

INTERNET PARSHA SHEET
ON PARSHAS SHOFTIM - 5757

B'S'D' than a lovely tree whose sole purpose is to promote a heretical ritual of idolatry."

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Drasha@torah.org PARSHAS SHOFTIM -- BRANCHES OF THE JUDICIARY

Juxtapositions. The Talmud analyzes them and expounds upon them. After all, every word of the Torah is as important as the next, and the positioning of each law in the Heavenly ordained book bears a great symbolism if not halachic (legal) implication. Perhaps that is the reason that our sages expounded upon a very interesting juxtaposition in this week's portion. This week's parsha is named Shoftim - Judges. That is exactly what it begins dealing with. It commands us to appoint judges. They should be honest, upright and unwavering. It prohibits taking any form of bribery as it attests that even the most brilliant and pious of souls will be blinded and perverted by bribes. Conspicuously placed next to those laws is the prohibition of the planting of the asheira tree. The asheira tree appeared as any other tree, but it had another purpose. It was worshipped as an idol. Those two sections adjoin. The sages comment that there is a stark comparison. "Anyone who appoints an unworthy justice is as if he planted the asheirah tree in his midst." The obvious question is: though both acts are terribly wrong, there must be a greater reason other than the fact that they both are wrong and immoral. What is the connection?

There was a period in the 1970's when a group of rogues were smuggling valuables in Tefillin (phylacteries) and other religious articles that would usually evade inspection; thus the thieves assumed their scheme would be successful. Often they would send these religious articles with unsuspecting pious Jews and asked to deliver them to certain locations near their final destinations. When United States customs officials got wind of this scheme they asked a few observant agents to help crack the ring. In addition to preserving the sanctity of the religious items, the customs authority felt that Jewish religious agents would best be able to mete out knowing accomplices from unsuspecting participants who had been duped into thinking they were actually performing a mitzvah. The Jewish custom agent in charge of the operation decided to confer with my grandfather, Rabbi Yaakov Kamenetzky on this matter. Though his advice on how to break the ring remains confidential, he told me how he explained how the severity of the crime was compounded by its use of religious items. "Smuggling diamonds in Tefillin," he explained, "is equivalent to raising a white flag, approaching the enemy lines as if to surrender and then lobbing a grenade. That soldier has not only perpetrated a fraud on his battalion and the enemy; he has betrayed a symbol of civilization. With one devious act, he has destroyed a trusted symbol for eternity - forever endangering the lives of countless soldiers for years to come. "These thieves, by taking a sacrosanct symbol and using it as a vehicle for a crime have destroyed the eternal sanctity and symbolism of a sacred object. Their evil actions may cause irreparable damage to countless honest religious people. Those rogues must be stopped, by any means possible," he exclaimed.

Rabbi Chaim Soleveitchik explained the comparison of the asheirah tree to the corrupt judge. An asheirah tree is a very deceiving object. It is as beautiful as any other tree in the world. However, man has turned its aesthetic beauty into a vehicle for blasphemy. "A judge," Rabbi Chaim Soleveitchik explains, "has all those attributes. He may have an honest appearance, even a regal demeanor. In fact, he could have a long kapote and a flowing beard. His very image exudes traits that personify honesty, integrity, and morality. However if he is inherently dishonest he no better

They both may look pretty and could be used as a vehicle to promote G-d's glory but in this case, they are not. In fact, quite the opposite. Those formerly beautiful objects now bring disgrace to the Creator. And so, the Torah tells us this week that trees may have outer beauty, but cannot be classified unequivocally as being an ever-sounding testimony to Hashem's glory, likewise a judge whose demeanor may be noble may be a source of deception who will bring disgrace on an entire nation. After all, as the saying almost goes, "you cannot book a judge by his cover!"

Good Shabbos Rabbi Mordechai Kamenetzky
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owner-weekly@jer1.co.il] * TORAH WEEKLY * Highlights of the Weekly Torah Portion Ohr Somayach ...

The Last Scene "When you go out to the battle to meet your enemy... the officers shall speak to the people, saying: 'Who is the man who has built a new house and not inaugurated it? Let him go and return to his house, lest he die in the war and another man will inaugurate it... Who is the man who is fearful and fainthearted, let him go and return to his house, and let him not melt the heart of his fellows like his heart.'" (20:1-8) The Yiddish Theater was not known for its championing of Torah values and so it was not surprising when two students came running to the Brisker Rav, breathless with indignation: "Does the Rav know about the new play the Yiddish theater has put on? They people associated with it should all be put in cherem (excommunication)! They've made a satire on the Torah! First, one of the actors says "Who is the man who has built a new house and not inaugurated it? Let him go and return to his house, lest he die in the war and another man will inaugurate it." So, ten people get up and walk off the stage. Then he says "And who is the man who has planted a vineyard and not redeemed it? Let him go home lest he die and another man redeem it." So, another ten people get up and leave the stage. Then he says "And who is the man who has betrothed a woman and not married her? Let him go home lest he die in the war and another man marry her." So, another twenty people get up and walk off the stage. And then he says "Whoever is afraid, let him go home so he won't scare everyone else." So now everyone leaves the stage except two actors who play the Vilna Gaon and the Sha'agas Arieih.

The Vilna Gaon says to the Sha'agas Arieih "K'vod HaRav -- you take the first shot," and the Sha'agas Arieih replies "No, no, I insist -- after you." As they argue about who's going to start the war, the curtain falls and the audience laughs and claps. It's terrible!" The Brisker Rav paused and then said: "Well -- what's wrong with that?" The jaws of the students dropped. They gazed at their Rav dumb-struck. The Brisker Rav continued, "The only thing they forgot is the last scene." "What last scene?" "The last scene is where the Vilna Gaon and the Sha'agas Arieih win the war." The strength of the Jewish people is not in the vastness of its numbers nor its military might. The Torah calls us the "smallest of the nations." Our strength is a function of our righteousness and our faithfulness to Hashem -- the "Master of Wars." (Rabbi Mordechai Perlman) . Haftorah: Yishayahu 51:12 - 52:12 "It is I, I that comforts you..." (51:12) This is the fourth of the "Haftorahs of consolation" after Tisha B'Av. The prophet combines descriptions of oppression -- that the Jewish People have been trampled underfoot by the nations -- with the comfort that Hashem is never far from them and will save them. Our Sages teach that in the future when Mashiach comes, Hashem will turn to the nations of the world to comfort Israel. Israel will immediately come and complain that after such a long and hard exile full of trials and tribulations, couldn't Hashem find anybody else to comfort us apart from those same nations that enslaved and oppressed us?

Immediately, Hashem will reply that if we will accept consolation only from Him -- then He will come to console us. In fact, this whole dialogue is played out in the opening lines of this and the three previous Haftorahs of consolation: In Parshas Va'eschanon -- "Comfort, be of comfort my people..." To which Israel replies in the Haftorah of Parshas Eikev: "Hashem has forsaken me, My Lord has forsaken me" by sending the nations to comfort us. To which Hashem replies in the Haftorah of Parshas Re'eh: "O afflicted, storm-tossed, non-comsoled one" -- i.e., if you are not consoled by the nations and will accept consolation only from Me, then "It is I, I who comfort you." (Rabbi Meir Shapiro of Lublin)
 Written and Compiled by Rabbi Yaakov Asher Sinclair General Editor:
 Rabbi Moshe Newman Production Design: Lev Seltzer (C) 1997 Ohr Somayach

owner-weekly-halacha@torah.org] WEEKLY-HALACHA FOR 5757
 PARSHAS SHOFTIM By Rabbi Doniel Neustadt
 A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

Cooking on Shabbos - Practical Applications [Continued from last week(1)]
 SOME GENERAL DEFINITIONS. All temperatures are Fahrenheit:
 Hot - over 110 degrees(2) Warm - between 70-80 to 110 degrees
 Cold - below 60-70 degrees Scalding - about 140-150 degrees(3)
 Boiling - 212 degrees Cooked - completely cooked, ready to eat.
 Dry food item - any food item which contains very little liquid, e.g., bread, meat, pasta. Liquid food item - e.g., water, soup, sauce, gravy.

IN THE KITCHEN IT IS PERMITTED TO... Place dry, cold(4) meat, chicken or kugel on top of a soup or cholent pot which is on the blech or in a crock-pot(5). If these items are wrapped in aluminum foil, the foil should be partially unwrapped to avoid the prohibition of hatmanah(6). Place dry, cold meat, chicken or kugel on top of a radiator(7). Place cold foods [dry or liquid] near a fire so that they can be warmed, provided that the foods are placed far enough away from the fire so that they could never become hot(8). Pour hot water from an urn on a baby's cold milk bottle(9); Pour hot water from an urn into a vessel, then place the milk bottle into it(10). The bottle should not be submerged entirely so as to avoid the prohibition of hatmanah(11). To lift off the lid of an urn and replace it, if the water inside was previously boiled(12).

IN THE KITCHEN IT IS PROHIBITED TO...(13) Place cold food [dry or liquid] directly on the fire or on any area of the blech where the food could become hot(14). Place cold liquid, such as soup or gravy, near enough to a heat source which will cause it to become hot(15). Place a cold, wet ladle [either from tap water or from previously ladled soup] into a pot of hot soup, even if the pot is presently not on the fire or blech(16). Pour hot water from the urn directly into a cup containing a tea bag, cocoa or chocolate milk(17). Pour hot water from the urn directly into a cup containing instant tea, coffee or cocoa(18). Place a tea bag in a cup of hot water, or to pour hot water from a cup over a tea bag(19). Add anything to a pot which is presently on the fire or on the blech(20). Add sugar or salt to a pot of hot liquid which was on the fire or blech and then removed(21). Stir hot food in a pot which is on the fire or blech, even if the food is completely cooked(22). Stir hot food in a pot which has been removed from the fire or blech, if the food is not completely cooked(23). Dish out food from a pot which is directly on a flame(24), whether the food is completely cooked or not(25). Even if the pot is too heavy to pick up and remove from the fire, it is still prohibited to dish out food from a pot which is directly on a flame(26). Cover a pot which is on the fire, unless it is beyond doubt clear that the food inside is completely cooked(27). Wipe wet hands with a towel, and then drape the towel over an urn or oven(28).

Note: In the cases described above, we often refer to certain processed foods, such as instant coffee or salt, as "cooked". Note, though, that companies may change their manufacturing process and switch to a procedures like freeze-drying etc., which is not considered halachically as "cooking."

FOOTNOTES: 1 Last week's column discussed reheating foods at the Shabbos

table. 2 Contemporary poskim debate the exact intensity of heat for yad soledes bo. It is generally accepted, though, that 110 degrees is the minimum temperature which must be considered yad soledes bo. When yad soledes bo is used for a leniency, however, (i.e., when an item is to be considered cooked before Shabbos so that it may be reheated on Shabbos), 160 degrees is required - Igros Moshe O.C. 4:74-3. 3 This is referred to as yad nichveis bo, which, according to some poskim, is hot enough to cook food items even in a kli sheini or shelishi. Many poskim, however, do not agree with this stringency. 4 This should not be done for frozen items which have ice crystals on them, since cooking ice is prohibited - Minchas Yitzchak 9:31. 5 O.C. 253:5 and Be'ur Halachah 253:3. See Chazon Ish 37:14 for an explanation why this does not constitute roasting after cooking. 6 The poskim disagree if hatmanah is a problem in this case: Igros Moshe O.C. 4:74-3 and Harav S.Z. Auerbach (Me'or ha-Shabbos 1:86) are stringent, while Harav S.Y. Elyashiv and Harav Y.Y. Fischer (ibid. 84) are lenient. This also seems to be the view of Chazon Ish 37:32. If the purpose of the aluminum foil, however, is to serve as a plate [and not to retain heat], all poskim agree that it is permitted. If more than one piece of aluminum foil is wrapped around the food item, all poskim agree that it is prohibited - see Machazeh Eliyahu 32. 7 Igros Moshe O.C. 4:74-34. See preceding footnote concerning hatmanah. 8 O.C. 318:14. 9 Since only the bottle will become "cooked", not the milk inside - Harav M. Feinstein (Sefer Hilchos Shabbos, pg. 289); Shemiras Shabbos K'hilchasah 1:50. 10 Mishnah Berurah 318:23 - since re-cooking a liquid item in a kli sheini is permitted. Under extenuating circumstances, even a kli rishon which is off the fire may sometimes be used, see Shevet ha-Levi 5:31. 11 Mishnah Berurah 258:2; Minchas Yitzchak 8:17 - unlike Shulchan Aruch Harav 318:23 and Chazon Ish 37:32 who are lenient. 12 Igros Moshe O.C. 4:74-14. It is also permitted to dish out water from an urn. 13 This review does not discuss the opening and closing of thermostat controlled ovens on Shabbos. 14 Igros Moshe O.C. 4:74-31,32. 15 O.C. 318:14-15. 16 Since cooking or reheating liquids in a kli rishon is prohibited. 17 This is strictly prohibited, since these are foods which were not cooked before Shabbos. 18 Even though instant coffee or tea are generally processed (cooked foods), several poskim hold that one should not pour hot water directly from a kli rishon over them for several reasons, see Sefer Hilchos Shabbos, pg. 298. 19 Since tea leaves can easily become cooked in a kli sheini, and even by water poured upon them from a kli sheini, see Mishnah Berurah 318:39. 20 Mishnah Berurah 318:64. 21 Mishnah Berurah 318:71 - since, in the opinion of some poskim, soluble foods dissolved in liquids are in themselves considered liquid and are subject to the prohibition of cooking cold liquids. It is permitted, however, to add precooked seasoning [sugar or salt] to a pot of solid food which is off the fire, since in that case the seasoning does not dissolve - see Shemiras Shabbos K'hilchasah 1 note 173*. 22 Mishnah Berurah 318:118. See Igros Moshe O.C. 4:74-8 for an explanation why it is prohibited to stir food which is completely cooked. 23 O.C. 318:18. 24 But if the food is on the blech and not directly over the fire, many poskim permit scooping food from the pot - Igros Moshe O.C. 4:74-11. 25 Mishnah Berurah 318:113. 26 Igros Moshe O.C. 4:74-9. See Chazon Ish 37:15 who is somewhat more lenient. 27 O.C. 254:4; 257:4. See Igros Moshe O.C. 4:74:10 who may hold that it is forbidden to cover a pot which is on the fire even if the food is completely cooked, but other poskim clearly permit this, and Harav Feinstein himself is quoted (The Shabbos Kitchen, pg. 9) as having permitted this orally. 28 Mishnah Berurah 301:169.

We would like to announce that the **first volume of Rabbi Neustadt's shiurim** based the Weekly-Halacha column has just come off the press. Genesis Judaica, the Project Genesis on-line bookstore, will carry this book shortly at [http://books.torah.org/ Weekly-Halacha](http://books.torah.org/Weekly-Halacha), Copyright (c) 1997 by Rabbi Neustadt, Dr. Jeffrey Gross and Project Genesis, Inc. The author, Rabbi Neustadt, is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. The Weekly-Halacha Series is distributed L'zchus Haya'el Doniel Meir ben Hinda. Project Genesis: Torah on the Information Superhighway

B"H The Chassidic Dimension Adaptation of Likutei Sichos by Rabbi Sholom Ber Wineberg Based on the teachings and talks of the Lubavitcher Rebbe Rabbi Menachem M. Schneerson on the weekly Torah Portion Shoftim
 The Gift of Justice

The Midrash comments on the opening words of the portion Shoftim -- "Appoint yourselves judges and police" -- by noting: "R. Levi said: 'This is analogous to a king who had many children and loved the youngest most of all. He also had one orchard that he loved above all others. The king said: 'I shall give my most beloved orchard to my most beloved son.'"

"So too did G-d say: 'From all the nations that I created, I love the Jewish

people,' as the verse states: 'For Israel is a lad and I love him.' "From all that I created, I love justice," as the verse states: 'For I am G-d who loves justice.' "Said the Holy One, blessed be He: "I shall give that which I love to the nation whom I love." Thus -- "Appoint yourselves judges and police." Why does the Midrash take pains to use a king for its analogy; it could seemingly have mentioned any father who had many children and many orchards? By stating that he "loved the youngest one most of all," the Midrash gives us to understand that the extra measure of love felt for the Jewish people -- for which reason He grants them the gift of "justice" -- is because one's youngest child is the most cherished. This is also why, in the analogy, the verse quoted is "For Israel is a lad and I love him." But in truth, the opposite is the case: Justice relates to maturity and intellectual attainment, not the naivete' of youth.

Justice, as the Torah states, is composed of "judges and police -- justices who rule on matters of law, and police who insure that the judgments are carried out." At first glance, magistrates seem to merely clarify the laws of the Torah, but, in truth, their role is much more prominent. Thus, the Rambam defines the role of the High Court in Jerusalem -- the mainstay and fountainhead of all other courts: "They are the interpreters of the Oral Torah; they are the pillars of practical law; from them law and justice emanate to all of Israel."

The Rambam here defines three aspects of the High Court's role: a) "They are the interpreters of the Oral Torah," referring to the study and understanding of Torah in general, not only as it applies to practical law; b) "they are the pillars of practical law," referring to the clarification of the laws and the issuing of new rulings; c) "from them, law and justice emanate to all of Israel" means that the High Court is to see that its rulings reach all Jews.

Thus, according to the Rambam, Jewish magistrates and judges are entrusted with learning the Written Torah well enough that they can analyze and expound upon it, this being the essence of the Oral Torah. In other words, they are empowered not only to clarify the Torah but also -- in keeping with its general principles and laws -- to devise new legislation. This, then, is what is meant by G-d giving justice and rule to the Jewish people: Jewish judges are not only expected to enforce justice -- something incumbent on the judges of other nations as well -- but are entrusted with the intellect and wisdom of the Oral Torah. This is why this aspect of justice and rule was given to the Jewish people; they are loved as a "lad." For the fact that they were trusted to the degree that they are "the interpreters of the Oral Torah," is not a reflection of their wisdom or intellect, but comes because they are wholly one with G-d, the Giver of the Torah. This is why the analogy refers to a young child, for the love of a father for his young child does not have to do with any of the latter's qualities -- he is too young to have them. Rather, it is because father and son are of one essence. So too, this awesome power within Torah was given to the Jewish people because of their unity with G-d. This also explains why the analogy refers to a king. The gift involved is one that can only be given by a king; only one who is King of Justice has the ability to bestow such a mighty gift. Based on

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lifeline@torah.org] Subject: * PG LifeLine - Shoftim

"Judges and officers shall you appoint for yourselves in all your gates..." [16:18] There has been much discussion of death, manslaughter, and judgments in the news this week, and our parsha discusses these topics as well. As always, the Torah guides us. Simply leafing through the pages of the Chumash [a bound text of the Torah, with commentaries], we can read the Torah's attitude and methodology and contrast them with what we have recently seen and read. "You shall not twist judgment, nor recognize faces, and you shall not take bribes, because bribery blinds the eyes of the wise and twists the words of the righteous. Justice, justice shall you pursue, in order that you live and inherit the land which HaShem your G-d gives you." [16:19-20] We do not rush to judgment, immediately finding someone to blame and pointing fingers. Neither does the Torah permit us to ignore possible wrongdoing by a rich, powerful or popular individual. Honest

judgment is only possible when extraneous details are set aside, and when one has the patience to hear all sides before rendering a decision. "By the word of two or three witnesses shall the dead be put to death; he shall not die by the word of one witness." [17:6] In order for a court to find a person guilty of a capital crime, multiple witnesses were required. The court was obligated to investigate every facet of their testimony, in order to find the least contradiction - and if there was any possible way to find the defendant innocent, the Torah required the court to set him free. The Talmud says that a court which put a man to death once every seven years (and some say, seventy years) was considered a murderous court. We are not permitted to make careless accusations. We do not look for ways to accuse people, but for ways to consider them upright and honest.

We also learn, at the same time, that even a careless hand in a person's death (Heaven forbid) is a terrible thing. Chapter 19 (like Numbers 35:9-34) discusses the creation of cities of refuge in the land of Israel. One who was guilty of manslaughter was obligated to exile himself to one of these cities. Even this punishment was considered a privilege, accorded only to those who caused death through simple carelessness without intent to harm anyone or any thing. One who intended to kill an animal, but instead killed a person, was considered so severely negligent that exile could not compensate. Similarly, if it was known that the one who committed the manslaughter hated the victim previously, then the possibility that the first party was especially negligent or even "helped" the accident to happen renders him unable to seek atonement through exile. Finally, at the end of the parsha, we learn the laws concerning a dead man found outside a city. The elders of the nearest city were obligated to bring a heifer to the site, and kill it there, "and they shall answer and say, 'our hands did not spill this blood, and our eyes did not see it.'" [21:7] Asks Rabbi Shlomo Yitzchaki: would anyone even imagine that the elders of the city court were murderers? Rather, he answers (from the Talmud) that they must declare that they did not see him and fail to provide him with food and escort. That is not a judgment which any other person can render - only we ourselves, and G-d, can judge whether we concern ourselves with the needs of others. When looking at others, we must avoid quick condemnation and find a way to judge them favorably. But when we look at ourselves, we must demand the highest possible standard - not merely refraining from harming others, but actively contributing to their well-being. If we all aspire to that standard, then the biggest (and best) news is yet to come!

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* PARSHA Q&A * In-Depth Questions on the Parsha and Rashi's commentary. Parshas Shoftim http://www.ohr.org.il

Parsha Questions 1. What is the role of Shoftim? What is the role of Shotrim? 2. May a judge accept a bribe if only for the purpose of judging fairly? 3. What is the source for the concept "Seek out a good Beis Din"? 4. Even though the Avos were permitted to use matzeivos, the Torah later forbade them. Why? 5. "You will come to... the judge who will be in those days (17:9)." Since it's impossible to go to a judge who lives at a different time, why does the Torah add these apparently extra words? 6. How many horses may a Jewish king own? 7. How many Torah scrolls must he have? 8. How was King Shaul punished for disobeying a `minor' command of the prophet Shmuel? 9. What is meant by "Nachalas Chamisha" and "Nachalas Shiva"? 10. Certain kosher animals are not included in the law of "chazeh, shok, and keiva." Which ones? 11. How many sheep must be shorn before the owner must give a portion of the shearing to a kohen? 12. Which three categories of false prophets are executed? 13. What does it mean to "prepare the way" to the cities of refuge? 14. How many witnesses are meant when the

word `eid ("witness") is written in the Torah? 15. "Through the mouth of two witnesses..." What types of testimony does this verse invalidate? 16. If witnesses in a capital case are proven to be "zomemim" (false- conspirators) before their `victim' is executed, how are they punished? 17. Why does the section about going to war follow the laws governing witnesses? 18. The Jewish army is warned of four `scare-tactics' the enemy might employ. What are they? 19. When a murder victim is found in a field, who determines which city is closest? 20. What happens to the murderer if he is found after the calf has had its neck broken?

Bonus QUESTION: "Do not take a bribe, because bribery blinds the eyes of the wise." (19:19). In this week's Parsha the Torah says that bribery blinds the "Chachamim" -- `wise people.' But in Exodus 23:8, the Torah says bribery blinds the "Pikchim" -- `open-eyed people.' Why does the Torah use these two different expressions to describe a judge?

I Did Not Know That! "And it shall be, when he sits on the throne of his kingdom, he shall write two copies of this Torah... And it will be with him and he shall read from it all the days for his life... (17:18,19). The king would tie the Torah scroll to his arm and wear it like an amulet. Me'am Loez

Recommended Reading List Ramban 16:21 Trees 17:11 Obedience 17:15 Kingship 17:20 Conceit 18:15-16 Prophecy 19:8 Our Borders 19:13 Self Defense 20:8 The Torah Army Sforno 16:21 Beautiful But Bad 17:3 The Sun And the Moon 18:14 Above the Stars Sefer Hachinuch 491 Securing Justice 496 Antidote to Anarchy 498 Qualities of Leadership 503 Safeguarding the King 510 The Occult 516 True Prophecy 517 False Prophecy 526 Strengthening the Army 527 Humane War

Answers to this Week's Questions All references are to the verses and Rashi's commentary, unless otherwise stated. 1. 16:18 - Shoftim are judges who pronounce judgment. Shotrim are officers who enforce it. 2. 16:19 - No, because it will sway his judgment. 3. 16:20 - "Tzedek tzedek tirdof..." 4. 16:22 - Because the Canaanites used them for idolatry. 5. 17:9 - To teach that although the judge of a particular generation may not be as eminent as those of previous generations, the Jewish People are still obligated to obey him. 6. 17:16 - Only as many as he needs for his carriages. 7. 17:18 - Two. One stays in his treasury and one he keeps with him. 8. 17:20 - He lost his kingship. 9. 18:2 - Nachalas Chamisha is the land of the first five tribes to claim their inheritance: Reuven, Gad, Menashe, Yehuda, and Ephraim. Nachalas Shiva is the land of the remaining tribes, who didn't inherit until after Joshua's death. 10. 18:3 - Chayos (non-domestic-type animals). 11. 18:4 - Five. 12. 18:20 - One who prophesies something he didn't hear, prophesies something that was told to another prophet, or prophesies in the name of an idol. 13. 19:3 - To post signs saying "Refuge" at the junctions to point the way. 14. 19:15 - Two, unless otherwise specified. 15. 19:15 - 1) Written testimony sent to the court; 2) Testimony given through a translator. 16. 19:19 - They are put to death. 17. 20:1 - To teach that if the Jewish People execute judgment in a just fashion they will be victorious in war. 18. 1) Clanging their shields; 2) Making their horses stomp and whinny; 3) Shouting; 4) Blowing horns. 19. 21:2 - The Sanhedrin. 20. 21:9 - He is tried and, if guilty, executed.

Bonus ANSWER: A judge in a court of Torah law must be wise in two areas. First, he must be expert in all areas of Torah law. Such people are called `chachamim' -- `wise.' Second, he must be well-versed in worldly matters so he can properly interrogate the litigants and see if they are trying to fool him. To do this, he has to know "every trick in the book." Such a people are called `pikchim' -- `open-eyed.' Vilna Gaon in Aderes Elyahu

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yhe-sichot@jer1.co.il Sichot of the Roshei Yeshiva summarized by students Parashat Shoftim SICHA OF HARAV AHARON LICHTENSTEIN SHLIT"A

Be 'Tamim' with the Lord Summarized by Simon M. Jackson
In the middle of our parasha, the Torah cautions us against

imitating "the abominations of the nations... using divination, soothsaying, enchantment or sorcery... For whoever does these things is an abomination to the Lord... You shall be whole-hearted ('tamim') with the Lord your God" (Devarim 18: 9-13). What does it mean to be "tamim?" The context of this passage translates tamim in a negative sense; while "these nations which you are about to dispossess practice such forms of divination and witchcraft," you are tamim when you refrain from engaging in such practices. Yet, we do not know what is positive about being tamim.

Back in Parashat Lekh-Lekha, as Avram is about to enter into a lasting relationship with God through the Brit Mila, God appears to him and commands him to "walk before Me, and be tamim" (Bereishit 17:1). Here, too, we must ask: what quality is God demanding of Avram by commanding him to be tamim? Ibn Ezra answers concisely: "That you should not ask the reason for this command of Brit Mila." Thus, the simplest understanding of the concept of temimut is that it entails pure obedience and complete simplicity - a non-intellectual, even naive, attitude towards God and His mitzvot. This is akin, perhaps, to the Haggada's antithesis to the Chacham (wise son): the simple and naive son, the "Tam."

In contrast, Rambam postulates a far more demanding understanding of the concept of temimut. While he does not include it in his enumeration of the 613 mitzvot (for which Ramban criticizes him), Ramban's omission has nothing to do with his valuation of its worth. In Hilkhot Avoda Zara 11:16, he condemns magical practices in no uncertain terms: "These practices are all of them lying and false... It is not fitting for Israelites as men of intelligence and intellect, to continue to subscribe to these vanities of theirs and to imagine that there is any benefit in them... But scholars and pure thinkers (temimei hada'at) will convince themselves with the utmost clarity that all these things prohibited by the Torah are not matters of wisdom, but utter falsehood by which the gullible are misled, and for the sake of which they abandon all ways of truth..." Ramban, in complete contrast to Ibn Ezra, determines temimut not to be simplicity and naivete, but rather involvement in philosophical-intellectual analysis so as to convince oneself of the falsity and worthlessness of magical practices, sorcery and witchcraft.

Ramban, however, posits an even more all-encompassing definition of temimut. Our verse implies "that we direct our hearts exclusively to Him, believing that He alone is the Doer of all and it is He who knows the truth regarding the future and it is from Him that we should ask that which is to come... We should not consult soothsayers nor believe that their words will be authenticated. We should rather realize that everything is in the hand of Heaven... The same commandment was referred to in the covenant made with Avram... who was the opponent of his Chaldean neighbors, who attributed power to the sun, moon and stars. He had realized that there was one Creator and Governor. He was commanded, therefore, to be whole-hearted in his service of God." In contrast to both the Ibn Ezra's definition of temimut, as entailing simplicity, and the Ramban's purely intellectual-philosophical understanding of the concept, Ramban views being tamim as developing an all-embracing relationship, intellectually and emotionally, with the Almighty. It is a relationship that is far more demanding than Ibn Ezra's "not probing into the rationale behind the mitzvot" on the one hand, and far more all-encompassing than the Ramban's "intellectual proofs against such worthless and vain practices of the nations" on the other. Ramban's explanation of temimut demands a full, integrated relationship with God. We must not only convince ourselves intellectually of God's singularity, but must cultivate a relationship with God, reaching such an intensity of closeness that we feel no need for external intermediaries.

Applying these three different understandings of being tamim in one's avodat Hashem (service of God) on a practical level is no mean feat! One thing is clear: all three interpretations of temimut are equally valid. There is a time and a place for each approach in our religious consciousness.

And we must be sure not to disparage either those who appear more naive than ourselves spiritually, nor those who have an even greater degree of sophistication in their avodat Hashem.

Ramban quotes another implication of temimut - sheleimut: wholeness or perfection, "like an unblemished lamb" ("seh tamim" - Shemot 12:5). If we had to choose between being small but perfect (like a newly born lamb) in our relationship with God, or striving for a broader relationship with God and His Torah but foregoing our temimut - it is clear that we should opt for the former lifestyle. Yet one's optimal relationship with Hashem must surely be one which integrates into a harmonious whole both the simplicity of the seh tamim and the size and strength of the fully grown ram. Only with such lofty aspirations can we succeed in deepening and expanding our relationship with the Almighty, and thus enhance our avodat Hashem slowly but surely. (Originally delivered at Seuda Shelishit, Shabbat Parashat Shoftim 5755.) Copyright (c) 1995 Yeshivat Har Etzion. All rights reserved.

Ravfrand@torah.org] Rabbi Frand on Parshas Shoftim

Having the Ability to Just Say "No" In this week's Parsha (Torah portion), the Torah tells us: "When you come to the Land that HaShem your G-d gives you, you shall not learn to act according to the abominations of those nations. There shall not be found among you one who causes his son or daughter to pass through the fire, one who practices divinations, an astrologer, one who reads omens, a sorcerer." [Devorim 18:9-10] The Gentiles believe in the powers of stars, of astrology, and magic. This is not for you. You have a G-d. You have prophets. You don't need all these things. One of the fundamental differences between the Torah and other religions is that the Torah believes that a human being has the power to rise above the forces of nature. Non-Jews believe that a person is bound and subject to the forces of nature. "Forces of nature" can include astrology and sorcery and the stars and they can also include human passions -- "I can't control myself." One of the basic beliefs of our religion is that man is in charge of himself. That is what the verse (pasuk) is telling us here. The Goyim are perhaps bound by nature, by what the 'stars say,' but "with you it is not like this (v'Ata Lo ken)" [Devorim 18:14]. You have the ability to say "No." Even though our instincts would drive us to follow them, but we have the power of "Lo ken" -- of saying, "That is not the way it is going to be!" We have the ability to control ourselves, to say "No," and to overcome nature and even overcome the 'decree of the stars.' Israel has no Mazal [Shabbos 156a] -- we are not bound by that! Everyday in davening (our prayers) we say "U'Mosar haAdam min haBeheima ayin." The standard way of translating this phrase is "And the difference between man and animal is minimal." The Ba'alei Mussar, however, explain it as follows: The difference between man and beast is "ayin" -- the ability to say "No!" If an animal is hungry, he has to eat. If an animal is in heat it has to follow its body. The difference between man and animal, is the ability to control oneself and say "No." This is a fundamental difference between Judaism and other religions. The philosophy that 'I am overpowered by nature,' that 'I have to give in,' is not a Jewish outlook. We believe one IS able to control himself. We can just say "No."

Reading One's Own Biography in the Torah In this week's parsha, we learn of the king's obligation to write for himself a private "royal copy" of the Sefer Torah. The Talmud tells us that even though every Jew has a Mitzvah to write a Sefer Torah, the king has a separate command over and above this to write a royal Sefer Torah, which was to accompany him wherever he went. "And it shall be with him and he should read it all the days of his life in order that he learn to fear HaShem, to observe all the words of this Torah..." [Devorim 17:19]. The Ba'alei Derush say that the pasuk is telling us more than just the fact that the king has to READ the Torah daily. He has to plot his life each and every day, according to what is written in the Torah. They interpret, homiletically, that he has to read in it (v'kara bo) his entire biography (kol yemei chayav), all the events of his life. When a king has a question as to what to do, he has to be able to look in the Torah and come up with the answer. All Israel are sons of kings [Shabbos 67a]. In this respect, all Jews have to be like princes. Happy is the man who can read his life in the Torah. I once heard a story about Rav Yaakov

Kamenetsky, zt"l. When he first came to the United States he was a Rav in Seattle, Washington for a short time and then he became Rav in Toronto, Canada. Someone was once walking with Rav Yaakov in Toronto on the second day of Shavuot, some 40-50 years ago. Having just heard the reading of Megillas Ruth in shul, Rav Yaakov told his companion "I am no better than Elimelech." "Elimelech left Eretz Yisroel because he was worried about his livelihood. He went from a place where there were Jews, to a place where there were no Jews -- the fields of Moab. He was willing to sacrifice the education and environment of his children, just so he could make a better living (escaping the famine in Israel)." At that time, Toronto had not much to speak of in terms of a Torah community. Rav Yaakov rhetorically asked his companion "Why am I in Toronto, despite the fact that my children don't have the best environment? Parnosah! Because I have a job in Toronto and I don't have a job anywhere else. I'm wrong! That is the very reason that Elimelech was punished. One is not supposed to put one's livelihood over the spiritual welfare of his family." He concluded, "I must move to a more Jewish environment." On that very day he decided to move to New York where he eventually became the Rosh Yeshiva of Torah VoDaath. And the rest is history.

That is the meaning of being able to look into the Torah and read about the events of one's own life. We must strive to be able to read our own biographies in the Torah. That is what Rav Yaakov was capable of and that is what we have to aspire for.

Transcribed by David Twersky; Seattle, Washington twerskyd@aol.com Technical Assistance by Dovid Hoffman; Balt, MD dhoffman@torah.org Project Genesis is pleased to announce that Rabbi Yissocher Frand's Tapes may now be ordered from Genesis Judaica, <http://books.torah.org/> - see the "Tapes" category. The URL for the Tape Library is: <http://books.torah.org/cgi-bin/SoftCart.exe/items/RYP-0000.html?E+torahbooks> RavFrand, Copyright (c) 1997 by Rabbi Y. Frand and Project Genesis, Inc. Project Genesis: Torah on the Information Superhighway learn@torah.org

black@JewishAmerica.com Parsha Pearls Rabbi Meir Tzvi Berman Parshas Shoftim DO YOURSELF A FAVOR "Shoftim V'Shotrim Titen L'cho"

"Judges and officers you shall give (appoint) to you" The usage in this verse is unusual. In standard usage in Hebrew the verse would state "Judges and officers you shall give (appoint) them". Why then, does the verse state "you shall give to you?" In this verse the pronoun "you" is referring to the people who are responsible to appoint judges in the proper manner - as prescribed by the Torah. They are described as giving the judges to themselves. This indicates that they are the prime beneficiaries of the judges' appointment. When worthy judges and officers are appointed it is the public who stands to gain the most. (Darash Moshe)

PROPER MEANS TO THE END "Tzedek Tzedek Tirdof" "Righteousness, righteousness you shall pursue" The redundant form of this verse alludes to an important lesson. The phrase "Righteousness, righteousness you shall pursue" can be interpreted to mean that one shall pursue righteousness - with righteousness. One should employ only means of righteousness - not of falsehood - to achieve righteousness. (R' Simcha Bunim of Pshischa) Courtesy of JewishAmerica (www.JewishAmerica.com)

Peninim on the Torah Rabbi A. Leib Scheinbaum Hebrew Academy of Cleveland Parshas Shoftim

You shall be wholeheartedly simple with Hashem, your G-d. (18:13) Fundraising can be a disheartening endeavor, regardless of the organization or individual for which one is working. The esteem which we accord the fundraiser is commensurate with the individual's own level of self respect. One can view his undertaking as an opportunity to enable another Jew to share in the spiritual reward reserved for those who demonstrate strength of character - to overcome that "little voice" that finds every excuse to urge them not to give tzedakah. If he succeeds in adopting this perspective, he will approach his mission in a positive light.

There is a story told about the Netziv who sent out two meshula chim, fundraisers, to raise funds in order to sustain the famous Volozhiner Yeshiva. These were talmidei chachamim, erudite scholars, who were proficient in Torah, spending every moment of their free time engrossed in Torah study. We can then well imagine the level of enthusiasm they exhibited for their task at hand. While he was complaining, one meshulach presented an excellent idea. They would purchase a lottery ticket on behalf of the Yeshiva and pray to Hashem that it would win. The same Providence that decrees that wealthy people should contribute to a worthy cause would also respond to their prayers on behalf of the Yeshiva. They decided to buy the ticket bearing the number 2118. One meshulach went to purchase a ticket, while his partner went to the Beis Medrash to pray for a successful drawing. There was, however, one problem. The first man--who had suggested the idea--decided to change their original choice of number. He concluded that since the number 2117 is the numerical value of "ach tov" - "only good" - it would be a more favorable number to buy. As can be imagined, the tefillah of the second meshulach effected a positive Heavenly response, and number 2118 won. The two men returned to the Netziv, terribly dejected over their apparent lack of success. The Rosh

Hayeshivah decided to give these hapless fundraisers a lesson in the essential attitude for fundraising. First, why does Hashem make it that difficult for their Yeshivah, or any Yeshivah, to receive its sustenance. After all, the Almighty provides for all things, each in accordance with their individual needs. Surely He could provide for the citadels that prepare and shape the spiritual climate of each generation. We are what our Yeshivos are. Why does He not make support easier for them? The Netzi'v's compelling answer goes to the very heart of the mitzvah of tzeddakah. True, Hashem could have made it easy, but how would other Jews who do not attend or connect with a Yeshivah share in the mitzvah of limud haTorah, or elevate themselves through the mitzvah of gemillus chesed? How could the Jew in the small town, far away from the beaten path, share with other Jews in fulfilling their communal responsibilities, if not through the vehicle of the meshulach, or in contemporary times, "direct mail"? If finances were to be easy for the Yeshivos, a large segment of the Jewish population would, by default, be denied the privilege of maintaining a partnership in Torah with the scholars who are involved in Torah study. In other words, if one merits, he will contribute. If he does not merit, he will find excuses to refrain from contributing to any worthy cause. ... <http://www.shemayisrael.co.il>

Shiurim by Rav Mordechai Elon Shoftim -- WERE BACK! This Shiur was delivered in Yeshurun in 5754

We celebrated this past week Rosh Chodesh Elul. The Tur speaks about the Shofar that we began to blow on Rosh Chodesh Elul. The Halachot and concepts of blowing Shofar in Elul are quite different from the blowing of Shofar on Rosh Hashana, whose Mitzvah comes from the Torah. By understanding the concepts of the Shofar of the month of Elul, we will later come to understand some of the ideas in Sefer Devarim, in general and our Parsha, Shoftim, in particular.

WHY WE BLOW SHOFAR IN ELUL, ACCORDING TO THE TUR The Tur (Orach Chaim, 495) states: *ô*It says in the Midrash of Pirkei DeRabbi Eliezer (chapter 45) that when God said to Moshe to come to the top of the mountain to receive the second set of Luchot-Tablets (Exodus 24:12), they blew a Shofar in the camp signaling that Moshe went up to the mountain, in order that the people do not, once again, make the mistake and begin worshipping idols. *ô*We know that on the sixth of Sivan, the holiday of Shavuot, the people and Moshe (orally) received the first LUCHOT-TABLETS, and forty days later, on the seventeenth of Tamuz, Moshe went down the mountain and smashed these LUCHOT-TABLETS when he sees the sin of the Golden Calf. Then, from the 17th of Tamuz, the situation remained in limbo until the Moshe again ascended the mountain on Rosh Chodesh Elul. He comes down on Yom Kippur with the second set of LUCHOT-TABLETS on a day that marks atonement not only for the Jews in the desert for the sin of the Golden Calf, but for Jews of every generation. What is the connection between this and the Shofar? The Tur, based on the Midrash, seems to say that the Shofar served merely as a conduit, to indicate that Moshe ascended the mountain. It appears that they could have used any other signal announcing Moshe's ascent. If this is the situation, then what is so special about the Shofar? Since it was only a medium, it does not seem to have any special significance in and of itself.

The Tur continues, following the ideas of that Midrash: When God heard that Shofar on Rosh Chodesh Elul, He was uplifted, as it says *ô*God has gone up with a (TERUAH) shout, the Lord with the sound of a Shofar *ô*(Psalms 47:6). This verse, which we recite before blowing the Shofar on Rosh Hashana, reminds us of the day of Teruah, Rosh Hashana, based on the words of *ô*God has gone up with a (TERUAH) shout, *ô* which is the first part of the verse. But the second part of the verse, *ô*the Lord with the sound of a Shofar, *ô* refers to the Shofar of the month of Elul. Therefore, says the Tur, the Rabbis established that the Shofar should be blown on Rosh Chodesh Elul each and every year. The Tur continues and says that the Shofar should be blown for the entire month of Elul, in order to inspire the people to do Teshuva, as it says *ô*Shall a Shofar be blown in the city, and the people not be afraid? Shall evil befall a city, unless the Lord has done it? *ô*(Amos 3:6). In addition, the Elul Shofar will help confuse Satan.

THE DOUBLE MESSAGE OF THE SHOFAR OF ELUL If we begin to analyze the Tur, his language is very cumbersome. He says that on Rosh Chodesh Elul we blow the Shofar because the Shofar was blown on Rosh Chodesh Elul in the desert to insure that the people would not again worship idols. Through this Shofar of Rosh Chodesh Elul, God was uplifted, indicating that the Shofar was more than just a conduit to announce something to the people. Then the Tur says that the entire month of Elul we should blow Shofar, even though they only blew the Shofar in the desert on Rosh Chodesh. The Rabbis enacted the blowing of the Shofar during the entire month, even though it has nothing to do with the Shofar of Rosh Chodesh Elul. The reason for blowing the rest of the month is for Teshuva and to confuse Satan. This last reason helps explain the connection between the Shofar of Elul and Rosh Hashana, and why we stop the Tekiot of Elul on the last day of Tishrei before the Tekiot of Rosh Hashana. One commentary on the Tur, the Beit Yosef (who also wrote the Shulchan Aruch), explains the Tur in this manner and then asks: if we have a verse that refers to the Shofar of Elul (*ô*the Lord with the sound of a Shofar), why was it necessary for the Tur and Midrash to find another verse (*ô*Shall a Shofar be blown in the city, and the people not be afraid?) and another concept for the Shofar, i.e. that it is blown to inspire Teshuva? He answers that the Shofar blown in the desert (indicating Moshe's ascent) is only for the purpose of preventing sin (and thus, the Shofar is much more than a mere conduit or medium, as it had some power to actually prevent sin). But we still need another Shofar to inspire people to do Teshuva. Thus, the first Shofar prevents sinning in the future, while the other Shofar is to repent for past sins.

We know from the Rambam (Hilchot Teshuva 2:2) that the Teshuva process is both *ô*KABBALA AL HE-ATID-an acceptance for the future not to sin, *ô* which must come after a previous step in the process, *ô*CHARATA AL HE-AVAR-conteration over past sins. *ô* The Shofar of Rosh Chodesh Elul, then, is to prevent sins of the future, while the Shofar of the month of Elul is to inspire Teshuva for sins of the past. That the Shofar inspires Teshuva, is easy to understand. Hearing a physical sound usually causes a reaction. In our Parsha, for example, it speaks about he who is afraid of war (Deuteronomy 20:8). The Midrash (Sifri Shoftim 49) explains the various reasons for this fear, and one of the reasons given is that the Shofar of war causes fear. But we must analyze how the Shofar itself can prevent future sin. This is a deep concept, and shows that we cannot understand the Midrash as we did in the beginning, that the Shofar merely called the people together, and, when gathered, they were told not to (again) commit the sin of idol worship. If that

were the case, then why is it significant at all for us that the Shofar be blown on Rosh Chodesh Elul? Therefore, according to the Beit Yosef, there must be something unique in the Shofar itself which causes us not to sin. What is this *ô*Hocus Pocus of the Shofar of Rosh Chodesh Elul? Concerning the Shofar of Rosh Hashana, Rambam (Hilchot Teshuva 3:4) discusses the concept of Teshuva-Repentance, and says that the Mitzvah of Shofar blowing is *ô*hinted *ô* in the words *ô*Arise you sleeping ones from your slumber. *ô* This is understandable. But how can we explain the special characteristic of the Shofar which PREVENTS sin?

TWO DIFFERENT HISTORICAL SHOFAROT AND THE QUESTIONS ABOUT THEM To understand this concept, we must analyze two different Shofarot. The second Shofar is the Shofar of Mount Sinai. The first is the Shofar of Yitzchak and Avraham, i.e. the ram mentioned at the end of Akaidat Yitzchak, which we use to remember the story of the Binding of Yitzchak. Rabbi Abahu asks (Rosh Hashana 16a) why do we specifically use a ram's horn to fulfill the Mitzvah on Rosh Hashana (and not any other animal, which would seem to fulfill the Torah command to blow a Shofar). The Gemara answers *ô*The Holy One, blessed be He, said: Sound before Me a ram's horn so that I may remember on your behalf the binding of Isaac the son of Abraham, and account it to you as if you had sacrificed yourselves before Me. *ô* This idea requires understanding. Why is it specifically the ram's horn which reminds of the Akaidat? The ram appears at the end of the story AFTER the crucial scene where the angel speaks to Avraham and tells him not to sacrifice his son. The ram even seems separated from the Akaidat story, mentioned after it is over. It occurs after Avraham calls the place *ô*HASHEM YIREH. *ô* It is only then that Avraham sees the ram caught in the brush by its horns. Thus the Shofar reminds us of those horns which remind us of the ram which remind us of the entire story. But this seems a bit far fetched and very distant from the Akaidat itself. Why, then, is it this symbol, the Shofar, which is the key reminder of the Akaidat story every Rosh Hashana? And the Gemara says that this Shofar has the power not only to remind God of the Akaidat, but also to be counted as if we sacrificed ourselves before God. But, according to the story, the Shofar should remind us that THERE WAS NO NEED TO SACRIFICE YITZCHAK? We will discuss these questions as well as the Shofar of Mount Sinai. But we will do so from the episode most historically connected to Rosh Hashana, the story of Adam and Eve.

THE UNUSUAL ASPECT OF THIS MITZVAH OF BLOWING THE SHOFAR There is a very interesting characteristic, unique to the Mitzvah of Shofar: the Mitzvah of the Shofar is not the action that takes place, but rather the action that occurs as a result of the action of the Shofar. Let us explain. The Baal Tokea does NOT recite the Beracha *ô*LITKOA BASHOFAR-To blow the Shofar. *ô* Rather, the Beracha is *ô*LISHMOA KOL SHOFAR-to hear the sound of the Shofar. *ô* There are many pages of the Talmud which discuss the Halachot of someone who blows a *ô*perfect *ô* Tekiah, but the person hearing the sound did not hear it directly, such as through an echo (for example). In this case, there is absolutely nothing incorrect or wrong regarding the action of blowing the Shofar, but only in the hearing. Nevertheless, the Mitzvah is not fulfilled. Even the blower of the Shofar himself has not fulfilled the Mitzvah unless he heard the sound directly. Thus, the action is to blow the Shofar, but the Mitzvah is to HEAR the sound of the Shofar. This is an unusual idea regarding Mitzvot. The Mitzvah for Lulav is to take the Lulav, and it is on this action that the Beracha is recited. Similarly, the Mitzvah is to put on Tefillin and this is also the Beracha. By Mezuzah, the Mitzvah is to set the Mezuzah on the doorpost, and this is also the Beracha. We do not recite the Beracha that there is a Mezuzah in the house, but, rather, *ô*to set (LIKBOA) a Mezuzah. *ô* The action is the text of the Beracha. Washing hands ritually and wearing Tzitzit are other similar examples. But by the Shofar, we blow the Shofar, and make a Beracha on the hearing of the Shofar. If the blowing is perfect but the hearing is imperfect, then the Mitzvah has not been fulfilled. This is indeed strange.

LEARNING THE CONCEPT OF HEARING This act of blowing Shofar on Rosh Chodesh Elul is the first act of 40 days before Yom Kippur. For thirty days, we are getting ready to fulfill a very difficult Mitzvah: the act of hearing. This Mitzvah of hearing is a Mitzvah which requires much preparation. Each day, during Elul, the Jew gets used to hearing and listening. The Shofar of Rosh Chodesh Elul, according to the Midrash, has in its power to prevent sin. This is a very non-Jewish idea -- to give an *ô*insurance policy *ô* promising no sinning. In reality, the opposite is actually true in Judaism: it is only man himself who decides if he does or does not sin. But apparently there is a way to assist man to prevent himself from sinning. That way is TO LEARN THE CONCEPT OF HEARING. We will now learn this concept together.

Before we begin, we should note that in last week's Parsha, Re-ai, the first verse of the Parsha states: *ô*(RE-AI) Behold (See), I set before you this day a blessing and a curse *ô*(Deuteronomy 11:26). The verb used here is *ô*to see *ô* the blessing and the curse. Moshe does not repeat the blessings of Mount Gerizim or the curses of Mount Eval. These are stated at length in Parshiot Bechukotai and Ki Tavo. But they are summarized in one sentence, as the verse continues: *ô*A blessing, if you HEAR-obey the commandments of the Lord your God, which I command you this day *ô*(Deuteronomy 11:27). It is very interesting that we said that if we HEAR the Shofar on Rosh Chodesh Elul, we will not sin. Which sin is referred to there? The sin of idol worship. How do the verses in Parshat Re-ai continue? *ô*And a curse, if you will not HEAR-obey the commandments of the Lord your God, but turn aside from the way which I command you this day. TO GO AFTER OTHER GODS, WHICH YOU HAVE NOT KNOWN *ô*(verse 28). THE BERACHA ITSELF IS THAT YOU WILL HEAR (*ô*ET HABERACHA ASHER TISHMEU-A blessing, that you HEAR). According to the Ohr Hachaim, he who does not know how to hear, that in itself is the greatest curse, as it says *ô*VE-ET HAKELALA IM LO TISHMEU-And a curse, if you will not HEAR. *ô* And he who does not know how to hear, cannot prevent himself from sinning, and will eventually worship idols.

How does this work? What is the power of hearing? Prior to answering this question, we should understand that in the entire book of Devarim, including our Parsha, this theme is repeated. It says *ô*(SHEMA YISRAEL) HEAR, O Israel; The Lord our God is one Lord *ô*(Deuteronomy 6:4) and *ô*And it shall come to pass, if you shall HEAR-heed diligently to my commandments which I command you this day... *ô*(Deuteronomy 11:13). And in our Parsha, when going out to war, the Kohen of war turns to the people and says *ô*HEAR, O Israel, you approach this day to battle against your enemies; let not your hearts faint, fear not, and do not tremble, nor be you terrified because of them *ô*(Deuteronomy 20:3).

AFTER THE FIRST SIN, MAN'S *ô*HEARING *ô* CHANGES FRIGHTENS MAN As we said, we begin with the first man, Adam. After the sin, it says *ô*And the eyes of them both were opened,

and they knew that they were naked; and they sewed fig leaves together, and made themselves apronsö (Genesis 3:7). The first reaction to the sin by man and woman is in regard to clothing. They cannot remain naked. They cannot stay as they are, without clothes, without separation, without all the things that prevent ömeö from being öme,ö and öyouö from being öyou,ö and ösheö from being öshe.ö They MUST cover themselves somehow. Before the sin, they are PRAISED for being naked, as it says öAnd they were both naked, the man and his wife, and were not ashamedö (Genesis 2:25). What happens next, after their reaction to sin? It says öAnd they HEARD THE VOICE OF THE LORD GOD walking in the Garden in the cool of the day; and Adam and his wife hid themselves from the presence of the Lord God among the trees of the Gardenö (Genesis 3:8).

The same voice of God (heard previously) is heard now and this somehow frightens them. And they hide because they do not want to hear. They are afraid and want to cover their ears. And what happens then? It says öAnd the Lord God called to Adam, and said to him, Where are you?ö (verse 9). Man hides because of God's voice, and then it is revealed that God's voice continues to be heard even as man hides. The voice that asks Adam öWhere are you?ö is the same internal voice that was öwalking in the Garden in the cool of the day,ö and also asks man the sharpest question that can be asked: Where are you, the man, as you were five minutes ago? Where is the naked man, who is what he is without all the öcover upsö? Man tries to cover his ears, so as not to hear God, but that voice is heard by man internally, and, suddenly, man understands that God's voice is not only heard through the ears, but is also man speaking to himself. As man tries to run AWAY from God, he is, in reality, running toward God. Ibn Gebirol explains this concept succinctly: öI ran from You to You.ö There is an attempt to run away not from what is heard outside, but, rather, from what is heard inside. When man is not capable of being himself, that internal voice also cannot be heard, and instead of God walking with man, as he did when He commanded man to watch and guard it (the Garden) (Genesis 2:15), man does not hear.

Thus, man heard when he was naked, and could not separate this internal voice from anything external, and, therefore, man was not afraid of God or His voice. God's question of öWhere are you?ö is the same internal voice heard all the time in the Garden of Eden, and constantly asks man öWhere are you?ö. What is man's answer to this question? öI HEARD Your voice in the Garden, and I was afraid, because I was naked; and I hid myselfö (Genesis 3:10). After the sin, man cannot remain naked. After the sin, man begins to hide. But where does he hide? Without realizing it, he returns to the öscene of the crime,ö and hides in that same tree in the Garden, as it says öAdam and his wife hid themselves from the presence of the Lord God within THE TREE OF THE GARDEN.ö This is the same ötree of the Gardenö that man was forbidden to eat from. Outwardly, man makes a belt and clothes from fig leaves, which covers the genital area, and separates this area from the heart. This is an attempt to (outwardly) return man to his previous status, where his heart and sexual desire were separated.

This is man's outward reaction to the sin. But what is his inward action? Man now does not know how to hear. Or, he thinks he is hearing, but he also thinks that he can stop hearing by covering his ears. He does not understand that what he hears, he does so from within. The Rabbis describe this when they say (Midrash Shir Hashirim Rabbah 3:18) that before man sinned, he was given awe and fear and all creations feared man. After man's sin, he was given awe and fear, and now he fears others. This Midrash goes on to say that before he sinned, man would hear the voice of God and not be afraid, but after the sin, he would hear the voice of God and be afraid and hide. With all this description, we have still not seen a connection between the story of man's sin and the sound of the Shofar. But it is very interesting that, according to tradition (Midrash Bamidbar Rabbah 1:10), this question of öWhere are you?ö occurred on the same day that every one of us is asked the same question, on the day that man was created, on Rosh Hashana. The question of öWhere are you?ö was asked for 2,000 years before it was properly answered. Adam gives many responses to God's question, but he never answers the question of öWhere are you?ö. He explained what he did but not where he is. It took 2,000 years for another man to properly answer this question that repeats itself throughout history. The short answer is öHINENI-I am hereö (Genesis 22:1) and the person who uttered it was Avraham.

WHY WE READ AN öILLOGICALö TORAH READING ON ROSH HASHANA Avraham was tested with ten trials before he knew how to answer the question of öWhere are you?ö. The most natural Torah reading on Rosh Hashana should have been the story of the creation of man, which took place on that day. But Rosh Hashana is not just a Jewish national holiday. It is universal, as we say in the Rosh Hashana liturgy öHAYOM HARAT OLAM -This is the day of the creation of the world.ö öHAYOM MAAMID BAMISHPAT- Today all creations stand in judgment.ö How very logical would it have been to read about the creation of man. Yet, instead, we read about the binding of Yitzchak. It is difficult to be satisfied with the explanation of the Midrash that Yitzchak was born on Rosh Hashana (Tanchuma, Vayera 14), since this is a Drasha. Why not simply read the most appropriate Parsha? Perhaps herein lies the deeper answer. On Rosh Hashana, we do NOT read about the first man. Rather, we read about the first man who answered that questions that the first man left unanswered. This is the first man who heard the voice and knew how to respond. But what is that unique concept about Avraham's hearing the voice and the sound? This is what we will analyze in detail (We have already discussed this concept at length, albeit in a different context, in the Digest of Parshat Yitro).

When Avraham received his command to sacrifice his son Isaac, God said öTake now your son, your only son Isaac, whom you love, and go to the land of Moriah; and offer him there for a burnt offering upon one of the mountains WHICH I WILL TELL YOUö (Genesis 22:2). Avraham was commanded to go to the general area of Moriah. But God said that the precise place he was supposed to sacrifice Isaac He would TELL Avraham later. Avraham is then waiting to HEAR some word from God about the place. But what happens? It says öThen on the third day Abraham lifted up his eyes, and SAW the place far awayö (Genesis 22:4). What does this mean? Avraham was supposed to HEAR about the specific place. If Avraham saw something, perhaps it is the wrong mountain? The Torah then continues: öAnd Abraham said to his young men, Stay here with the donkey; and I and the lad will go yonder and worship, and come back to youö (verse 5). The famous Midrash on this verse states: öAfter three days he perceived a cloud resting on the top of a mountain. Said he to Isaac: ' My son, do you see what I see? ' Yes,ö he answered him. ' What do you see?ö he inquired. He told him: æI see a cloud resting on the top of the mountain.ö He said to Ishmael and Eliezer: æDo you see anything?ö æNo,ö he answered him. Said he to them: ' Since you perceive nothing and this donkey perceives nothing, Abide ye here with (æim) the donkey.ö (ib. XXII, 5). By

the expression "with (im) the donkey" he implied that they were a people (æam) resembling the donkeyö (Midrash, Vayikra Rabbah 20:2). This Midrash is very difficult. All four people saw a mountain with rocks, gravel, etc. Isn't it possible that Avraham and Yitzchak were seeing things that were not actually there, and that the servants were more öcorrectö in their assessment of the scene? What actually happened that allowed Avraham to proceed further? We will return to this question shortly.

EXTERNAL AND INTERNAL HEARING After Avraham binds Yitzchak and is ready to kill him, a voice of an angel is suddenly heard: öAnd he (the angel) said, Lay not your hand upon the lad, nor do anything to him; for now I know that you fear God, seeing that you did not withhold your son, your only son from me. And Abraham LIFTED UP HIS EYES, and looked, and behold behind him a ram caught in a thicket by his horns; and Abraham went and took the ram, and offered him up for a burnt offering in place of his son. And Abraham called the name of that place Adonai - Yireh; as it is said to this day, IN THE MOUNT OF THE LORD IT SHALL BE SEENö (Genesis 22:12-14). Avraham SAW the place, even though he was commanded to HEAR the place. Then, Avraham called the place öIN THE MOUNT OF THE LORD IT SHALL BE SEEN.ö But at the end of the Parsha, God says öAnd in your seed shall all the nations of the earth be blessed; because you have HEARD My voiceö (Genesis 22:18). In the summary of the Parsha, Avraham is complimented on HEARING the voice of God, after we read that he SAW the place. Later on, when Yitzchak is living in the land in the merit of Avraham, the Torah uses the same expression: öBecause Abraham HEARD my voice, and kept My charge, My commandments, My statutes, and My laws (Genesis 26:5),ö And herein lies the crucial concept: Avraham who should have heard God's voice externally, sees a ram at the end of the Akeida, and we fulfill the Mitzvah of hearing through the horn of this ram that Avraham SAW at the end, in a place where we are still waiting for Avraham to hear the voice of God.

Perhaps this is the essence of it all. We are not speaking merely about external hearing, but, rather, about internal contemplation. This is listening and hearing the most internal voice within each person, which, at its height, combines all the physical senses, so that one does hear the voice with one's ears, but, rather, ösees the place that God had told him.ö This is precisely what happened at Mount Sinai as well, where, instead of hearing the sounds, the Jewish people saw the sounds. But they did not only see the sounds of the Ten Commandments, but immediately after the Ten Commandments, it says öAnd all the people SAW the thunderings, and the lightnings, AND THE SOUND OF THE SHOFAR, and the mountain smokingö (Exodus 20:15). It is normally possible to see lightnings and even a mountain smoking. But how does one SEE the sound of the Shofar? Therefore, it is clear that he who knows how to truly hear the sound of the Shofar will not only hear the physical sounds with his ears, but will SEE the sounds of the Shofar. This is because it is not something external that causes him to hear. The sound of the Shofar enters deep within. öET HABERACHA ASHER TISHMEU-A blessing, that you HEARö. He who hears God, i.e. that he and God live together as one, it is the same Divine portion from above that a person feels within himself.

But he who is not able to live önakedö with God, he who has to cover himself because of God, also attempts to cover his ears. Why? Because for him, everything is external and frightening. And because he perceives that everything is outside, that person loses his internal power to hear God who calls out öWhere are you?ö. Unlike Adam and Chava, who ignored the inner voice of God, Avraham was on such a high level of hearing, that he was able to hear God so well internally that he could see what God was about to say. And this high level is again reached at Mount Sinai, when the people saw the sounds of the Shofar. This is the deepest kind of hearing. When Moshe summarizes in our Parshiot, and reminds the people of the events surrounding the Giving of the Torah, he again repeats öyou HEARD the sound of the words, but saw no form; YOU ONLY HEARD A VOICEö (Deuteronomy 4:12). A few verses later, Moshe again says öDid ever people HEAR the voice of God speaking out of the midst of the fire, as you have HEARD, and live?ö (Deuteronomy 4:33).

To hear God is the preparation of the month of Elul, before the Jew turns to God and ask Him to hear his Tefillah. We said that the Shofar of Rosh Chodesh Elul, as the Tur mentioned, is the Shofar that calls upon man not to follow in the path of sin. Now, it appears to Rav Elon, we can fully understand this concept. The Shofar of Rosh Chodesh Elul is the Shofar that calls upon man to understand that when he sins, he is not his real self. And in order to feel this idea, man must learn how to hear this internal voice. The Mitzvah is not to blow the Shofar but, rather, the Mitzvah is to HEAR the sound of the Shofar. öET HABERACHA ASHER TISHMEU-A blessing, that you HEARö. When a person cannot hear that inner voice, the result is the sin of the Golden Calf. Then it is possible to take something physical and external and use it as a god. But when a person knows how to hear öthe voice of the Lord God walking in the garden in the cool of the dayö and he is önaked,ö then man can also properly hear the question of öWhere are you?ö and answer that question with same öI am hereö that Avraham answered.

THE SIGNIFICANCE AND MEANING OF THE RAM Avraham turned his eyes and saw that the ram was caught in the brush. What happens then? The Akeida was already over, the angel had already told him öLay not your hand upon the lad, nor do anything to himö (Genesis 22:12). Why the double language in this verse? Surely Avraham did not have to be told twice NOT to hurt his son. The Rabbis ask about this double language (öLay not your hand upon the ladö and önor do anything to himö) and give a strange answer. According to the Midrash (Beraishit Rabbah 56:4), after the angel said öLay not your hand upon the lad,ö Avraham asks if he can then make one cut, wound or bruise upon Yitzchak. It is then that God says önor do anything to him.ö And it only after this that Avraham raised his eyes and sees the ram. What is really happening here? What is happening is actually everything we spoke about earlier. Avraham has no desire, God forbid, to wound his son. But Avraham is asking God: I made this entire trek, preparing everything for a sacrifice. It is clear that by not slaughtering Yitzchak that I will reveal to the world that it is not the Jewish way to sacrifice human beings. But what is to become of all this internal and external effort and all this preparation? Thus, Avraham is asking God what to do, but God does not tell him. It is then that, once again, that Avraham uses his sense of sight to see the ram stuck in the brush.

This ram, according to the Rabbis (Pirke Avot 5:6) was already caught in this brush from the time of creation itself. Avraham realizes that when a person properly prepares himself, then the vessel through which he should act, already exists and waits for him. Right now, it (both the ram and the situation) is unclear and tangled up. But through this waiting vessel, God's will can be actualized. öThe Holy One, blessed be He, said: Sound before Me a ram's horn so that I may

remember on your behalf the binding of Isaac the son of Abraham, and account it to you as if you had sacrificed yourselves before Me. The greatness of Avraham was NOT that he put his son Yitzchak on the altar. Avraham's true greatness was shown when he sacrificed the ram, because at that moment, he felt that he was doing the will of God with the same fervor and depth as if he, God forbid, sacrificed his son. On Rosh Hashana, we are commanded to take the Shofar and remember the concept of service to God. In the month of Elul, we are commanded to first take the Shofar of Rosh Chodesh Elul, the Shofar which we learned to hear, and then to hear our internal voice within us. And then we should prepare for thirty days, with this sense of hearing, to repent, in order to turn to God, at the end of this period, and ask Him to hear the supplications and the prayers.

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Shiur HaRav Soloveichik ZTL on Parshas Shoftim shoftim1.97

[This summary covers the first part of the Yarchei Kallah on Parshas Shoftim that the Rav ZTL presented in Boston in the late 70's. I hope IY'H to summarize the remainder of the Shiurim on Shoftim, as time permits. Apologies for not getting this out earlier in the week, as this took a major effort to submit to the list.]

The Torah commands us with a Mitzvas Asay to appoint judges in each city and district. There is a Mitzvah to establish a judiciary branch that interprets the law and an executive branch that enforces the laws. Rashi translates the semantics: Shoftim are judges that render decisions. Shotrim are the executive officers who translate the law into reality. In the modern, 3 part style of government, Shoftim are the judiciary, and probably the legislative branches. Shotrim is the executive branch of government that enforces and implements the laws and decisions.

The word Lishvatecha requires clarification. Rashi says that Lishvatecha lends itself to a double interpretation, your towns and settlements that Hashem granted the tribes. Or you could say that the appointment must be in accordance with the tribes so every Shevet must have its own judiciary. Rashi's opinion is that the latter interpretation is correct.

Is this a Mitzvah that applies only in Eretz Yisrael or does it apply to Chutz Laretz as well? In times when communities were autonomous would they have to establish such a system? The Ramban said the Mitzvah to appoint judges in cities did not apply in Chutz Laretz. The Ramban said that the Ramban agrees with this opinion. He then quotes the Gemara in Makos (7a) that says there is a Mitzvah of Minuy Shoftim, to appoint people to render decisions in accordance with Torah Law even in Chutz Laretz. We can't say that we should wait till the need arises and then appoint judges. Rather we need people in place before the conflict develops between litigants.

The Gemara says that there is a Mitzvah to appoint judges even in Chutz Laretz. But we don't know how many sets of judges are needed. In Eretz Yisrael there is a requirement to appoint judges in each city and district. In Chutz Laretz we appoint judges for the districts but not for the cities. The exclusive aspect of Eretz Yisrael is the number of judges that are appointed and their distribution. The Rav asked if there is a Mitzvas Minuy Dayanim in Chutz Laretz, then why is there a difference between Eretz Yisrael and Chutz Laretz in the number of judges and their distribution? And if there is no Mitzvas Minuy Dayanim, then what is the nature of the compromise between the cities and districts in Chutz Laretz in requiring a court in either the cities or the districts, but not both?

One could give a simple answer that there is no Mitzvah of Minuy Dayanim in Chutz Laretz. There simply is a requirement that in order that Chutz Laretz not become another Sodom Vamorah, the laws of the Torah must be enforced. So you need some judges in each district that should be on alert, so that in case the need arises they should be ready to judge the people and implement Din Torah. Appointing judges at the district level is not a Mitzvas Minuy, rather it is a good suggestion, in order to be ready to fulfill the Mitzvah of Vasisa Hayashar Vhatov. In Eretz Yisrael why do I need so many judges in each city and in each district? Apparently, in Eretz Yisrael there is a separate Mitzvah of Minuy Dayanim, and the Torah requires that there be judges appointed in both cities and districts to fulfill the Minuy Dayanim and Vasisa Hayashar Vhatov.

The Rambam (Hilchos Sanhedrin 1:1) says that there is a Mitzvah to appoint judges in cities and districts. In the next Halacha he says that the obligation for appointing judges in each city and district is limited to Eretz Yisrael. However in Chutz Laretz there is an obligation to appoint judges in each city and not in each district. The Ramban interprets the Rambam as we

have above, that there is no Mitzvas Minuy Dayanim to appoint judges in each district rather there is a need to enforce Yashar Vtov. Why does the Rambam require judges in the cities while the Gemara requires them in each district? In Chutz Laretz, we appoint judges in each city and that is sufficient to satisfy Yashar Vtov. If someone has a conflict, he needs to be able to get justice immediately. The judges must be accessible. If they were in the districts only that would make them more difficult to get to. There is no special Mitzvas Minuy Dayanim. Perhaps the Rambam had a different Girsra (text) in the Gemara that required judges in the cities and not the districts. Since there was an obligation to make sure that Chutz Laretz did not become a second Sodom Vamorah, there is an obligation to appoint judges. But Eretz Yisrael had a double reason for requiring judges: Yashar Vtov and the Mitzvas Minuy Dayanim.

The Ramban says that in Chutz Laretz we appoint judges to fulfil Vasisa Hayashar Vhatov. One could interpret that in Chutz Laretz there is no special Mitzvas Minuy Dayanim, rather we need that the judges be available when the need arises. The Ramban interprets that there is a Mitzvas Minuy Dayanim in Chutz Laretz, as well as Eretz Yisrael, based on the Gemara in Makos. If so, why distinguish between Eretz Yisrael and Chutz Laretz?

While listening to Krias Hatorah [the Rav took this opportunity to enforce the idea that Krias HaTorah should not be a mechanical reading, rather one must think and understand what is being read] for Parshas Devarim the following occurred to the Rav [he found the proof he had long sought to corroborate the following ideas that he had formulated before]. In the first chapter of Devarim the Torah relates how Bnay Yisrael spent almost 2 years in the proximity of Mount Sinai. Hashem now invited the people to enter and take over the land, without war or armed struggle. Next the Torah, puzzlingly, changes the topic and the continuity and tells us about a conversation that took place 38 years before between Moshe and Bnay Yisrael. Moshe told them the story of how he asked for recommendations as to who would be suitable to serve as a judge in the community. After all Moshe did not know everyone in the community, and requested their input to find the most suitable candidates. Moshe relates the instructions he gave to the judges as to how they were to act and serve as judges and how they had to be acceptable to the community. Then he relates the directions he gave the people themselves, that they should behave in accordance with the Torah when they enter the land. Moshe then relates that after the instructions had been given, they started the march. Hashem told Bnay Yisrael that the time has come for them to enter the land. They had come to the border of Har Emori. All that was left to do was to climb up the mountain and take over the land, in much the same way that one inherits property, Alay Reish. It was a small journey from Kadesh Barnea to Eretz Yisrael.

However, suddenly something happened that changed Jewish History. Moshe proceeds to relate the tragic story of how the people approached Moshe and wanted to send spies to explore the land. This incident changed the course of Jewish History and the destiny of the people. Moshe is telling them "How close you were to entering the land", Hashem urged you to enter the land and take it over voluntarily. All you had to do was walk into the land and take it over. Because of the episode of the spies, Jewish History was re-written. It is interesting to note that we read Parshas Devarim and the story of the spies on the Shabbos prior to Tisha Bav. Moshe tells them how close they, and he, were to entering the land. Had Moshe entered Eretz Yisrael and divided the land there never would have been an exile and the Beis Hamikdash would never have been destroyed. We had it right in our grasp, in our pockets. But some crazy idea, to send spies, destroyed our destiny, and replaced it with a destiny of suffering and martyrdom.

Why did Moshe introduce the story of how he set up the system of judges in the middle of the story of their impending entry to the land and the subsequent tragedy that befell them? The continuity of the story of their impending entry and ultimate tragedy and disappointment is beautiful. Why interrupt it with the story of the judges? The Rav found in the Ramban a short answer that he expanded as follows. The Rav said that in order for them to be prepared to enter Eretz Yisrael, they had to have a complete system of justice in place. There was no need to prepare for battle for there would be

no war, but there was a requirement that a system of justice be in place as a pre-requisite to taking over the land. When Moshe told the people that he could not carry the weight of judging the people on his own. He accepted Yisros' suggestion (which was obviously the will of Hashem). The Rambam says that the appointment of the judiciary is part of the preparation of the people to entering the land after they received the Torah. The judges that Moshe appointed were not limited to the role of judge. They were also the teachers and leaders of the people, like Devorah, she was not only a judge, but she was a leader as well.

The content of the Haftorah for Devarim, Chazon Yeshayahu, is the violation of the concepts of Tzedakah and Mishpat. The conclusion of the Haftorah is that Tzion will be rebuilt through Mishpat and its exiles through Tzedakah. In the time of Yeshayahu the judges had violated their trust and were corrupt. This was inconsistent with their role as leaders and violated the requirement of establishing a strong system of justice so the people may inherit the land. The prophet says that in his time the people violated the requirements for judges that Moshe gave them as retold in Parshas Devarim.

The Rav noted that the prerequisite of a system of justice prior to returning to the land is reiterated daily within our prayers. If we look at the middle 13 blessings of Shemoneh Esray we see that they are divided between the needs of the individual and the Tzibbur, specifically the latter half of the blessings discusses the theme of Geulas Yisrael, redemption of Israel. [The Rambam in Pairush Hamishnayos already noticed the following as well.] The order of the blessings is the ingathering of the exiles, which implies conquest of the land. The next blessing should have been the petition to restore the Beis Hamikdash and the city of Jerusalem. However one cannot petition for that without first putting in place the strong system of justice, described in the blessing of Hashiva Shoftaynu. The very moment you speak about Kibbutz Galios you talk about Kibbush Haaretz and Kedushas Haaretz and Yerushalayim. You can't do that without first petitioning for the return of a fair system of justice.

Yerusha and Yeshiva is that Eretz Yisrael should be under our control. Yerusha Vyeshiva should not be considered only in terms of physical conquest of the land, but in terms of the establishment of a system of limud Torah and spiritual leadership. Without these things, the best trained soldiers do not matter. Bo'u Ureshu means that it is incumbent on you to take over the land, Moshe tells them that Yersusha Vyeshiva is not only in terms of warfare but in terms of Mishpat Utzedakah. After Moshe appointed the judges he reissued the call to them. Now that the judges are appointed you are prepared from the physical and spiritual viewpoints to take over the land. You have the physical and spiritual leadership to take over the land, Minuy Dayanim in Eretz Yisrael has a double aspect. We cannot permit corruption, so we must enforce Yashar Vtov. There also is an aspect of Yerusha Vyeshiva as well. The need to provide scholars and leaders is a part of Yerusha Vyeshiva.

Now we see why Eretz Yisrael differs from Chutz Laretz as far as Minuy Dayanim is concerned, even though it applies to both. Every city in Eretz Yisrael must have a Beis Din. A city in Eretz Yisrael has special halachic status which does not apply to cities in Chutz Laretz, no matter how large the city might be. In Chutz Laretz there is no Halachic entity of a city. It is viewed as a group of individuals, but there are no Deoraysa obligations that derive because of its status as a city. In Eretz Yisrael there are laws that pertain to a city, for example the laws that relate to Eglar Arufa, Ir Hanidachas, Metzora that must be sent outside the city, Ayaros Mukafos Chomah, Aray Miklat. These are all Chovas Ir. The Kedushas Ir in every city in Eretz Yisrael requires the appointment of judges, and this is a Kiyum in the Mitzvah of Yerusha V'Yeshiva. The Kedushas Ir is incomplete without the appointment of some form of Beis Din.

This is why Moshe integrated the mitzvah of Minuy Dayanim in the recounting of the story of the peoples march into Eretz Yisrael and the tragic change in Jewish Destiny that grew out of the Meraglim episode. The reason for requiring judges in cities and districts is that there should be the realization of the two aspects: 1) Tzedek Umishpat and 2) the realization of Yerusha V'Yeshiva.

There are 2 Kedushos in the Halacha. The first is Kedushas Eretz Yisrael that was achieved in the time of Joshua via conquest and in the time of Ezra through Chazaka, colonization. The second is Kedushas Hamikdash which has separate unique process of Kiddush. The Rambam says that the Mikdash has a separate Kedusha that is based on the presence of the Shechina, The Rambam is of the opinion that the Churban eliminated the Kedushas Eretz Yisrael, but it did not eliminate the Kedushas Hamikdash. The reason is that since the original takeover of the land in the time of Joshua was through conquest, after Nebuchadnezzar invaded and showed that he was stronger this nullified the original Kedusha. Ezra reestablished the Kedusha through colonization. However the Kedushas Hamikdash continues intact from the time of Shlomo Hamelech, because it is based on Shechina, and Kedushas Shechina cannot be nullified. The Kedushas Eretz Yisrael nowadays dates back to the time of Ezra. Yersusha Vyeshiva reaches its culmination through the appointment of judges and institutions that pursue Tzedek Umishpat.

Does this apply only to Eretz Yisrael or Kedushas Hamikdash as well? The Rambam says that Kedushas Mikdash cannot be terminated. The present Kedushas Habayis dates to Shlomo while Kedushas Haaretz dates to Ezra. There is a physical aspect to Yersusha Vyeshiva as well as Asiyas Yashar Vtov. Alay Reish follows the appointment of judges. There is no need for the Jews to invade and conquer the land if they will behave like the Cnaanim. There is a need for Minuy Dayanim that goes beyond the need for social justice in order to complete Kedushas Haaretz and supplement the act of Yersusha Vyeshiva. What about the Kedushas Habayis? Beis Hamikdash has 1 purpose: Hakravas Korbanos. One could say that the reestablishment of Tzedek Umishpat only applies to Kedushas Eretz Yisrael. However one could also say that it applies to Kedushas Mikdash as well, after all Yeshayahu was speaking about the Kedushas Hamikdash and its defilement when he said Tzion Bmishpat Tipadeh. According to the Rambam that there are two aspects to the appointment of judges: to do Hayashar Vehatov as well as the political aspect of being a part of Yersusha Vyeshiva. In the times of Yeshayahu, Eretz Yisrael had already been attacked by Sancheriv. All that was left was Yehuda and Binyamin. The prophet talks about the sacrifices that were turned into an abomination by the Kohanim and the people. We copied the concept of Tzion Bmishpat Tipadeh in Shemoneh Esray that says that we have to restore the system of justice, before we request the rebuilding of the Temple. The principle of a restored system of justice is required for Kedushas Hamikdash as well.

We require the placement of the Sanhedrin next to the Beis Hamikdash. Not only does the Beis Din Hagadol depend on the Mekom Hamikdash, but the Kedushas Hamikdash is completed by the presence of the Sanhedrin Gedolah near it. Therefore even Kedushas Hamikdash depends on the reestablishment of the system of justice as described by Yeshayahu. The Rav noted that basically Tzion in Tanach refers to Yerushalayim and Mikdash. So when the Navi talks about Lamah Li Rov Zivchaychem he is talking about Yerushalayim and the Kedushas Mikdash. Tzion Bmishpat Tipadeh, is referring to the city and the Beis Hamikdash. Yerushalayim according to the Halacha is not viewed as a city but as an extension of the Beis Hamikdash. Therefore both the city and the Kedushas Hamikdash require Minuy Dayanim. When the Torah says Vkamta Valisa El Hamakom, the Torah refers to the Mekom Hamikdash. So Minuy Dayanim is indispensable for Kedushas Eretz Yisrael and Kedushas Mikdash as well. There are 3 camps: Machne Shechinah, Leviya and Yisrael. This dates back to the Mishkan in the desert. The Rambam says that this setup is to be perpetuated with Yerushalayim forever. Jerusalem is not a mundane city, rather it is a part of the Beis Hamikdash. Since the city will be rebuilt only through Mishpat Utzedakah, it is clear that the Kedushas Beis Hamikdash depends on Minuy Dayanim as well.

This why Eretz Yisrael requires an additional tier of Batei Din, beyond that required for the cities. Without the additional tier I would think that the cities in Eretz Yisrael, like their counterparts in Chutz Laretz, require justice only for the reason of Yashar Vetov. The additional tier shows that there is a special Mitzvah of Yersusha Vyeshiva. If the judges that are appointed are corrupt then the Kedushas Haaretz is incomplete as well. Therefore this

parsha is read before Tisha Bav to tell us that we can attain Geula only if the system of justice is restored.

The Rambam eliminates the word Lishvatecha from his citation of the Halacha. Why did the Rambam omit this? [The Rambam quotes the verse but it concludes with the word "etc.". It is not clear if the Rambam put in the shorthand or the printer did.]. The Gemara (Sanhedrin 16b) says that Rabbi Shimon Ben Gamliel learns from Lishvatecha that there is a mitzvah on each Shevet to judge its own Shevet's disputes. The Rambam omitted this Halacha. The Rav explained that the Halacha of Shevet has nothing to do with the aspect of Minuy Dayanim that relates to the requirement of enforcing Mishpat Utzedakah. After all, if 2 litigants from one tribe come before a judge from another, the judge has the same responsibility and duty to judge the case fairly according to the Halacha. Lishvatecha is exclusively associated with the second aspect of Shoftim, Minuy Dayanim, as a part of Yerusha Vyeshiva. Minuy Dayanim is a Mekadesh. That is why Moshe appointed the judges before they started out on the march. A conquest is considered Kibbush Rabbim as long as it is done in accordance with the Beis Din Hagadol. All the Mitzvos Hateluyos Baaretz took effect after the 14 years of conquest and partition, which was the Mekadesh (except for Challah). Chiluk, partition, in addition to Kibbush, was a part of Kedushas Haaretz in the time of Joshua. If Minuy Dayanim was a part of Yerusha Vyeshiva, and the first Yerusha Vyeshiva consisted of Kibbush Vchiluk, then each Shevet must appoint judges and be represented in the overall judiciary system. In order for the Kibbush Vchiluk to be complete, all the Shevatim must be represented. After all, for simply judging a case between two litigants one would expect that all judges no matter what tribe they came from would be unbiased. Rather each Shevet was required to be represented from the aspect of Chiluk Vkibbush and Kedushas Haaretz. Minuy Dayanim must be a part of Kibbush and Chilluk as they are the acts of Kiddush Haaretz, and each Shevet must be represented. The Passuk bears this out beautifully: Shoftim Vshotrim Titen Lcha Bchal Shearecha Asher Hashem Elokecha Nosen Lecha. You must appoint judges from all the tribes to judge their own tribe in order that you should fulfill the Mitzvah of Yerusha Vyeshiva. Otherwise you will not acquire the cities that Hashem has promised to give you. And in towns that were partitioned between two tribes, according to Tosfos (Sanhedrin) the town required two Batei Din.

According to the Rambam (Beis Habechira 6:16) the Kibbush Yehoshua was suspended and later restored by Ezra. The Kibbush by Joshua was based on physical conquest, because of the might of Joshua. This Kedusha was nullified by a stronger power, that of Nebuchadnezzar. However the Kedushas Yerushalayim is intact forever because its Kedusha was based on Kedushas Shechina in the Beis Hamikdash, This type of Kedusha could not be nullified. However the Kedushas Ezra was via Chazakah, as the Jewish Nation was poor and dependent on the kindness of Koresh. There was a special limud from the verse Vhaytivcha Vhirbecha Mayovesacha, that allowed the Kedusha of Eretz Yisrael in the time of Ezra to return. The Chazakah and resettlement of the land brought about the Kedusha. The Rav asked: what about Chlukaas Haaretz in the time of Ezra and even nowadays? Is the original Chalukah still in place? Or do we say that since the Kibbush was eliminated, the partition was also eliminated. Or do we say that the Kibbush was eliminated but the Chiluk continues from the time of Joshua. The Rav said that it would appear that the Chiluk should not continue since the original Kibbush was nullified. Chiluk and Kibbush were part of the same Mekadesh. If one aspect is nullified so is the other. Chiluk must lean on Kibbush. If Kibbush is nullified then so is the Chilluk. During the second temple, with the exclusion of a short period under the Chashmonaim, the Jews were vassals of foreign powers. The Mekadesh was Chazakah. Kibbush and Chiluk combine to make a single unit as far as granting the ability to divide the land, however Chazakah and Chiluk do not. Chazakah is not strong enough for Chiluk to rely on. Perhaps the Chiluk is dependent on Kibbush and in the second Beis Hamikdash there was no Kibbush, only Chazakah, so the Chiluk was suspended as well.

In Sefer Ezra it says that the people returned to the area of Jerusalem. According to Rabbeinu Tam, a minority from each tribe returned with Ezra.

They settled in the towns around Jerusalem because they were under threat of attack and had to remain in proximity to Jerusalem. The land they settled belonged to Judah and Benjamin. We do not find that anyone was precluded from settling in the land that belonged to Yehuda and Binyamin. After all, if the original Chalukah was still in effect the land would not belong to the new settlers. We find that the people brought Bikurim and Maaser Shayni up to Yerushalayim and would read the appropriate Parshios which they could not do unless they had ownership of the land.

So one could say that the original Chalukah remained intact and each tribe retained ownership of its land. Even though the Chalukah was suspended, it will be reasserted by the Melech Hamoshiach, as said in Sefer Yechezkel as the Chalukah in messianic days will be 13 portions. On the other hand, one could say that since there was no Chalukah, and Nebuchadnezzar eliminated the original Kibbush and Chiluk, the land belongs to Knesses Yisrael, as one entity. Every Jew had a right to settle in any part of Eretz Yisrael since the land no longer belonged to the individual. If Lishvatecha would be a provision in the Mitzvas Minuy Dayanim, then according to the Rambam it should also exist today. If Lishvatecha was in force today, then there would be an obligation on litigants to seek out a Beis Din from their own Shevet. However if Lishvatecha is a provision in Chalukas Haaretz and continues to be a part in the complete realization of Kedushas Haaretz, then the only need for Lishvatecha is to redo the Chalukah. If the original Chalukah was nullified and never reasserted in the time of Ezra, then there is no reason for Lishvatecha. If it was a provision in Tzedek Tzedek Tirdof, then it should always apply in perpetuity. But if Lishvatecha is a provision in the division of the land and Kedushas Haaretz, Lishvatecha is measured by the Chalukas Haaretz, and if there is no Chalukas Haaretz, there is no Lishvatecha. That is why the Rambam omitted mentioning Lishvatecha.

There is a Machlokes if there was Yovel in Bayis Shayni. Josephus says that there was Tekias Shofar on Yom Kippur Shel Yovel in Bayis Sheini [the Rav said that his trustworthiness was open to debate]. The Rambam says there was no Yovel, Doraysa or Rabbanan, Rabbeinu Tam says there was Yovel Dorayasa, according to the Ran and Ramban Midoraysa no, Drabannan yes. The Gemara says that you need Kol Yoshveha Aleha, and during Bayis Sheini the majority of Bnay Yisrael lived in the diaspora, so how did they have Yovel? So Rabbeinu Tam says that there were representatives of each Shevet around and that was equivalent to Kol Yoshveha Aleha. So the Ran asks how can you claim that representatives are sufficient to take the place of Kol Yoshveha? Also, for Yovel to apply there is a requirement that the people live Ksidran, on their assigned plots. If all the inhabitants dwell in the land but they do not settle in their assigned plots, they are not Ksidran, then there is no Yovel. If each Shevet lived on each others land then how could there be ownership that would allow Yovel? After all, they have to resettle their original plots, they could not be intermixed (Mevulbalim).

The answer is that since the original Chalukah was nullified and the Klal Yisrael resettled the land, and not the individual tribes, then this resettlement was sufficient to create ownership for Yovel. The concept of Mevulbalim only applies where the Chalukah continues intact, but the members of the tribes settle in the wrong parts, for example Yehuda in Binyamin and Binyamin in Yehuda. However in the time of Bayis Shayni, the Chalukah was nullified so there was no way to identify that someone was dwelling on land that was not part of his Shevet. Indeed the land belonged to Knesses Yisrael, so wherever they settled was considered Ksidran. They have the rights of ownership at that point equivalent to what they had in Bayis Rishon [which would explain how they could bring Maaser Sheini and Bikurim and have Yovel during Bayis Sheini according to Rabbeinu Tam.]. This is the special Mitzvas Chazakah. Indeed the Gemara in Kedushin (26a) derives Kinyan Chazakah in Karkaas from Vyiristhem Osa Viyishavtem Bah (Devarim 11:31) which is related to Bayis Shayni, Al Pi Midrash.

The Gemara in Shabbos (139a) says: All evil in this world stems from corrupt judges in Israel (the Gemara quotes Micah 3:12). Hashem does not cause His countenance to shine on Israel only after the corrupt judges are

removed. Yerushalayim will not be rebuilt only through Tzedakah. This fits well with what we previously said regarding the importance of a system of justice in order that Bnay Yisrael can return to their land and the double aspect to Minuy Dayanim in Eretz Yisrael. Minuy Dayanim represents 3 Mitzvos: 1) Assiyas Hayashar Vhatov (applies to Chutz Laretz and Eretz Yisrael) 2) Kiddush Haaretz based on Vvirisitem Osa Viyishavtem Bah and 3) Sanctification of Jerusalem based on Lshichno Tidrishu Uvasa Shama, there is a Mitzvah that Jerusalem be hallowed by an act of Bechira. We classify Vlamalshinim and Al Hatzadikim under the category of returning the system of justice to Israel to sanctify Eretz Yisrael and to sanctify Jerusalem. After all, it will be the appointed judges that will contrast with and destroy the Malchus Risha, the wicked system of justice and government. The blessings we recite are that the scholarship and leadership of Torah and Torah scholars be protected and reasserted to root out the wicked elements of corruption. Only after this occurs can we achieve sanctification of Eretz Yisrael and then the sanctification of Jerusalem. Spiritual leadership and survival is identical with Hashiva Shoftaynu Kvarishona.

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