**

The Talmud answers that the murderer must state clearly, *"I am a murderer."* His inner truth must be public knowledge. He may not hide from the heinous crime he committed, albeit unintentionally. He cannot pretend as if the murder never took place.

The Sages derived the need for the criminal to openly admit his crime from the verse, *"This is the word of the murderer"* )Deut. 19:4(. His response to the offers of society must be as one who has committed manslaughter.

The murderer must not let social honors distract him from the private soul-searching which he must undertake. He needs to attend to his inner world of emotions and introspection, and avoid being caught up in the rush of public life. He should reject social honors by announcing, *"I am a murderer."*

If the people choose to accept him despite his past, then he is permitted to accept the honor. Respect from the community is a positive value that should not be denied, even to criminals. This respect should not be allowed to cover up the terrible truth of manslaughter. It should not negate or desensitize the murderer's inner sense of justice. But if he demonstrates responsibility for his actions, and his moral sensibilities are strong and healthy, then the external influence of social acceptance and respect will be a positive factor in his ultimate rehabilitation.

)Gold from the Land of Israel, pp. 322-323. Adapted from *Ein Eyah* vol. II, p. 404(

<https://ravkooktorah.org/SHOFTIM59.htm>

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**Shoftim: Learning and Leadership (5774, 5781)**  
By Rabbi Lord Jonathan Sacks, z"l, Former Chief Rabbi of the U.K.\*

The parsha of Shoftim is the classic source of the three types of leadership in Judaism, called by the Sages the *"three crowns"*: of priesthood, kingship and Torah.]<sup>1</sup> This is the first statement in history of the principle, set out in the eighteenth

century by Montesquieu in *L'Esprit des Lois* )*The Spirit of Laws*(, and later made fundamental to the American constitution, of *"the separation of powers."*][2]

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

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

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

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

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

There is, though, one positive and exceptionally important dimension of royalty. The King is commanded to study constantly:

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

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

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

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

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

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

The two greatest Kings of early Israel, David and Solomon, were both authors, David of Psalms, Solomon (according to tradition) of The Song of Songs, Proverbs and Kohelet/Ecclesiastes. The key biblical word associated with Kings is *chochmah*, "*wisdom*." Solomon in particular was known for his wisdom:

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

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

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

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

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

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

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

#### FOOTNOTES:

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

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

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

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

[5] Eichah Rabbati 2:13.

### **AROUND THE SHABBAT TABLE:**

1. Is the institution of a monarchy a good idea or bad idea according to the Torah?
2. What do you think are the most important characteristics of a good King?
3. Why is it especially important for leaders to continue to learn? Is it also important for us?

<https://rabbisacks.org/covenant-conversation/shoftim/learning-leadership/> Note: because Likutei Torah and the Internet Parsha Sheet, both attached by E-mail, normally include the two most recent Devrei Torah by Rabbi Sacks, I have selected an earlier Devar.

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## **Shoftim: Life Lessons From the Parshah: Blueprint For a Divine Society**

By Yehoshua B. Gordon © Chabad

The Torah portion of Shoftim continues Moses' final address to the Children of Israel, who are on the cusp of entering the Holy Land. Like a loving father conveying his last will and testament to his children, Moses encourages, admonishes, and reminisces with the people, preparing them for life in the Land without him.

Life in the desert was G dly, characterized by spiritual bliss, with heavenly food delivered daily, a constant miraculous source of water and protective Clouds of Glory.

In the portion of Shoftim, Moses essentially tells the Children of Israel, "*Despite your divine, spiritual journey through the desert, I understand that you are only human, and that building a society, a civilization, will require interactions and relationships that will inevitably involve quarrels, disputes, and clashes.*" But Moses reminds the people that G d has prescribed mitzvot and rules for societies; indeed, there are laws for every eventuality. Though it will be surrounded by and immersed in physicality — agriculture and businesses, jobs and homesteads, life in Israel can and must continue to be G dly.

### **Law and Order**

A fair and just court system is a foundational element of a just society. Fair and honest judges maintain law and order, while corrupt judges fuel lawlessness and disorder.

*“Do not pervert justice.”*<sup>1</sup> A judge must treat both litigants equally, not only when delivering a verdict but also while hearing their testimony. *“A judge may not accept a bribe”* under any circumstances, *“because bribery will blind the eyes of the wise and pervert the words of the righteous.”*<sup>2</sup> Even when a judge has already reached a verdict, or is absolutely confident that a gift will not sway his judgment — even when a judge is about to rule in favor of the one offering the bribe! — bribery remains forbidden. A judge cannot sit in judgment of a person who gave — or even offered — a bribe because he will not be able to maintain his objectivity. It’s simply impossible.

Human nature is such that when someone does us a favor, we want to reciprocate. Even an honest, good person will lean towards someone who gives him a gift.

One of the great Chassidic masters once had two litigants before him when he suddenly stood up and announced, *“I can’t explain why, but I feel I must recuse myself. You will have to find another judge.”* To the apparent bewilderment of the litigants, the rabbi took his coat from the coat rack and left. When the rabbi came home and hung up his coat, he discovered a bundle of money that one of the litigants had placed there!

The Ashera tree, which Moses mentions as he segues from the need for justice to the sin of idol worship, was an idolatrous tree that the Torah repeatedly commands must never be planted, and existing Ashera trees must be uprooted and destroyed. Rabbi Jacob Ben Asher, the late 13th- and early 14th-century biblical commentator known as the Ba’al Haturim, taught that the numeric value of the word Ashera is the same as *dayan she’eno hagun*, the Hebrew words for *“inappropriate judge.”*<sup>3</sup> If a judge is appointed improperly — *“My brother-in-law needed a job!”* — it is as if an idolatrous tree were planted next to the holy Altar! We must be very careful who we appoint as our judges. Our society depends on it.

## **To Respect and Adhere**

The Jewish supreme court — the Sanhedrin — consisted of 71 judges. Any decree issued by the Sanhedrin was binding on the entire Jewish nation. Lower courts were made up of 23 judges, while a local beit din could have only three. Regardless of a court’s size, its judges must always use the Torah as their guide.

*“And you shall come ... to the judge who will be in those days, and you shall inquire, and they will tell you the words of judgment.”*<sup>4</sup>

Even if the current judge is not like you remember the judges of previous eras, don’t say *“I should go to this judge? In my grandfather’s time, I remember what real judges were like. Those were the days! This judge? Ha! I went to school with him. We used to cheat at baseball cards together.”* Instead, you must respect the judge, because a system of law and order must be maintained. You only have access to the judges who exists in your time.

Furthermore, all litigants must adhere to the court’s ruling: *“You cannot turn aside from that which they will tell you, neither to the right nor to the left.”*<sup>5</sup> You cannot choose to be less meticulous than the beit din, nor can you choose to be more religious than its ruling.

A person cannot say, *“I am a great scholar! I know better! Don’t you know who my grandfather is?!”* Everyone must follow the court’s rulings, regardless of their pedigree.

## **Talk it Out**

Moses tells the Jewish people that when they enter the Land, they must *“designate three additional cities of refuge ...”*<sup>6</sup> These cities served as safe havens for those who committed unintentional homicide.

The Torah describes the unintentional manslayer as one who *“strikes his fellow to death unintentionally, whom he did not hate in times past.”*<sup>7</sup> In this case, there was no history between the two; it was not a situation where the killer previously had any issues with the victim. It was unintentional.

However, the Torah also recognizes that intentional murder, G d forbid, does occur. It's an unfortunate reality. When people are concerned about their property, possessions, and finances, conflicts with friends, neighbors, and competitors are inevitable. Such conflicts can escalate to the most tragic outcomes, including, sadly, premeditated murder.

How can it escalate to such an extent that it leads to murder, G d forbid? The Torah is very clear: *"If a man hates his fellow, and as a result of this hatred lies in wait for him, rises up against him, and intentionally strikes him mortally,"* then the cities of refuge do not serve as a safe haven for him, and he must be brought before the courts to stand trial.

The Torah teaches us a fundamental life lesson here: If you have a problem with someone, calmly speak with them instead of allowing hatred and resentment to fester and grow, which could one day lead to something terrible. We must at least attempt to resolve the issue.

This, too, is a key ingredient for a G dly society — a civilization based on Torah and mitzvot.

### **Respecting Boundaries**

Getting along with our neighbors requires respecting boundaries, both physical and social.

*"You must not push your neighbor's landmark, which your predecessors have erected as border markers, back into his territory in order to increase the size of your own territory — for this is robbery."*<sup>8</sup> This verse teaches us not to encroach on someone else's property and symbolically represents not infringing on others' livelihood.

If my neighbor runs a shoe store, I should respect the boundaries of their business and not open a competing shoe store right next door. We should ask ourselves: Is this the moral thing to do? Is this the right thing? Is this what G d wants of us?

There is a legend that is told about two brothers who were neighbors. Each worked his land growing wheat. One brother was married with a large family, while the other was a bachelor.

The unmarried brother thought that G d had blessed him with more than he needed, while his married brother could surely use more. So, he woke up in the middle of the night and secretly moved the boundary markers of his field, giving some of his land to his brother to increase his brother's property.

In turn, the married brother thought that he was fortunate to have a wife and children, while his unmarried brother would need to impress the matchmakers with his wealth so that he could hopefully attract a nice Jewish girl. He, too, arose in the middle of the night and quietly moved the boundary markers to increase his brother's acreage.

In the morning, each brother wondered why there was no noticeable decrease in his own field, so they repeated the act the next night. This continued for several nights until one night, they bumped into each other. In that moment, they understood what the other had been doing and embraced each other with love. As the story goes, G d looked down and said, *"This is a holy place; this is where the Beit Hamikdash (Holy Temple) will be built."*

### **Campaign Promises**

Moses tells the people that there will come a time when they will look around and see that other nations have kings, palaces, and monarchies, and they will desire the same.<sup>9</sup>

The Torah permits the appointment of a monarch and has many laws and mitzvahs related to the role and responsibilities of the king. In the days of the prophet Samuel, King Saul was appointed as the first king.<sup>10</sup>

Interestingly, the section discussing the appointment of a king immediately follows the section on idol worship. This sequence teaches us that the first responsibility of the King of Israel is to eradicate all pagan idols from his realm.

One of the most intriguing obligations of a king is that he must write two Torah scrolls — one to be kept in a secure place and the other to be carried with him wherever he goes. When the king is in his throne room or his private residence — anywhere it is permissible to carry a Torah scroll — the king must carry the scroll with him. This practice serves as a constant reminder for the king to follow the Torah.

What is the purpose of the scroll that remains unseen, the one stored away in the treasury? Why does the king need both scrolls?

There is a profound life lesson to be learned from this:

We are all very familiar with the world of elected officials. When running for office, politicians promise the moon.

*“When I’m elected, I’m going to do this and I’m going to do that!”*

*“Vote for me, and I’ll set you free!”*

But then what happens? Things are very different once they are elected and have secured their position. If you play back the sound bites from any campaign, you’ll see that the promises rarely match reality. A Jewish king is required to write two scrolls. One is carried with him at all times, and the other is stored away. And every so often, the king should take the second scroll out of storage and ensure that the one he is carrying — the one he lives and rules by — still matches up. He must make sure that in the course of carrying out his day-to-day royal responsibilities, he hasn’t, G d forbid, changed anything that is written in the Torah.

This is a powerful lesson for all of us. As we go through our daily lives, we must regularly check in with the Torah and ensure that we have not deviated from its teachings. We should live with consistency — the consistency of Torah that remains unchanged.

What was the king meant to do with the scroll he carried? He was to read it every day of his life.<sup>11</sup> He should never be uncertain about what to do or what a particular law entails because he is always engaged with the Torah.

We should follow this example. Each of us should study the Torah daily, at least the daily Torah portion. The Torah guides our lives, and if we ever face dilemmas or questions, we will always find answers and solutions within it. The king does this, and we should too.

Let us internalize the beautiful teachings of this parshah and infuse the mundane aspects of our daily lives with Divinity and purpose. May we merit to build the ultimate G dly society with the coming of our righteous Moshiach — the final Jewish king in the Davidic dynasty — may it come to fruition speedily in our days. Amen.

#### **FOOTNOTES:**

1. Deuteronomy 16:19.
2. Deuteronomy 16:19.
3. Commentary to Deuteronomy 16:21.
4. Deuteronomy 17:9.
5. Deuteronomy 17:11.
6. Deuteronomy 19:2.

7. Deuteronomy 19:4.
8. Deuteronomy 19:14.
9. Deuteronomy 17:14.
10. I Samuel, Chapter 8.
11. Deuteronomy 17:19.

\* Chabad of the Valley in Tarzana, CA until his passing in 2016. "Life Lessons from the Parshah" is a project of the Rabbi Joshua B. Gordon Living Legacy Fund, benefiting the 32 centers of Chabad of the Valley, published by Chabad of the Valley and Chabad.org. Adapted by Rabbi Mottel Friedman from classes and sermons that Rabbi Joshua B. Gordon delivered in Encino, CA and broadcast on Chabad.org.

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### **Shoftim: Parenthood** by Rabbi Moshe Wisniefsky

Moses instructed the people to honor their priests, taking care to give them their allotments from their produce and flocks. Priests and Levites were not given land-inheritances to work as farms or vineyards, in order that they be free to function as spiritual officiants and teachers.

*He will have no inheritance among his brothers; G-d is his inheritance, as He spoke concerning him. )Deut. 18:2(*

In a spiritual sense, the special status of the Levites as well as the special Divine care promised to them are attainable by every one of us.

This is particularly true of children. Children are cared for by their parents, who, as G-d's agents, provide for all their needs and shelter them from all the worries and distractions that accompany the ongoing pursuit of livelihood. As such, they, like the Levites, are uniquely suited to devoting their entire lives to G-d and G-dly pursuits, such as the study of the Torah, sincere and innocent prayer, and being trained in the performance of G-d's commandments.

Children who are raised in this way will indeed be blessed by G-d's special care and concern.

It is therefore both the responsibility and privilege of us, as parents, to provide our children with a childhood filled with the wholesome optimism and idealism that comes from being properly educated in G-d's wisdom and ways.

– From *Daily Wisdom* #3

\* An insight by **the Lubavitcher Rebbe** on parshaot Shoftim from our *Daily Wisdom* #3 by Rabbi Moshe Wisniefsky.

May G-d grant continued wisdom, strength, victory and peace in the Holy Land.

Gut Shabbos,

Rabbi Yosef B. Friedman  
Kehot Publication Society

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Volume 31, Issue 44

Shabbat Parashat Shoftim

5785 - B"H

## Covenant and Conversation

Rabbi Jonathan Sacks, z"l

### Power from the Outside or Self-Restraint from Within

This summer, we've seen riots on the streets of London and Manchester on the one hand, Tripoli on the other. On the face of it there was nothing in common between them. In London the rioters were holding rocks. In Tripoli they were holding machine guns. In Libya they were rioting to remove a tyrant. In London they were rioting for clothes and flatscreen televisions. There was only one thing in common, namely that there were riots. They reminded us, as John Maynard Keynes once said, that civilisation is a thin and precarious crust. It can crumble easily and quickly.

The riots in both places, in their different ways, should make us think in a new way about the unique political project Moses was engaged in the parsha of Shoftim, and in the book of Deuteronomy as a whole.

Why do crowds riot? The short answer is, because they can. This year we have seen the extraordinary impact of smartphones, messaging systems and social network software: the last things, one might have thought, to bring about political change, but they have done so in one country after another in the Middle East – first Tunisia, then Egypt, then Libya, then Syria, and the reverberations will be with us for years to come. Similarly in Britain, though for quite different reasons, they have led to the worst, and strangest, riots in a generation.

What the technology has made possible is instant crowds. Crowd behaviour is notoriously volatile and sweeps up many kinds of people in its vortex. The result has been that for a while, chaos has prevailed, because the police or the army has been caught unawares. The Torah describes a similar situation after the sin of the Golden Calf: "Moses saw that the people were running wild and that Aaron had let them get out of control . . ." Ex. 32:25

Crowds create chaos. How then do you deal with crowds? In England, the reaction is a call for more police, zero tolerance, and tougher sentencing. In the Middle East, we do not yet

know whether we are seeing the birth of free societies or a replacement of the tyranny of a minority by the tyranny of the majority. However, it seems to be a shared assumption that the only way you stop people robbing one another or killing one another is by the use of force. That has been the nature of politics since the birth of civilisation.

The argument was stated most clearly by Thomas Hobbes in the 17th century, in his political classic, *Leviathan*. Without the use of force, Hobbes said, we would be in a state of nature, a war of all against all in which life would be "nasty, brutish and short." What we have witnessed in both Britain and the Middle East has been a vivid tutorial in Hobbesian politics. We have seen what a state of nature looks like.

What Moses was proposing in Devarim was fundamentally different. He assembled the people and told them, in so many words, that there would be social order in the new land they were about to inherit. But who would achieve it? Not Moses. Not Joshua. Not a government. Not a tyrant. Not a charismatic leader. Not the army. Not the police. Who would do it. "You," said Moses. The maintenance of order in Deuteronomy is the responsibility of the entire people. That is what the covenant was about. That is what the Sages meant when they said *kol yisrael arevin zeh bazeh*, "All Israel are responsible for one another." Responsibility in Judaism belongs to all of us and it cannot be delegated away.

We see this most clearly in this week's parsha, in the law of the king.

When you enter the land the Lord your God is giving you and have taken possession of it and settled in it, and you say, "Let us set a king over us like all the nations around us," be sure to appoint over you a king the Lord your God chooses . . . The king must not acquire great numbers of horses for himself . . . He must not take many wives . . . He must not accumulate large amounts of silver and gold. Deut. 17:14-17

Note the strange way the command is phrased. "When you say . . ." Is this an obligation or a permission? The people may call to have a king, "Like all the nations around us" – but the entire thrust of the Torah is that the Israelites were not to be like the other nations. To be holy means to be different, set apart. "The king must not . . . must not . . . must not." The

accumulation of prohibitions is a clear signal that the Torah sees the institution as fraught with danger. And so it was. The wisest of men, Solomon, fell into all three traps and broke all three laws. But that is not the end of the Torah's warning. Even stronger words are to follow:

When he takes the throne of his kingdom, he is to write for himself on a scroll a copy of this Law . . . It is to be with him, and he is to read it all the days of his life so that he may learn to fear the Lord his God and follow carefully all the words of this law and these decrees and not consider himself better than his fellow Israelites. Deut. 17:18-20

Only one man is commanded in the Torah to be humble: the king.

This is not the place to go into the famous disagreement among the commentators as to whether appointing a king is a command or not. [1] Maimonides says it is an obligation. [2] Ibn Ezra says it is a permission. [3] Abarbanel says it is a concession. [4] Rabbeinu Bahya says it is a punishment. The Israelites, a nation under the sovereignty of God, should never have sought a human leader. In the words of Avinu Malkeinu, "Ein lanu melech ela atah," "We have no other king but You."

The point is, however, that the Torah is as far removed as possible from the world of Hobbes, in which it is *Leviathan* – his name for absolute monarchy, the central power – who is responsible for keeping order. In a Hobbesian world, without strong government there is chaos. Kings or their equivalent are absolutely necessary.

Moses is articulating a quite different view of politics. Virtually every other thinker has defined politics as the use of power. Moses defines politics as the use of self-restraint. Politics, for Moses, is about the voice of God within the human heart. It is about the ability

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to hear the words, “Thou shalt not.” Politics in the Torah is not about the fear of the government. It is about the fear of God.

So radical is this political programme that it gave rise to a phenomenon unique in history. Not only did Jews keep Jewish law when they were in Israel, a sovereign state with government and power. They also kept Jewish law in exile for 2000 years, when they had no land, no power, no government, no army, and no police.

Rabbi Levi Yitzhak of Berdichev once said: “Master of the universe, in Russia there is a Czar, an army and a police force, but still in Russian houses you can find contraband goods. The Jewish people has no Czar, no army and no police force, but try finding bread in a Jewish home on Pesach!”

What Moses understood in a way that has no parallel elsewhere is that there are only two ways of creating order: by power from the outside or self-restraint from within; either by the use of external force or by internalised knowledge of and commitment to the law.

How do you create such knowledge? By strong families and strong communities and schools that teach children the law, and by parents teaching their children that “when you sit in your house or when you walk by the way, when you lie down and when you rise up.”

The result was that by the first century Josephus could write, “Should any one of our nation be asked about our laws, he will repeat them as readily as his own name. The result of our thorough education in our laws from the very dawn of intelligence is that they are, as it were, engraved on our souls.”

This is a view of politics we are in danger of losing, at least in Europe, as it loses its Judeo-Christian heritage. I have argued, in many of these essays and several of my books, that the only country today that retains a covenantal view of politics is the United States. It was there, in one of the great speeches of the nineteenth century, that Abraham Lincoln articulated the fundamental idea of covenant, that when there is “government of the people, by the people, for the people,” there is a new birth of freedom. When only police or armies stand between order and riots, freedom itself is at risk.

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### **Shabbat Shalom: Rabbi Shlomo Riskin**

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The Levitic kohanim, the entire tribe of Levi, shall have no portion or inheritance with Israel; the Lord's fire offerings and His inheritance they shall eat. But he shall have no inheritance among his brothers; the Lord is his inheritance, as He spoke to him.” (Deut.18:1-2)

What is the essence of the exalted Hebrew month of Elul, the auspicious 30-day period of time prior to the Days of Awe in which,

according to Hasidic philosophy, “The King is in the Field,” when God is, as it were, more accessible to us than throughout the year?

How might we best prepare ourselves to meet the King while He is “in the field”? I believe that the story of Velvel, a Soviet refusenik I met in Riga, Latvia in the month of Elul 5730 (1970), offers an answer to this question.

Due to my intensive involvement on behalf of Soviet Jewry in the late 1960's, I was summoned to a meeting in Crown Heights (Brooklyn, NY) with the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson of blessed memory. The Rebbe, z”l, asked me to be his shaliach (emissary) to establish centers of Torah learning in several cities in the Soviet Union, Moscow, Leningrad, Riga and Vilna, a mission that I felt honored to accept.

I filled my luggage with siddurim (prayer books), tallitot (prayer shawls), tefillin, and other holy objects for the Jews suffering behind the Iron Curtain, and flew, via Vienna, to the lion's den. During my two-week mission, I surreptitiously distributed these holy items to Jews in Moscow and Leningrad, before arriving in Riga, where I spent Shabbat.

On Friday night, I met a gentleman named Velvel in the city's main synagogue.\* During a long conversation after dinner, Velvel told me with deep sincerity that there was nothing in the world he wanted more than a new tallit, since the tallit that he had received when he turned Bar Mitzvah was in tatters. Armed with my remaining supply of Judaica, I gave one to him discreetly, which brought an ear-to-ear smile to his otherwise forlorn face.

The next day, during Shabbat morning services at the synagogue, Velvel entered the sanctuary proud as a peacock in his brand-new, sparkling blue and white tallit. I was mortified, as the KGB agents who had accompanied me to the synagogue would surely surmise that I, the outside agitator, was the source of this tallit.

As the cantor led the Torah processional through the cavernous, mostly empty sanctuary, Velvel drew near, and lifted the tzitzit (ritual fringes) of the tallit, in order to touch them to the Torah scroll and then kiss them.

The cantor, seeing Velvel, dramatically stopped the procession. A frosty silence overcame the sanctuary. Time seemed to freeze. Velvel's arm, outstretched in the direction of the Torah scroll, hung in mid-air suspended. The cantor stared at Velvel with disdain. Velvel reciprocated, keeping his arm extended in the direction of the Torah scroll.

The minute-long staring match went on for what seemed forever, with neither the cantor (who it turns out was also a KGB agent) nor Velvel giving an inch. Abruptly, Velvel screamed at the cantor in Yiddish:

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“Ich hob nit kein moyreh!” (I am not afraid!) You've already taken everything that you can take away from me! When I began to come to shul and I lost my job as a result, my wife left me and she took the children with her. I have no job; I have no family. The only thing I have is my Jewish tradition. The only thing I have is this tallit. Ich hob nit kein moyreh. I am not afraid!”

The cantor, lowering his eyes in acknowledgment of Velvel's sacrificial position, resumed the procession. Slowly and triumphantly, Velvel touched the Torah with the tzitzit and delicately kissed them. He had made a profound statement to everyone present: ultimately, we have nothing in life except for God, His Torah, and His commandments. Nothing else truly matters.

This unforgettable, chilling story provides an invaluable insight into an enigmatic law of the Torah found in this week's reading. Shoftim stipulates that the Levites are to have no share in the inheritance of the Land of Israel. This seems rather unjust! In fact, Maimonides (Hilchot Shmittah v'Yovel, 13:12) asks and answers why this should be the case:

Why did the Levites not receive a portion in the inheritance of Eretz Yisrael...like their brethren? Because they were set aside to serve God and minister unto Him and to instruct people at large in His just paths and righteous judgments...He provides for them, as [Num. 18:20] states: “I am your portion and your inheritance.”

This is the main lesson taught by my friend Velvel and the fundamental lesson of the month of Elul. This splendid time comes to remind us of our true purpose on this earth, to live a life dedicated to God. In the final analysis, nothing else matters. This does not require that we adopt an ascetic lifestyle alone on a mountaintop; on the contrary, a true life of holiness involves interacting with and relating to others.

Nevertheless, as Velvel demonstrated in Elul 5730 (1970), and as Maimonides wrote, to live a life dedicated to God is to acknowledge that ultimately, all we have is God, His Torah, and His commandments. Everything else is transitory and illusory. It is no wonder that it is precisely during this season that people are more prepared than usual to internalize this message. Perhaps this is because, indeed, “The King is in the Field.” Let us go out to greet Him.

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### **Torah.Org: Rabbi Yissocher Frand**

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#### **The Epiphany of Rabi Yishmael ben Elisha: How Great Are the Words of the Sages!**

Parshas Shoftim contains the mitzvah to appoint a king. The Torah lists some of the restrictions placed upon a Jewish monarch. Among them is that he should not own too many horses (lest he bring the nation back to Egypt). (Devorim 17:17) In those days, horses

came from Mitzrayim, and the need for a large stable of horses would necessitate the establishment of a Jewish horse acquisition center in Mitzrayim, which was not in accordance with the Divine will. Additionally, the king was not permitted to marry too many wives, lest they turn his heart astray. Nor was he allowed to hoard too much gold and silver.

By Biblical law, a commoner has no restrictions regarding the number of simultaneous wives that are permitted. However, a king is limited to eighteen wives. A famous Gemara (Sanhedrin 21b) teaches that Shlomo felt that these laws applied to all other Jewish monarchs, but not to him. He reasoned (regarding his multiplicity of wives), "I will be able to exceed the limit and not be led astray." As the Navi says, Shlomo did in fact exceed the limit — he had a thousand wives. But despite his feeling that he could exceed the limit and not worry about being led astray, his wives did turn his heart astray. (Melachim I 11:1-4)

The obvious question is — how could this happen to Shlomo HaMelech, the wisest of all men? Shlomo was the smartest man who ever walked the face of the earth, even smarter than Moshe Rabbeinu! He was not a Navi on the level of Moshe Rabbeinu, but in terms of chochma, he had no match! We would think that he would be smart enough to figure this out and think to himself, "No. I am not going to do something that the Torah forbade." Where did he go wrong? How did he make this mistake?

Similarly, we can ask about an incident mentioned in the Gemara (Shabbos 12b). The Gemara forbids reading on Shabbos by candlelight (lest someone forget that it is Shabbos and tilt the candle or attempt to fix a flickering wick, which would be forbidden on Shabbos). The Gemara relates that a certain Tanna, Rabi Yishmael ben Elisha, thought to himself, "I can read by candlelight without being in violation of any Shabbos prohibition." He basically fell into the same trap as Shlomo HaMelech. He felt that his level of yiras shamayim was such that he would not come to accidental chilul Shabbos. In fact, it is brought down in Shulchan Aruch that a person is permitted to daven (pray) from a Machzor on Yom Kippur by candlelight "because the fear of Yom Kippur is upon him." Rabbi Yishmael held that "my regular Shabbos is like everyone else's Yom Kippur."

The Gemara relates that there came a time when Rabi Yishmael ben Elisha was reading by candlelight on a Friday night and almost came to tip the candle towards himself. At the last second, he caught himself and remarked "How great are the words of the chachomim (sages), who legislated that a person must not read (on Shabbos) by candle light."

We can ask two questions here: (1) Why did Rabi Yishmael ben Elisha make the same mistake that Shlomo made? (2) Why did it take

this incident to cause him to recognize "How great are the words of the chachomim"?

Rav Elya Baruch Finkel (one of the Roshei Yeshiva in the Mir, Yerushalayim) cites a very important principle regarding this from Rav Aharon Kotler, zt"l:

As we have said many times, there are certain immutable laws of nature that cannot be changed. Just like there are certain laws of nature and physics, there are also certain laws of metaphysics or spirituality. The laws of physics are such that if someone throws something up, it is going to come down. This is due to the "Law of Gravity." No matter how fast or how powerfully something is thrown upward, eventually it is going to come down. A person cannot change the laws of physics.

The same is true regarding the laws of spirituality: Once the Torah writes something, it becomes an immutable law of spirituality. Given the fact that the Torah wrote: "He shall not take too many wives, lest they cause his heart to stray..." that became a reality such that just as no one can deny or break the law of gravity, this law cannot be broken either!

This was the mistake of Shlomo haMelech. Certainly, he knew that this prohibition was recorded in the Torah, but despite all his great wisdom, he did not recognize the power of something being recorded in the Torah. Rav Aharon Kotler references the Kabbalistic teaching (in the Zohar on Parshas Terumah) that the Almighty "looked into the Torah and created the world". This teaching implies that the world and the Torah were not two independent creations, but rather, the Torah preceded the world and in fact was the blueprint for the creation of the world. If the Torah says that a king having too many wives will lead his heart astray, that becomes the reality. That is how HaKadosh Baruch Hu created his world. Just like the sun rises in the East and sets in the West, this too is a reality of creation. This is what Shlomo haMelech failed to realize.

The Chazon Ish writes in his Emunah u'Bitachon that when the Torah writes that a bribe will blind the eyes of the wise, it becomes a law of spiritual nature. No one can claim that he is so honest that a bribe will not affect him. Baloney! You take money? You are bought!

There is a famous incident involving Rav Chaim Soloveitchik. Every once in a while, the Russian Government would try to introduce secular studies into the Volozhin Yeshiva. Every time a Russian official would come in and try to investigate how much Russian culture was being studied in the Yeshiva, the administration would resort to the time-honored tradition of bribing the government official. That is the way life worked in Russia. (I am not suggesting that you try doing this with the Baltimore County police if you get

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pulled over for speeding, but in Czarist Russia, that is how it worked!)

There was a new minister of education who had a reputation for refusing all bribes. This fellow was straight as an arrow. He could not be bought! The Yeshiva administration was in a panic. "This fellow will come and see we are not teaching Russian subjects. He does not take any bribes. What is going to be?" Reb Chaim said, "Don't worry. I will take care of this minister."

Reb Chaim went to the office of this minister of education in the middle of July wearing a fur coat and a fur hat as if it was the middle of January. The minister looked at him as if he was crazy. He asked, "Why are you dressed like that?" Reb Chaim responded, "My mother came to me in a dream last night and told me that tomorrow the temperature is going to drop 100 degrees and it will be 10 degrees below zero!" The minister looked at him and said, "With all due respect to your late mother, I assure you this is not going to happen in the middle of July." Rav Chaim insisted, "My mother told me. That is the way it is going to be!"

The minister was incredulous and became even more incredulous when Reb Chaim told him "I am willing to put money on it!" He simply could not resist when Reb Chaim told him "I am willing to bet you 100 rubles that tomorrow the temperature will drop 100 degrees and it is going to be 10 degrees below zero!" The minister gladly took the bet. Reb Chaim came back the next day. It was still 90 degrees outside, and Reb Chaim gave the minister the 100 rubles.

Reb Chaim then returned to the Yeshiva and confidently told the rest of the administration, "The minister of education is in my pocket!" Reb Chaim understood that once a person takes money, he becomes blinded, just as the Torah decrees. Once the Torah states that a person's attitude changes towards any person from whom he takes money, that becomes an immutable law of spiritual nature that impacts even the most honest person in the world!

Rav Baruch Finkel cites these incidents to explain the Gemara in Shabbos with Rabi Yishmael ben Elisha. The chachomim said "A person should not read on Shabbos by candlelight lest he (unthinkingly) tip the candle towards himself." Rabi Yishmael thought "this does not apply to me!" He thought that Shabbos by him was like Yom Kippur by everyone else!

In the end he almost moved the wick. At that moment, he proclaimed, "How great are the words of the chachomim..." In other words, I already knew that when the Torah states a prohibition (such as that a king should not take too many wives lest they cause his heart to stray, or that a judge should not take a bribe lest his eyes be blinded), it creates an immutable spiritual reality. But I did not

realize that this even applies to rabbinic prohibitions – that the words of the chachomim also create such a reality. However I never realized that a decree of the Sages (such as don't read by candle light on Shabbos lest you tip the wick) could also change reality! Now I realize that even the Rabbis have the power by their decrees to change spiritual reality and guarantee that one who violates their decrees will transgress the sin they were warning against.

### **Rav Yisrael Salanter's Observation Sheds Light on the Ibn Ezra's Novel Interpretation**

The following insight from later in the parsha also comes from Rav Eliyahu Baruch Finkel.

By the laws of "Eglah Arufah" (the decapitated calf), the Torah records the declaration of the Beis Din who proclaim: "Kaper l'amcha Yisrael asher padeesa." (Atone for Your nation Israel that you redeemed) What exactly is the nuance of the expression "asher padeesa"? The simple understanding is that the expression refers to all of Klal Yisrael in all generations. The Ribono shel Olam took us out of Mitzrayim (m'beis avadim pedeesanu...) therefore we (in all generations) are the nation of the Almighty, whom He has redeemed!

The Ibn Ezra interprets differently. He says that Kaper l'amcha Yisrael asher padeesa is not referring to Jews in general. It is referring specifically to that generation of Jews who were redeemed from Mitzrayim. The Beis Din proclaims: Grant atonement now to that generation of Jews that You took out from Mitzrayim then!

However, this pasuk is referring to a time that was hundreds of years after Yetzias Mitzrayim. What does the Ibn Ezra mean? Why do Klal Yisrael who came out of Mitzrayim need atonement for the finding of a dead body in the time of the Shoftim or in the time of the Melachim? What did they do?

Rav Finkel cites a very famous incident involving Rav Yisrael Salanter. There was once a poor shoemaker in Vilna. As fate would have it, the fellow made the right investments and he turned into a very wealthy individual. After his change in fortune, he made a wedding for his son and chose to make it at the fanciest wedding hall in all of Vilna.

There was another wealthy Jew in Vilna who could not stomach the fact that this one-time pauper was now marrying off his son in such a lavish setting. "This shoemaker, suddenly thinks he is 'one of us' and can make a chassanah in this hall!" As the father of the groom was walking his son down to the chuppah, this other wealthy Jew took off his shoe and showed it to the father and asked, "How much does it cost to repair the sole of this shoe?" In other words, he was trying to tell him, "You are still nothing more than a simple shoemaker."

When Rav Yisrael Salanter heard about this incident he commented, "What a hashchasa of midos!" (disgusting example of basic human behavior). He noted that such a hashchasa of midos did not just start yesterday. This rot existed for maybe hundreds of years. As is the case with decay, rot grows over time. Perhaps it started out in Vilna generations ago that someone breached a minor matter of etiquette, a small lack of "dikdook b'midos," that has now evolved and metastasized into this horrible event.

Rav Yisrael Salanter said that the gedolim and the leaders of the community three hundred years earlier who saw that original infraction of proper etiquette and did not object, are now being held accountable for not objecting then when someone did something which was not 100% correct. Therefore, they need atonement now!

That is what the Ibn Ezra means. Someone was murdered and it is not known who smote him. This could now be hundreds of years post Yetzias Mitzrayim. But the generation of the exodus did not correct something that they should have corrected at that time. Therefore, says the Ibn Ezra, this is what the pasuk means: Atone for your nation Israel asher padeesa (whom you redeemed) – meaning the generation of the Wilderness! They need a kappara because if this can happen that a person is murdered hundreds of years later, it is because something went wrong way back then, and they were responsible.

Such things don't happen overnight. They grow as a malignancy, and their source must be traced to many generations prior to the actual despicable event.

### **Dvar Torah: Chief Rabbi Ephraim Mirvis**

Every time we walk into our homes, we're reminded of the fact that the peace of our homes is built on compromise.

Now why do I say this?

In Parshat Shoftim, there is a famous commandment: 'Tzedek, Tzedek tirdof' – 'justice, justice, you must pursue'.

Many commentators throughout the millennia have asked the same question, why is there the repetition of the word 'tzedek', of justice?

The Gemara Imasechet Sanhedrin Daf Lamud Bet Amud Bet tells us 'echad ledin v'echad lifshara' – the first tzedek comes to tell us about a courtroom scenario, where justice must be dispensed.

The second Tzedek comes to teach us about 'peshara', about compromise.

We should strive to smooth over differences, to reach an understanding, to build cooperation and to achieve peace without having to go to third parties... without having to bring the

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issue to a court of law.

One of the finest methods to achieve this is 'peshara', it is compromise.

The Hebrew word for compromise, 'peshara', actually describes what a compromise is beautifully, because it comes from the term 'mayim poshchim', which means warm water.

You see, the hot water can claim, 'this water is actually hot, but it's just cooled down a bit', and the cold water can say, 'actually it's cold water, but it has warmed up somewhat'.

Therefore it is a win-win for all sides.

In Ashkenazi circles, a 'mezuzah' is at an angle.

That's because some say it should be vertical whilst some say it should be horizontal, and that is why we put it at an angle, so that we subscribe to all views.

It's a compromise and that is how through just walking into our homes and looking at the mezuzah, we are reminded that it's through compromise that we can achieve Shalom Bayit, that we can have happy and healthy domestic environments, that ultimately, we as a people can thrive.

### **Ohr Torah Stone Dvar Torah**

#### **How Do We Approach Our Personal and Collective Battles? - Aliza Goldberg**

Have you ever tried to achieve something, only to discover that despite your efforts, nothing seems to go as planned?

This might be the case when it comes to your marriage; as a parent; in your search for a job; when trying to put into effect a new idea you have had, or even when interacting with your students. In these moments, feelings of failure, despair, and frustration often take hold. You feel lost and all alone in the world, while reality seems to loom large. Have you ever felt this way?

If the answer is yes, there are a few ways people typically respond.

Some give up and let life take control. They get drawn into the distractions the world offers because they no longer have the strength to keep trying. It's understandable – after all, they've tried many times before, and things have simply not worked out.

Others refuse to give in. They seek out external sources of strength to find the courage and motivation to succeed.

But our parsha offers a different approach: "When you go out to battle against your enemies and see horses and chariots, a people more numerous than you, do not be afraid of them, for Hashem your God, who brought you

out of the land of Egypt, is with you.” (Devarim 20:1)

This verse resonates deeply, especially in light of the ongoing Swords of Iron war. Each of us is engaged in our personal battles, while also confronting the broader struggle facing our nation.

This week’s Torah portion teaches us how to engage in battle. On the national level: we are up against a terrifying and threatening reality—a “people more numerous than you.” We are living through a difficult war that strikes us from every direction: the north, the south, Judea, and Samaria. It’s frightening, frustrating, and confusing.

On the personal level, each of us faces battles in our own lives—within our family circle, at work, in our relationships, or even with our health. Sometimes it seems as though reality is overwhelming, leading us into fear as we begin to imagine larger-than-life threats against us and our world.

But in truth, we’ve forgotten something essential that changes the entire equation: we are not alone! This is no revolutionary concept, but sometimes we need a reminder that God is with us always!

Reality can be intimidating when we are disconnected from the inner, Divine strengths that exist within each of us.

But the moment we recall who we are, where our strength comes from, and who is truly in charge—then no horse, chariot, Hezbollah, Hamas, the media or other fearmongers can intimidate us. Everything shrinks in comparison to our boundless strength!

In Parshat Ki Tetze, it says: “When you go out to war as a camp, guard yourself...” The Sifrei comments: “When you go out, you should do so as a camp.” Our Sages interpreted the words “your camp” [mentioned a few verses later in the same context] to mean the limbs of a person.

In other words, one must gather all one’s desires and one’s entire soul to dedicate oneself to fulfilling God’s will. This is the personal battle each of us faces. Moreover, when we go out as a camp, we go out together—both as a nation as well as a collective standing united before God. This also entails the understanding that we and He are part of the same camp. Once we realize that God Himself is a part of our camp, we can feel shielded from all harm, protected from all evil.

This understanding captures the essence of Elul, which is also an acronym for Ani Le’dodi ve’Dodi Li (“I am my Beloved’s and my Beloved is mine.”): When we turn to the Beloved [denoting God] and recognize that He governs reality and provides us with the strength to overcome any battle, both external and internal, we realize that we are in the same

camp. Subsequently we can attain “...and my Beloved is mine.” – God turns toward us, empowering us even more. It is then that the words of Psalms [27:3] are fulfilled: “If an army encamps against me, my heart will not fear,” because the Beloved is right there beside us. Hence, it becomes clear that we are never truly alone in any given challenge; on the contrary, we possess tremendous strength to keep trying, again and again.

May we continuously feel the reassurance of the words in the same chapter of Psalms – “in this I trust” – and become infused with the strength to stand firm against our external and internal enemies. And may the redeemer soon come to Zion, speedily in our days.

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#### **Dvar Torah: TorahWeb.Org**

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**Rabbi Zvi Sobolofsky**

#### **To Do the Will of Our Father in Heaven**

The central authority for determining all issues of halacha is the Sanhedrin that sat in the Beis Hamikdash, and in Parshas Shoftim we are instructed not to deviate from their decisions. There is a fundamental dispute between the Rambam and the Ramban as to the parameters of the mitzva to listen to the words of the Sanhedrin. The Rambam divides halacha into three categories, the first of which is the portion of halacha that was transmitted orally by Hashem to Moshe and subsequently from generation to generation. If a question arises within this area of halacha, the final authority is the Sanhedrin, and one who refuses to follow the tradition of the Sanhedrin in this realm violates the positive and negative commandments which mandate listening to the Sanhedrin.

A second category of halacha that the Sanhedrin also has the ultimate authority to decide is application of middos she’haTorah nidreshes bohein. Hashem taught Moshe how to extrapolate new applications of halacha using the rules of interpretation that were transmitted to him. Different opinions that would emerge as to how to apply these rules would be subject to the majority view of the Sanhedrin.

The third category of halacha, which the Rambam also subsumes under the authority of the Sanhedrin, is questioned by the Ramban. Throughout history Chazal instituted new halachos known as dinim d’Rabanan. Laws such as lighting Chanuka candles and refraining from not moving muktza were added by Chazal for various reasons. The Rambam views the obligation to follow these rulings as part of the Torah commandment to listen to the Sanhedrin. One who doesn’t observe dinim d’Rabanan is in violation of the positive and negative commandments of following the Sanhedrin just as one who refuses to submit to the Sanhedrin’s authority in the first two aforementioned areas of halacha. It is this third ruling of the Rambam that the Ramban disagrees with, and argues that dinim d’Rabanan are not included in the

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pesukim in Parshas Shoftim that mandate the authority of the Sanhedrin. If the Ramban is correct, then what is the ultimate source for being required to follow dinim d’Rabanan? It is obvious that such an obligation must exist, yet its source is unclear.

Rav Elchonon Wasserman offers an approach to understand the role of dinim d’Rabanan according to the Ramban. It is incumbent upon everyone to do the will of Hashem. How do we know what Hashem wants of us? There are two ways to attain this knowledge. Hashem told us explicitly what He wants us to do and what not to do. The six hundred and thirteen mitzvos, with the interpretation of the Torah she’b’al peh, is the revealed will of Hashem. However, part of Hashem’s will we are supposed to discover on our own. How can a human being possibly understand the will of Hashem without being told so explicitly? When two people know each other well it is not always necessary to express what one wants from the other. Spending time together and listening to one another will help develop a mutual understanding such that they are attuned to each other’s wants even if they are not articulated. A similar relationship can be developed with Hashem, enabling one to understand what Hashem wants of us even if He chooses not to tell us explicitly. The Sanhedrin, which was comprised of the greatest talmidei chachamim of the generation, was able to discern the will of Hashem. By understanding the revealed word of Hashem, the Sanhedrin knew how to apply the will of Hashem in situations in which Hashem did not give a direct command. Dinim d’Rabanan are examples of that will of Hashem. There was no explicit command to light Chanuka candles or not to move muktza. Chazal, through their deep understanding of Torah, realized that those and other practices that are d’Rabanan are the will of Hashem.

This explanation of dinim d’Rabanan according to the Ramban is similar to other themes presented by the Ramban that focus on the unstated dimension of the will of Hashem. Commenting on the mitzva of resting on Shabbos and Yom Tov, the Ramban depicts how one could technically observe these mitzvos and completely undermine the sanctity of these days. Merely refraining from melacha by circumventing the actual halachic restrictions does not fulfill the will of Hashem. Chazal understood that for Shabbos and yom tov to conform to that will, various dinim d’Rabanan had to be instituted. What we sometimes describe as “not in the spirit of Shabbos” is actually a violation of Hashem’s will even if not necessarily a breach of His actual law. A similar theme is expressed by the Ramban in his interpretation of “Kedoshim Tihiyu - You should be holy.” This is an all-encompassing requirement to live our lives in a holy manner, and not to satisfy ourselves will just not violating any explicit mitzva. The details of kedusha are not delineated, but Chazal guide us as to what appropriate behavior is that reflects the will of Hashem.

The letter of the law and its spirit are also present in our interpersonal relationships. Hashem gave us an entire body of intricate laws that govern our behavior to our fellow man. Yet, Chazal extol the significance of "lifnim mi'shuras ha'din", i.e. acting in a way that goes above the letter of the law. Hashem Who is rachum v'chanun expects us to act in a similar way. Although we are not specifically commanded to do so, doing the will of Hashem necessitates acting in such a fashion.

In our relationship with Hashem and with our fellow men we look to Chazal for guidance in fulfilling Hashem's will. Without proper Torah knowledge it is impossible to determine what Hashem truly wants of us. May we merit, in all of our endeavors, to reach the goal of "לעשות רצון אבינו שבשמים" - To do the will of our Father in Heaven."

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### Mizrachi Dvar Torah

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**Rav Doron Perez**

#### Political Power: Good or Bad?

There is no force on earth as powerful and transformative as political power.

When all the machinations of the state through political leadership are galvanized, it is an unmatched and unparalleled force of good and, G-d forbid, evil. Examples in history abound, the most infamous, of course, is the Nazi regime who caused the death of not only 6 million Jews, but 60 million civilians across Europe – a country galvanized for death and destruction. Soon thereafter, there was the Truman Doctrine and the Marshall Plan, the rebuilding of Europe, an incredible act of good almost unparalleled in human history.

It is this dichotomy at the heart of political leadership, which makes the mitzvah to appoint a king – which appears in this week's parasha – so contradictory and full of so much ambivalence. On the one hand it is a mitzvah, as Rambam rules: it is an ideal mitzvah and the first collective one the Jewish people have to fulfil when they come into the Land. But the Abarbanel, who was close to the kings in Spain and Portugal, and saw the challenges and the misuse of power, says it is not ideal and perhaps even a necessary evil, something we would prefer to do without.

This is why the mitzvah to appoint a king is presented in such a dichotomous way – on the one hand we are told "you should appoint for yourselves a king," but on the other hand it is presented with a condition that it is only if you ask for a king and in a negative way: "if you want a king like the nations of the world." In the Book of Shoftim, before we had kings, there was disunity – and a king was necessary to unite the people. But on the other hand, when a king was asked for, they wanted to copy the nations of the world and Shmuel the Prophet was against it.

This contradiction and ambivalence exists because at the heart of political power, there is so much concentrated power in their hands. For this reason, our parasha is clear on the division of powers – no one has absolute powers. The king has certain powers, the courts have certain powers, the Navi (Prophet) has certain powers, and so does the Kohen Gadol (High Priest).

As we struggle in Israel today for the correct division of power, it is absolutely clear that neither the political leadership nor the courts should have absolute power. The power belongs to the people, and the people have to find those mechanisms where the power is fairly and equally split. Then, ultimately, the absolute power at the heart of a country and state will be divided in the correct way. We hope and pray that this balance of power is achieved so we can forge a transformative and positive society moving forward.

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### Yeshivat Har Etzion: Virtual Bet Midrash

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**Rav Yishai Jeselsohn**

#### Kings, the Fear of Heaven, and the Fear of Man

I. The Appointment of a King – An ideal mitzva, or a response to the request of the people? - When you come to the land which the Lord your God gives you, and shall possess it, and shall dwell therein; and shall say: I will set a king over me, like all the nations that are round about me; you shall surely set over you a king in whom the Lord your God shall choose; you shall set a king over you, from among your brothers; you may not put a foreigner over you, who is not your brother. (*Devarim* 17:14-15)

The passage containing the laws pertaining to a king is shrouded in mystery. The vague wording of the commandment leaves us uncertain: Is it God's will that the people of Israel have a king, as the ideal and desired situation? Or does the Torah relate to the appointment of a king only as a response to the people's request, a request that might even be seen as reflecting a flaw in their faith? In yeshiva jargon, the question can be formulated as follows: Are we dealing here with an obligatory mitzva, whose fulfillment demanded by God, or is it an optional mitzva, which need not necessarily be fulfilled, but which – if the people of Israel choose to fulfill it – must be performed in accordance with certain laws?

This question is subject to an Amoraic dispute in the Gemara in *Sanhedrin*: And thus Rabbi Yehuda said: Three commandments were given to Israel when they entered the land: to appoint a king, to cut off the seed of Amalek, and to build themselves the chosen house [= the Temple]. While Rabbi Nehorai said: This section was spoken only in anticipation of their [anticipated] murmurings, as it is written: "And you shall say: I will set a king over me." (*Sanhedrin* 20b)

The *Or Ha-Chaim* notes that this apparent contradiction can be seen in the plain sense of the verses in our parasha. On the one hand, in verse 14, the Torah writes that it is the people of Israel who will seek to appoint a king over themselves. On the other hand, in verse 15, the Torah speaks in an imperative tone: "You shall surely set a king over you," which implies that this is an explicit command. As the *Or Ha-Chaim* writes: The wording "when you come... and shall say" implies that God did not decree that the people have to appoint a king for themselves. If they

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want to, however, the Torah gives them the right to do so. However, the words "you shall surely set" indicate that there is indeed a positive commandment to appoint a king. (*Or Ha-Chaim*, *Devarim* 17:14)

The same ambiguity found expression later in the history of the people of Israel. On the one hand, when the time described in our parasha finally arrived, in the days of Shmuel, the people turned to Shmuel with a request that a king be appointed over them:

Then all the elders of Israel gathered themselves together, and came to Shmuel to Rama. And they said to him: Behold, you are old, and your sons walk not in your ways; and now, set for us a king to judge us like all the nations. (I *Shmuel* 8:4-5)

Shmuel sees this request in a negative light and turns to God in prayer:

But the thing displeased Shmuel, when they said: Give us a king to judge us. And Shmuel prayed to the Lord. (Ibid. 8:6)

God's response is not encouraging, and it delves to the deep root of the people's request: And the Lord said to Shmuel: Harken to the voice of the people in all that they say to you; for they have not rejected you, but they have rejected Me, from ruling over them. Like all the deeds which they have done since the day that I brought them up from Egypt until this day, and they abandoned Me and served other gods – thus do they also to you. (Ibid. 8:7-8)

According to God's response, the people's request for a king was an act of rebellion, betrayal, and abandonment of God, and not an argument against Shmuel (as it seems to have been presented in the people's appeal). On the other hand, one generation later, the initiative to appoint a king comes from God Himself. In I *Shmuel* 16, God turns to Shmuel and chooses the king who will replace Shaul:

And the Lord said to Shmuel: How long will you mourn for Shaul, seeing I have rejected him from being king over Israel? Fill your horn with oil, and go; I will send you to Yishai of Beit-Lechem, for I have provided Me a king among his sons. (I *Shmuel* 16:1)

In addition, God later promises David, via Nathan the prophet, that the monarchy will never be removed from his descendants: When your days are fulfilled, and you shall sleep with your fathers, I will set up your seed after you, that shall proceed out of your body, and I will establish his kingdom... but My mercy shall not depart from him, as I took it from Shaul, whom I removed before you. And your house and your kingdom shall be assured forever before you; your throne shall be established forever. (II *Shmuel* 7:12-17)

To this very day, we pray for the return of the kingdom of the house of David to the people of Israel: "Speedily cause the scion of David Your servant to flourish."

What changed from the time of Shaul to the time of David? Why in the period of Shaul is the monarchy considered negative, an actual betrayal of God, while a generation later, the kingdom of the house of David is presented as an eternal promise, apparently a very good thing?

II. Two Roles of Monarchy - The *Or Ha-Chaim's* commentary to these verses points to a principle that may serve as an opening to explain this duality. He distinguishes between two types of kingdom: It appears that the intent of the verse is as follows – for there are two parts in the appointment of a king: 1) That they can have confidence in him to conduct wars with his excellent wisdom and to go out mightily to battle like the kings of the nations. (*Or Ha-Chaim*, *ibid.*)

The first type is a king like the kings of the nations, who is the supreme authority in whom the people trust. Such a king has the ability to make decisions, enact laws, and determine the social order in his country. The *Or Ha-Chaim* explains that this type of monarchy is not desirable in the eyes of God for two reasons:

This is something God mightily disapproves of. For in the order of the kings of the nations, they don't follow them based on the excellence of their actions, but merely on perceived benefits – even if there is nothing good to be found from the perspective of the intellect. What is more, the people put their trust and hope in him, and remove their hearts from God. (*Or Ha-Chaim*, *ibid.*)

The first reason is technical: there is no certainty that the right person will be chosen. The second reason is more fundamental: such a king becomes the people's support and guarantor. They abandon the trust in God that is supposed to guide every Jew, and begin to trust in flesh and blood. This is precisely God's analysis of the request for a king in the days of Shmuel, as seen in a careful read of the people's further expression of their request to Shmuel: But the people refused to hearken to the voice of Shmuel; and they said: No; but there shall be a king over us, that we may also be like all the nations, and that our king may judge us, and go out before us, and fight our battles. (I *Shmuel* 8:19-20)

On the other hand – there is another aspect to the role of kingship: The second reason is for the honor and glory of Israel, and so [the king will be the kind of person that] God will act in accordance with his merit, the way God saved Israel by the hands of the Judges and [later, indeed,] by the hands of the upstanding kings of Israel. Learn from King David, etc. [He was successful for the people because he merited God's personal assistance.] This matter [of the role of a king] is one of which God and man approve.<sup>[1]</sup> (*Or Ha-Chaim*, *ibid.*)

In this perspective, the monarchy is also an expression of honor and glory, with success granted in response to merit.

These two roles of the kingship are evident in the distinction between the kings in ancient times, who were the sole source of power and authority in the country, and the kings of today who serve more as an expression of honor and glory, but wield little political or military authority.

The words of the *Or Ha-Chaim* here require clarification: How does the difference between these two types of king find expression? After all, the king under discussion in our *parasha* also has authority (see Rambam, *Hilkhot Melakhim*, chapter 4). Thus, one must ask: What is the difference between a "good" king and a "bad" one?

III. The Monarchy in Israel - In order to sharpen the differences, we will delve a little deeper into the nature of the role of the monarchy in Israel. The very question of whether or not the mitzva of appointing a king is an ideal mitzva, which we should aspire to fulfill, assumes that the role of the king is not essential. After all, if it were essential, it would clearly be obligatory to appoint a king. And indeed, for many years, the people of Israel got along without a monarchy. Moreover, there are others who can fulfill all the functions of the monarchy: the judges judge the people, the Sanhedrin decides whether to go out to war, and the court is authorized to declare money ownerless or to impose fines and punishments that are not explicitly stated in the Torah. What necessary role, then, does a king play?

It seems that the difference between having a king in Israel and not having one is the element of centralization. When there is a king, the king must coordinate all the leadership systems in Israel. This centralized status, when the people are led by a human figure and the eyes of all are focused on him, is in fact quite problematic from a religious point of view, since this is the role of God.

Now that we understand the depth of the problematic nature of a king, we can better understand the difference between the two types of kingship. What differentiates a desirable king from an undesirable one is the question of how well the king understands his place.

The Torah in our *parasha* commands the king to write a Torah scroll for himself, "so that his heart is not lifted up above his brothers" (*Devarim* 17:20). The Torah is aware of the risk that a king will think that he himself, God forbid, substitutes for God and leads the world. That is why the Torah offered a remedy before the plague, commanding the king to keep his Torah scroll with him at all times, precisely to remind him of his place in relation to God.

If the danger is so great, one might ask, then what is the advantage of having a king? The *Or Ha-Chaim* teaches us that a king can be beneficial – a positive institution – when he serves for "the honor and glory of Israel" as a representative king. The role of the king in Israel is to represent God in the world. It was said about King Shlomo: And Shlomo sat on the throne of the Lord as king in place of David his father, and he was successful, and all Israel hearkened to him. (I *Divrei ha-Yamim* 29:23)

If it were not explicitly written in Scripture, it would be impossible to say such a thing: Shlomo sat on the throne of the Lord?! Indeed, this seems to be the role and essence of the king. God is the only King of the people of Israel, but His seat is in the heavens above. It is not easy in our physical world, where God cannot be seen nor felt, to accept His lordship, to truly feel the necessary fear and awe towards Him, and in general, to understand that He controls our lives. A human king is a means by which it is possible in a small way to see, feel, and sense the kingdom of God in the world.

We can see this idea in various roles of the king. For example, the Mishna in tractate *Sota* (7:8) describes the reading of the Torah at the *Hakhel* assembly, when the people of Israel gather in the Temple at the end of the *shemitta* year, as a reading that belongs to the king. The Rambam codifies this law and explains the basis and purpose of the *Hakhel* assembly and the role of the king in it: For Scripture established it solely to strengthen the true faith. He should see himself as if he were just now commanded regarding the Torah and heard it from the Almighty. (*Hilkhot Chagiga* 3:6)

The Rambam's words are stirring. The *Hakhel* assembly is a reenactment of the revelation at Mount Sinai, in which the role of "the giver of the Torah" is assigned, as it were, to none other than the king himself.

This fascinating role of the king, to serve as God's representative on earth, is complex and sensitive, for the distance between representing God and replacing Him, God forbid, is but a hair's breadth.

Returning to Shaul and David, it seems that this is the fundamental difference between the two kings. The reigns of Shaul and David were quite similar in terms of their control over the people and the authority granted to them; the difference between them relates to the way they rose to the

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throne. Shaul was sought by the people, who felt a deficiency in their connection to God and in their fear of heaven. But the people presented the wrong request: they wanted a king "like all the nations," a king who judges, who goes out to war, etc. Until that time, there may not have been such a great need for a king, but once the people reached a situation in which they felt distanced from God, the appointment of a king became something that God Himself desired.<sup>[2]</sup>

It is worth noting that even in our *parasha*, the mitzva to appoint a king appears as one of the *mitzvot* that applies upon Israel's entry into the land. The entire book of *Devarim* deals with Moshe's concerns before Israel's entry into the land. The transition from miraculous governance to earthly governance is not at all easy, and there is a real concern that our relationship with God and the feeling that He rules the world will gradually erode. It is possible that the mitzva to appoint a king comes to prevent this erosion, by serving as a model of the kingdom of heaven.

IV. Fearing Heaven "Like the Fear of Flesh and Blood"

This principle is embodied in the amazing blessing Rabbi Yochanan ben Zakkai gave his disciples before his death: They said to him: Master, bless us! He said to them: May it be [God's] will that the fear of heaven shall be upon you like the fear of flesh and blood. His disciples said to him: Is that all? He said to them: If only [you can attain this]! You can see [how important this is], for when a man commits a transgression, he says, I hope no person will see me. (*Berakhot* 28b)

Fear of heaven is hard to feel. Even if we believe "for His anger is but a moment; His will is for a lifetime" (*Tehillim* 30:6), is very difficult to experience a sense of dependence on something that is neither visible nor tangible. It is much easier for us to fear and feel awe towards flesh and blood. This human shortcoming gives rise to the need for a flesh-and-blood king who can represent God in the sense of "the earthly kingdom is like the heavenly kingdom" (*Berakhot* 58a).

It was not for nothing that Rabbi Yochanan ben Zakkai mentioned fear (or awe) of God. Consider this in light of the in Gemara in *Sanhedrin* with which we opened our discussion, which brings the same statement in the name of two different sages:

Rav said: That chapter [Rashi: the passage in I *Shmuel* 8 in which Shmuel tries to scare the people away from their request for a king by describing the absolute powers of a monarch] was intended only to inspire them with awe, for it is written: "You shall surely set a king over you" – that his awe should be over you... Rabbi Yehuda said: That section was stated only to inspire them with awe, for it is stated: "You shall surely set a king over you" – that his awe should be over you. (*Sanhedrin* 20b)

Although they seem to say the same thing, Rashi (ad loc.) explains that there are in fact two different interpretations of this statement. Shmuel's "threat" can be understood as an attempt to talk the people out of appointing a king. But this cannot be how Rabbi Yehuda understands it, since he maintains (later in that same passage) that appointing a king is an ideal mitzva which we should strive to fulfill. Therefore, his words must be understood differently – that the purpose of the entire passage is to paint a picture of a flesh and blood entity that can be feared and dreaded! It seems that this is also the principle behind an explicit law in the Gemara in *Kiddushin*:

Rav Ashi said: Even on the view that if a Nasi renounces his honor it is valid, if a king renounces his honor it is not, for it is stated: "You shall surely set a king over you," teaching that his awe shall be over you. (*Kiddushin* 32b)

This rule is puzzling. If there is concern that royal arrogance might bring a king to feel like a kind of god on earth, we might have expected that a king *would* be allowed to renounce his honor, and thus serve the people without our having to be afraid that "his heart will be lifted up above his brothers." But following the path suggested thus far, the entire foundation of the king's role is to create fear of heaven in the world via the people's fear and honor of the king. Thus, he cannot renounce his honor (even though such a renunciation would certainly help counter arrogance), for it is for this that he was appointed!

According to what we have written, there was room for God to be angered by Israel's request of Shmuel, for He had commanded them not to ask for a king like all the nations, as we have explained, and they asked for a king, saying: "to judge us like all the nations" (I *Shmuel* 8:5). Therefore God was angry. But had they asked for a king as God desired, not for power and strength in the manner of the nations, they would have been fulfilling a positive command. (*Or Ha-Chaim*, *ibid.*)

#### V. King of All Israel

This idea appears in the words of the *Or Ha-Chaim* in another place as well. In *Parashat Vezot Ha-Berakha*, on the verse: "And there was a king in Yeshurun, when the heads of the people were gathered, all the tribes of Israel together" (*Devarim* 33:5), he writes:

It can also be explained, because he said nearby that it is the Torah that rules over us<sup>[1]</sup> – as it is said [regarding Torah]: "I speak matters of nobles" (*Mishlei* 8:6) – therefore, he concluded with "And there was a king in Yeshurun," meaning that the institution of a king in Israel will come about if the leaders gather and ask for a king; it is then that there will be a king, and that is why it says "when the heads of the people were gathered," for it is then that there will be a king in Yeshurun in addition to the Torah. And thus we find that the appointment of a king came about in this manner, as it is written: "Then all the elders of Israel gathered themselves together, and came to Shmuel... Set for us a king to judge us like all the nations" (I *Shmuel* 8:4-5). This is precisely what is said, "when the heads of the people were gathered." But without this, this Torah alone shall be king over Israel. This is what the prophet said to them: "The Lord your God was your king" (I *Shmuel* 12:12); this is the Torah, which is entirely the name of the Holy One, blessed be He...

Our verse also hints that the kingdom of Israel will endure only if the heads of the people assemble together – not if the leaders of the people are split. If the leaders are split, the tribes themselves will not be able to maintain their unity. As long as the people are united [such as under David and Shlomo], they are extremely successful, and their kingship is an entity that brings flourishing – but go and learn, for as soon as a split developed in their hearts and the kingdoms split, what came upon them! This is the reason for the calves of Yaravam and those who came after him, for the beginning of the destruction was the division, and the utensil that holds blessing is peace and unity of hearts. (*Or Ha-Chaim*, *Devarim* 33:5)

Aside from the fact that here the king "substitutes" for the Torah, the *Or Ha-Chaim* adds that such a kingdom can only rise with the consent of the people of Israel. Only the people of

Israel, who together form the chariot of the *Shekhina*, can choose who will serve as God's representative to them. (Translated by David Strauss)

<sup>[1]</sup> Editor's note: see *Mishlei* 3:4.

<sup>[2]</sup> This can be compared to the building of the *Mishkan*, according to Rashi's opinion (*Shemot* 31:8) that the command to build the *Mishkan* came as a response to the sin of the golden calf. The people of Israel should have believed in God even without any possibility of feeling or sensing His service, but when Israel sinned and expressed the need for some physical service, this was given to them in the form of the service of the *Mishkan*.

<sup>[3]</sup> Editor's note: Perhaps a reference to the previous verse in *Devarim* 33, "Moshe commanded us Torah..."

## Shoftim

### by Rabbi Berel Wein

We are all in favor of equality and justice. The goal of all democratic societies is to have, as far as humanly possible, an incorruptible and fair judicial system. Since, however, judges are only human – no matter how knowledgeable and altruistic they may be, the perfect judicial system has never yet been achieved.

Nevertheless, in order to make society livable, we are bidden to obey the decisions of the court. As the Talmud itself points out, "even if they proclaim to you that left is right and right is left, you want to listen to them." The Talmud acknowledges that judicial error is a facet of life....for after all, left is never right and right is never left. So, how are judicial errors ever to be corrected?

The answer to that question usually comes with the passage of time and with the application of common sense to the realities of life. The famous dictum in Jewish life has always been "what wisdom cannot accomplish, time will." Heaven, so to speak, also takes a hand over time in adjusting erroneous judicial decisions and somehow making things come out right in the end.

Yet, the Torah emphasizes to us that even though judicial error is possible if not even probable, we are to follow the decisions of our judges for otherwise anarchy will reign and society will dissolve. The decisions of judges may be analyzed and even disagreed with, but judges are to be respected and their judgments eventually are to be fulfilled. Ultimate justice is relegated to the provinces of Heavenly guidance.

Jewish tradition ascribes judicial decisions not merely to book knowledge and even to precedent, but also to common sense and an intuition of fairness and equity. The great Rabbi Israel Lipkin of Salant often pointed out that Heaven alone can take into account all of the facets, consequences and results of judgment, reward and punishment. The human judge is limited in perspective and foresight.

We are all aware of the law of unintended consequences, which dog all legislation and judicial decision. It is because of this that the Talmud ruefully has God, so to speak, busy undoing many of the decisions and actions of leaders and ordinary people in order to achieve the Divine will and purpose in the actions and decisions of humans.

All judicial systems contain a process of review and appeal from decisions made by lower courts. This is an inherent realization the judicial error is present and likely in all human affairs. It is of little wonder then that the phrase "trial and error" is so well known in the English language. The judicial system always attempts to correct and analyze itself. However, even in so doing, it is always subject to bias, preconceived notions and erroneous logic and decisions. Nevertheless the Torah emphasizes that judicial systems are mandatory for society to function. It is one of the basic seven laws of Noachide tradition. So, as in every other facet of life, the Torah bids us to do the best that we can but to be aware of our human limitations.

Shabbat shalom

Rabbi Berel Wein

## Drasha

### By Rabbi Mordechai Kamenetzky Parshas Shoftim

#### Just Justice

The pursuit of justice is a tenet of any wholesome society. The Torah defines that principal in a clear and unambiguous way. "Tzedek, tzedek tirdof righteousness, righteousness thou shall pursue" (Deuteronomy 16:20) The Torah tells us not only to seek righteousness but to pursue it. It seems to tell us to chase justice with vigilance and fervor, but the words of the verse amplify the pursuit of righteousness more than righteousness itself.

The Torah repeats the word righteousness. It does not repeat the word pursue. Would it not have been more appropriate to stress the word pursue rather than the word righteousness? Second, what does

"righteousness, righteousness" mean? Isn't one righteousness enough? What is double righteousness?

Further, shouldn't we double our efforts in its pursuit? Shouldn't the Torah have said, "Pursue, Oh pursue, righteousness" instead of telling us "Righteousness, righteousness though shall pursue"? Isn't the pursuit of righteousness the main goal? Doesn't the Torah want to stress the passionate pursuit of righteousness? Obviously the double expression, "righteousness, righteousness" contains a poignant message.

Veteran news reporter David Brinkley surveyed the Washington scene back in September of 1992 and reported a very interesting event.

Washington, DC derives a great portion of revenue from traffic tickets. In fact, \$50 million a year is raised from tickets for moving violations, expired inspection stickers, overdue registrations and of course the inescapable plethora of expired parking meters.

A traffic officer was on a Washington curb writing a ticket for an illegally parked car. As he was writing the ticket, a thief had the audacity to come by with a screwdriver and steal the car's license plate.

The officer did not stop him. He just waited until he finished. Then he gave the car another ticket for parking on a public street with no plates.

Sometimes justice is overwhelmed by the pursuit of it. The Torah tells us what type of righteousness to pursue not just plain righteousness but rather — righteous righteousness. There is just justice and there is a system of laws that often goes out of control. The Torah exhorts us not only to seek justice but to pursue a just justice.

It is said that during the 1930s, when the saintly Rabbi Yisroel Meir haCohen of Radin, better known as the Chofetz Chaim, was in his 90s, he wanted to live the last years of his life in Eretz Israel. However, he was unable to obtain a Polish passport because the Polish government required him to produce either an official birth certificate, or bring forward two witnesses who were there at his birth! All of that was in pursuit of an unjust code of law. The Torah tells us this week to be vigilant in the pursuit of righteousness, but it also tells us to be righteous in its pursuit as well!

Mazel Tov to Dov & Danniella Teitz upon their marriage this past Monday from all your Chaveirim of Mesivta Ateres Yaakov

Good Shabbos

Rabbi Mordechai Kamenetzky

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## Greatness is Humility

### Shoftim

#### Rabbi Jonathan Sacks

There is a fascinating detail in the passage about the king in this week's Parsha. The text says:

"As he presides upon his royal throne, he must inscribe a copy of this Torah for himself upon a scroll, in the presences of the Levitical priests. It must always be with him, and he shall read from it all the days of his life, so that he may learn to revere the Lord his God, taking care to keep all the words of this commandment and these decrees, not considering himself superior to his people, or straying from the commandments to the right or to the left. Then he and his descendants will reign long in the midst of Israel."

Deut. 17:18-20

He must "read it all the days of his life" so that he will be God-fearing and never break Torah law. But there is another reason also: so that he will "not begin to feel superior to his brethren" (Kaplan translation), "so that his heart be not haughty over his brothers" (Robert Alter). The king had to have humility. The highest in the land should not feel himself to be the highest in the land.

This is hugely significant in terms of the Jewish understanding of political leadership. There are other commands directed specifically to the king of Israel. He must not accumulate horses so as not to establish trading links with Egypt. He should not have too many wives for "they will lead his heart astray." He should not accumulate wealth. These were all standing temptations to a king. As we know, and as the Sages pointed out, it was these three prohibitions that Solomon, wisest of men, broke,

marking the beginning of the long slow slide into corruption that marked much of the history of the monarchy in ancient Israel. It led, after his death, to the division of the kingdom.

But these were symptoms, not the cause. The cause was the feeling on the part of the king that, since he is above the people he is above the law. As the rabbis said, Solomon justified his breach of these prohibitions by saying:

The only reason that a king may not accumulate wives is that they will lead his heart astray, so I will marry many wives and not let my heart be led astray. And since the only reason not to have many horses is not to establish links with Egypt, I will have many horses but not do business with Egypt.

Sanhedrin 21b

In both cases he fell into the trap of which the Torah had warned. Solomon's wives did lead his heart astray (1 Kings 11:3), and his horses were imported from Egypt (1 Kings 10:28-29). The arrogance of power is its downfall. Hubris leads to nemesis.

Hence the Torah's insistence on humility, not as a mere nicety, a good thing to have, but as essential to the role. The king was to be treated with the highest honour. In Jewish law, only a king may not renounce the honour due to his role. A parent may do so, so may a rav, so may even a nasi, but not a king (Kiddushin 32a-b). Yet there is to be a complete contrast between the external trappings of the king and his inward emotions.

Maimonides is eloquent on the subject:

Just as the Torah grants him [the king] great honour and obliges everyone to revere him, so it commands him to be lowly and empty at heart, as it says, 'My heart is empty within me' (Ps. 109:22). Nor should he treat Israel with overbearing haughtiness, for it says, "So that his heart be not haughty over his brothers" (Deut. 17:20). He should be gracious and merciful to the small and the great, involving himself in their good and welfare. He should protect the honour of even the humblest of men. When he speaks to the people as a community, he should speak gently, as it says, "Listen my brothers and my people..." (1 Chronicles 28:2), and similarly, "If today you will be a servant to these people..." (1 Kings 12:7). He should always conduct himself with great humility. There was none greater than Moses, our teacher. Yet he said: "What are we? Your complaints are not against us" (Ex. 16:8). He should bear the nation's difficulties, burdens, complaints and anger as a nurse carries an infant.

Maimonides, Laws of Kings 2:6

The role-model is Moses, described in the Torah as "very humble, more so than any person on the face of the earth" (Num. 12:3). "Humble" here does not mean diffident, meek, self-abasing, timid, bashful, demure, or lacking in self-confidence. Moses was none of these. It means honouring others and regarding them as important, no less important than you are. It does not mean holding yourself low; it means holding other people high. It means roughly what Ben Zoma meant when he said (Avot 4:1), "Who is honoured? One who honours others."

This led to one of the great rabbinic teachings, contained in the siddur and said on Motzei Shabbat:

Rabbi Yochanan said, "Wherever you find the greatness of the Holy One, blessed be He, there you find His humility."

This is written in the Torah, repeated in the Prophets, and stated a third time in the Writings. It is written in the Torah:

"For the Lord your God is God of gods and Lord of lords, the great, mighty and aweinspiring God, who shows no favouritism and accepts no bribe.

Deut. 10:17

Immediately afterwards, as Megillah (31a) notes, we read that God, "upholds the cause of the orphan and widow, and loves the stranger, giving him food and clothing..." (Deuteronomy 10:18). God cares for all regardless of rank, and so must we, even a king, especially a king. Greatness is humility.

In the context of the Diamond Jubilee of Queen Elizabeth II, there is a story worth telling. It happened in St James' Palace on 27 January 2005. As Chief Rabbi, I was invited to join a group of Holocaust

survivors, and together we marked the sixtieth anniversary of the liberation of Auschwitz. Punctuality, said Louis XVIII of France, is the politeness of kings. Royalty arrives on time and leaves on time. So it is with the Queen, but not on this occasion. When the time came for her to leave, she stayed. And stayed. One of her attendants said he had never known her to linger so long after her scheduled departure time.

[1] This essay was written by Rabbi Sacks in the summer of 2012, at the time of the Queen's Diamond Jubilee.

The Queen gave each survivor – it was a large group – her focussed, unhurried attention. She stood with each until they had finished telling their personal story. One after another, the survivors were coming to me in a kind of trance, saying, "Sixty years ago I did not know whether I would be alive tomorrow, and here I am today talking to the Queen." It lacerated lives. Sixty years earlier they had been treated, in Germany, Austria, Poland, in fact in most brought a kind of blessed closure into deeply of Europe, as subhuman, yet now the Queen was treating them as if each were a visiting Head of State. That was humility: not holding yourself low but holding others high. And where you find humility, there you find greatness.

It is a lesson for each of us. Rabbi Shlomo of Karlin said, *Der grester yester hora is az mir fargest az mi is ein ben melech*, "The greatest source of sin is to forget we are children of the king." We say *Avinu Malkeinu*, "Our Father, our King." It follows that we are all members of a royal family and must act as if we are. And the mark of royalty is humility.

The real honour is not the honour we receive but the honour we give.

[1] This essay was written by Rabbi Sacks in the summer of 2012, at the time of the Queen's Diamond Jubilee.

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## **Tzitzit and Tefillin for Women**

### **Revivim**

#### **Rabbi Eliezer Melamed**

The commandment of tzitzit applies only during the day, therefore women are exempt from it \* From the translation of Yonatan ben Uziel it appears that there is a prohibition for women to wrap themselves in a tallit due to "lo yilbash" \* Women are also exempt from the commandment of tefillin, since it too is a positive commandment that is time-bound \* Most of the later authorities wrote that one should protest against women who want to put on tefillin \* In practice, women who want to wrap themselves in a tallit in private are permitted to do so \* It is not proper to protest against women who disregard various commandments and wrap themselves in a tallit and put on tefillin publicly in a demonstrative manner, but rather to criticize in a useful way

Q: Why don't women practice the commandments of tzitzit and tefillin? After all, the exemption of women from these commandments is because they are time-bound commandments, and if so, the rule is that women have no obligation to fulfill them, but if they do fulfill them, it would be a mitzvah for them, like the commandments of hearing the shofar on Rosh Hashanah and taking the lulav on Sukkot? And what should be the attitude toward women who want to fulfill the commandments of tzitzit and tefillin?

Additional Question: How is it proper to relate to women who demonstratively wrap themselves in tzitzit and put on tefillin, and it appears that they do this with chutzpah and defiance against what is accepted among Torah and commandment observers?

A: I will clarify this issue extensively, in order.

The Dispute and the Halakha Whether Women are Obligated in Tzitzit The Tannaim (rabbinic Sages from approximately 10–220 CE) disagreed regarding the obligation of women in tzitzit (Menachot 43a-b). According to the first Tanna, women are obligated in tzitzit, since in his opinion the commandment of tzitzit is not dependent on time but applies day and night, and therefore women are obligated in it. And so practiced Rav Amram Hasida, who placed tzitzit on the garments of the women in his house (Sukkah 11b). While according to Rabbi Shimon, women are exempt from tzitzit, because it is a commandment that applies during the

day and not at night, and therefore it is a time-bound mitzvah, and women are exempt from it.

#### Women Who Wrap Themselves in Tzitzit Fulfill a Commandment

According to halakha, it was decided that the commandment of tzitzit applies only during the day (Shulchan Aruch Orach Chaim 18:1), and consequently, women are exempt from the commandment of tzitzit. In other words, women who wear a four-cornered garment are not obligated to place tzitzit on it, but if they do place tzitzit on it, it would be a mitzvah for them. And according to the custom of the Shulchan Aruch, they would not bless on the tzitzit, but according to the custom of the Rema, they would even recite a blessing on the tzitzit.

And so it is written in the Shulchan Aruch regarding the commandment of tzitzit: “Women and slaves are exempt, because it is a positive commandment that is time-bound” (Orach Chaim 17:2). The Rema added: “And in any case, if they wish to wrap themselves and bless on it, it is up to them to do so as with all time-dependent commandments. However, it looks as if they are doing it to appear more observant than others, therefore, they should not wear tzitzit, as it is not a commandment of the person [rather of the object].” However, there were women who practiced the commandment of tzitzit, as brought in the Maharil. Similarly, Rabbi Yosef Mashash (from Morocco and Algeria) testified about righteous women who would wrap themselves in tzitzit, and put on tefillin (Nachalat Avot part 5, p. 268).

#### The Custom that Women Don’t Wrap Themselves in Tzitzit and its Reasons

In practice, the vast majority of women did not practice wrapping themselves in tzitzit. The Maharil (Rabbi Yaakov Levi Molin, *New Responsa* §7), who was one of the later early authorities in Ashkenaz (1363-1427), wrote that women should not wrap themselves in a talit, mentioning several reasons, such as that we are concerned about forbidden fabric mixtures (*sha’atnez*), carrying on Shabbat, presumptuous customs, and *yihora* (arrogance). He also mentions an esoteric reason. In *Minhagei Maharil* (Tzitzit 4), he writes that there were women who wrapped themselves in tzitzit, including the wife of Mahari Bruna. Even though he was not pleased with this practice, he did not object. He was asked: Why doesn’t he protest against Rabbanit Bruna, who lived in his city, and always wore a tallit katan. And he replied, that perhaps she doesn’t listen to me, and about such a case, it is said, better they be *shogagim* (sin unintentionally), and not be *meizidim* (sin deliberately).”

However, most of the reasons he brought are only distant concerns, but the main reason written in his name by the author of the *Agur* (Laws of Tzitzit 27) is because of arrogance: “And Maharil Molin was asked, and he replied that women who wear tzitzit is foolishness, and appears like arrogance.” The author of the *Agur* is Rabbi Yaakov Baruch Landa, whose father was a student of Maharil.

As mentioned, so wrote the Rema, that wrapping in tzitzit for women “appears like arrogance, and therefore they should not wear tzitzit, as it is not a commandment of the person [rather of the object].” That is, unlike the commandments of reading Shema, shofar, and lulav, in which men are obligated, and therefore, there is value that women fulfill them. In the commandment of tzitzit, men are not obligated as long as they don’t possess a four-cornered garment, and only if they wrap themselves in a four-cornered garment, they would have a commandment to place tzitzit on the garment (Aruch HaShulchan 17:2-3).

#### Is There a Concern of “Lo Yilbash”

From the translation of Yonatan ben Uziel (Deuteronomy 22:5) it appears that there is a prohibition for women to wrap themselves in a tallit due to “*lo yilbash*,” (the prohibition against cross-dressing), and so should be the law regarding tefillin. And there are some of the Achronim (later authorities) who mentioned this concern, including Ben Ish Chai (Lech Lecha 13). However, all the Rishonim (early authorities) and the vast majority of Achronim did not mention this problem. And Maharam Schick explained (Yoreh Deah 173), according to the Taz (182:4), that the prohibition of “*lo yilbash*” is when wearing a garment for the sake of beauty, but when wearing it for the sake of a mitzvah, there is no prohibition of “*lo yilbash*.” In any case, if they add colors to the garment

as is customary in women’s garments, even according to the stringent poskim, there would be no prohibition of “*lo yilbash*.”

#### Women and Tefillin

The Mishnah in Tractate Berachot (20a-b) says that women are exempt from the commandment of tefillin. Our Sages explained that the reason for this is that tefillin is a positive commandment that is time-bound, since on Sabbaths and holidays one does not put on tefillin. In the Babylonian Talmud (Eruvin 96a) it is told about Michal bat (the daughter of) Shaul, who would put on tefillin, and the Sages did not protest against her. In contrast, in the Jerusalem Talmud (Berachot 2:3), they said that the Sages did protest against Michal bat Shaul for putting on tefillin.

#### Dispute of the Rishonim

Some poskim say that the halakha is as explained in the Yerushalmi, and one should protest against a woman who wishes to put on tefillin. So wrote the Raavad, Riaz, Kolbo (section 21) in the name of Ram from Rothenburg, Tashbetz Katan (section 270).

However, on the other hand, there are those who hold that the halakha is as explained in the Babylonian Talmud, that one should not protest against a woman who wants to put on tefillin. So wrote in *Sefer HaChinuch* (421), the Meiri (Eruvin 96a), and so it appears from the Rambam (Laws of Tzitzit 3:9), and the Rashba (1:123). And similarly, it’s possible to learn from other Rishonim who included the commandment of tefillin with other positive commandments that are time-bound without any distinction, and they are: Bahag, Rif, Ran and Ritva. They also noted several righteous women from the times of the Rishonim and Achronim who practiced putting on tefillin, including the daughters of Rashi, and the wife of Rabbi Chaim ben Attar.

#### The Opinion of Most Achronim That Women Should Not Put on Tefillin

However, the majority of Achronim wrote that one should protest against women who wish to put on tefillin. So wrote Rema (38:3): “And if the women want to be stringent upon themselves, we protest against them (Kol Bo).” And so wrote many poskim, including: Yam Shel Shlomo; Maharikash, Levush 3; Magen Avraham 3; Birchei Yosef 38:1; Pri Megadim Eshel Avraham 3; Yafeh LaLev 2; Mishnah Berurah 2:13.

#### The Reason One Should Protest according to the Achronim

The Achronim explained that the reason of those who hold that one should protest against women putting on tefillin, is because one must be careful when putting on tefillin that one’s body be clean, and not pass gas while wearing them. And one must also be careful not to be distracted, and women are not diligent to be careful about this, and instead of a mitzvah, it would become a transgression for them (Tosafot Eruvin 96a s.v. “Michal,” Raavad, Ran and Ritva).

However, it is known that there are women who know how to be careful properly in everything necessary when putting on tefillin. And the more women know how to read and learn, the more women will be able to be careful about this. Therefore, the Achronim explained that if women were obligated in tefillin, the concern about an unclean body and distraction would not exempt them from the commandment. But since they are exempt, and there is a concern about cleanliness – they ruled that they should not put them on (Magen Avraham 38:3). For even men, in principle, should have put on tefillin throughout the entire day, and our Sages decreed that they should not put them on at night, lest they fall asleep and pass gas while wearing them, and disgrace them. And the Rishonim added and ruled not to put them on even during the day, because our Sages said (Shabbat 49a) that tefillin require a clean body, like ‘Elisha the Master of Wings’. And if they put them on all day, it’s likely that many will sin, and disgrace them. But since men are obligated to put them on once a day, they ruled to put them on during the morning prayer, when men are concentrated on holy matters, and the concern they won’t maintain a clean body lessens. But women who are not obligated in this, why should they risk harming the honor of the tefillin (Magen Avraham 38:3; Aruch HaShulchan 38:6).

However, even among the Achronim, there are those who hold that a woman who knows how to keep her body and mind clean, is permitted to put on tefillin (Olat Tamid 38:3, the testimony of Rabbi Yosef Mashash, above).

## The Practical Halakha

Women who wish to wrap themselves in a tallit in private are permitted to do so. And this is because the main reason they ruled not to wrap themselves is because of arrogance, that they should not boast about it over the custom of all the righteous women who do not practice wrapping themselves in tzitzit; but in private, there is no concern of arrogance, and it is permitted. According to the custom of Ashkenazi women, they recite a blessing on the tzitzit, and according to the custom of Sephardic women, they do not bless (Peninei Halakha: Women's Prayer 2:8). And if many women practice this in private for the sake of Heaven, over time, even if they fulfill it publicly, it would no longer be considered arrogance. However, regarding tefillin, the ruling for women is that they should not put them on. And a woman who despite this years and wishes to put them on in private, she has whom to rely on.

## The Meaning of Protest and Criticism

The opinion that holds that our Sages protested against Michal bat Shaul who put on tefillin, the intention is that they pointed out to her that it's not proper to practice this way. And presumably, they did this only because she put them on publicly. But the intention is not that they made demonstrations against her, or insulted her, because after, all she is fulfilling a commandment.

## The Words of Rabbi Feinstein ztz"l

However, Rabbi Feinstein (Igrot Moshe Orach Chaim 4:49) wrote regarding feminist women who want to wrap themselves in tzitzit, that if their intention is for the sake of Heaven, it is a mitzvah for them. But when their intention is from their resentment against the Torah that doesn't equate between men and women, "this is not a mitzvah act at all, but on the contrary, a forbidden act" – the prohibition of heresy, thinking that it's possible to change the Torah.

## How to Relate to Religious Feminism

In practice, it appears that it's not proper to mix the struggle with the negative sides of the feminist movement, in order to criticize those who wish to fulfill mitzvot out of identification with the positive sides of the feminist movement. And as Maran Rabbi Kook explained, that one should not reject any movement that seeks to add good, because in all of them, there are divine sparks, and in rejecting them, there is a flaw in faith that causes crises and suffering; rather, the tikun (correction) is to increase upon them light from the Source of Israel, so that they indeed add goodness and blessing ("Yisurim Mamrikim," Zeronim, Orot). And even toward women who disregard various commandments and wrap themselves in a tallit and put on tefillin publicly in a demonstrative manner, it is not proper to protest, but rather, to criticize in a useful way what is worthy of criticism, and to respect what is worthy of respect.

## Parshat Shoftim: Righteousness vs. Idolatry – What is the Connection?

### Rabbi Dr. Shlomo Riskin is the Founder and Rosh HaYeshiva of Ohr Torah Stone

"You shall appoint judges...[who] will not pervert justice.... Justice, justice shall you pursue..."

"You shall not plant for yourselves an Asheira [tree used for purposes of idolatry according to Rashi and Ibn Ezra] near the altar of the Lord your God."

(Deuteronomy 16:18–21)

The juxtaposition of these verses – the demand for honorable and righteous judges, the concern for an impartial legal system which is a "no bribe zone," immediately followed by the prohibition of idolatry – seems to mix two completely different areas of religious concern. It combines the moral and ethical laws of interpersonal conduct together with the ritual laws of divine service. Each of these two realms holds a respected place in the Bible, but why group them so closely together without any kind of segue between them?

Second, which of these two crimes is more grievous? Is it a corrupt judicial system which undermines the very infrastructure of an ethical society? Or is it a mistaken religious notion which calls for the worship of a tree instead of the worship of the Creator of the tree? Certainly the

injurious implications emanating from the first seem far more damaging than those emanating from the second.

Indeed, the Bible itself adds a rider to the command to pursue justice: "in order that you may live and inherit the land which the Lord your God gives you." A just society is a necessary prerequisite for the continued life of historic Israel and for Israel's ability to retain sovereignty over her homeland. No such caveats or conditions appear pursuant to the prohibition of the Asheira.

Moreover, the Bible has already expressed its displeasure at those who worship trees or stones, which can neither see nor hear nor eat nor smell (Deut. 4:28). Why prohibit worshipping the Asheira tree specifically if it is planted near the sacrificial altar? Is it not equally forbidden to serve a free-standing Asheira tree even if it is nowhere near the sanctuary (Mishkan) or Temple?

The Talmud (Avoda Zara 52a) makes a startling comparison, which begins to provide the solution to our questions:

"Resh Lakish said, 'Anyone who appoints an unworthy judge is considered like someone who plants an Asheira tree in Israel, as it is written: "You shall appoint judges and executors in all your gates" and it is written right next to it, "You shall not plant for yourselves an Asheira tree."' And R. Ashi added, 'And if it is in a place where pious scholars are found, it is as if he planted the Asheira next to the sacrificial altar.'"

What I believe the sages are deriving from this juxtaposition of the biblical verses is that the real sin of idolatry lies in the perversion of justice perpetrated by the idolaters. This was found in their lack of morality and ethical conscience, in the orgiastic Dionysian rites, which included eating the limbs and drinking the blood of living animals and in the drunken trysts with temple prostitutes. Idolaters paid no heed to "Thou shalt not murder" when they sacrificed innocent children to Molekh! And worst of all was when the immorality of idolatry invaded the hallowed gates of the Holy Temple. At that point, the entire reason for Israel's nationhood ceased to exist, so that God was forced to leave His House and see to it that it be destroyed.

The truth is that almost every time the Bible forbids idolatry, it is within the context of the immoral behavior which characterized it:

"Do not bow down to their gods, do not worship them and do not act according to their practices." (Ex. 23:24)

"Guard yourself lest you seek out their gods.... They burn their sons and daughters in fire to their gods." (Deut. 12:30–31)

"You shall destroy the Hittites...in order that they not teach you to act according to all their abominations." (Deut. 20:17–18)

Remember that God chose Abraham because he was committed to compassionate righteousness and moral justice (Gen 18:18–19); on Tisha B'Av, the memorial day of our Temples' destruction, we read publicly the verse, "'But let him who glories glory in this: Understand and know Me, that I am God who exercises loving-kindness, moral justice, and righteous compassion on the earth, for in these things do I delight,' says the Lord" (Jer. 9:23).

Although Maimonides consistently defines idolatry in pure and absolute theological and metaphysical terms, Rabbi Menachem HaMeiri (thirteenth and fourteenth century, Provence) defined idolatry in terms of the "disgusting immoral acts of the idolaters," whose paganism prevented them from accepting the universal moral laws of the Noahide Covenant. For the Meiri, anyone who was moral was ipso facto not to be considered an idolater. In the final analysis, he understood that to know God is to pursue justice and righteousness; idolatry is not so much a sin of correct theological opinions as it is a sin of social corruption and immorality.

Shabbat Shalom

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## FROM LAST WEEK

### Rabbi YY Jacobson

### Before You "Slaughter" Another Jew Make Sure This Is What G-d Wants

A Strange Talmudic Insight into a Biblical Verse Captures the Sense of Jewish Unity

No Gashes

There is a fascinating verse in this week's Torah portion, Reah: You are children of the Lord, your G-d. You shall neither cut yourselves nor make any baldness between your eyes, for the dead. (Deut. 14:1)

The custom of many pagans was to cut themselves in demonstration of grief over the death of a loved one. To vent their agony, they would make incisions in their flesh, pull out their hair, and flay their skin. The Torah prohibits this behavior. [1] There must be limits to grief. This is the meaning of the Hebrew word "sisgodedu," to scrape off the flesh. The Talmud, however, adds a second meaning to this commandment: The Torah is saying: Do not splinter yourself into separate groups. [2] ("Sisgodedu," from the root word "agud" or "agudah," means groups.) This is a prohibition against the Jewish people becoming divided. Practically, this is a prohibition against one Jewish court dividing into two and guiding the community in a conflicting fashion, [3] creating division and conflict. [4]

One practical example would be this. If a synagogue has a certain tradition of how to pray, one may not come and begin praying in a different tradition without the consent of the community. [5]

But there is something strange here, and the question was first pointed out by the 16th century Jewish sage and leader, Rabbi Yehuda Loew (1512-1607), known as the Maharal, [6] chief Rabbi of Prague (who one of the most influential Jewish personalities of his time, and author of major works on Jewish thought.) The Talmud and the Midrash often present various interpretations for one biblical term or verse; but nowhere do we find two interpretations that are completely disconnected. On the simple level, "sisgodedu" means scraping off your skin. Now the Talmud tells us that it also means, "don't split up into separate groups." How do these two divergent instructions come together in a single word? Why would the Torah communicate such two disparate ideas in one word-lacerating your body and dividing a community?

Or to put it more poignantly and humorously, the sages, it seems, by imposing this second meaning, are "violating" the very injunction they are trying to convey. They take a simple word in the verse and they "splinter" its meaning to connote divergent interpretations that seem to lack any common streak?

In the words of the Maharal: [7] "Every man of wisdom and understanding will be amazed at the relationship of their [the sages'] words with the simple meaning of the text, at a truly awesome depth. Yet, the man who is a stranger to this wisdom will wonder at their unlikely reading of the verse, their words seeming implausible to him."

One Organism

Yet it is here that we can once again gain insight into the depth of Torah wisdom. [8]

The truth is, that the two interpretations are not only not divergent, they are actually one and the same. They both represent the same truth—one on a concrete, physical level; the other on a deeper, spiritual level.

The Torah prohibits us from cutting our skin as a sign of bereavement. Our bodies are sacred; our organism is integrated, precious and holy; we must never harm it. We must not separate even a bit of skin from our flesh. Even difficult moments of grief don't allow us to give up on our life and on the sacredness and beauty [9] of our bodies. [10]

But that is exactly what we are doing when we allow our people to become splintered. The entire Jewish nation is essentially one single organism. [11] We may number 15 million people, and come from different walks of life, profess extremely different opinions, and behave in opposite ways, but we are essentially like one "super organism." When I cut off a certain Jew from my life, when I cut myself off from a certain Jewish community, I am in truth cutting off part of my own flesh.

When I cut my skin, I am lacerating my body. When I cut you off from me, I am lacerating my soul. Because our souls are one.

Only G-d

I once read the following powerful story.

In the late 18th century, in Eastern Europe, there was a terrible conflict between the Chassidim and their opponents, the Misnagdim, who suspected the Chassidim of heresy and blasphemy. The chief opponent

was the Vilna Gaon, the famed Rabbi Elijah (1720-1797), from the Lithuanian city Vilnius, who issued a ban (cherem) against Chassidim. He excommunicated them from the Jewish community. It was a terrible division which continued for decades.

The Misnagdim came to one of the greatest students of the Vilna Gaon, Rabbi Refael Hakohen Katz, the Rabbi of Hamburg and author of *Toras Yekusiel* (1722-1803), and asked him to sign the ban. He refused. They said: "But your own Rebbe, the Vilna Gaon, signed it, and your Rebbe is like an angel of G-d!" [12]

This was his response:

There is a famous question on the story of the Akeida, the binding of Isaac, in Genesis. G-d instructs Abraham to bring up his son Isaac as an offering. Abraham complies. At the last moment, as he is about to slaughter Isaac, The Torah states: "And a heavenly angel of G-d called out to him, and said: Abraham! Abraham!... And he said: 'Do not stretch out your hand against the lad, nor do anything to him.'" At the last moment, Isaac is saved.

There is something strange about this story. The instruction to bring Isaac as an offering came directly from G-d. [13] G-d Himself told Abraham to offer his son to Him. Why did the reverse stop-order come from an angel and not from G-d?

The answer, said Reb Refael, is this. If G-d wants to tell you not to touch a Jewish child, sending an angel will suffice. But if He wants you to "slaughter" another Jew, an angel can't suffice! G-d Himself needs to come and tell you to do it. If you are going to "slaughter" another Jew, make sure you hear it from G-d Himself.

To let Isaac live, the instruction could be communicated via an angel. To let Isaac die, G-d needed to show up Himself.

"My Rebbe is an angel of G-d," Reb Refael said. "But I will not sign a ban against another Jew," even when an angel tells me to do so. To "slaughter" a Jew I need to hear it from G-d Himself.

[The source of the above story is in the book "*Toras Yechiel*" by Rabbi Akiva Yosef Schlezinger (1837-1922), *Parshas Vayeira*. The story is also found in a book "*Chut Hameshulash*" (by Rabbi Shlomo Sofer (1853-1930), a biography of three generations: Reb Akiva Eiger, the Chasam Sofer, and the Kesav Sofer), page 27. In the latter, the name of the student of the Vilna Gaon is given as Reb Zalman of Valazhin, one of the most beloved students of the Vilna Gaon. There, he also adds that when the Vilna Gaon heard this response, he abstained from any further action against the Chassidim!]

It is also interesting to note that, according to many sources, the famed Chafetz Chaim, Rabbi Yisroel Meir Kagan, who dedicated his life to increasing Jewish unity, and his works spread among all Jews, was a grandson of Reb Refael of Hamburg.]

Be Careful

Sometimes we get into fights with people over idealistic reasons. We "slaughter" people with our words or actions, and we feel that we are acting on behalf of an angel. We feel angelic about our actions.

Be wary, says the Torah! If you are going to cut someone off from your life, you want to hear it from G-d Himself. If not, let it go.

In the name of "holy" reasons, parents stop speaking with children, or children cut off their parents, and complete families get shattered in the fighting. It is an absolute and painful disaster, one that the people might regret for decades to come.

Of course, sometimes we need healthy boundaries between ourselves and others to protect our sanity and life-energy. But before you are about to "slaughter" a fellow Jew, through words, actions, or even a comment, make sure you are 100 percent sure this is what G-d wants from you. Make sure you are aligned with your deepest Divine, regulated core, before you make the next move.

[1] What is the connection between the opening of the verse about our being the children of G-d and the prohibition of gouging ourselves over the death of a loved one?

The Ohr Hachaim explains that the Torah is teaching us that death has another dimension to it. It can be compared to a person who sent his son to a faraway land to start a business there. The son settled in that place and over time, became very close to many fine people there. After many

years, the father summoned the son to return home, and the son acceded to his wishes. The son is not lost. Those who had grown to know and love him are no longer able to see him, but the son is not lost. On the contrary, the son is returning home to his father. The thought of those friends going ahead and gouging themselves over the agony of the son's departure is unjust. Sadness and a melancholy feeling are in order. Gouging is out. Because "Banim a'tem laHashem Elokaichem," You are children of Hashem your G-d." At death, the person is returning to the Father. The duration of that person's visit to this transient world has come to a close. The time has come to return home. Therefore, "Lo tigo'd'du," do not gouge yourselves over a death. Reacting in such a way really contradicts our beliefs.

The Chizkuni explains that the basis for the command not to gouge ourselves is that we are the children of Hashem--we are mere children. Do we have an understanding of why we live and why we die? Can we fathom the Divine decisions which determine these occurrences? Do we appreciate the meaning of life? Do we comprehend why a person is born or why they die? A child does not comprehend the decisions that a mature father makes--and we too are children. Thus, "Lo tigo'd'du {do not gouge yourselves}." Cf. Ibn Ezra, Ramban, Daas Zekenim, Seforno and Klei Yakar for their explanations in the juxtaposition.

[2] Yevamos 13b

[3] רמב"ם הלכות עבודה זרה יב, יג-יד: גדידה ושריטה, אחת היא... על המת, בין שרט בידו בין שרט בכלי, לוקה... ובכלל אזהרה זו, שלא יהו שני בתי דינים בעיר אחת, זה נוהג במנהג, וזה נוהג במנהג אחר, שדבר זה גורם למחלוקת גדולה, וכתוב לא תתגודדו, לא תיעשו אגודות אגודות.

[4] The Talmud in Yevamos 13b and 14a discusses the nature of this prohibition. Abaye maintains that Lo Sigsodedu applies when two different batei dinim (courts) in one city issue conflicting rulings. This makes the one Torah that was received at Sinai appear as "two Torahs" (Rashi ibid.) and causes confusion and discord (Rambam). Rava, however, does not object to different batei dinim, even in the same city, issuing contradictory rulings, since it is within the very nature of the Torah that different rulings will be rendered by different schools of thought, as Beis Shamai and Beis Hillel did for many years. In Rava's opinion, the prohibition of Lo Sigsodedu is meant to discourage one beis din from rendering a split decision.

See Kesef Mishnah to Rambam ibid who amends the text so that the Rambam agrees with Rava not Abaya, as is usually the standard in Halacha.

It is interesting to note, that Rabbi Ovadiah Yosef maintains that regarding any halachic issue about which it is well known that there is a difference of opinion, there is no problem of "lo sigsodedu." However, many halachik authorities disagree. A case in point: Everyone knows that many Jews wear tefillin on Chol ha-Moed and many do not. Nevertheless, the Mishnah Berurah quotes from the Artsos HaChaim that you should not allow these two groups to pray together in the same shul; they should pray in different rooms. Otherwise, he notes, it looks like there are "shtei Toros" (two Torahs).

[5] See here for the entire discussion: <http://olamot.net/sites/default/files/pdf/68.pdf>

[6] In his commentary of Gur Aryeh to this verse, Deut. 14:1

[7] Beer HaGolah p. 44

[8] I heard this insight from Rabbi Yosef Cheser (Montreal), who heard it from Rabbi Schneur Kotler, the famed dean of the Lakewood Yeshiva, when he once visited Montreal. It was during a Friday night gathering, and on the table was the question if Ashkenazic Jews should support a struggling Sephardic school in Montreal.

[9] That is how Rashi explains the reason for the prohibition. Rashi Deut. 14:1

[10] Symbolically, perhaps, the scraping of the skin demonstrates a lack of sensitivity that our flesh is part of "us," it is part of our soul. We may not separate the body from its internal soul. When we realize the body is part of the soul, and that the soul never dies, it alters our perception of death. When we gash our bodies after death, it demonstrates a lack of this awareness.

[11] See Talmud Yerushalmi Nedarim 9:4. Cf. Tanya chapter 32. Derech Mitzvosecha Mitzvas Ahavas Yisroel and references noted there.

[12] See Talmud Chagigah 13b that a real Rebbe is like an angel.

[13] Genesis 22:2.

## People

### An "Author" in History

#### David Olivestone

This article was originally published in the Summer 2021 issue of Jewish Action.

Rabbi Berel Wein's Extraordinary Contributions to Jewish Life and Learning

Communal rabbis are by definition leaders. Some lead one congregation with great loyalty and dedication for many years. Others share their talents and learning with a succession of communities as they move from pulpit to pulpit. Over the course of their careers, some speak to and influence hundreds, others thousands.

But there are a few who speak to hundreds of thousands, and some even to millions. These are the special individuals for whom the precincts of the synagogue and the ambit of the community are too confining. Blessed with extra doses of intellect, eloquence, creativity, personality and above all vision, they found organizations, create schools and launch movements. Each in his own way, these entrepreneurs of the Torah world make an impact which reaches far beyond their points of origin.

Such an individual is Rabbi Berel Wein.

Born in Chicago in 1934, he did not set out to be a rabbi, although he did stem from a rabbinical family. In 1955, the year he was married, he obtained semichah from the Hebrew Theological College, then on Chicago's West Side and later in Skokie. But his father, who was the rabbi of a prestigious Chicago synagogue, told him sadly that he did not see much of a future for the Orthodox rabbinate in America and encouraged him to go to law school. Becoming proficient in real estate law, he soon opened his own law offices together with a partner, and also began investing in real estate.<sup>1</sup>

His material success did not distract him from his own learning and his involvement in the yeshivah world. Soon he was asked to serve as the part-time rabbi of the congregation to which he belonged and began giving numerous shiurim. "Even then," he says, "I thought of myself more as a rabbi than as a lawyer."

When another business venture turned sour, he was very open to a suggestion made to him by the rabbi of a congregation in Florida who was leaving for another pulpit. With the enthusiastic recommendation of Rabbi Chaim Kreiswirth, the head of the Chicago yeshivah, Rabbi Wein was invited to fill the position.

When he arrived at Congregation Beth Israel in Miami Beach in 1964, it was hardly a flourishing institution. One of the new rabbi's first tasks was to raise enough money to cover his own "pretty measly" salary. But within a year his popularity grew and the membership multiplied rapidly. In addition, many winter visitors to Florida helped fill the shul, and before long, a spacious new building was dedicated.

Among the winter visitors were prominent roshei yeshivah, rabbanim and communal leaders from all sectors of Jewish life and from all over America, who helped broadcast Rabbi Wein's burgeoning reputation. As his stature rose, he began to be approached with offers of significant positions with major organizations, and in 1972 he accepted the post of executive vice president of the Orthodox Union, and the family moved to Monsey, New York.

He did not enjoy the job. The OU was understaffed and financially strapped, and his time was spent in administrative matters and meetings. He felt he was accomplishing little for Torah and the Jewish people, but he had signed a five-year contract, and was "grimly determined to honor it." When Rabbi Alexander Rosenberg, the legendary head of OU Kosher, passed away in the autumn of 1972, Rabbi Wein replaced him and filled out the remainder of his contract in that position. But he had concluded that organized Jewish life was not for him, and says that he then "chose other ways of trying to help the Jewish people."

Rabbi Wein's hope, of course, which is a hallmark of all his teaching, is that by studying the patterns in our history, we will not repeat the mistakes of the past.

Soon after moving to Monsey, Rabbi Wein had begun giving Torah classes in his neighborhood, and once again his eloquence and his teaching skills resulted in his being invited to serve as the rabbi of a new local shul, to be known as Congregation Bais Torah. Starting with just forty families, it grew into one of the leading synagogues in the Monsey area.

He led Bais Torah successfully for twenty-four years, but that was far from his only involvement with the Monsey community. In 1977 he added the title of rosh yeshivah when he founded a yeshivah high school with a bet midrash program that gave semichah recognized by the Rabbinical Council of America as well as by the Israel Chief Rabbinate. He called the yeshivah Shaarei Torah, which had been the name of a yeshivah founded by his grandfather, whom he revered and whom he has sought to emulate throughout his life. In the twenty years that he led it, Rabbi Wein and a dedicated team of rebbeim and secular teaching staff educated hundreds of young men, many of whom went on to become distinguished rabbis and communal leaders.

Although Rabbi Wein needed to spend much of his time on fundraising, the second largest source of income for the yeshivah (after tuition) turned out to be a by-product of his great interest in Jewish history. This interest stemmed from his teenage days in the Chicago yeshivah. As he recalls it, "The yeshivah had a wonderful library with over 30,000 volumes, and it even had a professional librarian. We had an hour off for lunch which I would spend in the library. I had always wondered who the Ba'alei Tosafot were, who was Rabbeinu Tam and who was the Rosh. So one day, after a long halachic shiur on the Rosh, the librarian found a book on him for me and I was hooked."

Rabbi Wein could hardly have realized how significant a moment it was when in the late 1970s he began teaching a Jewish history class for women in his shul. Soon enough, several of the men asked for a class on the same topic. Since a number of them were unable to attend regularly, they asked for the class to be recorded. As he puts it, "Thus was born Rabbi Wein's history tape series." Once sets of the tapes were put on sale, word spread rapidly of how fascinating they were, and orders began pouring in. All the income from the tapes went directly to the yeshivah. Eventually, his more than 700 audio tapes on Jewish personalities and Jewish history would sell over a million copies worldwide.

The taped classes demonstrate his masterful ability to make history come alive, as he recounts the dramatic, often sad events of the long Jewish story in an authoritative yet relaxed manner. His engaging style, his enthusiasm and his dry humor are contagious. But more significantly, evident in every lecture is his ability to interpolate pertinent references from Tanach, Talmud, midrashim, Chazal, mefarshim and Jewish tradition in general. And he misses no opportunity to bring the lessons of history home, drawing parallels between the historical events he is chronicling and current events in Israel or in the Jewish world at large.

The various series, now available to download, contain as many as thirty lectures in a set.<sup>2</sup> They address events both chronologically—for example, the Biblical, ancient, medieval and modern eras—and topically—such as "The Golden Age of Sephardic Jewry," "The Destruction of European Jewry," "Judaism and the Majority Culture," "The Lost Communities"—as well as biographies, the holidays, and on and on. "Jewish history," he notes, "covers not only vast tracts of time, but huge areas. The Jews have penetrated almost all societies and left their mark on them. Writing a history of the Jews is like writing a history of the world." To this he adds a postscript that characterizes his whole approach: "The effort to grasp history as it appears to the Jews produces illuminating insights."

These insights suffuse the entire corpus of his teaching. A favorite theme is to trace what he calls patterns in Jewish history, which became the title of one of his books.<sup>3</sup> "Even a cursory view of Jewish history," he writes, "will reveal definite patterns that rise and fall regularly in the

story of the Eternal People." Among the patterns he identifies are acculturation and assimilation, messianism and mysticism, persecution and legends, fantasies and falsifications. His hope, of course, which is a hallmark of all his teaching, is that by studying the patterns in our history, we will not repeat the mistakes of the past. "G-d," Rabbi Wein tells us, "says, 'Let's see what you're made of.'"

The sheer volume and variety of his output are hard to grasp.

Rabbi Wein had already published two rabbinic works, so the transition from oral history to the written word was not hard. His first history book, *Triumph of Survival*, covering Ashkenazi Jewish history from 1648 on, appeared in 1990 and has been reprinted many times. This was followed by *Herald of Destiny* (1993), in which he dealt with the medieval period, *Faith and Fate* (2001), the story of the Jewish people in the twentieth century, and *Echoes of Glory* (2014), covering the period from the end of the First Temple Era to the times of the Geonim, as well as many other works.

The unique quality that characterizes these handsomely produced books, as opposed to so many other histories of the Jewish people, is that they are Jewish histories. "The irony of most Jewish history texts," Rabbi Wein writes, "is that they have been written with condescension, if not hostility, to the basic beliefs and true heroes of Jewry over the centuries." Unlike histories written by secular authors, Rabbi Wein points to an "Author" in history, "... Who guides Israel to its destiny."<sup>4</sup> The sheer volume and variety of his output are hard to grasp.<sup>5</sup> Having pioneered the use of audio tapes in Jewish education in the 1970s, he created the Destiny Foundation in the new century to take advantage of new media. With a team of filmmakers, he produced animated videos on the lives of Rashi and the Rambam, as well as a series of documentaries on the events of the twentieth century, and other topics. For many years, Rabbi Wein wrote a weekly column in the *Jerusalem Post*, and he continues to send newsletters, a weekly blog and a podcast to thousands of subscribers. Many of these opinion pieces were collected in his book, *In My Opinion* (Destiny Foundation, 2020).

In 1997, Rabbi Wein and his wife made aliyah and set up home in Jerusalem. Predictably, he was soon asked to give shiurim in the nearby Beit Knesset Hanassi, a well-known synagogue in the Rechavia neighborhood with many Anglo members. And unsurprisingly, history repeated itself yet again in 2002 when he was invited to become the shul's mara d'atra, a position he continues to occupy today.

In his upper eighties, and despite impaired vision, Rabbi Wein still speaks and publishes on a myriad of topics, drawing on his formidable mind and memory to quote at will from Tanach, Shas and posekim. Long may he continue to inspire his congregation and his many thousands of admirers around the world.

Editor's note:

On August 16, 2025, Rabbi Berel Wein, zt"l, passed away at the age of ninety-one. Rabbi Wein, the world-renowned rav, educator and communal leader who served as former OU executive vice president and contributing editor of *Jewish Action*, had a profound influence on generations of Orthodox Jewry. Until the end, he continued to be a prolific writer and teacher of Torah whose books and columns were read by thousands and whose insight and wisdom were sought out and treasured.

Notes

1. Berel Wein, *Teach Them Diligently* (Jerusalem, 2014), p. 28. Rabbi Wein writes about his life experiences in this delightful autobiography.

2. [rabbiwein.com](http://rabbiwein.com).

3. *Patterns in Jewish History* (Jerusalem, 2011).

4. *Triumph of Survival* (Brooklyn, NY, 1990), p. xi.

5. His many other books include a Haggadah, an English commentary on *Pirkei Avot*, and illustrated histories of the Mishnah and the Talmud. Visit [rabbiwein.com](http://rabbiwein.com) for a complete listing.

David Olivestone is a contributing editor of *Jewish Action*.

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## It's for the Birds part II

By Rabbi Yirmiyohu Kaganoff

Question #1: The Chicken or the Egg?

Which came first, the chicken or the egg? In other words, may I eat a bird relying that the egg it lays has a kosher shaped shell?

Question #2: Mom and Pop Shop

Can a non-kosher species of bird and a kosher species of bird produce viable offspring together?

Foreword:

In the first part of this article, we learned that Hashem taught Noach the halachos of how to identify kosher animals, so that he could fulfill: “From each of the kosher animals you shall take seven, male and female, and from the non-kosher animals two, male and female. Also, from the birds of the heavens you shall take seven, male and female” (Bereishis 7:2-3). We also learned that the Torah teaches which varieties of birds are non-kosher (Vayikra 11:13- 19; Devarim 14:11- 19). We also learned that Chazal figured out some simanim of the kosher birds, but that we rely only on mesorah to know which birds are kosher.

Walking on egg shells

At this point, I have a different question. There seems to be a simpler criterion by which we can prove whether a bird is kosher or not. The Gemara mentions that the eggs of kosher species have a definitive appearance. They possess an elliptical shape: the eggs are oval on opposite ends, but one end is considerably wider than the other. Eggs that are either pointed on both ends or wide on both ends are all laid by non-kosher species. Why don't we use the shape of the egg, often called an “egg shape,” as a siman that the bird mom who laid these eggs is kosher?

The answer is that, in addition to all kosher birds, there are also non-kosher bird species that produce egg-shaped eggs (Shulchan Aruch, Yoreh Deah 86:1). Therefore, the shape of the egg cannot be used as a sign that the egg is kosher, only that it is non-kosher if it is the “wrong” shape.

Mom and pop shop

Regarding mammalian species, the Gemara (Bechoros 7a) rules that a kosher species and a non-kosher species cannot reproduce together. Therefore, even if we cannot determine whether a specific animal chews its cud or has split hooves (for example, we find an animal that chews its cud but its feet are damaged in a way that we cannot determine if it has split hooves) but we know that it reproduced with a kosher species, we can conclude that the unknown species is also kosher. Logically, this same concept should hold true regarding avian species – if a variety of bird for which we have no mesorah crossbreeds with a kosher bird, the new variety has been determined to be kosher.

However, the Chasam Sofer is uncertain whether this rule is true germane to birds. In other words, it is possible that a kosher species of bird and a non-kosher species of bird can produce viable young together. Although the Chasam Sofer is inclined to the view that this should determine that the unknown species is kosher, he is wary to conclude that way halachically. However, the Sochachover concludes that the rule that a kosher and a non-kosher animal will not produce viable young together applies to birds also. In his opinion, if we are certain that two varieties of bird produce a viable offspring together, and we know that one variety is kosher, we can assume that the other, heretofore unknown species is also kosher (Shu't Avnei Neizer, Yoreh Deah #75).

In this context, there is a very interesting responsum written by the Maharam Shick, one of the most renowned disciples of the Chasam Sofer, in answer to a question posed by the Chasam Sofer's oldest son and successor as rav and rosh yeshiva in Pressburg (today Bratislava, Slovakia), the Kesav Sofer. The Kesav Sofer asked about birds that have no mesorah as to their kashrus but are now crossbreeding with regular chicken hens and producing both eggs and chicks that are being raised for meat. Can one consume these eggs and the new crossbred birds?

The Maharam Shick divides the question into four shaylos:

1. May one eat a new bird variety of unknown kashrus once it has crossbred with a regular domestic chicken?
2. May one eat a crossbred offspring whose father is of a new variety and whose mother is a domestic chicken?
3. May one eat a crossbred offspring whose father is a domestic rooster and whose mother is of a new variety?

4. May one eat the eggs of this crossbreed? (Shu't Maharam Shick, Yoreh Deah #100. I rearranged his order of questions to present his answers more clearly.)

The Maharam Shick concludes:

1. Since the Chasam Sofer ruled that crossbreeding a kosher species with a non-kosher variety does not prove that the other parent is kosher, we cannot permit the newly available bird variety. The Maharam Shick adds additional considerations to this aspect of the question, based on the fact that Ashkenazim follow the approach of Rashi that we eat birds only when we have a mesorah that they are kosher.

2. A crossbred offspring whose mother is a domestic chicken is permitted, a ruling that requires an explanation. Here are some of the reasons why the offspring may be permitted even if its father is not:

Ein choshashin le'zera ha'av

A. The early tanna'im, Chananyah and the Sages, dispute whether halacha is concerned about paternal lineage of an animal, called choshashin le'zera ha'av (Chullin 79a), which is the position of Chananyah, or ein choshashin le'zera ha'av, we can ignore the paternal lineage. The halachic conclusion is that it is a safek whether we are concerned. Therefore, when the issue relates to a rabbinic prohibition, we may rule leniently that ein choshashin le'zera ha'av, whereas when it relates to an issue that is min haTorah we rule choshashin le'zera ha'av and are strict. However, even when the prohibition is min haTorah, we can be lenient when there is another safek so that we now have a sefek sefeika, two different possibilities why something is permitted.

In our current shaylah, we know that Mom's side of the family is kosher, but we are uncertain whether Dad's family is a kosher breed. Indeed Dad's breed might be kosher and we also have another halachic reason – ein choshashin le'zera ha'av – that allows us to ignore Dad's family. This makes the newly developed breed permitted because of sefek sefeika, perhaps the father's breed is permitted, and even if it is not, we can ignore it because of the rule of ein choshashin le'zera ha'av.

Zeh ve'zeh goreim

B. Food or other benefits produced by two contributing factors, one forbidden and the other permitted, are called zeh ve'zeh gorem. The tanna'im dispute whether zeh ve'zeh gorem is permitted or not. The halachic conclusion is that we are not permitted to create a product that is zeh ve'zeh gorem, but, bedei'evid, the item is permitted. (However, see Shu't Tuv Taam Vada'as, Yoreh Deah #151.) Thus, even if the newly developed breed's father was prohibited, it can be permitted because of the mother.

3. Although both explanations I just provided are reasons why one may eat a crossbred offspring whose mother is a domestic chicken, in shaylah #3 of the Maharam Shick, in which father is a domestic rooster and mother is of a new variety, the first reason I provided, ein choshashin le'zera ha'av, does not apply because mother's side, the more important side, is from the unknown new variety. However, the second reason, zeh ve'zeh gorem, is a basis to rule leniently.

Egg decomposition

Here is another reason why we might be able to permit these cases: The Gemara (Temurah 31a) states that there is a halachic difference between the development of birds' eggs into chicks and the development of mammals. During the development of an egg into a chick, the living material decomposes and, as a result, is no longer a kashrus issue. According to some authorities, this means that we are not concerned with the species of the parents of a new breed, but simply examine whether the bird that emerges from the shell appears similar enough to a breed that we already know to be kosher. According to this approach, in all cases of crossbreeding bird species, the only consideration might be to what extent the new crossbreed looks like the previously known species.

4. At this point, we should address the fourth of the Maharam Shick's shaylos: May one eat the eggs that are created from this crossbreed?

If we know that the hen that laid the egg is a domestic chicken, this egg is permitted. If we find an egg and do not know which hen laid it, the halacha is that if the egg appears with a typical egg shape, we may consume the egg (Shu't Chasam Sofer, Yoreh Deah #74; Shu't

Maharam Shick, Yoreh Deah #100; Shu't Tuv Taam Vada'as, Yoreh Deah #151).

Conclusion: turkey vs. eagle

Did Benjamin Franklin really want the turkey to be the symbol of the United States of America? Well, this is what he wrote in a letter:

"For my own part I wish the bald eagle had not been chosen the representative of our country. He is a bird of bad moral character. He does not get his living honestly... He is therefore by no means a proper emblem for the brave and honest... The turkey is in comparison a much more respectable bird, and withal a true original native of America... He is... a bird of courage and would not hesitate to attack a grenadier of the British Guards who should presume to invade his farm yard with a red coat."

To reinforce good old Ben's argument, we note that whereas the turkey has all four simanim of a kosher bird, the eagle has none. The Ramban explains that the Torah forbade the non-kosher birds because the Torah wants us to avoid the bad midos that they exhibit. One could assume that the kosher species may exhibit admirable traits that the Torah wants us to emulate. Certainly, the courage to observe mitzvos in times of adversity is a tremendous virtue worth thinking about the next time we eat turkey.

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### **The Real You: Overcoming Imposter Syndrome This Elul** **By Rabbi Efreim Goldberg**

Have you ever felt like a fraud—as though you're just making it up as you go, and one day the world will discover you aren't as capable as they thought? This feeling can appear in professional life, family life, religious life—or in all three.

I'll admit something personal. For several years after I graduated, I had a recurring nightmare: the registrar's office called to demand my diploma back because I hadn't really earned it. Even now, after more than twenty years serving as a rav, I catch myself thinking, "Who am I to give this derasha, officiate at this wedding, answer that halachic question, or give that shiur?"

If you've ever felt this way, you are not alone. Studies show that as many as 70% of people experience what psychologists Pauline Clance and Suzanne Imes in 1978 coined "imposter syndrome." It's the conviction that your accomplishments aren't truly earned—that success comes from luck, timing, or having somehow fooled others into thinking you're competent. A feeling of faking it on the outside while imprisoned by a gnawing feeling of unworthiness on the inside. Doctors feel it. Lawyers feel it. Parents feel it. Rabbis feel it.

And our greatest leaders felt it too.

When Aharon was called to serve in the Mishkan on its opening day, the Torah describes him hesitating. Rashi explains that Aharon felt unworthy, like a fraud. Moshe, who once resisted his own calling by insisting he wasn't a speaker or a leader, reassured him: "Why are you ashamed? You were chosen for this." That moment reframes imposter syndrome. It is not weakness—it is part of the human experience, even for the greatest among us.

We have begun the month of Elul, the countdown to Rosh Hashanah and the start of a new year, a new beginning. The Talmud teaches that Rosh Hashanah not only marks the creation of humanity, but also the day Yosef HaTzadik was released from prison. Why highlight that event? Because Yosef's liberation mirrors the opportunity given to each of us. New beginnings, a fresh start, begin with being freed like Yosef—freed from prisons of self-doubt, from the false narratives we tell ourselves, from the limitations we impose on who we can be.

That is why the Navi Amos calls us "she'eiris Yosef"—the remnant of Yosef. This time of year, we too are invited to walk out of our prisons, to prepare for our new beginning.

A couple of years ago, I met with a tzaddik in Beit Shemesh, Rav Avraham Zvi Kluger, who gave me a total paradigm shift in how to experience this time of year. He explained that Elul and Rosh Hashanah are not about our failures but our potential. Hashem sees not only where we fall short, but He knows the best version of ourselves—the moments when we rose above, when we were patient, loving, disciplined, and

strong. He knows that is our true self, the real us. The slip-ups and shortcomings, the failures, are the aberrations, not the other way around. We mistakenly think the real us is the one who loses our cool with our spouse or children, the one who looks at the wrong things when nobody is looking or indulges the urge to say the wrong thing to curry favor with the listener. We mistakenly think that when we show up despite our shortcomings, when we occasionally get it right, that makes us imposters.

But that is wrong! The truth is that when we are able to stay calm and be patient with those we love, when we have the discipline to do the right thing despite being tempted to follow our urge, that is who we really are, that is the true us, it is who we really are.

When the shofar sounds each morning of this month and on Rosh Hashanah, it doesn't call us to wallow in guilt. The Rambam writes that it awakens us to look into our souls, to remember who we really are and what we are capable of. Rosh Hashanah's teshuvah is not about confession—that comes on Yom Kippur. Rosh Hashanah's teshuvah is about recognition: remembering our best selves and realigning with them.

As Rav Kook wrote in Oros HaTeshuvah, "The primary role of teshuvah is to return to one's true self, to the root of one's soul."

We are defined by our strength, not our weaknesses; we are our best moments, not our worst. While we have to take ownership and responsibility for our failures, we deserve the success and achievements we have earned.

In 1977, Laura Schultz, 63, was in the kitchen of her home in Tallahassee, Florida, when she heard her 6-year-old grandson screaming from the driveway outside. Schultz ran to the door to find her grandson pinned beneath the rear tire of a full-size Buick. Giving no consideration to limitations or barriers, Schultz ran to the car, used one hand to lift the rear of the vehicle, and used the other hand to drag her grandson to safety.

For years, Schultz refused to speak about the incident. After finally agreeing to an interview with peak performance coach Dr. Charles Garfield, Schultz was asked why she had remained silent about her miracle. Schultz revealed that the incident had scared her and reminded her that she had wasted most of her life living far beneath her true potential. If she had that strength inside her all along, why hadn't she realized it or utilized it more often or more fully?

With a little coaching from Garfield, Schultz returned to college, earned her degree, and went on, at nearly 70 years of age, to fulfill her long-held dream of becoming a college professor.

Like Schultz, we often dismiss our best moments as exceptions, flukes, or lucky breaks. But those moments are the real us. They reveal what Hashem already knows—that we carry extraordinary potential inside. Don't ignore the strength that is inside you. Your best moment as a mother or father, as a husband or wife, as an eved Hashem—that is the real you. Believe it, embrace it, nurture it, repeat it, and grow it.

Spend Elul overcoming your imposter syndrome and seeing and believing in the real you. This year, instead of just limiting our challenges, let's challenge our limits.

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### **Rav Yochanan Zweig** **...and Justice for All**

You shall not pervert judgement, you shall not show favoritism, and you shall not take a bribe because bribery blinds the eyes of the wise and makes righteous words crooked (16:19).

This week's parsha exhorts judges to repudiate bribes. One must ask; for whom exactly was this prohibition written? It would seem kind of pointless to tell a crooked judge, "by the way you shouldn't take bribes." Obviously, an honest judge innately understands that taking a bribe undermines the whole justice system, while a crooked judge has made his choice and chosen to ignore the moral issues. So to whom is this prohibition directed?

Rashi (ad loc) makes a curious comment: A judge is forbidden to take a bribe "even to adjudicate the case honestly." What exactly is the case Rashi is referring to? If he is judging the case properly, what precisely is

the issue? Perhaps even more puzzling: Why would someone even want to pay a judge to rule properly? What would be a compelling reason to offer a judge money in such a situation?

Rashi is actually alluding to a remarkable, and fairly tempting, situation. Imagine if one of the litigants approached the judge with the following argument: "Your honor, I am an honest person and I want you to adjudicate this case properly. I feel that I am in the right and I am entitled to monies from the other party. But, I fully recognize that I may be biased and that my claim may be wrong. In such a situation I would NEVER want the other party's money."

He continues, "I know that you have a lot of stress in your life, and that you need to make more money in order to make ends meet. I know you drive Uber shifts at night to earn extra cash. My concern is that you might be tired from all those extra hours working and it is likely that you may not have the peace of mind to give this case the proper attention it deserves. Under no circumstances would I, heaven forbid, want money that didn't belong to me. So please allow me to give you enough money so that you can solely focus on this case and not have to take on another job. But I am reiterating that I am only doing this so that you can give it the proper attention and adjudicate this properly."

Well, you can probably see where this is going. The reason it's such a sinister form of bribery is because it is so cleverly subtle, and a desperate judge might actually consider such an offer. It almost seems on the up and up. The reason it is so deceptive is that even if the judge turns it down, in reality the litigant has already accomplished proving to the judge what a good guy he is and that his heart is in the right place. That alone can affect the outcome of the case.

We can also learn a valuable life lesson here: treachery sometimes appears as an illusion of an honest person with an outstretched hand offering help.

Judge and Executioner

You shall appoint judges and policemen in all your gates that Hashem your Lord has given you, and they will judge the nation justly (16:18).

Rashi (ad loc) quotes the Midrash Tanchuma and defines the role of the officers: "They are the ones that enforce on the people the verdict of the judge, through hitting and restraining them." Rashi seems to be bothered by a remarkable omission in the possuk. The verse starts out saying that we must appoint judges and officers, yet only seems to describe the job of the judges; "and they will judge the nation justly." There is no independent mention of the role of the policemen. Rashi, therefore, concludes that their role was merely to support the judges, in other words, they are part of the system of courts.

This is a fascinating departure from the American system of jurisprudence. In American law, the judges are in the judicial branch of government, but all the enforcement of the law falls under the executive branch. In other words, policemen, sheriffs, and other law enforcement personnel work for the local, state, or national municipality; whether it is the mayor, governor, or president. This is because under the American system the judges bear no responsibility for the practical application of law, just the determination of it.

Under the Jewish system of law, the judges are required to not only adjudicate issues that come before them but to also oversee the application and enforcement of the laws. The police force is the enforcement arm of the judicial system. In other words, the American system of jurisprudence simply charges the judges with determining the law while our system makes them fully responsible for the law; charging them with the responsibility of maintaining the integrity of the law as well.

Rambam (Yad Hilchos Sanhedrin 1:1) takes this one step further and explains that the officers not only enforced the laws and administered the punishments for those who violated the laws, they were also responsible for maintaining a moral and honest society. The police were responsible for monitoring the markets to make sure there was no price collusion or gouging and that all the weights and measures used in the marketplace were accurate and honest.

In the American system there is a basic understanding that you can do what you want as long as you aren't hurting anyone. In our system of law, we are not just concerned with maintaining law and order. Our laws aren't in place just to make sure society doesn't devolve into anarchy; our primary concern is maintaining a moral society that reflects the values of our Torah.

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### Office of the Chief Rabbi Mirvis

#### Shoftim

Until the last hostage

For as long as a single hostage, alive or dead, remains in Gaza, the Jewish people will be incomplete.

We learn this from the Parsha of Shoftim in which Hashem tells us "Tamim tihiyeh im Hashem elokecha"- you the Jewish people must be tamim, which translates as whole, complete, perfect with the Lord, your God."

Fascinatingly, in Psalm nineteen, verse eight, we read 'Torat Hashem temima', the Torah of Hashem is temima. It's that same word, 'complete', whole, perfect. Rabbi Yitzchak Elchanan of Kovno beautifully said that from here we learn 'Yisrael v'oraita chad hu'- the Jewish people and the Torah are one, because the same term is used in order to describe both.

But what's the message of it? Rabbi Yitzchak Elchanan went on to say, in the same way that if one single letter of the Torah is pasul, if it's rendered unfit, then an entire scroll becomes unfit to be read. So too, if one single Jewish person is suffering, then we as a nation are incomplete.

The Lubavitcher Rebbe explains this on a deeper level, introducing the Talmudic concept of 'kvil mukaf'. What does this mean in regard to writing a Sefer Torah?

In a Torah scroll there needs to be spaces between the words, but in addition, there need to be tiny spaces between the letters of each word. If a single letter is joined with ink to the letter before it or after it, it's pasul and the Torah is pasul.

So, what we therefore see in a Torah scroll is that each letter is independent of others and therefore stands as itself, and at the same time, it is an indivisible part of the word which it is part of.

So too, the Rebbe said, each one of us lives as individuals but at the same time we are part of our great nation. With broken hearts, we continue to lament the awful situation of the hostages in Gaza. And it is because of their plight, and so many others who are suffering, that we as a nation are currently incomplete.

Our focus is on them, our prayers are for them. May Hakadosh Baruch Hu bless them to come home swiftly and safely, may peace reign and may we, the Jewish people, speedily be complete once again.

Shabbat Shalom.

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אנא מלכה בת ישראל

## Parshat Shoftim: Rabbinic Authority

by Rabbi Eitan Mayer

### HALAKHIC AUTHORITY:

This week, we will be doing something a little different than usual. Instead of trying to extract the peshat (plain-sense) meaning of the Torah and examine the themes of the parasha, we will be looking at a halakhic issue. This means that we will be looking for the \*halakhic\* interpretation of the text, not the peshat meaning (though they often coincide), and also that we will paying more attention than usual to post-biblical halakhic sources. Given that we are knee- deep in the halakhic section of Sefer Devarim (Deuteronomy), it seems appropriate for us to move beyond the text itself and focus on halakha.

The topic we will examine is one of great concern to the many Jews who take their Judaism seriously and are looking for guidance about one of the most pressing issues in Jewish life. That issue is halakhic authority: who is qualified to make halakhic decisions? Where does this authority come from? Are the decisions of any individual or any constituted body binding on communities or on the Jewish people as a whole? Do halakhic authorities have power also in non-halakhic areas?

Our parasha is the address for all of these questions, as it contains the brief section from which we derive the most significant rules of halakhic authority. It goes almost without saying that there are many points of view other than those which will appear in this discussion. (And to anyone who attended the course I gave on halakhic authority awhile back, I hope the review does you some good.)

First we will take a look at the relevant section of the parasha. I urge you to look at the original text and not to rely on my (or anyone else's) translation:

### DEVARIM 17:8-13 --

If a matter of judgment ["mishpat"] should escape you, between blood and blood, between law and law, and between lesion and lesion ["nega"], matters of strife in your gates, you shall arise and go up to the place that Y-HVH, your God, shall choose. You shall come to the priests, the levites, and to the judge who shall be in those days, and you shall seek ["ve-darashta"], and they shall tell you the matter of judgment. You shall do according to the thing that they tell you from that place, which Y-HVH shall choose; you shall guard ["ve-shamarta"] to do as all they instruct you ["yorukha"]. According to the instruction ["torah"] that they instruct you ["yorukha"], and according to the judgment which they say to you, you shall do; do not turn aside from the thing they tell you, right or left. But the man who shall act brazenly, to not listen to the priest who stands to serve there Y-HVH, your God, or to the judge -- that man shall die; you shall clear out the evil from Yisrael. The entire nation should hear and see, and not act brazenly any further.

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### QUESTIONS:

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1. (a) Why is the high court located in the Chosen Place, where Hashem's 'home' is also located -- what does resolving a legal issue have to do with the Beit HaMikdash (Temple)?

(b) What do the "priests and levites" have to do with judgment? It makes sense to bring matters of judgment to a judge, but what are these religious functionaries doing in the picture?

(c) The Torah places great emphasis on the fact that the priests-levites/judge sit in the Chosen Place, repeating that this is the place chosen by Hashem and that "you shall do according to the thing that they tell you FROM THAT PLACE." Why is this so important? After all, the point is not the courtroom or the address of the courthouse, it's the answer the judge gives you -- right?

2. Why does the Torah command that we execute (!) anyone who disagrees with the verdict handed down by the court? Why should it be a capital crime to have a different opinion? Does the Torah allow no room for people to see an issue

from different perspectives?

3. Does all of this apply only to the specific circumstances described by the Torah -- i.e., are we required to obey the instructions of this priest-levite/judge halakhic authority only if he sits in the Chosen Place? What if the Beit HaMikdash is destroyed -- does halakhic authority perish along with it?

4. What if you think that the court (or other halakhic authority) is wrong -- do you have to listen anyway? If so, why? What sense does it make to listen to a court if the court is telling you to do something you think is against the Torah?

5. Does a court, or any other religious or halakhic authority, have any sort of authority in non-halakhic areas, or are we on our own in the non-halakhic realm?

## **INTRODUCTION:**

Imagine it's 2,500 years ago, and you're living in a small town three hours' donkey ride from Jerusalem. A halakhic question comes up at the farm, so you ask your local Orthodox rabbi, but he doesn't know the answer. What are you supposed to do?

### **RAMBAM, LAWS OF REBELS, 1:4 --**

[Whenever] any law became the subject of doubt for a Jew, he would ask the court in his city. If they knew, they would tell him; if not, then the questioner, along with the court or its emissaries, would ascend to Jerusalem and ask the court at [entrance to] the Temple Mount. If they knew, they would tell them; if not, then all of them would come to the court at the opening of the Sanctuary. If they knew, they would tell them; if not, then all of them would come to the "Hewn Chamber," to the Great Court, and ask. If this matter -- about which everyone was in doubt -- was known to the Great Court . . . they would tell them immediately, but if the matter was not clear to the Great Court, they would consider it at that time and discuss it until they all agreed, or they would vote and follow the majority. Then they would tell the questioners, "Such is the halakha" . . . .

Once the Great Court delivers its response, the questioners are required to accept the answer and behave accordingly. This is not just advice -- it is a positive command (mitzvat asei) to obey the Great Court, and a negative command (mitzvat lo ta'aseh) to disobey the Court:

### **RAMBAM, LAWS OF REBELS, CHAPTER 1 --**

LAW 1: The Supreme Court in Jerusalem are the root of the Oral Torah and the pillars of instruction; from them do law and judgment go out to all Israel, and the Torah places trust in them, as it says, "According to the instruction that they instruct you" -- this is a POSITIVE OBLIGATION. All who believe in Moshe, our teacher, and in his Torah, are bound to rely on them in religious activities and to depend on them.

LAW 2: Anyone who does not act in accordance with their teaching violates a NEGATIVE COMMAND, as it says, "Do not turn from what they tell you, right or left" . . . . Any sage who rebels against their words, his death is through strangulation . . . whether [the issue in dispute is] 1) a matter known by oral tradition, or 2) a matter derived by the Court itself using one of the hermeneutic rules of interpreting the Torah, and which seems correct to them, or 3) a "fence" in the law which they created in order to protect Torah law or because there was a need for it -- these are the gezerot and takkanot and minhagot -- in all three categories, it is a POSITIVE OBLIGATION to obey them. One who violates any of these laws violates a NEGATIVE COMMAND . . . .

Let us neither overcomplicate nor oversimplify the matter: the scope of authority granted by these mitzvot is a matter of significant debate. The sources to be presented here are only those I find both particularly important, as well as presentable over e-mail.

## **WHAT IF I THINK THE COURT IS WRONG?**

It is all very well and good to have one central clearing-house for halakha, where all decisions are finalized, but what if it seems to me that the decision handed down is incorrect? How am I supposed to react? Hazal and many Rishonim (medieval authorities) address this possibility in many places:

**SIFREI, DEVARIM, SECTION 154:11 --**

"[Do not turn aside from the thing they tell you,] right or left": Even if they show to your own eyes that right is left and left is right, listen to them.

This midrash halakha seems to answer our question quite clearly: even if they tell you something you think is wrong, even if it's so obvious to you that it's as if they are standing in front of you and telling you left is right and right is left, you must listen to them. However, it is a bit more complex than that, because the language of this midrash is tricky and ambiguous:

"Afilu mar'im be-einekha al yemin she-hu semol ve-al semol she-hu yemin, shema la-hem."

While I believe that this is best translated as above, it is also possible to translate as follows:

"Even if it seems to you that they are telling you right is left and left is right, listen to them."

The difference between these two translations is that the first translation makes it sound like the court truly has made a mistake -- they tell you that right is left and left is right; still, you must listen to them. On the other hand, the second translation makes it sound more like the court has not necessarily made a mistake, just that \*you\* believe they have -- it "seems to you" that they are telling you something which is obviously wrong; still, you must listen to them. This second translation leaves room for the possibility that if the court truly is wrong, you are not supposed to follow its verdict; only if it seems to \*you\* that it is wrong are you required to follow it.

The first possibility -- that we are bound to follow the court even if it errs -- is reflected in another midrash:

**MIDRASH TANNA'IM, DEVARIM 17:10 --**

How do we know that if they tell you that left is right and right is left, [that you must] listen to their words? The Torah tells us, "According to ALL that they instruct you."

According to this view, we are commanded by Hashem to follow the court no matter what it tells us, no matter how ridiculous it seems, even if it declares that right is left and left is right. To put it another way, you could never commit an aveira (sin) by following the court. Hashem always wants you to do what the court tells you to do.

The second possibility -- that we are bound to follow the court even if it seems wrong to us, but only if it is truly correct in its verdict -- is reflected in a passage in the Yerushalmi (Jerusalem Talmud):

**YERUSHALMI, HORAYOT 1:1 --**

I might think that if they tell you that right is left and left is right, that you must listen to them -- therefore the Torah tells us, "to go right and left" -- that they must tell you that right is right and left is left.

If we stop to think about it, though, it seems not to make much difference which possibility is the correct one. In both cases, you think the court is dead wrong. It's as obvious to you as right and left. But you don't have access to the absolute truth of whether they are indeed right or wrong. So even if it were true that you are commanded to follow the court only when its verdict is correct, how are you supposed to know when the court is truly correct and when not?

One possible solution (and one which I believe is reflected by the context of some of the above sources) is that the different sources are referring to people with varying degrees of halakhic expertise. If you are, with all do respect, Joe Nobody in terms of halakhic expertise, then even if it seems to you that you are being told your hands are screwed on backwards, you ought to suspend your disbelief and accept the word of the Big Experts. But if you are a person of such halakhic stature that you would be qualified to sit on the Great Court, you not only can hold your ground, but perhaps you

\*must\* -- unlike the non-experts, who are compelled to rely on the Court due to their halakhic non-expertise, you are a Big Expert in your own right. In your expert view, it is not just that the Court \*seems\* to have erred, it is a certainty.

The fact that a Big Expert is in a different category than others when it comes to disagreeing with the Great Court is something reflected in the first Mishna in Tractate Horayot:

#### **MISHNA HORAYOT, 1:1 --**

If the Court [mistakenly] ruled that one may violate one of the commandments in the Torah . . . and one of them [i.e., one of the judges] knew that they had erred, or a student who is fit to be a judge [knew that they had erred], and he [nevertheless] went and acted according to their word [i.e., the word of the Court] . . . he is held responsible, for he did not [truly] rely on them [since he knew they were wrong] . . .

Now that we have seen some of what Hazal have to say, we turn to the Rishonim to see how they understood these pesukim. The first view we will consider is that of Rashi:

#### **RASHI, DEVARIM 17:11 --**

"[Do not turn aside from the thing they tell you,] right or left": even if they tell you right is left and left is right, and certainly if they tell you right is right and left is left.

Rashi leaves us with no doubt that he believes that even when the Court is truly mistaken, even when it tells you that right is left and left is right, you are bound to obey it. He is absolutely clear: we are to follow the Court whether they tell us right is left and left is right, or right is right and left is left.

Or maybe not! Perhaps Rashi, like the midrashim above which command obedience even to an ostensibly wrong verdict, is talking to the non-expert. Whether it looks to you like the Court is wrong (right=left, left=right) or right (right=right, left=left), you must obey its verdict. Since you are not a Big Expert, a potential member of the Court, you are not qualified to say whether the verdict is \*truly\* correct, so no matter what you think, you should follow its judgment. [In the middle of writing this shiur, I consulted Rabbi Herschel Schachter, Rosh Kollel at RIETS, and R. Schachter told me that the Tzeida La-Derekh, a commentary on the Torah, suggests the same resolution as I have suggested above.]

The Ramban's interpretation of Rashi seems to accord with the above suggestion -- that Rashi is addressing someone who \*believes\* that the Court has erred, not someone who is qualified enough to \*know\* that they have, in fact, erred:

#### **RAMBAN, DEVARIM 17:11 --**

"[Do not turn aside from the thing they tell you,] right or left"-- "Even if they tell you right is left and left is right," so is the language of Rashi. The meaning is that even if you BELIEVE in your heart that they are mistaken, and it is AS OBVIOUS TO YOU as your knowledge of the difference between your right and left hands, still, you shall do as they command, and do not say, "How can I eat this [non-kosher] fat or kill this innocent person?!"

The Ramban, along with Rashi, is telling the non-expert (if it's not obvious already, just about all Jews, including most rabbis, are considered "non-experts" in this context) to suspend his or her judgment and rely on the Great Court. Even though we may consider the Court mistaken, we have no accurate way of telling.

But then the Ramban goes further -- not only are we required to obey the Court because we cannot judge when it is correct and when mistaken, but we are required to obey it even when it truly is mistaken! The Ramban continues:

#### **RAMBAN --**

. . . Instead, you should say, "The Master, who commanded the commandments, commanded that I should behave -- in regard to all of His commandments -- as I am taught by those who stand before Him in the place He shall choose, and according to their interpretations has He given me the Torah, EVEN IF THEY ARE MISTAKEN."

Here the Ramban gives the Great Court much broader power than before; until now, we could have assumed that the Ramban is telling us to submit our will to the Court's because the Court has infinitely greater halakhic expertise. But now

he is telling us that the issue is not expertise, but authority. The Court is always right -- even when it's wrong! Hashem prefers that I follow the Court's wrong verdict to my own correct judgment! The Ramban goes on to explain the rationale for the command to obey and the command not to disobey the Court:

#### **RAMBAN --**

The need for this commandment is very great, because the Torah is given to us as a text, and everyone knows that opinions will differ in the details and in new situations; the result will be that disagreement will increase, and the Torah will become several Torot! So Scripture lays down the law, that we should listen to the Great Court -- which stands before God in the place He shall choose -- in all that they say in interpreting the Torah, whether they accepted it as testimony from earlier authorities, and they from Moses, and he from God, or if it is their own opinion about the meaning or intent of the Torah. **THIS IS BECAUSE THE TORAH WAS GIVEN TO FUNCTION ACCORDING THEIR OPINIONS**, even if it seems to you that they mistake right for left . . . for the Spirit of God rests on the servants of His Temple, and does not abandon His righteous ones; they are forever protected from error and stumbling. The Sifrei says: "Even if it seems to you that they say that the right is left and the left right."

**If you read the above Ramban carefully, you should now be totally confused.** Let's just review.

1) First, the Ramban quotes Rashi and says that the Torah is commanding us to obey the Court although WE BELIEVE it is mistaken. This makes it sound like the Ramban believes that we must obey the Court because we are usually wrong in our view of the halakha, and the Court is right.

2) But then the Ramban says that we are commanded to obey the Court even if it IS mistaken -- so even if we are right that the Court has told us that right is left and left is right, we must accept.

3) The Ramban then tells us that the Torah is given to us to function as the Court sees it, so that there will be unity in the nation and so that the Torah will not become multiple Torot. This makes it sound like the Ramban believes that the Court can indeed err, but that we are commanded to obey anyway for practical reasons: we have to stick together as a religious community and a nation.

4) But then the Ramban switches back again and tells us that special divine inspiration assures that the Court will NEVER make a mistake. He then quotes the midrash which reads, "Even if it seems to you . . .", implying that the Court is truly correct and that it is only our ignorance which makes us believe otherwise.

Will the real Ramban please stand up? Do we laypeople accept the Court's verdict simply for the sake of unity, or because we can't claim to know any better ourselves, or because they are simply always correct?

First let us consider one simple question: is it really true that the Great Court is "forever protected from error and stumbling?" Is there any solid evidence that the Great Court can indeed make a mistake?

If you've been paying attention so far, your answer should be yes -- much of the first perek (chapter) of Tractate Horayot (including the first Mishna, which was quoted above) deals with exactly this topic. But there is more solid evidence than that. Let us briefly take a look at two sections of the Torah:

#### **VAYIKRA 4:13-14 --**

If the entire congregation of Yisrael shall sin in error, and a matter is hidden from the "eyes of the congregation" [a term understood by Hazal to refer to the Great Court], and they do one of the mitzvot of Y-HVH which is not supposed to be done [i.e., a negative command] . . . they shall bring a bull of the flock for a sin-offering . . .

#### **BEMIDBAR 15:24 --**

It shall be, that if from before the "eyes of the congregation" [see above] it is done inadvertently, then the entire congregation shall bring a bull of the flock for a burnt-offering . . . and one goat for a sin-offering . . .

These two sections prescribe the procedure to follow in case the Great Court rules mistakenly and the entire nation (or a

significant part of it) follows that ruling. A special korban (sacrifice) or set of korbanot is to be brought. In any event, these passages confirm that the Court can indeed make mistakes.

**If you remember the Yerushalmi passage above, you will see that it, too, assumes that the Court can err.**

With all this in mind, let us return to the Ramban. Surely, the Ramban is aware of all this; therefore, when he says that "the Spirit of God rests on the servants of His Temple, and does not abandon His righteous ones; they are forever protected from error and stumbling," we must interpret his words in light of the evidence we have just seen. The Ramban's position is certainly complex, to say the least, but perhaps the following summary will help us to understand his words:

1) The Court is almost always correct in its verdicts. Non-experts are therefore required to obey it, because they have no expertise based on which to disagree with the Court. Even if it seems to their untutored senses that the Court is obviously wrong, they must submit to its expertise and its divine guidance.

2) Sometimes, the Court is indeed wrong. But non-experts are still required to obey it because

a) they have no way of knowing with any reliability when the Court is halakhically wrong.

b) it is necessary for the unity of the community for there to be one source of authority, and for it not to be OK for everyone to follow his or her own instincts in serving Hashem.

3) Now for the Big Expert who \*knows\* the Court is wrong: the expert is supposed to stick to his guns; eventually, the Court will consider his opinion. If they reject it, he is no longer allowed to tell people they can follow his ruling. (It is a matter of disagreement whether he is supposed to continue to follow his own ruling in private, but it is certain that he can no longer publicly follow his own ruling). If he refuses to knuckle under, it is "curtains" for him.

The Ran, Rabbi Nissim of Gerondi, relates to this last point in his Derashot (a fascinating sefer, which everyone should read; yes, I know that the Ran's authorship of it is at issue, but whoever wrote it, it is an important work). He assumes that the Torah's command to swerve neither "right nor left" refers to the Big Expert, not just to all of us Joe Nobodys:

#### **DERASHOT HA-RAN, DERUSH 11 --**

. . . "Even if they tell you right is left and left is right," even if it is clear to you that the truth is not like the words of the ruling of the Sanhedrin [Great Court], nevertheless, obey them, for so commanded Hashem, that we should behave with regard to the laws of the Torah and its mitzvot according to what they [the Court members] decide, whether they coincide with the truth or not! This is like the matter of Rabbi Yehoshua and Rabban Gamliel, that Rabban Gamliel commanded him to come to him, with his walking-stick and his money, on the day that he [Rabbi Yehoshua] believed was truly Yom Kippur -- and so he did! Since Hashem gave over decision-making power to them, **WHATEVER THEY DECIDE IS WHAT HASHEM COMMANDS** about that thing. On this do we rely in the mitzvot and judgments of the Torah, that we fulfill the will of Hashem in doing them [the mitzvot] so long as we rely on whatever the gedolei ha-dor [sages of the generation] agree upon.

Once Rabban Gamliel had heard Rabbi Yehoshua's opinion and rejected it, Rabbi Yehoshua was bound, like the Big Expert whose opinion has been heard by the Great Court and rejected, to accept the opinion of Rabban Gamliel, who was in a position of greater authority than he. The Ran, you may have noticed, appears to expand the authority of the Great Court beyond the Court itself, extending it to Rabban Gamliel and to the "gedolim" of each generation. According to the Ran, the section of Humash we have been studying is not history about a Court that once was, it is law which applies here and now. Whatever the great sages of the generation rule, we are commanded to obey them and forbidden from disobeying. The Ran makes this a bit clearer later on in his sefer:

#### **DERASHOT HA-RAN, DERUSH 12 --**

We are commanded to obey . . . the sages of the generations who come after the [Sanhedrin] . . . in whatever they explain in the laws of the Torah . . . . But the 'fences' and rabbinic enactments they make . . . rely on the verse, "You shall not turn aside [from what they tell you, right or left]." Just as He gave this power to the Sanhedrin, since they are the teachers and great sages of Torah, so is it appropriate that this power be given to all sages of Israel . . . .

The great sages of this generation, for instance, are empowered by "Lo tasur," "Do not turn aside," according to the Ran. Who the sages of this generation are . . . is not for me to say.

The final source we will see on this issue is also probably the most expansive. The Sefer Ha-Hinukh (author unknown, although some conjecture that it was written by the Ra'ah) extends the authority of the Court to the sages of all generations, even when there is no Court -- like the Ran above -- but he also may extend their authority beyond what is defined as strictly halakhic:

#### **SEFER HA-HINUKH, MITZVAH 495 --**

It is an obligation to obey the voice of the Great Court and to do whatever they command in matters of Torah -- the forbidden and permitted, the impure and pure, the guilty and the innocent, and in ANY THING THEY BELIEVE STRENGTHENS AND IS CONSTRUCTIVE FOR OUR RELIGION . . . Included in this obligation is to obey -- in all ages - the command of the judge ["shofet"]; that is, the greatest sage among us IN OUR DAYS; as they [Haza] interpreted, may their memory be blessed, "Yiftah in his generation is as Samuel in his generation."

[It is worth mentioning that the Hinukh's language here is similar to that of the Rambam in Sefer HaMitzvot, Positive Mitzvah #174.]

#### **SEFER HA-HINUKH, MITZVAH 496 --**

. . . And in every generation also, that we listen to the CONTEMPORARY SAGES, who have received their [the earlier sages'] words by tradition and have drunk water [=Torah] from their books . . . Even if they tell you right is left and left is right, do not stray from their command. In other words, even if they are wrong about a particular thing, it is not worthwhile to argue with them, and instead, we should follow their error. It is better to suffer one error and still have everyone under their good guidance than to have everyone do as he pleases, for this would cause the destruction of the religion, the splitting of the heart of the people, and the total destruction of the nation.

#### **AUTHORITY IN NON-HALAKHIC AREAS --**

As long as we have mentioned that the Sefer Ha-Hinukh may feel that the sages are empowered also in non-halakhic areas, let us briefly consider several statements made by great sages over the generations about rabbinic authority in non-halakhic areas. I will not comment on these statements; I put them forward for you to consider. I consider it too controversial a topic for me to comment on in this forum:

##### **1) THE HAFETZ HAYYIM** [From "Hafetz Hayyim on the Torah," p. 30]:

(Note that this is not the Hafetz Hayyim writing, it is a student of his.)

"He used to say, 'One whose opinion (da'at) is the opinion of the Torah (da'at Torah) can solve ALL OF THE PROBLEMS OF THE WORLD, IN GENERAL AND IN PARTICULAR.' But he added a condition: 'The Da'at Torah must be pure, without any ulterior motive and any leaning. If you have a person who has Da'at Torah, but it is mixed even a little with other opinions from the marketplace or the newspapers (press), his Da'at Torah is clouded, mixed with refuse, and it is unable to descend to the depths of the matter.'

##### **2) RABBI ELIYAHU DESSLER, "Mikhtav me-Eliyahu," ["A Letter from Eliyahu"], vol I, pp. 75-76:**

(The following is an "Editor's note" in a footnote in "Mikhtav me-Eliyahu"; it explains the context of Rabbi Dessler's words:)

"The one who asked the question [to Rabbi Dessler] was influenced by those who have already forgotten that the Land of Israel was saved from German attack from Africa only by a miracle which shocked the strategists. These people have argued that if all the Jews of Europe, may God avenge their blood, had come to Israel before the war, they would have been saved, and they blamed the gedolei ha-dor for this [as if they had the power to convince the people to move!]."

(So much for the editor's note. Anyway, the following are Rabbi Dessler's words:)

"From your words I can see that you think that all of the gedolim of Israel -- whose actions were for the sake of Heaven, the geniuses of intellect and pillars of righteousness at once, about whom, there is no doubt, that in all of their judgments and rulings, God was with them . . . --that all of them made a complete mistake. Heaven forbid! It is forbidden to hear such things, let alone to say them!

"First of all, I will say that I knew some of these gedolim personally, and I saw them at assemblies dealing with matters of national significance . . . and I can tell you with certainty that even to pygmies like us, their brilliance was astounding, the depth of their intelligence penetrated into the deep itself. It is impossible for someone like us to measure the full degree of their understanding . . . and anyone who had the privilege of standing before them at these times, was sure that the Divine Presence was among their dealings, and the Holy Spirit rested on their gathering . . . Hazal have already told us to obey the wise ones even when they tell us left is right, and not to say, God forbid, that they have surely erred, for even tiny I can see their error. Instead, our own senses must be totally nullified, like the dust of the earth, before their brilliance and the divine assistance they receive . . . This is the Da'at Torah about emunat hakhamim."

### **3) RABBI SHNEUR ZALMAN OF LIADI (first Lubavitcher Rebbe), "Holy Letters," Letter 22:**

"My beloved, my brothers, and my friends -- 'from a hidden love comes an open rebuke'; 'come now and let us judge.' 'Remember the days of old, consider the years of each generation.' Was it ever like this, from days of old? Where, indeed, did you find this custom in even one of the books of the sages of Israel, whether the early ones or the later ones, that it be a custom and an established way of life to ask for advice on the physical -- i.e., how to behave with regard to matters of this physical world -- to even the greatest of the first sages of Israel, like the Tanna'im and Ammora'im, from whom 'no secret is hidden' and for whom 'the paths of Heaven are clear'? Only to actual prophets, who once existed among Israel, like Samuel the Seer, to whom Saul went to seek God about his father's lost donkeys. For in truth, all human matters besides the words of the Torah and the fear of Heaven are available only through prophecy, and 'the wise do not have the bread'; as our sages say, "All is in the hands of Heaven except the fear of Heaven," and "Seven things are hidden . . . man does not know from what he will make money . . . and when the Kingdom of David will be re-established" -- notice that these things are compared to one another. And what it says in Isaiah, "A counselor and a wise one . . .", and also what the sages have said, "And one benefits from him [the Torah sage] advice and counsel" -- this all refers to the words of the Torah, which are called "counsel," as the sages have said, "A counselor is one who knows how to intercalate the years and to set the months...", for the principles of intercalation are called "counsel" and "secret" in the terminology of the Torah, as it says in Sanhedrin 87[a], see there the commentary of Rashi.

AND, last but not least, just to end with a surprise,

### **4) RABBI YOSEF DOV HALEVI SOLOVEITCHIK ("The Rav"):**

(From The Jewish Observer, May 1992. Note that while The Jewish Observer claims that the following text is printed in the journal HaPardes (14:7, 1940), the text is actually only a paraphrase of a Hebrew text in HaPardes. If you check the HaPardes version, you will find that the JO edition just extracts the gist of the Rav's words but is not actually the words themselves. Be that as it may, I think the general point made is the same.)

Two of the garments worn by the Kohen Gadol (High Priest) are given special emphasis by the Torah: the Tzitz and the Hoshen.

Each of these vestments represents a different function that the Kohen Gadol fulfilled. The Tzitz was "holy to Hashem" and was worn upon the head, for it represented the Kohen Gadol as decisor of questions relating to individual holiness and purity. The Kohen Gadol would rule on matters of defilement and marriage, kashrut and monetary disputes and all individual concerns.

The Hoshen rested upon the heart and it contained the names of every one of the shevatim (tribes). With the Urim veTumim, which was an integral part of the Hoshen, the Kohen Gadol gave guidance for the issues facing the nation as a whole: to go to war or not; to react to an enemy's taunts or to be silent; to call public meetings or to remain still. These are

the questions that only the heart that felt the pain of the nation could decide. These are the issues that only the sensitive soul of the Kohen Gadol could address.

For millennia, the rule was clear. The same Kohen who wore the Tzitz, who decided upon mikvah and nidah, the laws of Shabbat and Yoreh De'ah, also wore the Hoshen and answered the questions of the nation as a whole. He decided the matters of war and peace, our relations with our neighbors, and set the national agenda and tone.

Only the Kohen, whose mind was saturated with the holy Torah of Rabbi Akiva and Rabbi Eliezer, Abaye and Rava, the Rambam and the Ra'avad, the Beit Yosef and the Rama, could also solve the political and national dilemmas of the nation. That very Kohen was the one to stand before kings, who knew when to speak softly and when to make demands, when to bend and when to be willing to give up life and limb.

In the last generation, a wedge has been driven, for the first time, between the Tzitz and the Hoshen, between the Gaon of the generation and its national leader. Gedolei Yisrael have been shoved into the corner to render judgments on "their" areas of expertise while self-professed "experts" lead the nation on matters of global concern.

This cannot be. There can be no heart devoted to the nation without the holiness of the Tzitz. And there can be no holiness without the overflowing and loving heart of the Kohen Gadol. The Tzitz cannot be severed from the Hoshen. The Hoshen must be carried on the same body that is crowned by the Tzitz.

\*\*\*\*\*END\*\*\*\*\*

I am well aware that this statement of the Rav's is a very early one in his career, made while he was part of Agudat Yisrael (and in fact the statement was made at an Aguda convention), before he had broken with Aguda. I am also well aware that many other statements of the Rav exist on this matter (some of them contradictory!).

I suppose you will have what to think about over Shabbat!

Shabbat shalom

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**PARSHAT SHOFTIM**

What is the ideal form of leadership for Am Yisrael:  
 a NAVI [a prophet];  
 a SHOFET [a judge];  
 a KOHEN [a priest];  
 a MELECH [a king]?

As Parshat Shoftim mentions each of these four 'models', in this week's shiur we discuss this important question.

**INTRODUCTION**

It is not by chance that Parshat Shoftim discusses different forms of national leadership. Recall how the main speech of Sefer Devarim (chapters 5-26) contains the mitzvot that Bnei Yisrael must observe upon their entry into the Land. Considering that Parshat Shoftim is part of that speech, it only makes sense that this speech would contain a set of laws relating to the establishment of national leadership. With this in mind, we begin our shiur with an analysis of the logical flow of topic from Parshat Re'ay to Parshat Shoftim.

Recall from our previous shiurim how Parshat Re'ay began the important "chukim u'mishpatim" section of the main speech (i.e. chapters 12-26). This section opened with the topic of "ha'makom asher yivchar Hashem" - the site of the Bet Ha'Mikdash - which was to become the National and Religious Center. That discussion continued with topics relating the establishment of other laws that would facilitate the creation of an "am kadosh" [a holy nation], such as special dietary laws, and a unique economic system protecting the 'poor from the rich'.

Parshat Shoftim continues this theme in its opening discussion of a comprehensive judicial system (see 16:18-17:13). That topic, concluding with the establishment of a 'supreme court', is followed by laws relating to the appointment of a king (see 17:14-20); laws relating to shevet Levi (see 18:1-8) and some guidelines relating to proper and improper 'guidance counsellors' (see 18:9-22).

As all of these mitzvot pertain to the political and religious leadership of the people, this would also facilitate the realization of God's goal for Am Yisrael to become His 'model' nation (see Breishit 12:1-3). The nation's character will be crystallized not only by the special mitzvot that each individual must follow, but also by its national establishments.

**"OR LA'GOYIM"**

Our introductory remarks are based on not only our analysis of these mitzvot, but also Moshe Rabeinu's own remarks at the conclusion his first speech (i.e. chapters 1-4). Moshe here explains WHY Bnei Yisrael should keep all these mitzvot which he is about to teach them:

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

- \* For that will be PROOF of your wisdom in the EYES OF THE NATIONS, who will say upon hearing all these laws: Surely, THIS GREAT NATION is a wise people.
- \* For what great nation is there that has GOD SO CLOSE to them...
- \* and what great nation has laws as perfect as THIS TORAH which I set before you today!"

(see Devarim 4:5-8).

These psukim inform us that the CHUKIM & MISHPATIM section of Sefer Devarim will contain mitzvot that Bnei Yisrael must keep IN ORDER to achieve this divine goal - to become an "or la'goyim" - a shining light for all nations. This requires the

establishment of national institutions to mold its unique character. These institutions are to facilitate not only the spiritual growth of each individual citizen, but also the creation of a 'model nation' that will bring God's Name to all mankind.

**THE NATIONAL INSTITUTIONS**

The first commandment of the CHUKIM & MISHPATIM section is the establishment of a National Center - BA'MAKOM ASHER YIVCHAR HASHEM. It is here where Bnei Yisrael are to gather on joyous occasions while offering their "korbanot" (see chapter 12), eat their "ma'aser sheni" (see chapter 14), and gather on the "shalosh regalim" (the three pilgrimage holidays/ see chapter 16).

However, the establishment of this center is just one of the many mitzvot which are to facilitate the formation of God's model nation. Recall that Parshat Re'ay contains several other mitzvot which help create this "am kadosh" (holy nation):

- \* the special dietary laws (see 14:2-21);
- \* the laws of the seven year "shmitah" cycle (15:1-18), a national economic policy which helps guarantee social justice;
- \* warnings against 'bad influences' which could thwart the development of God's special nation (12:29-13:19).

This theme continues in Parshat Shoftim, which describes several institutions of national LEADERSHIP:

- 1) the SHOFET - a judicial system
- 2) the LEVI - religious leadership & civil servants
- 3) the NAVI - religious guidance & national direction
- 4) the MELECH - political leadership

We begin our discussion with the first topic addressed in our parsha, the SHOFET - the establishment of a nationwide judicial system:

"You shall appoint Shoftim v'shotrim" (judges and officers) at ALL YOUR GATES (i.e. in every city) that God is giving you, and they shall govern the people with due justice... JUSTICE, JUSTICE, you must pursue, IN ORDER that you thrive and inherit the LAND... (16:18-20).

Several psukim later (an explanation of the interim psukim 16:21-17:6 is beyond the scope of the shiur), Parshat Shoftim continues this theme with the commandment to establish a SUPREME COURT at the NATIONAL CENTER:

"If there is a case too baffling for you to decide...matters of dispute in your courts - YOU SHALL GO UP to HAMAKOM ASHER YIVCHAR HASHEM, before the KOHANIM, LEVIIM, or SHOFET, and present your case..." (17:8-11).

This institution serves as the HIGHEST authority for both civil disputes and halachic questions. Both TORAH and JUSTICE must emanate specifically from the site of the Temple, the National Center. Once again, this mitzvah reflects the primary purpose for God's choice of a special nation, as God had already explained in Sefer Breishit:

"For Avraham is to become a great NATION, and the nations of the world shall be blessed by him; for I have designated him IN ORDER that he command his children and his posterity to follow the WAY OF THE LORD by keeping TZDACA & MISHPAT..."

(see Breishit 18:17-19 and its context!).

**SHEVET LEVI**

Not only does the Torah require the appointment of judges, it also commissions an entire tribe - SHEVET LEVI - to become 'civil servants' for this purpose. The Leviim are not only to officiate in the Temple, but they must also serve as judges. Additionally, they are responsible for the teaching of Torah and the instruction of the halacha (Jewish Law).

This educational responsibility, which may only be implicit in Parshat Shoftim (see 17:9), is later stated explicitly by Moshe Rabeinu in his final blessing to Shevet Levi:

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

In fact, Parshat Shoftim identifies this tribal obligation as the reason why Shevet Levi does not receive a portion in the land:

"The KOHANIM & LEVIIM - the entire tribe of Levi - shall have no territorial portion within Israel. [Instead] they shall receive their portion from God's offerings... for God is their portion... You shall also give them the first portion of your grain, wine and oil, and the first shearing of your sheep. For God has chosen him [Levi] and his descendants from out of all your tribes TO SERVE IN THE NAME OF THE LORD for all time" (see 18:1->5).

Not only does the Torah define their duty as civil servants, but it also details their 'compensation' for this service (see also 18:6-8).

## THE NAVI

This section, which deals with shevet Levi, is immediately followed by a discussion of to WHOM Bnei Yisrael should [and should not] turn for guidance:

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

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

These psukim prohibit the consultation of any of a wide variety of popular 'soothsayers,' as was the practice of the nations of Canaan. Bnei Yisrael should rather seek guidance from the NAVI, who is to serve as a national 'advisor' through whom God will communicate His message.

## SO WHO'S IN CHARGE?

Thus far, we have encountered a court system, judges, the tribe of Levi (the Torah instructors), and the NAVI (who offers spiritual guidance). However, are any one of these leaders expected to provide political leadership as well?

\* Whose responsibility is it to actually oversee the CONSTRUCTION of the Bet HaMikdash, BAMAKOM ASHER YIVCHAR?

\* Whose duty is it to organize a standing army and lead the nation in battle?

\* Who will determine foreign and domestic policy?

\* Who will conduct and supervise the collection of taxes, the building of roads, the minting of coins, etc.?

\* Basically, who will run the country?

Neither from Parshat Shoftim or anywhere else in Chumash does it appear that these tasks are the responsibility of the kohanim, leviim, or the shoftim. Are they the responsibility of the NAVI - the Prophet?

The NAVI may, and probably should, serve as an ADVISOR to the political leadership, representing 'God's opinion' on important issues. Nevertheless, Parshat Shoftim clearly does not present him as a political leader.

Neither does the "shofet," presented at the beginning of the Parsha, emerge from the psukim as a 'political leader.' Although he must ensure the execution of justice (16:20), he is not portrayed as a political leader.

[Note: The use of the name "shofet" in Sefer Shoftim to define the ad-hoc political leadership of that time is a fascinating topic unto itself, but requires independent treatment, beyond our scope in this context.]

## THE "MELECH"

The answer to this question lies in one last category of national leadership discussed in Parshat Shoftim - the "melech" (king):

"When you have entered the land... and you will say: 'I want to have a KING, as do all the nations surrounding me,' appoint a KING over yourself, ONE CHOSEN BY GOD...

\* He must NOT keep too many horses...;

\* He must NOT have too many wives...;

\* He must NOT amass too much silver and gold.

When he is seated on his royal throne

\* He must WRITE down this MISHNEH TORAH (the laws of Sefer Devarim) from in front of the Kohanim and Leviim;

\* He must KEEP IT with him and READ IT every day of his life IN ORDER that he learn to FEAR GOD....

\* Thus, he will not act haughtily...or deviate from the Torah...IN ORDER that he and his children may continue to reign over Am Yisrael...(see Devarim 17:14-20).

From the above psukim alone, it is unclear whether the Torah OBLIGATES or merely ALLOWS for the appointment of a king. [See Sanhedrin 20b and all the classic commentaries.]

However, it appears from the CONTEXT of these psukim, especially in their relation to the other types of national leadership presented in Parshat Shoftim, that specifically the king is expected to provide political leadership. After all, who else will 'run the show'!?

Even though Moshe Rabeinu himself acted as BOTH the "navi" and king (i.e the political leader), it seems that this 'double duty' is the exception rather than the norm. [Later in Jewish History, certain situations may arise [e.g. Shmuel] when the national leader may also serve as NAVI, but this is not the standard procedure.]

## THE MAKING OF A NATION

Given God's desire that Bnei Yisrael become His 'model nation,' it is quite understandable why some form of central government is necessary. After all, in order to become a prosperous nation, at least some form of political leadership is needed to coordinate and administer its development.

One could suggest that when the Torah speaks of a king, it may be referring to any type of political leadership with central authority, regardless of the political system by which he is elected (be it a democracy, a monarchy, theocracy, etc.). The Torah speaks specifically of a 'kingdom,' for at the time of Matan Torah, that form of government was the most common. However, these laws regarding 'the king' would apply equally to any form of political leadership.

## "K'CHOL HA'GOYIM"

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

This observation may very well relate to the very concept of the singularity the Jewish Nation. Although we must remain different from other nations, we must still be a nation, in the full sense of the term. Hence, Am Yisrael does not need to be different from other nations with regard to the FORM of its political leadership, rather in the MANNER by which its political leaderships acts!

Once a specific leader is chosen, the Torah must guarantee that he does not grow too proud of his stature (see 17:16-17,20). Instead, he should use his invested powers to lead Am Yisrael towards becoming an "am kadosh." To this end, he must review the mitzvot of Sefer Devarim - MISHNEH TORAH - on a daily basis (see 17:19!). This is how we can become a 'model nation.'

Basically, "parshat ha'Melech" in Sefer Devarim sets the 'guidelines' for the behavior of the political leadership of Am Yisrael so that they fulfill God's destiny. Whereas this constitutes a primary theme of the main speech of Sefer Devarim, it is only appropriate that Parshat Shoftim deals specifically with this aspect of political leadership.

## A CHALLENGE

Undoubtedly, an inherent danger exists once political power is invested in a strong central government. But without a stable, authoritative body, a country cannot prosper and develop to its maximum potential.

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

This form of national government will not diminish the Kingdom of Heaven, but will rather promote the universal recognition of God's Kingdom and further the glorification and sanctification of His Name.

shabbat shalom,  
menachem

=====

#### FOR FURTHER IYUN

1. Based on Parshat Ha'Melech, would you define this ideal monarchy as constitutional or divine?

See Kings II- 11:17

2. Was Moshe Rabeinu a melech, a navi, or both?

What was Yehoshua? See Rambam Hilchot M'lachim perek I.

I.

What was Shmuel? (Was he an exception or the ideal?)

Is a dynasty necessary to be considered a king?

How does this question relate to the above shiur?

3. Read Rambam Hilchot Trumot I:1-3.

Which type of melech is the Rambam referring to?

See also the Rambam in Hilchot Melachim perek I.

See also the first Rambam in Hilchot Chanuka, where he discusses the historical background to this holiday. Note his remark, "v'he'emidu MELECH min ha'KOHANIM... and MALCHUT returned to Israel for more than two hundred years..." What type of MALCHUT is Rambam referring to? How would this relate to the above shiur?

4. Which of the 'shoftim' in Sefer Shoftim are actually referred to as such in Tanach? Why?

In what way is Gideon different from all the other Shoftim (in relation to his leadership /see Shoftim 8:22-25)?

5. Later in the Parsha, we are told that the "Kohen" addresses the army prior to battle (20:1-4). Here, his primary function is to boost the soldiers' morale, promising God's assistance in the campaign against our enemies.

Does it appear from the Torah that it is also the Kohen's task to lead the army in battle?

6. Based on this week's shiur, explain the difference between Kings Shaul, David, and Shlomo, and the "shoftim."

a. Who forms the first standing army?

b. Who first decides to construct the Bet HaMikdash?

c. Who is the first to levy taxes?

D. Who establishes a strong central government?

7. Try to classify all the "chukim u'mishpatim" from Parshat Re'ay through Parshat Ki-Tetze into different groups, each of which focuses on a specific topic. See if you can relate these topics to the order of the Ten Commandments.

#### ***'What defines what's right?'*** ***For Parshat Shoftim***

What's considered 'doing what is right in the eyes of God' ["ha'yashar beinei Hashem"]?

Sefer Devarim mentions this phrase several times, and assumes that we'll understand what it means; yet the classic commentators can't seem to agree on its precise interpretation.

To illustrate this problem, our shiur begins with the final pasuk in Parshat Shoftim - to show how it forms a rather meaningful conclusion for its opening line!

#### INTRODUCTION

The last nine psukim on Parshat Shoftim (21:1-9)

discuss the laws of "eglah arufa" – when the leaders of a community must perform a special ceremony in the case of an unsolved homicide.

Even though the first eight psukim describe the various stages of this 'ritual' – the final pasuk is not its last stage, rather – it appears to be some type of summary, or possibly even an additional commandment.

To verify this, review 21:1-9 – noting how the final pasuk is different, and how it relates to the previous eight psukim. [Make not as well of how you translated the word "ki" in 21:9!]

#### SUMMARY – OR NOT?

Let's begin with the JPS translation of 21:9, noting how it understands this pasuk as a summary for the previous eight (by adding the word 'thus'):

**"Thus** you will remove from your midst guilt for the blood of the innocent, **for** you will be doing what is right in the sight of the Lord." (21:9 / JPS)

[Note similar translation in Rav Aryeh Kaplan's Living Torah, and in the Jerusalem Bible ['so' instead of 'thus' - but all view this pasuk as a summary.]

In other words, after explaining all the various stages of this ritual – the Torah concludes by informing us that it will work! However, this explanation forces us to accept two conclusions:

1) That this "dam naki" [innocent blood] refers to the blood of the "chalal" [the slain person/ see 21:1] – which requires some sort of atonement, ideally with the blood of his murderer, but otherwise with the blood of the "eglah arufa". Without either, it seems that there would be terrible consequences.

2) The phrase "ha'yashar beinei Hashem" refers to these specific procedures of "eglah arufa" (as described in 21:2-8). Hence, when you have done them, the "dam naki" will be atoned.

The second conclusion is rather difficult to accept, for why would this ritual of "eglah arufa" fall under the category of doing 'what is correct in the eyes of God'? Usually, this phrase of "ha'yashar b'einei Hashem" refers to something in the realm of moral behavior, but rarely ever to ritual. [See Shmot 15:26, Devarim 6:18, 12:28 and 13:19.]

But even the first conclusion is rather difficult to accept, for the pasuk seems to imply some sort of new command – "V'ata t'vaeyr" [You must get rid of...] – in contrast to summary. Furthermore, the last phrase of 21:8 – "v'nikaper la'hem ha'dam" [and (thus) they will be atoned for the blood/ see Rashi] – in itself seems to be a summary, and hence, there doesn't seem to be a need for an additional summary in 21:9.

#### THE CASE ISN'T CLOSED!

Most probably for either one or both of these reasons, Rashi offers a very different interpretation, understanding the pasuk as an additional command (and not a summary):

"[This pasuk] tells us that should they afterward find the murderer – that he must still be put to death; and THAT is [what the Torah refers to] as 'yashar b'einei Hashem'." (see Rashi on 21:9)

Rashi's commentary solves both problems, for it understands this pasuk as an additional command – i.e. to continue to look for the murderer – EVEN THOUGH the "eglah arufa" ceremony was performed; while this 'continued search for

the murderer' is referred to (and rightly so) as 'what is correct is the eyes of God'.

To summarize Rashi's approach, this additional pasuk is basically coming to teach us that just because we have performed the ritual – the case is not closed! Instead, we must continue to pursue justice – for that is what is 'correct in the eyes of God'.

[See English translation of 21:9 in Stone Chumash, which reflects (as usual) Rashi's commentary, and how it differs from the other English translations.]

#### PARTICULAR or GENERAL

One small problem remains with Rashi's approach, in relation to our understanding of the phrase "ha'yashar b'einei Hashem". If we consider the other times in the Torah where we find this phrase, we find that it usually refers to a very general category of behavior – more like a 'way of life' - in contrast to something specific. For example, after Bnei Yisrael cross the Red Sea and arrive at Mara, God challenges the nation to follow him as follows:

"If you obey God, and **do what is upright in His eyes** [v'ha'yashar beinav taaseh], and listen to all of His mitzvot and keep all of His decrees..." (see Shmot 15:26)

Earlier in Sefer Devarim as well, we find how this phrase is used in a very general manner:

"Keep God's commandments, His 'eidot' & 'chukim' as He commanded you – and **do what is upright and good in God's eyes...**" (See Devarim 6:17-18)

[See also Devarim 12:28 and 13:19.]

Therefore, if we follow the more general usage of this phrase elsewhere in Chumash, especially in Sefer Devarim, it would make more sense if "ha'yashar beinei Hashem" related to a wider range of mitzvot, relating to general moral behavior.

#### PREVENTIVE MEASURES!

Most likely, it is this question that caused Ibn Ezra to offer an alternate, and rather create interpretation. After mentioning the two approaches that we discussed above (i.e. either a summary or a command to pursue the murderer), Ibn Ezra continues:

"But what seems correct in my eyes [v'hanachon b'einei – note his clever choice of words!], this relates to what I mentioned in my commentary (i.e. in 21:7) that no murder at all would have taken place in the land if [beforehand Bnei Yisrael had] acted in 'a manner that is upright in the eyes of God'. – following the principle of:

'schar aveira aveira u'schar mitzvah mitzvah' – the penalty for a transgression is another transgression, and the reward of a mitzvah is another mitzvah."

(see Ibn Ezra 21:9 / & 21:7)

Note how according to this interpretation, the phrase "ha'yashar beinei Hashem" describes good behavior in general, and not any particular commandment, just as it does earlier in Sefer Devarim (6:18, 12:28 and 13:19).

Hence, there is no longer a need to explain this pasuk either as a summary or as an additional commandment; rather Ibn Ezra understands this pasuk as the Torah providing us with some 'good advice' – to prevent this type of situation (that would require an "eglah arufa") from occurring in the first place.

#### A GOOD TEACHER

If we follow Ibn Ezra's approach, this finale pasuk to the laws of "eglah arufa" follows a pattern that emerges throughout Moshe Rabeinu's speech in Sefer Devarim. Quite often, when Moshe Rabeinu is teaching specific laws, he'll take a quick break to provide a reminder, or some good advice – that relates to good behavior in general, in relation to that specific mitzvah.

[If you'd like some examples, see 12:19, 12:28, 13:19, 14:2, 15:11, 16:12, 16:20, 19:10, not to mention all of chapter 8 thru

10 – note also 24:9, according to Rashi! I'm sure you can find many more.]

#### HOW DO WE KNOW WHAT'S 'RIGHT IN GOD'S EYES'

Before we conclude our short shiur, it is highly recommended that you read the Ramban on Devarim 6:18, where he solves the problem of how we are supposed to figure out what is considered "yashar b'einei Hashem". [Note how (and why) he brings so many examples from Parshat Kedoshim!]

It is also recommended that you see the Ramban on Devarim 21:5-8, where he quotes the Rambam's explanation how the laws of "eglah arufa" are not quite ritual, but rather a set of very wise steps to increase the chances that the true murder will be found!

In conclusion, note how the opening psukim of the Parsha command Bnei Yisrael not only to appoint judges, but also insists that their primary goal is to pursue justice and set a personal example of moral behavior (see 16:18-20!). With this in consideration, the final pasuk of Parshat Shoftim (according to Ibn Ezra's interpretation) serves not only as an appropriate finale for the laws of "eglah arufa", but also for all of Parshat Shoftim!

shabbat shalom,

menachem

# **The Judges and the ‘Eglah Arufah**

By Rabbi Yitzchak Etshalom

## **I. THE CEREMONY**

At the end of this week’s Parashah, we are instructed regarding a rather odd ceremony:

If, in the land that Hashem your God is giving you to possess, a body is found lying in open country, and it is not known who struck the person down, then your elders and your judges shall come out to measure the distances to the towns that are near the body. The elders of the town nearest the body shall take a heifer that has never been worked, one that has not pulled in the yoke; the elders of that town shall bring the heifer down to a wadi with running water, which is neither plowed nor sown, and shall break the heifer’s neck there in the wadi. Then the priests, the sons of Levi, shall come forward, for Hashem your God has chosen them to minister to him and to pronounce blessings in the name of Hashem, and by their decision all cases of dispute and assault shall be settled. All the elders of that town nearest the body shall wash their hands over the heifer whose neck was broken in the wadi, and they shall declare: “Our hands did not shed this blood, nor were we witnesses to it. Absolve your people Israel, whom you redeemed, Hashem; do not let the guilt of innocent blood remain in the midst of your people Israel.” Then they will be absolved of bloodguilt. So you shall purge the guilt of innocent blood from your midst, because you must do what is right in the sight of Hashem. (D’varim 21:1-9)

In the case of a “found victim” of a homicide, the elders (=judges) of the nearest town are charged with the responsibility of declaring their own innocence – what a strange demand! Would we have thought that these sage and saintly leaders are common murderers? What is the gist of their declaration?

I would like to share two unrelated insights regarding the Eglah Arufah and then combine them to (hopefully) deepen our understanding of this declaration.

## **II. THE GEMARA’S EXPLANATION**

The Gemara (Sotah 38b) explains:

R. Yehoshua’ ben Levi says: the ‘Eglah ‘Arufah only comes on account of inhospitality, as it says: “they shall declare: ‘Our hands did not shed this blood...’ ” – would we have thought that the elders of the court are murderers [that they need to declare their innocence]? Rather, [what they are saying is]: “He did not come to us that we left him without food, he did not come to us for us to leave him without escort.” (See the Sifri, where only “escorting” is mentioned).

In other words, the elders of the court are declaring that they did whatever they could to treat this poor victim correctly while passing through their town (or that they really weren’t aware of his presence – both the Gemara and the Sifri could be read both ways).

Rabbi Yoel Sperka (who taught and inspired many of us here in Los Angeles during our high school years) asked an insightful question about this explanation:

What does hospitality have to do with homicide? Why would a declaration stating that “We did not kill this man” imply anything about the way the elders (or townspeople) treated him?

## **III. A PSYCHOLOGICAL INSIGHT**

Rabbi Sperka gave an insightful psychologically-driven explanation, as follows:

An individual who passes through a town is an outsider, a stranger. He is out of his element and, as such, is subject to a great deal of isolation – social isolation which can easily lead to existential isolation.

If someone comes through town and is virtually ignored by the townspeople – he comes to “Mincha/Ma’ariv” at shul and no one greets him, asks him home for a meal etc. – his sense of isolation is increased. Along with this, his sense of self-worth and self-esteem are threatened; he simply doesn’t “make a difference” here.

If, at the end of this disappointing visit, he isn't even "escorted" out of town (this "escort" could come in the form of a ride to the edge of town, a request that he grace the presence of his hosts one more day, etc.) he leaves with a lowered sense of self and of his own significance.

Someone in this state of mind who is set upon by a highway robber has much less "fight" in him with which to defend himself. He is easily overpowered by the thug who jumps him outside of city limits.

Take, on the other hand, someone who has the opposite experience. He comes to town and is immediately the subject of a fight between families who are vying for the opportunity to host him, to wine and dine him. When he must take his leave, his hosts beg him to stay one more day and, when he finally does leave, they escort him to the edge of the town and a few steps further, just to delay their parting.

Someone who has had this type of experience sets out on his inter-village journey with a stout heart and an increased (and, we hope, realistic) sense of his own worth and importance. Someone like this who is "jumped" outside of town has a real "fighting chance" (pun intended) to defend himself.

If we found such a person to be the victim of this type of crime, we can be assured that the attacker was, indeed, too strong for him – nothing that was in our power to do, short of staying with him the whole time, could have prevented this crime.

This is what the elders are declaring: If we saw this man, we did everything possible to enhance and maintain his sense of self-worth, such that any chance he had of defending himself was enhanced by his visit through our town.

(If, as the second half of the declaration implies, they did not see him, then they certainly did as much as they could...)

Thus far, Rabbi Sperka's explanation.

I would like to ask a question about this wonderful insight – in that something seems to be missing here.

Hospitality is generally understood to be a subset of the command: Love your fellow as yourself (see MT Evel 14:1). This is a Mitzvah which is incumbent on everyone, not just the court. Why is the court making this declaration – shouldn't every resident of the town state: "Our hands did not shed this blood..."?

(One could argue that the court is acting on behalf of the town; but if that were the case, the declaration should be "The hands..." not "our hands".)

Before addressing this question, here is a second observation about the "Eglah 'Arufah".

#### **IV. YOSEF, YA'AKOV AND THE "AGALOT"**

Subsequent to the dramatic and tense moment when Yoseph revealed his identity to his brothers, he sent them back to K'na'an to bring father Ya'akov down to Egypt. The Torah relates Ya'akov's reaction to the news of Yoseph's survival and position as follows:

So [Yoseph] sent his brothers away, and they departed; and he said to them, "See that you fall not out by the way." And they went up from Egypt, and came to the land of K'na'an to Ya'akov their father, And told him, saying, "Yoseph is yet alive, and he is governor over all the land of Egypt." And Ya'akov's heart fainted, for he believed them not. And they told him all the words of Yoseph, which he had said to them; and when he saw the wagons (\*Agalot\*) which Yoseph had sent to carry him, the spirit of Ya'akov their father revived; And Yisra'el said, "It is enough; Yoseph my son is yet alive; I will go and see him before I die." (B'resheet 45:24-28)

Hazal were bothered by a seeming incongruity of the report here. When the brothers told Ya'akov that Yoseph was still alive – indeed, very much alive – he did not believe them. Yet, when he saw the \*Agalot\* which accompanied the brothers, his spirit was revived and he affirmed that Yoseph was alive. If he didn't believe the brothers' announcement about Yoseph, what was there about the wagons that was more convincing? After all, if the brothers were trying to deceive him (yet again! – see B'resheet 37:31-33), couldn't they have also brought some wagons to bolster their story?

The Midrash (B'resheet Rabbah 94:3) explains as follows: R. Levi said in the name of R. Yohanan b. Sha'ul: [Yoseph]

said to [his brothers]: If [Ya'akov] believes you, fine; if not, tell him as follows: "When I departed from you, were we not engaged in the parashah of \*Egla Arufah\*? – hence it says: "when he saw the wagons... the spirit of Ya'akov their father revived".

The play on words is obvious: Even though \*Agalah\* (wagon) and \*Eglah\* (calf) have the same root, they are unrelated words. Nevertheless, the close morphological association creates the possibility of a Midrashic connection. The wagons which Yoseph sent served as a secret communiqué; only Yoseph and Ya'akov knew what area of Halakhah they had last discussed, as they took leave from each other near Hebron, twenty-two years earlier.

This Midrash is accomplishing more than merely making a "stretched" word-play. If that were the entire purpose of this exegesis, R. Yohanan b. Sha'ul could have associated Ya'akov's revival with Korbanot (the bringing of an \*Egel\*, e.g. at the dedication of the Mishkan) or, better yet, with the wagons which the tribes dedicated to the Mishkan (Bamidbar 7). Why did the Midrash pick up on the \*Eglah Arufah\* ceremony as the clue which verified the brothers' report?

## V. THE ROLE OF THE JUDGES

In order to solve both of our questions, we need to take a look at the overall theme of the Parashah.

Parashat Shoftim is essentially about the various components of national leadership. It begins with the Mitzvah to appoint judges and officers and then details some of their duties. After that, we are introduced to the Melekh (king) and his restrictions/obligations. At the beginning of Chapter 18, the Torah teaches us a special Halakhah regarding the "tribe of leadership" (Levi) – and then we are (re)introduced to the office of "Navi" (prophet) and his tasks.

Within each privileged position, the Torah stakes out very clear limitations which are designed to maintain the leader's association and identification with the nation. The king is commanded to write a Sefer Torah and read it every day in order that "his heart should not become haughty relative to his fellows"; both the Kohanim and the Navi have similarly-gear'd Halakhot, unique to their offices.

In much the same way, the Torah simultaneously elevates the Shoftim (judges) to an almost divine-like position of power (note that we are obligated by Torah law to follow their dictates – see BT Shabbat 23 in re: the blessing over Hanukkah lights) while instituting this ritual which insures that they will maintain a close relationship with the people they are meant to lead.

When the judges declare that they have not spilled this blood (= guarantee that this victim was treated hospitably), they are owning up to more than the treatment of this poor victim. They can only make this declaration if they are fully doing their job – leading the people of their city beyond the legal dimension of Torah – to the fully enhanced ethic of lovingkindness and concern for a fellow's welfare. Their declaration admits of a great responsibility not only towards visitors – but, ultimately, towards their townsfolk. The level of hospitality and kindness which is the norm in their town rests on their shoulders – if they can make this declaration, then they are indeed fulfilling their job. This means that the power invested in them by Torah law has not separated them from their "constituents" (as so often happens in any power position); rather, they have maintained a close relationship with the people and continue to keep their finger on the pulse of their community, which they are leading towards a full commitment to the ideals embodied in Torah.

With this approach in hand, we can now reevaluate the \*Agalah\*-*Eglah Arufah* connection made by the Midrash. When the brothers told Ya'akov that Yoseph was now the governor of Egypt, he didn't believe them. What didn't he believe? That Yoseph was alive – or that Yoseph was indeed the leader of Egypt? Consider this: What motivation would the brothers have to lie about such a matter? If Yoseph really was dead, what did they stand to gain by generating a rumor about his being alive?

Perhaps what Ya'akov didn't believe was – that "Yoseph" ruled in Egypt. In other words, Ya'akov may have been willing to grant that his son had somehow survived whatever terrors the past twenty-two years held for him – and had, through his brilliance, insight and charm, risen to a position of power in Egypt. As hard as this may have been to accept, it paled in significance next to the incredulous report that this governor of Egypt was still "Yoseph". Who ever heard of the vizier of a major world-power maintaining his youthful idealism and tender righteousness?

When the brothers reported: "Yoseph is yet alive, and he is governor over all the land of Egypt", Ya'akov did not believe them. When he saw the wagons, those \*Agalah\* which were a reminder of their last Halakhic discussion, he realized that

Yoseph had never relinquished the values taught by his father. Leadership carries with it the burden of responsibility for all members of the nation – their physical welfare as well as their moral growth and ethical conscience. This is the lesson of the \*Eglah Arufah\* – a lesson Yoseph had never forgotten.

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