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ON **SHOFTIM** - 5766

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**Rabbi Michael Rosensweig**  
**The Rigorous Simplicity of Temimut**

In parshat Shoftim (Devarim 18:9-13), the Torah admonishes Klal Yisrael upon entering Eretz Yisrael not to emulate the excesses and deviancies of the indigenous population. Klal Yisrael is specifically proscribed from obscene acts of idolatry ("maavir beno u-bito ba-aish"), various methods of prognostication ("meonen u-menahesh, chover chaver, shoel ov ve-yidoni, doresh el he-meitim"), as well as engaging in sorcery ("u-mechashef").

It is noteworthy that the Torah succinctly formulates the idealistic alternative to this deviant lifestyle by invoking the concept of temimut (wholeness, integrity, purity and simplicity)- "tamim tihyeh im Hashem Elokechah."

It is striking that the Torah itself does not define or elaborate the quality of temimut despite its obvious prominence. Indeed, this quality characterizes many of our forefathers notwithstanding the diversity of their characters and personalities. Noah's righteousness was depicted by this term ("tamim hayah be-dorotav"). Avraham Avinu, the father of Am Yisrael, is charged to be a tamim ("hithalech lefanai ve-heyeh tamim"), and Yaakov, the chosen of the avot whose name Yisrael is synonymous with the nation, is introduced with the credentials of "ish tam yoshev ohalim".

The Torah itself is characterized by this quality of temimut (Torah Hashem temimah meshivat nefesh").

As we enter the month of Elul in preparation of the Yamim Noraim, we should reexamine this doctrine of temimut that serves as the foundation of our unique relationship with Hashem and as a primary vehicle for teshuvah ("meshivat nefesh").

The significance of temimut is particularly highlighted by the Ramban's perspective. While the Ramban (Hil. Avodah Zarah 11:13,16) explains that this imperative rejects the authenticity of sorcery and other methods of

prognostication, the Ramban (Devarim 18:9) insists that these alternatives are prohibited despite their efficacy. Thus, for the Ramban "tamim tihyeh" factually establishes Divine prophecy (as well as urim ve-tumim) as the exclusive epistemological source for supernatural knowledge.

According to the Ramban (Devarim 18:13), however, the obligation of temimut constitutes a singular halachic approach to life. Indeed, the Ramban enumerated temimut as an independent mitzvah (aseh #8). He also develops the centrality of temimut as an approach to Hashem in his discussion of the formative covenant between Avraham and Hashem (Bereishit 17:1).

The halachic approach of temimut entails several interrelated components, each of which is indispensable to attaining teshuvah. Unkelos emphasizes the need for an absolute (shalem) commitment to yirat Hashem. Ibn Ezra (Bereishit 17:1) explains that the imperative of temimut militates against questioning the value and objective of the mitzvot. Accordingly, Rashi (Bereshit 17:1) projects temimut as the basis of Avraham's ability to withstand the 10 challenges (nisyonot) that were designed to test the intensity of his faith. Rashi (Devarim 18:13) also emphasizes the capacity to integrate hardship without second-guessing and with total equanimity that reflects bitahon (reliance upon Hashem). According to Rashi, simple, pure, but profound faith and reliance on Hashem obviate the need to penetrate the future. It is sufficient for one suffused in temimut to respond to Hashem's directives in the present with a sense of confidence that this normative, pious path will secure an appropriate future.

The Ramban delineates various other facets of the temimut theme that form an ambitious and comprehensive (tamim) approach to halachic life. Faith that is both comprehensive and integrated cannot tolerate the distraction of other forces and methods (as kishuf etc.). Alternatives are irrelevant even if they are effective. Moreover, the relationship between Klal Yisrael and Hashem, precisely because it is rooted in unconditional simple faith, is one that transcends the regular canons of natural and even supernatural law. The direct relationship, which the Ramban expands upon elsewhere ("ki chelek Hashem amo"), allows for Divine intervention that may contravene other media. In any case, it certainly establishes the inadequacy of channels other than those that are halachically sanctioned, such as prophecy and urim ve-tumim. Furthermore, the Ramban asserts that the approach of "tamim tihyeh" entails a recognition that there is a correspondence between human responsibility and Divine providence. Thus, temimut is a basis for human accountability and Divine retribution (sechar ve-onesh), linchpins of avodat Hashem generally, and especially of the process of teshuvah.

Undoubtedly, the Torah did not specifically define this pivotal motif of temimut precisely because it is not so much a specific quality or even a group of properties, but rather a simple yet profound approach to halachic life. Diverse Torah personalities and the wide range of Torah itself could be characterized by this term without trivializing or diluting the concept. Rav Soloveitchik once depicted his grandfather (R. Chaim), father (R. Moshe) and other towering subtle and sophisticated halachic thinkers as being men of simple, innocent faith. It is critical that we renew our commitment to the simple yet ambitious foundation of temimut as we enter the month of teshuvah. "Yehi libi tamim be-chukechah leman lo aivosh" (Tehillim 119:80).

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"RavFrand" List - Rabbi Frand on Parshas Shoftim  
Pursuing Truth and Justice

The beginning of this week's parsha contains the laws that apply to judges. They are warned not to show favoritism. They are warned not to accept bribes. They are commanded to pursue justice. All this is commanded: "in order that you will live and inherit the land." [Devorim 16:20]

The commandment in this pasuk [verse] to pursue justice is stated in a redundant fashion: Tzedek, Tzedek tirdof. (Literally, "Justice, Justice shall you pursue.") Many homiletic explanations have been given for this redundancy.

In a previous year, we mentioned the teaching of Rabbi Elya Meir Bloch that even when pursuing justice as an "end", the "means" also needs to be just: Pursue Tzedek with Tzedek.

This year, I would like to share an insight from the Sefas Emes. The Sefas Emes emphasizes the word "Tirdof" [pursue]. The idea is that we need not only SEEK justice, we need to PURSUE it. A 'rodef' is a pursuer. It is a word with a very harsh connotation. In the context of justice, the term 'rodef' seems like a rather strange word to use. Ironically, there is one other place where we find a parallel usage: "Seek out peace, and pursue it." (Bakesh shalom, v'radfehu.) [Tehillim 34:15]

Normally, the word 'rodef' has a negative connotation. We speak of someone being a 'rodef' after honor. Someone who is an aggressor or persecutor is termed a 'rodef.' Is it not strange then to find the Torah using the term in connection with Justice, and the Tanach using it in connection with peace?

The Sefas Emes cites the Medrash that before the Almighty created man, he consulted with the Heavenly Court, asking the various 'forces' in Heaven whether they felt it would be a good idea to bring man into existence. "Emes" [Truth] advised "Don't create man for he is full of lies." "Shalom" [Peace] advised "Don't create man for he is totally argumentative." The consensus among the 'forces' in Heaven was that man should not be created.

The Sefas Emes states that we see clearly from this Medrash that humanity does not have a proclivity for Emes, nor do they have a proclivity towards Shalom. Consequently, if man is to achieve Righteousness and Peacefulness, he must be 'rodef' after them. Man must pursue them with all his might, with all his heart, with all his soul, if he is to have any chance of overcoming his natural tendencies and achieving them. If man does not 'pursue' them, they will escape him. They are inconsistent with the inclination of man.

Peace is not attained casually or incidentally. Neither is Justice. They must be pursued with all our might.

#### Kohen Gadol's Election Dependant On The Unintentional Murderer

This week's parsha contains -- for at least the third time in the Torah -- the mitzvah of the city of refuge (arei miklat). We are commanded to set aside three cities in the inheritance that we will be granted from the Almighty. If a person kills inadvertently, he is not put to death because his action was not intentional, but on the other hand he does not get off totally free either. He is sentenced to live in a city of refuge (either one of the three Cities of Refuge in Trans-Jordan or in one of the three Cities of Refuge in Eretz Yisrael proper).

How long must he reside there? In Parshas Massai [Bamidbar 35:25] the Torah teaches that he needs to stay there until "the death of the High Priest that he anointed with the holy oil." If the reigning Kohen Gadol dies six months later, the unintentional murderer leaves the City of Refuge after six months. If the Kohen Gadol lives another sixty years, he will have to remain in the City of Refuge for sixty years.

The Gemara [Makkos 11b] questions the peculiar language "that he anointed with the holy oil." A simple reading of the pasuk seems to indicate that the subject is the murderer. The Gemara asks, "Did the murderer anoint the Kohen Gadol?" The Gemara explains that the intent of the expression is to ensure that the Kohen was anointed in the "time of the murderer" -- meaning the Kohen Gadol was already serving at the time the murderer was sentenced by the court to go to the City of Refuge. If one Kohen Gadol was in office at the time of the unintentional murder and a second Kohen Gadol is in office at the time of the sentencing, it is the death of the second Kohen Gadol that sets the murderer free.

Rav Meir Simcha points out a beautiful insight. Suppose the Almighty wants a certain individual to only remain in the City of Refuge for one month. The Almighty knows that this was really an unintentional crime and that 1 month of exile fully atones for this crime. What will have to happen, then, is for Divine Providence to arrange for the anointing of a High Priest who has only one more month to live. This Kohen will be appointed the Kohen Gadol so that Reuvain the unintentional murderer will be able to go home after one month. On the other hand, if the Almighty decides that Shimeon should be in a City of Refuge for 20 years, He will arrange for a Kohen Gadol who has 20 more years to live.

This, Rav Meir Simcha says, gives new insight into the expression "whom he anointed with the oil of anointing". In a sense, the murderer anointed the Kohen Gadol, because the length of the murderer's deserved stay is what prompted Divine Providence to anoint one person as the Kohen Gadol over another.

Given the fact that numerous people may be in the Cities of Refuge simultaneously, this becomes a very complex calculation. However, that is exactly the point. The degree of precision of Divine Providence is something that is far beyond mortal comprehension. This is what we mean when we say HaTzur Tamim P'aolo [The Rock; Perfect are His Actions] [Devorim 32:4].

The wheels of history grind every so slowly, but ever so finely. So too, the wheels of Divine Providence may grind ever so slowly but there is no greater precision in the world than the personal Divine Providence (Hashgacha Pratis) that the Almighty executes in His control of the universe.

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Masechet. Rosh Hashana

(25b) Edut: Beginning or End of Din?

Rosh Hayeshiva **Harav Chaim Yaakov Goldvicht, zt"l**

(Based on a shiur delivered Elul 5743)

In discussing kiddush hachodesh (sanctification of the new moon), the gemara (R.H. 25b) equates testimony with the BEGINNING of din which must be done in the daytime, as derived (San. 34b) from the verse, "on the DAY that he causes his sons to inherit." (Devarim 21:16) Furthermore, even if judges themselves observed the new moon at night, they may not declare the new month on the basis of

their observation alone, but must testify the following day verbally. Tosfot (s.v. k'gon) explains that this is because their observation is equivalent to testimony, and is not valid at night. [Similarly, the gemara (B.B. 113b) teaches that even if three people attended the final-will declaration of a person at night, they may not execute it on the basis of their observation alone without testifying about it in the daytime.] The Talmud Yerushalmi, however, quoted by the Rosh (B.B. 8:3), writes that b'dieved (post facto), if judges mistakenly judged at night, their ruling is valid. Similarly, the Rashbam (B.B. 114a s.v. afilu) writes that if the court collected testimony at night, b'dieved they can judge the following day based on this testimony. The Shulchan Aruch (C.M. 28:24), however, rules that if testimony was collected at night it is not valid, even under the extenuating circumstances that the witnesses had to leave immediately.

The RaM"A (C.M. 5:2) quotes the opinion of the Yerushalmi that if judges wrongly judged at night their judgement is valid. Yet, regarding the collection of testimony, the RaM"A does not quote the opinion of the Rashbam. His silence implies that he accepts the decision of the Shulchan Aruch that testimony which was collected at night may not be relied on! Why does the RaM"A quote the lenient opinion regarding judgment at night, but not regarding testimony at night?

The SM"A (5:8 and 28:63) resolves this apparent contradiction in the following manner. In the first case, where the case was judged at night and the ruling was already delivered, it is truly post facto, and so the judgment is valid. But if testimony alone was collected at night, and beit din would now like to rule based on it, it is not totally post facto. We can further explain this distinction, that if the ruling has been issued, it achieves the status an act of beit din, whereas if the testimony alone has been collected, we still consider their statements as mere talk. (It would seem according to this that if testimony was collected and a ruling was issued based on it at night, it would be valid according to the RaM"A.) This distinction is difficult, however, since the Rashbam explicitly considered valid a case in which the testimony alone was collected at night.

To explain the SM"A, we must first analyze more carefully the gemara's contention that testimony is like the beginning of din. In Shavuot (30b), the gemara derives that witnesses must stand from the verse, "The two men [and those] who have the grievance shall stand before Hashem." (Devarim 19:17) Rav Huna this derives from the phrase, "[Those] who have the grievance," that the litigants must also stand at the rendering of the decision, "since witnesses are similar to the END of din." This gemara seems to contradict the gemara in Rosh Hashana which compares testimony to the beginning of din.

We must explain, therefore, that the gemara in Shavuot is not actually equating testimony with the end of din. Rather, it is teaching, by analogy, that whomever beit din is dealing with must stand: just as we find that the witnesses must stand when they testify, similarly, the litigants at the time of the ruling must also stand. It is also possible to answer that collection of testimony has both stringencies -- it must be in the day, like the beginning of din, on account of the judges, and the witnesses must stand, like the end of din, on account of the litigants. (See Pilpula Charifta, B.B. 8:3 [10])

[It is interesting to note that regarding the issue of daytime the Torah is more stringent about the beginning of din, whereas regarding standing, the Torah was more stringent about the end of din. We can suggest a simple rationale, that a judge's main effort is in the deliberation, during which he clarifies the law, and therefore the Torah required that it be during the day. (The SM"A 5:7 suggests that if the lights are on it is possible to begin din even at night.) However, for the litigants, the main point of the din Torah is the decision -- as Moshe tells Yitro, "I judge between a man and his fellow, and I make known the decrees of G-d" (Shemot 18:16) -- and therefore the Torah required that they stand at the end of din.]

The status of testimony as beginning or end of din would seem, in fact, to be a dispute amongst the Tosfot. According to one answer in Tosfot (San. 19a s.v. Yanai, as well as Tosfot Shav. 30a s.v. she'im), only the witnesses themselves have to stand at the time of testimony, but not the litigants. This

would fit in well with the answer above. In the second answer, however, Tosfot suggests that the collection of testimony is like the end of din even vis-a-vis the LITIGANTS, and that they too must stand then. According to this opinion, the contradiction between the two gemarot returns. We must then differentiate that in regards to STANDING, testimony is similar to the end of din, whereas regarding DAYTIME it is similar to the beginning of din.

Based on this, we can explain the SM"A's distinction. The Rashbam holds like the second opinion in Tosfot that collection of testimony is also considered an act of beit din, so that if it was collected at night it is valid, post facto. The RaM"A, however, rules like the first answer in Tosfot, that the collection of testimony is similar to the beginning of din in all respects. [In fact, we do not find anywhere in the Shulchan Aruch or RaM"A that the litigants must stand at the time of testimony.] Therefore, only a ruling issued at night is valid, but acceptance of testimony is not an act of beit din, but merely talk.

The Rambam, as well, seems to follow the first answer of Tosfot, that testimony is like the end of din. He writes (Hil. San. 13:7) that witnesses who testify that someone was already judged with a death penalty for murder in a certain court can be put to death, "provided that they testify in a court of twenty three [judges]." The Ohr Samayach infers from this that in general, the collection of testimony can be done by three even in capital cases, like Rav Saadya Gaon, against the Ramban (Devarim 17:6) who holds that all capital cases require collection of testimony before twenty-three judges. Only in this unique case that the testimony represents the entire rendering of the decision (since there is no room for discussion here other the validity of the testimony), we require acceptance before twenty-three. The fact that he does not require collection of testimony before twenty-three judges would imply that he maintains that testimony is not like the end of din. This is further evident from the fact that he does not require the litigants to stand at the time of testimony.

[In regards to kiddush hachodesh, the gemara teaches (R.H. 25a), "YOU are to designate -- even mistaken, even misled, even intentionally," and therefore Beit Din is permitted to confuse and scare the witnesses into testifying or contradicting their testimony. The Ohr Samayach (Hil. Kiddush Hachodesh 2:8) claims that, as such, kiddush hachodesh is unlike other judgments where the witnesses clarify the facts, and the judges render the verdict on the basis of the testimony. Here, the declaration "Mekudash! Mekudash!" includes within it a degree of acceptance of testimony and clarifying of facts. Based on this he explains the gemara (R.H. 25b), "You might have thought that cross-examining the witnesses is like the beginning of din, and "Mekudash! Mekudash!" is like the end of din, so that they could sanctify at night ... therefore, it teaches otherwise." Here, since even the declaration of mekudash has an aspect of beginning of din, it too has to be in the daytime.]

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**Parsha Page** by **Fred Toczek** - A Service of Anshe Emes Synagogue (Los Angeles)

#### SHOFTIM

##### I. Summary

A. Judicial System. Moshe reviewed the regulations needed to ensure the conditions for a civilized society. Local judges and officers were to be appointed in each city, and justice was to administered righteously and impartially. A judge was strictly forbidden to show bias or accept a bribe. If the local judge found a case too difficult to decide, he was to refer it to a higher authority (i.e., the Koheinim and Supreme Court sitting at the Court of the Sanctuary), whose decision was final (with refusal to abide by their verdict punishable by death).

B. The crime of idolatry. The crime of idolatry, determined after a thorough inquiry, was to be punished by death by stoning. The accused couldn't be condemned by the testimony of a single witness alone; rather,

the testimony of at least two witnesses was required (and these witnesses were to be the first to carry out the execution).

C. Qualifications of a king. Moshe noted that a time would come when the people might desire a king to rule over them, as did other nations. When this occurred, the king was to be a native Israelite chosen by Hashem, who was not to misuse his powers to amass many horses, maintain a harlem or accumulate great wealth. He was to handwrite a copy of the Torah, so that he would be G-d-fearing and Torah observant.

D. The Koheinim. After enumerating the gifts that the Koheinim were to receive for their sustenance, Moshe ruled that if a Kohein from another city came to the Sanctuary, he could minister together with the Koheinim already there and share in the dues they received.

E. Superstition/magic. The Torah forbids all form of superstition and "magic" practiced by the soothsayer. Israel has no reason to resort to such tricks, for Hashem would provide inspired prophets from among them to communicate His will. False prophets speaking in the name of idols were to be punished by death. The false seer could be distinguished from the true one by non-fulfillment of his predictions.

F. Theft. Removing a landmark to enlarge one's own estate constitutes theft. vii. Witnesses' Testimony. Before one can be convicted, his crime must be confirmed by at least two witnesses. If a witness was shown to have given false testimony, he received the punishment intended for the defendant.

G. Exemptions from military service. The Jews shouldn't display fear before engaging in battle with a powerful enemy, for Hashem will protect them. Three categories of men were exempt from military service; one who had just: (a) built a new house, but hadn't yet dedicated it; (b) planted a vineyard, but hadn't yet enjoyed its fruit; and (c) become betrothed.

H. Rules of engagement. Before Israel attacked a hostile city, she should try to negotiate a peaceful entry, in which case the city's inhabitants would become subservient to Israel. Only if these peace efforts failed could war be waged. If Israel was victorious, all men of the enemy were to be killed, but their women and children were to be spared. Fruit trees were not to be destroyed during a siege where there were other things available, so that they could continue to benefit the new inhabitants of the conquered city.

I. Responsibility for murder in the city. If the body of a murder victim was found in a field, and the murderer couldn't be found, responsibility for the murder rested with the city nearest to the scene of the murder. In atonement, the Judges and Elders of the city, attacking on behalf of all of it's inhabitants, were to slaughter a young heifer in an uncultivated valley containing a stream. They were then to wash their hands in the Koheinim's presence, testify that they weren't responsible, and pray for forgiveness.

## II. Divrei Torah

### A. Lil'mode U'ililamed (Rabbi Mordechai Katz)

The Levites' share. The Levi'im were a "crown jewel" of Israel. Their loyalty prompted Hashem to appoint them guardians of His Sanctuary; they were considered princes of the people and models of holiness. Yet, they weren't granted their own land in Israel, but rather had to rely on the donations and offerings of the rest of the populace. Why? Hashem knew they were worthy of special duties and tasks. However, He was concerned that if they were to cultivate their own land and raise their own crops, they would become increasingly self-centered. If they prayed for assistance, they might have only their needs in mind, and devote their service to improving their own lot. To ensure that they would continue to pray for the welfare of the entire Jewish nation, Hashem made it so their sustenance depended on the well-being of the rest of the Jews. Even princes must be aware that they can't separate their fate from the rest of the people's fate.

### B. Peninim on the Torah (Rabbi A.L. Scheinbaum)

Responsibility for murder. The Misneh in Sottah explains that the Elders absolved themselves for blame in the death of the murder victim by showing that no one who came into their presence was allowed to leave

without food or an escort. Rashi extends this concept with the interpretation that "we didn't send him away without food, thereby forcing him to steal, through which he was killed". Failure to exercise communal responsibility towards the unfortunate in an indictment of Jewish leadership and the entire community.

### C. Love Thy Neighbor (Rabbi Zelig Pliskin)

1. We must do chesed (acts of lovingkindness) every single day. "To love your Lord . . . all of the days of your life". The Chofetz Chaim notes that the Torah stresses that we must walk in Hashem's ways all of the days of our life, which the Sages stress means that we must emulate His ways by bestowing kindness and compassion unto others every day. Some people mistakenly believe that if they do someone a favor, especially a major one, they have fulfilled their obligation to do chesed for the next few weeks. Thus, the Torah reminds us that the obligation of chesed applies every single day.

2. We must do everything possible to protect others from shame. "And the officers shall speak further to the people and they shall say what man is there that is fearful and fainthearted? Let him go and return to his house and not let him make the heart of his brethren faint as well as his heart." In addition to the three categories of men noted above who were exempt from military service, a fourth category is added -- one who is fearful and fainthearted. Rabbi Yossi Hagili explains that this category refers to someone who fears that he is unworthy of being saved because of his transgressions. Rabbi Yossi adds that this is the reason why the other three categories were told to go home -- if someone were to leave the ranks because of his sins, he would feel embarrassed; however, since other groups were also sent home, others wouldn't know why he was leaving. This is truly amazing -- a large number of soldiers were sent home during war time in order to save a sinner from humiliation. We must learn from this that we must do everything possible to protect people from shame. At a Pesach Seder, Rabbi Yitchak Hutner was splashed by wine inadvertently spilled by someone, staining his kittel (the white robe worn by many at the Seder). To save the other person from shame, Rabbi Hutner immediately said "a kittel from the Seder not stained with wine is like a Yom Kippur Machzor (prayer book) not wet with tears."

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THEY NEVER LOSE, WE NEVER WIN  
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The recent war in Lebanon against the Hizbollah ended, as have all Arab-Israeli wars, in victory for the Arabs and defeat for Israel. This is the message that is rife and almost exclusive in the Moslem world and is also the consensus of opinion of the "experts" of the European and North American media. And of course, this message is aided and abetted by our own peace-seekers on the Left who, at any cost, are eternally convinced that if we only made nice to the Arabs all of our security problems would be solved.

The terrible tendency in the Arab world to never admit defeat or to never acknowledge the negative shortcomings of its own society, hinders any efforts to have reality creep into the their view of the Middle East. If the Arabs never lose, why shouldn't they continue pursuing the terribly disastrous struggle against Israel's existence that they have mounted over the past sixty years at? Nasser never admitted defeat in the Six Day war. Sadat and Assad never admitted defeat after the Yom Kippur War. Egypt still celebrates the anniversary of the "October War" as a great victory of Egyptian arms. Sadat's peace treaty with Israel, six years after that war ended, was at least a tacit admission on his part that Egypt had lost the war.

But he dared not say that publicly. And, in any event, because of that tacit admission, he was assassinated by the Arab street.

Arafat never admitted that his intifadas were a bloody failure. He also preserved the myth that his policies were always correct and was admired and beloved by the Arab masses in spite of his venality, corruption and the misery that he brought to the lives of the Palestinians. In the Arab world apparently victory is achieved by proclamation and whatever the real results of the conflict are makes no difference.

So, as long as the Arab street is convinced that it is winning and never losing, we can only expect the conflict with Israel to continue and even intensify. The few brave voices in the Arab world that have spoken up realistically about Lebanon, the Hizbollah and Israel are either in exile in the West or hiding underground in fear of their lives from the thugs that dominate Arab society.

All of the saber rattling of Iran and Syria stems from this false view of reality. Never understanding what Israel represents to the Jews, denying the Jewish past and even the Holocaust, not appreciating the strength of the people of Israel are all contributory. Instead of concentrating on the bombast and hollowness of Israel's erstwhile political leaders and self-hating media, the Arabs are convinced in their fantasies that one more war will do it for them and that they can wipe Israel off the face of the earth.

Doctored photos, biased reporting, idiotic analysts who have rarely been correct about anything before, all have conspired to create the impression of Arab victory. As long as these delusions exist and prosper in the Arab world there is no chance whatsoever for any just solution of the Arab- Israeli conflict. Sobering as this conclusion is, realizing its truth will at least strengthen our resolve and prevent us from repeating past mistakes and embarking upon new foolishness.

The other side of this coin is that we never win. We always concentrate on our failures and not on our accomplishments. The fact that the Israeli population stood up to the thousands of rockets rained on the Galilee is itself an enormous victory, albeit bought at great tragedy and cost. Hitler's road to defeat began with the determination of the British people not to be crushed by the aerial blitz launched against them. Whereas the other Western European countries were immediately cowed by German bombs, not so the British citizens.

And this proved to be one of the turning points of the war. I shudder to think what would be the situation in France or the United States if those countries had to absorb thousands of rockets on civilian targets for a month. In the long run, whether the world wishes to acknowledge it or not, Hizbollah, Iran and Syria have been exposed as the bases of terror that they are. And the reality is that no matter what the media spin may be, they have suffered a defeat. But we, in our time-honored fashion, prefer to dwell on our failings instead of our achievements. We never allow ourselves the luxury of feeling that we have won. Even after the stunning victories of the Six-Day War and the Yom Kippur War, the naysayers and much of the media warned us that it was all for naught.

Perhaps it is the thousands of years of exile and persecution that have conditioned us never to say that we have won. The most that we allow ourselves is to say that we have survived. Well, perhaps survival is after all victory, at least in Jewish terms.

One of the great threats raised against Israel is that of Arab demographics. The Arabs believe that they will be the majority in the land between the Jordan and the Mediterranean in a few short years. However, in an article in the recent issue of Azure, it was conclusively shown that this claim is also a sham, a doctored photograph of the reality. Under-reporting of the death rate in the Palestinian territories, exaggerating the birthrate, double counting of the Arab population in Israel and also counting them as Palestinians and ignoring the sizable emigration from the Palestinian territories over the last decades, all contribute to a very false reading of the demographic reality.

Israel itself abets this falsehood by adopting Arab census figures cart blanche. There are undoubtedly political motivations behind such deception but again it is part of our mental makeup that we can't really win and for

them that they can't ever lose. Only a change in these perceptions and attitudes will eventually lead to a more stable situation here in the Middle East. Until this happens, we should continue to sit tight and ignore all pie-in-the-sky proposals that our wacky leaders continually propose. Patience is the weapon for victory.

Weekly Parsha 28 Av 5766 / 22 August 2006

SHOFTIM

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The first verses of the parsha address one of the great weaknesses of human life - personally, socially and governmentally - the weakness of corruption. Corruption comes in many forms and modes. The outright bribery of officials and judges is certainly understood to be a most heinous form of corruption for it undermines the very basis of a lawful society. There are enough examples of this type of corruption in our past and current national life to prove to us how damaging and destructive this immoral policy can be.

But the Torah speaks not only of the blatant corruption of open bribery and trading judicial and governmental favors for money, but also of a more subtle and perhaps even more insidious type of corruption that apparently falls short of the legal definition of bribery. This type of corruption leaps upon us almost unawares and is hard to define or even recognize. Chance remarks, a courtesy extended, a past favor given innocently, all remain as potential points of corruption.

The Talmud relates to us that the great amora, Mar Shmuel disqualified himself from judging a case that was brought before him because one of the litigants had earlier in the day allowed Mar Shmuel to pass before him on a narrow footbridge. Now Mar Shmuel as the chief judge and head of the yeshiva in Nehardea in third-century Babylonia is certainly entitled, as a matter of respect to Torah scholars, to pass first on the narrow footbridge. Yet, Mar Shmuel felt that even that small measure of respect, inconsequential as it may appear on the surface, could be enough to influence his decision and corrupt his judgment.

But an even more subtle shade of corruption exists and is exposed in Jewish thought. This is the corruption of self-interest. It clouds our minds, imposes upon us a narrowness of vision and leads inevitably to damage in the long run. The great men of Mussar and of Chasidut both speak of a person who is a meshuchad - who is corrupted by selfishness, self-interest and an inability to see the consequences of his behavior and actions.

This corruption stems from prejudice, ignorance and the inability to control one's desires. "Since I want to do it, it must be justified and correct" is the mantra that creates such an insidious form of self-corruption. The Torah therefore sets standards as to behavior and actions. Following and adhering to those standards minimizes our penchant for self-corruption. It does not however remove it completely from our lives.

Only continual self-analysis of one's behavior and motives can effectively combat self-corruption in its minutest form. One can therefore never rely upon one's previous acts of piety or goodness to be a guarantee against self-corruption. Every day is a new battle and every choice in life is a new challenge to our innate integrity and holiness of purpose. Corruption blinds the wise and skews the righteous. Recognizing its omnipresent dangers and being aware of its challenges is the beginning of our battle against self-corruption and its delusions.

Shabat shalom. Rabbi Berel Wein

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From: [Rav-Kook-List@googlegroups.com](mailto:Rav-Kook-List@googlegroups.com) on behalf of Rabbi Chanan Morrison [[ravkooklist@gmail.com](mailto:ravkooklist@gmail.com)] Sent: August 23, 2006 1:06 PM To: **Rav Kook** List Subject: [Rav Kook List] Rav Kook on Psalm 4: Restraining Evil Impulses

Psalm 4: Restraining Evil Impulses

Often we feel ourselves drawn by destructive or selfish impulses. How can we overcome these urges?

When King David called upon his enemies to repent, he advised them:

"Tremble and do not sin; speak in your hearts upon your bed, and be still forever." [Ps. 4:5]

According to 3rd century scholar Rabbi Shimon ben Lakish - himself a well-known penitent - this verse outlines a four- step program how to master the temptations of the "yeitzer hara" (evil inclination).

(1) First, "tremble and do not sin." Awaken your innate positive nature, your "yeitzer hatov", and use its power to counter any bad impulses.

(2) If this does not work, then "speak in your hearts" - engage in Torah study.

(3) If that is not enough, then say the "Shema" prayer, recited "on your bed" (before going to sleep).

(4) And if that does not vanquish the negative impulse, then "be still forever" - remind yourself of the day of death. [Berachot 5a]

These are four useful tools for overcoming evil urges and desires. But if the ultimate weapon in battling the "yeitzer hara" is to reflect on human mortality and the transient nature of life in this world, then why not use this method right from the start? Why wait before bringing out our most effective weapon?

#### \*1. Awaken the Inner Good\*

All of our characteristics, whether positive or negative, are meant to be used for the good. Even bad traits, such as jealousy, greed, and pride, have their place, and can be sublimated for good purposes. If we weaken these negative traits, they will not be available to help us attain positive goals. The ideal is that all of our energies be strong and healthy, with the negative traits firmly under the control of our positive side.

It is natural that negative traits are more readily aroused. Therefore, the first step in subduing them is to "awaken the good inclinations" - to bring our good traits to the fore, so that they will be in control and rule over the negative ones.

#### \*2. Engage in Torah\*

It is enough to awaken the soul's innate goodness if one has a healthy sense of morality. But those who have not adequately refined their character need to learn and absorb the knowledge of what is the right path. Therefore, Rabbi Shimon's second advice was "to engage in Torah study." He was not referring to the study of Torah in general - that is a mitzvah that obligates all. Rather, he meant the study of those specific aspects of Torah that one is lacking. By internalizing this knowledge, the penitent will then aspire for the good, and will be able to overcome any negative urges.

#### \*3. Inspire the Emotions\*

For some individuals, however, knowledge alone is insufficient to awaken their inner good. For these people, the soul has been so tarnished that the soul's emotional faculties need to be elevated. In order to uplift the emotions - which have a stronger impact on the soul than dry intellectual knowledge - the third method is to recite the "Shema" prayer.

The "Shema" is not simply a matter of intellectually recognizing God's oneness. Were that the case, it would be sufficient to recite it at infrequent intervals, perhaps once a year (like the mitzvah to remember the evil of Amalek). The fact that we are commanded to recite the "Shema" twice a day indicates that this mitzvah relates to our faculties of emotion. The "Shema" is meant to instill feelings of love and closeness to God; therefore it is recited every morning and evening. This truth must be constantly confirmed and renewed in the heart. It is a continual spiritual need, like air to the soul. By inspiring the emotions, we strengthen the intellect.

#### \*4. Ponder Life's Transience\*

All of the first three steps share a common feature: they work by strengthening the soul's positive qualities. But if evil impulses are still not overcome, then it becomes necessary to weaken the negative traits. This is the final step, to "remind oneself of the day of death." Reflecting on our mortality serves to restrain the lures of false imaginings that inflate the importance of worldly pleasures.

However, if it is possible to strengthen the positive forces, this is the preferred method. For once we start weakening the forces of the soul, we also lose positive energies.

[adapted from Ein Ayah vol. I pp. 13-4; vol. II p. 389]

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From: [peninim-bounces@shemayisrael.com](mailto:peninim-bounces@shemayisrael.com) on behalf of Shema Yisrael Torah Network [[shemalist@shemayisrael.com](mailto:shemalist@shemayisrael.com)] Sent: August 24, 2006 5:35 PM To: Peninim Parsha

#### **Peninim on the Torah by Rabbi A. Leib Scheinbaum**

- Parshas Shoftim

Only he shall not have too many horses for himself, so that he will not return the people to Egypt in order to increase horses...and he shall not have too many wives, so that his heart shall not turn astray. (17:16,17) While the Jewish king must have an adequate number of horses, he is forbidden to get carried away and amass an excess beyond what is really necessary. Too much will cause him to seek more and that will lead him to rely on Egypt. He is also prohibited from having too many wives, because they will turn him away from Hashem. Both of these prohibitions are used by Chazal as examples of the Torah's penetrating wisdom. Shlomo Hamelech, who was certainly one of Klal Yisrael's greatest and wisest Jews, transgressed these prohibitions, asserting that they did not apply to him. His unparalleled wisdom would protect him. Regrettably, as history clearly indicates, he was wrong. One cannot question the Torah. Its wisdom transcends and supersedes anything that is available in this world.

Chazal go a bit further with regard to Shlomo Hamelech's violation of these prohibitions. They relate that the "yud" of the word yarbeh, increase, came before the Almighty and complained, "Hashem, did You not say that a letter from the Torah will never become annulled? Why then is Shlomo Hamelech permitted to marry more than is allotted to the Jewish king? In a sense, he is annulling this prohibition." Hashem responded that no letter of the Torah will ever be negated. This was supported when Shlomo Hamelech fell prey to the effects of this excess. The question that confronts all of the commentators is simple: Why did the "yud" complain more than any of the other letters of the word yarbeh? Aspersion was cast equally on all of the letters. Why did the "yud" speak up?

Among the many explanations given by the commentators, I have selected two that have a special meaning and present a timely message. A number of commentators explain that it was because of the "yud" that Shlomo's lineage received acceptance. The Torah states, "Lo yavo Amoni u'Moavi b'kahal Hashem." "An Amonite or Moavite shall not enter the congregation of Hashem." (Devarim 23:4) Chazal derive from the "yud" of Amoni and Moavi that only an Amoni or Moavi, not an Amonite or Moavite, is disallowed in the congregation of Hashem. This was the reason that Shlomo Hamelech's grandmother, Rus ha'Moaviah, was accepted into Klal Yisrael. Therefore, since Shlomo Hamelech's status as king and as a Jew was attributed to the "yud," it was the letter that complained.

This has a powerful implication for all of us. We often easily forget how we arrived, how we achieved, and who assisted us in the process. As soon as we make it up the ladder of professional success, be it either in the field of material achievement or spiritual accomplishment, we forget who has helped us along the way. Indeed, at times, these are the first people that we ignore. The "yud" reminded Shlomo about his roots. It would serve us well to contemplate our own beginnings and consider those who were there when we needed someone.

Second, there is a very meaningful explanation given by Horav Tzvi Hersh Ferber, zl. He explains that the "yud" is the letter of the alphabet by which we Jews are called. Why are we called Yidden? The yud is an interesting letter in that it is unalterable. It is a very small letter. If it is made smaller, it becomes a dot. If it is elongated, it becomes a "vav." Thus, the Jew must realize that he may not change his Jewishness. His Jewish identity cannot be modified. He may not add mitzvos, nor

may he subtract from them. The traditions and customs that have long been a part of our heritage continue in their vibrancy today as they did in days past. As the yud does not change, so does the Jew not change.

In a similar exposition, Rav Ferber focuses on the prohibition against the king having a multitude of horses. The Torah begins by prohibiting sissim, horses in the plural, and concludes by saying that the king might return the people to Egypt in his quest to increase his siss, horse, in the singular. Why does the Torah alter the text? Rav Ferber explains that there are people who have emigrated to the larger cities in England and America, who, due to an inability to earn a living, have had to work on Shabbos to secure a job. While certainly this is chillul Shabbos, it begins with a desecration that is focused only on the area of earning a livelihood. After some time, however, once the individual has become accustomed to desecrating Shabbos for his work, he slowly begins to cook and write on Shabbos. This leads to flagrant chillul Shabbos in which Shabbos becomes no different than a weekday. Had the individual originally not succumbed to his yetzer hora, evil inclination, when it involved a greater challenge, such as earning a livelihood, he would not be contending with the issues of desecrating Shabbos even for a simple task. In other words, at first it is the challenge of amassing many horses. The king who is weak, however, who acquiesces to his desire, will eventually submit to returning to Egypt even for one horse. This is the regression of assimilation. First, one finds an excuse to justify his lack of observance. Afterwards, he is so accustomed to his new way of life that he no longer needs an excuse to justify his behavior. One horse will do.

It shall be with him, and he shall read it all the days of his life. (17:19)

The pasuk enjoins the melech Yisrael, Jewish monarch, to have the Torah scroll with him at all times. This applies not only to the physical scroll, but its contents and lessons that should be his guide throughout his life. While the pasuk addresses the melech, the message applies equally to each and every Jew. The Torah is our guide and the primary staple of our life. Clearly, one who values and appreciates the Torah will have a totally different perspective on life than his counterpart who does not have this allegiance. Likewise, in order to maintain such a relationship with the Torah, one must appreciate and value its essence and message. One who is machshiv Torah, appreciates and holds it in its proper esteem, will likewise convey that feeling to his children. This is a lesson by default that has come back to haunt many a parent.

The significance of how one views something is underscored in the following Chazal. The Talmud in Kiddushin 30b relates that the School of Rabbi Yishmael taught: "My son, if this menuval, repulsive one (evil inclination), confronts you, lead him to the bais hamedrash. If he is of stone, he will dissolve; if he is of iron, he will splinter into fragments." A number of questions are in order. First, why does Rabbi Yishmael commence his statement with beni, "my son"? Second, why is the yetzer hora, evil inclination, referred to here as the menuval, repulsive one? Third, why should he lead him to the bais ha'medrash? If the point is Torah study, then learn with him in the place where he confronts you. Last, Rabbi Yishmael does not indicate that one should study with him in the bais ha'medrash. He only instructs us to pull him in there. Why?

The yetzer hora's power lies in its ability to distort the scenery around us. It projects an imagery that is unrealistic and untrue. It paints olam hazeh, this corporeal world, as a place of enjoyment, of fun, a place where self-gratification in its many forms are a necessary way of life. It distorts what is valuable and what is really worthless, what is honorable and what is shameful, what is important and what is insignificant. The bais hamedrash is a place where there is clarity of vision, where there is no question. Torah and ruchniyus, spirituality, reign supreme. Physicality and materialism are secondary. The neshamah, soul, granted to us from Hashem takes its rightful prominence.

Therefore, we are not instructed to study with the yetzer hora, because study will be to no avail if he confronts us in the street, in a place where values are distorted. In a place where Torah carries little significance, where it runs a far second behind the frivolities and blandishments of this temporal world, study will have little effect. The yetzer hora will find some way to misinterpret and undermine that Torah study. Instead of reaping benefits from Torah study, it can be used by the wrong forces as a vehicle for inappropriate behavior. It, regrettably, becomes a medium for sanctioning the improper and unseemly.

Instead, we are to lead him to the bais ha'medrash, a place where values and objectives are clear, where right and wrong are unambiguous, where the "air" is not tainted with distortion and self-gratified imagery. Indeed, it is not even necessary to learn with him, as long as he is brought into the bais ha'medrash. The clarity of vision that is now achieved will make a world of difference. The yetzer hora is, therefore, referred to as menuval, repulsive one, to denigrate and weaken him, so that he does not have significance in our eyes. Now, we understand why the individual whom Rabbi Yishmael is addressing is called beni, my son. This appellation grants chashivus, distinction, to his neshamah component. It is the significance of the neshamah that must be emphasized in order to maintain a clarity of vision of what is dominant and what is subordinate.

We find a similar thought expressed in the Talmud Kesubos 63. Kalba Savua was the father-in-law of Rabbi Akiva. Originally, he participated in this relationship reluctantly. Indeed, when his daughter, Rachel, married Rabbi Akiva, who was at that time illiterate, he disinherited her from his fortune. Chazal relate that when Rabbi Akiva, who had become a famous scholar, visited the city where Kalba Savua lived, his father-in-law, unaware of his relationship with the great Torah leader, came to annul his vow. He was getting on in years, and it hurt him to cut his daughter off from his possessions. A neder, however, is a vow that must be annulled by a Torah scholar. Who was a greater scholar than Rabbi Akiva?

Rabbi Akiva asked his father-in-law, "Had you known that the illiterate shepherd whom your daughter married would one day become a distinguished Torah scholar, would you have nonetheless made the vow?"

Kalba Savua replied, "If he could master even one chapter or one halachah, I would never have uttered the vow." Rabbi Akiva then informed him that he was that illiterate shepherd, and Kalba Savua immediately kissed him and gave him half his fortune.

There is a powerful lesson to be derived herein. At first, Kalba Savua overcame his normal filial fatherly love for his daughter and disinherited her, because she was marrying an am ha'aretz, illiterate, unknowledgeable man. Had he known that his future son-in-law could master even one halachah, he would have accepted him. Why? Because Torah meant so much to him that even one halachah would have made the difference. Had Rabbi Akiva known anything, Kalba Savua would have never given up his daughter. Torah was that important to him. When a man is machshiv, values, Torah so much, he is rewarded with a son-in-law of the stature of Rabbi Akiva. Hashem's recompense is commensurate with our value system. He gives us what we value, and what we deserve.

While valuing Torah is all-important, how we present this value can sometimes play a significant role in the message we seek to convey. We recite daily the brachah, blessing, V'haarev na Hashem Elokeinu es divrei Torasecha, "Please, Hashem, our G-d, sweeten the words of Torah in our mouth." We understand that while we must overcome a number of challenges in our effort to study Torah, we ask once this effort has been expended, the words of Torah become sweet to our mouths, that we develop a cheshkas ha'Torah, a desire, and enjoyment in this endeavor. This appreciation of Torah, the tremendous enjoyment that one derives from its study, is to be conveyed both verbally and by action.

How does one develop a sweetness in Torah? How does he "taste" this unique joy and pleasure from learning Torah? Horav Shimon Schwab, zl, recounts that he once spent Shabbos as a guest of the Chafetz Chaim, zl, who rendered the following exposition concerning the "V'haarev na" associated with Torah study. The Chafetz Chaim first cited Chazal, who state that the manna's taste changed according to the thoughts of each individual who ate it. "What taste was there to the person who did not give any thought to its taste?" asked the Chafetz Chaim. Silence. All those seated at the table remained silent. The Chafetz Chaim said, "Let me tell you. When there is no thought, there is no taste! The manna was a spiritual food. A spiritual entity receives its taste in accordance with the thought one puts into it. This is why we ask Hashem daily to 'please sweeten the words of Torah in our mouth.' If one sits in front of a sefer and simply reads the words by rote without applying his mind and thought process to this endeavor, his learning will have no taam, taste. It will be bland and uninspiring. He will not be stimulated by the learning experience, because he did not apply his mind to it." Torah study is ruchniyus, spiritual in nature, and one must, therefore, engage his mind as he utters the words, so that he tastes the sweetness of Torah.

Our gedolei Yisrael, Torah leaders, tasted the sweetness of Torah and imparted it to their students. The inner joy they experienced when they studied Torah was their greatest source of pleasure. They would captivate their students with this joy and, thereby, embolden them to follow suit.

The V'haarev na of Torah study was palpable on Simchas Torah when the talmidim, students, of Yeshivas Etz Chaim would watch in awe as their venerable Rosh Hayeshivah, Horav Isser Zalmen Meltzer, zl, would dance a special dance in which only small children were allowed in the circle. Here was a man who was a world Torah scholar, a sage who guided world Jewry at a time when there were many great scholars, a pious and virtuous individual whose whole life was dedicated to the pursuit of Torah and mitzvos. Yet, he took the time, despite his weakened state of health, to dance with little children who were just beginning to study Torah. Why? Because he wanted to impart a very special message: Torah is sweet. It is the greatest source of enjoyment!

This was indicated by the fervor and passion that Rav Isser Zalmen manifest during this dance. He would close his eyes in concentration and begin humming a niggun, tune. Immediately, the children picked up the tune. After all, they were acutely familiar with it, having recently learned it in cheder. The Rosh Hayeshivah would sing, "Kametz aleph - ah! Kametz bais - bah! Kametz gimmel - gah!" Each stanza was repeated by the children. The aged Rosh Hayeshivah would sing, and the children would burst forth with their refrain. This dance would go on for close to half

an hour until the sage, who was already over eighty years old, submitted to his physical condition and sat down. This was a dance of innocence and purity, but above all, it was a dance of sheer, unadulterated joy. The Rosh Hayeshivah, who had devoted his entire life to Torah, was teaching these little children how sweet Torah study is. His lesson and the unique manner in which he taught it remained with them throughout their lives.

He shall flee to one of these cities and live. (19:5)

One who kills inadvertently must flee to one of the *Arei Miklat*, cities of refuge, to seek asylum, or else he may fall prey to the wrath of his victim's *goel ha'dam*, relative who is the redeemer of his blood. In the Talmud *Makkos* 10A, Chazal derive from this *pasuk* that a student who goes into banishment is joined in exile by his *rebbe*. This is in accordance with, *v'chai*, "and (he shall) live," which implies that we are to provide him with whatever he needs to live. A *talmid*, Torah student, needs his teacher. The question is obvious: Why would the Torah impose such a strong punishment on the *rebbe*? To have to leave his home and family, his entire lifestyle, all because of a student. Does a *rebbe* have such a compelling obligation to his student?

Horav Boruch Sorotzkin, *zl*, cites the conclusion of the Talmud in which Rav Zeira comments that this *halachah* (of a *rebbe* following his student) is the basis of the Rabbinic dictum, "Let no one teach a student that is unworthy." Rashi explains that the student's sins will bring the *rebbe* to a situation in which he will act in a manner that will cause him to be banished. The Rosh Hayeshivah suggests that Rav Zeira is actually stating a reason that the *rebbe* accompanies his student into exile. Since the student has acted inappropriately, it is obvious that this was not a sudden overnight infraction, but rather part of an ongoing process. This is something a good *rebbe* should have noticed and acted upon. Apparently, he was deficient as a mentor, indifferent to his student's lapse in acceptable behavior. The *rebbe*, thus, carries upon himself part of the onus of guilt for what has occurred. He cannot absolve himself from his student's actions. While he may not have played an active role, he certainly has some culpability. This is the awesome responsibility of a Torah teacher. Teaching is more than the transmission of knowledge. It is the development and nurturing of a relationship founded in the Torah that the *rebbe* imparts.

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Covenant & Conversation

Thoughts on the Weekly Parsha from

**Sir Jonathan Sacks**

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

[From 2 years ago - currently 5764]

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Shoftim - The Three Crowns

THE SEDRA OF SHOFTIM COMES AS CLOSE AS ANYWHERE IN THE TORAH to articulating a Jewish theory of government. The people were about to enter the land. They brought with them an already ancient tradition, begun in the days of Abraham and Sarah and continued through their children. In Egypt they had become a people (*am*) and a nation (*goi*), forged by two experiences, their distinctive faith and their persecution and enslavement. They then underwent two experiences which have shaped Jewish identity ever since: *exodus* and *revelation*. *Exodus* meant liberation by G-d. *Revelation* meant legislation by G-d. They had become a nation conscious of its uniqueness. In the words of the pagan prophet *Bilaam*: "It is a people dwelling alone, not counting itself among other nations."

Despite their antiquity, however, there was one thing they had not experienced: self-government. They had not yet entered the country they had been promised many generations earlier. Their ancestors had lived there - but as individuals, an extended family, a clan, not yet a nation. A fundamental problem now had to be addressed. What form of government should they adopt? How should the nation be ruled? How should power be exercised? Before we consider at the Torah's answer three background propositions should be born in mind.

The first is that biblical Israel did not represent a "religion" in the sense that word conveys today. "Religion" as we understand it in the contemporary West is the product of the Reformation, Protestant Christianity, and the history of Europe from the seventeenth century onward - the "wars of religion" and the emergence of the secular nation state. "Religion" in this sense is a faith and way of life one practices in private, at home or in a house of worship. It has little bearing on the public domain: government, society, the economy, the media, the way we order our collective life.

The Torah has a different view of things. The faith of Israel extended to almost every aspect of its collective existence. The *Mosaic* books contain legislation on criminal and civil law, welfare and the protection of the poor, agriculture and the

way the land is distributed and worked, relations between employer and employee, and so on. Far from being confined to private life, the Torah is more interested in the public domain than in the inner odyssey of the soul.

Second, its view of politics was radical. Moses knew this and says so constantly throughout *Devarim*. Israel was to become a nation whose sovereign was not a human being but G-d Himself:

Ask now about the former days, long before your time, from the day G-d created man on the earth; ask from one end of the heavens to the other. Has anything so great as this ever happened, or has anything like it ever been heard of? . . . Acknowledge and take to heart this day that the LORD is G-d in heaven above and on the earth below. There is no other. Keep his decrees and commands, which I am giving you today, so that it may go well with you and your children after you and that you may live long in the land the LORD your G-d gives you for all time. It was Josephus who (in his treatise *Contra Apionem*) gave this phenomenon a name. The fact that he had to invent a new word to do so tells us how distinctive it was. The ancient Greeks had names for the various forms of government -- monarchy, aristocracy, oligarchy, democracy -- but they had none for the sovereignty of G-d. To describe this, Josephus coined the term *theocracy*.

Today the word has negative connotations. It suggests rule by clerics, totalitarian regimes with little or no individual freedom, and the failure to observe one of the great principles of European and American modernity, namely the (formal or substantive) separation of church and state. As we will see, that is not what the Torah envisages at all. Jewish theocracy is not rule by priests. What it means is that all power within the state is delegated power. It operates within limits set by the overarching sovereignty of G-d. Freedom, in Judaism, is a religious concept. It means being the slave of no human being, because one is the servant of G-d alone.

Third, the very fact that Israel entered into its covenant with G-d long before it entered the land and began life as an independent nation tells us something fundamental about the place of politics within the Judaic vision. Politics is secondary, not primary. It is a means, not an end. The worship of politics (the people, the state, the system) as an end in itself is a form of idolatry - most vividly enacted in the twentieth century as Fascism and Communism.

Judaism is more interested in society than state, in relationships more than governmental structures. It sees society as the arena in which specific ideals are realized: justice, compassion, the rule of law combined with respect for the sanctity of life and the dignity of the individual. The Torah is a unique attempt to create a nation governed not by the pursuit of power or the accumulation of wealth but by recognition of the worth of each person as the image of G-d. Needless to say, this is an almost impossibly high ideal, and much of the Hebrew Bible (especially the prophetic books) is devoted to telling the story of how Israel fell short time and again. But it never lost the aspiration or the dream.

*Shoftim* begins by setting out the ideal of a society based on justice:

Appoint judges and officials for each of your tribes in every town the LORD your G-d is giving you, and they shall judge the people fairly . . . Follow justice and justice alone, so that you may live and possess the land the LORD your G-d is giving you. For the Torah, as John Locke put it, "Where there is no law there is no freedom." Indeed, the Judaic system might be best described as a *nomocracy*. In the famous saying, it represents "the government of laws, not of men."

It then describes three types of leader: the king, the priest and the prophet. First the king:

When you enter the land the LORD your G-d is giving you and have taken possession of it and settled in it, and you say, "Let us set a king over us like all the nations around us," be sure to appoint over you the king the LORD your G-d chooses . . . When he takes the throne of his kingdom, he is to write for himself on a scroll a copy of this law, taken from that of the priests, who are Levites. It is to be with him, and he is to read it all the days of his life so that he may learn to revere the LORD his G-d and follow carefully all the words of this law and these decrees and not consider himself better than his brothers and turn from the law to the right or to the left . . . The emphasis here is on the limitation of monarchy. The king must not multiply wives, horses, or silver and gold. He must study the Torah constantly and never transgress it (we have here the birth of constitutional monarchy: the king is not above the law). There is also more than a hint that monarchy is an alien import into Judaism. It is the only command in which the words "like all the nations around us" appears.

The second institution is the priesthood and the wider circle of Levites:

The priests, who are Levites - indeed the whole tribe of Levi - are to have no allotment or inheritance with Israel . . . They shall have no inheritance among their brothers; the LORD is their inheritance, as he promised them . . . for the LORD your G-d has chosen them and their descendants out of all your tribes to stand and minister in the LORD's name always. Third is the prophet:

The nations you will dispossess listen to those who practice sorcery or divination. But as for you, the LORD your G-d has not permitted you to do so. The LORD your G-d will raise up for you a prophet like me from among your own brothers. You



must listen to him . . . The Lord said to me . . . "I will raise up for them a prophet like you from among their brothers; I will put my words in his mouth, and he will tell them everything I command him. If anyone does not listen to my words that the prophet speaks in my name, I myself will call him to account." What is the significance of these three institutions?

We owe to the eighteenth century French thinker Montesquieu the principle of "the separation of powers." In *L'Esprit des Lois*, he spoke of three branches of government: the legislature, the executive and the judiciary. In biblical times Isaiah had already formulated a similar division in speaking of G-d: "For the Lord is our judge (=judiciary); the Lord is our law-giver (=legislature); the Lord is our king; He will save us (=executive)." For Montesquieu, this separation was essential to a free society:

Liberty does not flourish because men have natural rights or because they revolt if their rulers push them too far; it flourishes because power is so distributed and so organized that whoever is tempted to abuse it finds legal restraints in his way. Something like - though clearly not the same as -- this idea is implicit in the threefold structure of king, priest and prophet. The king led the people in battle. He recruited an army, levied taxes, and was responsible for civic order. The priest mediated the relationship between the people and G-d. He served in the Temple, offered sacrifices, and ensured that the holy was at the heart of national life. The prophet brought the word of G-d to the people and the cause of the people to G-d.

The three roles were quite distinct. Indeed the Hebrew Bible as a whole is an interweaving of their different voices. The priest speaks of separation and order, purity and impurity, the holy and the secular. The prophet speaks of relationships: justice and righteousness, compassion and mercy. The king uses the language of *chokmah*, (worldly) wisdom. Not accidentally, two of the great wisdom works of the Hebrew Bible, *Proverbs* and *Kohelet* (*Ecclesiastes*), are attributed to Solomon, the king who asked G-d for wisdom and eventually acquired it in greater measure "than the wisdom of all the men of the East and greater than all the wisdom of Egypt."

The priest teaches the word of G-d for all time; the prophet, the word of G-d for this time. The king is more immersed in the immediate demands of statecraft. He is less teacher than taught. He turns to the priest and prophet for advice. Nonetheless it was the king to whom tradition attached the command of reading the Law (sections of the book of *Devarim*) at the national gathering every seven years. He was charged with ensuring that the people did not forget its covenant with G-d.

The Hebrew Bible gives us several glimpses of this structure at work. Here, for example, is the moment when David appoints Solomon as his successor:

King David said, "Call in Zadok the priest, Nathan the prophet and Benaiah son of Jehoiada." When they came before the king, he said to them: "Take your lord's servants with you and set Solomon my son on my own mule and take him down to Gihon. There have Zadok the priest and Nathan the prophet anoint him king over Israel. Blow the trumpet and shout, 'Long live King Solomon!' Then you are to go up with him, and he is to come and sit on my throne and reign in my place. I have appointed him ruler over Israel and Judah." The decision made by the king (David) must be ratified by the priest (Zadok) and the prophet (Nathan) before it is valid.

Similarly when the Torah, having been hidden during the reign of one of Israel's anti-religious kings (the commentators say this was either Ahaz or Manasseh) was rediscovered during the reign of Josiah, the king summons the people to a ceremony of covenant renewal:

Then the king called together all the elders of Judah and Jerusalem. He went up to the temple of the LORD with the men of Judah, the people of Jerusalem, the priests and the prophets - all the people from the least to the greatest. He read in their hearing all the words of the Book of the Covenant, which had been found in the temple of the LORD. Again we note the presence, alongside the king, of the priests and prophets.

According to the sages, major national decisions such as an optional war (*milchemet reshut*) or an extension of the boundaries of Jerusalem required the assent of all three powers. Indeed it is in the Mishnah that we find the first explicit description of the three powers as "crowns":

There are three crowns: the crown of Torah (=prophecy), the crown of priesthood and the crown of kingship; but the crown of a good name excels them all. The attitude of the sages is best expressed in their critique of one of the Hasmonean kings, Alexander Yannai, who in their view breached the rule of the separation of powers, acting as both king and high priest. The Talmud records the sages' verdict:

"O King Yannai, let the royal crown be sufficient for you; leave the priestly crown to the descendants of Aaron." Needless to say, for virtually the entire period of rabbinic Judaism from the time of the Mishnah to the birth of the State of Israel in 1948, Jewish political thought was more theoretical than practical. Jews lacked sovereignty. At best they had limited powers of communal autonomy. Nowhere did they have scope for full self-government.

During the Middle Ages, Moses Maimonides, Rabbi Nissim of Gerona (the Ran) and Don Yitzhak Abrabanel all made significant contributions to the development of

a Jewish philosophy of government. Maimonides had a high view of monarchy (not unlike Plato's theory, in *The Republic*, of the philosopher-king). Abrabanel took the opposite view. Like Lord Acton four centuries later, he thought that "power tends to corrupt and absolute power corrupts absolutely," and that monarchy was a biblical concession rather than an ideal.

Rabbi Nissim held a middle position. According to him, Divine law - timeless and eternal - represents ultimate justice, but neither human beings nor the societies they construct are timeless. Hence there is always a need for temporary enactments and ad hoc penalties "so as to enhance political order in accordance with the needs of the hour, even if the punishment is undeserved according to truly just law." That is what, in biblical Israel, the king did. Thus there are, according to Ran, two legal systems in Judaism, one administered by the priests and later the Sanhedrin, the other by the king. The former applied eternal principles, the latter dealt with strictly temporary needs.

It was left to Rav Abraham ha-Cohen Kook in the twentieth century to argue that kingship (like the leadership of the judges in pre-monarchic Israel) was essentially a decision on the part of the people to be ruled in a certain kind of way, and that therefore, in the absence of a king, those powers reverted to the people. <sup>10</sup> It followed that a democratically elected assembly such as the Knesset was the functional equivalent of a (non-Davidic) king. Democracy is thus not alien to Judaism, though the powers of a government, however elected, are restricted to purely temporary enactments.

What we learn from this history is that, from the earliest times, Judaism wrestled with problems of politics and governance. Necessarily so, since the aim of the Torah is to create a particular kind of society, one with holiness and social justice at its midst. There is in the Bible no equivalent of the systematic treatises produced by Plato and Aristotle, nor is there much reflection on the different forms of government (monarchy, democracy and so on). In fact Jews have tried almost every form of government, from elders to judges to kings to councils to the Knesset.

The real difference between Judaism and the heritage of ancient Greece is that Jews did not see politics as the highest expression of collective life. It was necessary ("Pray for the welfare of the government," said Rabbi Hanina, "for without it, men would eat one another alive" <sup>11</sup>). But it was also - as the prophetic literature so eloquently testifies - fraught with dangers of corruption and compromise. The best defence of liberty is to ensure that not all powers are concentrated in a single person or institution. An independent priesthood was necessary to ensure that the service of G-d was never enlisted for purely political ends. Prophets were necessary to "speak truth to power" and expose injustice and oppression. Hence the tripartite structure set out in *Shoftim*.

Perhaps Judaism's deepest political truth is that people do not exist to serve the state. The state exists to serve the people, whose true service is not to man but to G-d.

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TORAH WEEKLY - For the week ending 26 August 2006 / 2 Elul 5766 - from Ohr Somayach | [www.ohr.edu](http://www.ohr.edu)

-- Parshat Shoftim by Rabbi Yaakov Asher Sinclair  
<http://ohr.edu/yhiy/article.php/2719>

#### The Days Of Our Lives

"And it (the Torah) shall be with him (the king), and he shall read from it all the days of his life..." (17:19)

A recent newspaper article described how a man, who had been in a coma for some 20 years, awoke one day and started speaking normally. Apparently, he had been able to hear and understand everything that had been taking place around him. To the eyes of the world, and principally his doctors, he was as though dead to the world. So much so, that several times they stood at the foot of his bed discussing the possibility of turning off his life-support machines.

Can you imagine what it must be like to lie in a bed and hear such a conversation? Can you imagine what it must have felt like to want to scream, "I'm alive! I'm alive! Don't turn me off!" and yet not a sound emerges from your throat, nothing moves, not a finger, not a muscle?

"And it (the Torah) shall be with him, and he shall read from it all the days of his life..."

The Torah is a feminine noun. Thus, in the first part of this sentence, the phrase, "it shall be with him", referring to the Torah, is feminine. However, the "it" at the end of the sentence is masculine. What is the Torah hinting to us through this anomaly?

The *luchot*, the two tablets of stone on which G-d inscribed the Torah, were square in shape. If you go into almost any synagogue in the world, however, you will notice that the typical representation of the *luchot* suspended above the Holy Ark has rounded tops. From where does this shape derive?

The classic diagrammatic depiction of the human heart is an inverted triangle with two rounded tops. When G-d gave the Jewish People the Torah on Mount Sinai, It was not given just as the World's Instruction Book; its words were to be engraved indelibly on the hearts of the Jewish People forever.

The Torah's place of residence in this world is the Jewish heart.

"And it (the Torah) shall be with him, and he shall read from it all the days of his life..."

You can read the second half of this sentence like this: "...and he shall read in him(self) all the days of his life."

The Torah is the voice of life inside every Jew.

Many are the challenges that face us in the world today; many are the lures – success, money, marrying whom we want; doing what we want when we want. It's all too easy to just turn off our Jewish life-support systems and join the rest of the crowd.

However, there will always be a little voice inside us shouting inside us "I'm alive! I'm alive! Don't turn me off!"

- Source: Thanks to Rabbi Aryeh Burnham

Written and compiled by Rabbi Yaakov Asher Sinclair

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