





rivers no longer tremble at its arrival. One of the myriad casualties and victims is the month of Elul. And we are poorer spiritually because of this. We perforce arrive at the days of awe and judgment unprepared, not really in the proper mood and mindset, unexcited and almost indifferent as to the process of judgment itself. The life force that once permeated these months of the year has slowly ebbed away. I know that at my advanced years I am now given to nostalgia. King Solomon in Kohelet warns us of the dangers of nostalgia. He cautions us that we should never say that the good old days were always good. That only leads to pessimistic view of today and a sense of frustrated defeatism. The old world was far from perfect. The secularization of much of the Jewish world took place in Europe in the nineteenth century. Yet there was an atmosphere that existed that touched even the hardened leftist Jews of that time. Everyone was aware that Elul had arrived and that Tishrei was not far behind.

Maybe the fish stopped trembling but they were aware that the temperature of the water was different, higher and more turbulent. I remember the roar of prayer and tears, the sounds that accompanied the services of Selichot, Rosh Hashanah and Yom Kippur. In our time the roar has become a muted silence.

Concentration in prayer is not to be measured in the volume of sound that accompanies it. And it may very well be that more is accomplished with truly devotional silent, private prayer than with shouts and tears. But I for one long to hear that roar of beseeching prayer uttered from the throats of ordinary hard working Jews asking to be judged favorably on the days of Heavenly judgment.

Elul is the month of the year set aside for personal introspection and self-evaluation. This is not an easy process because it is emotionally and mentally taxing. We do not always like what we see when looking at our inner mirror. But if Elul teaches us anything it is that honesty is always the best policy. And that begins not with honesty towards others, which is a given in Jewish life, but with honesty with one's own self. Judaism is built on the foundation that one is forbidden to fool others and that includes the prohibition against fooling one's own self. Elul is the time that such a light needs to be shone on our inner self, to view our true motives and ultimate goals in this earthly bound existence of ours.

If we are unable to make the fish tremble any longer, we need to retain the ability to really and truly know ourselves and, in that process, discover knowledge of our Creator and to connect to eternity even in this world. Psychology has confirmed the ancient Jewish wisdom that the key to holiness and sanctity in life is the ability to know one's self. And Elul has retained that quality of being the month of introspection and self-evaluation. We should not squander this opportunity. For after Elul arrives, the days of Tishrei bring the time of judgment. Knowing one's self is the best defense in the court of Heaven.

Shabbat shalom  
Berel Wein

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Britain's Former Chief Rabbi Lord Jonathan Sacks

**The Consent of the Governed (Shoftim 5777)**

**Covenant & Conversation**

**Judaism & Torah – Rabbi Jonatan Sacks**

The command relating to a king opens with these words:

“When you enter the land the Lord your God is giving you and have taken possession of it and settled in it, and you say, “Let us set a king over us like all the nations around us,” be sure to appoint over you the king the Lord your God chooses...”(Deut 17:14-15).

It continues by warning against a king acquiring “great numbers of horses for himself”. He “must not take many wives”, nor may he “accumulate large amounts of silver and gold.” He must write a Sefer Torah, and “he is to read it all the days of his life so that he may learn to revere the Lord his God and . . . not consider himself better than his brothers, or turn from the law to the right or to the left.”

The entire passage is fraught with ambivalence. The dangers are clearly spelled out. There is a risk that a king will exploit his power, using it to acquire wealth, or wives, or horses (one of the status symbols of the ancient world). This is exactly what Solomon is described as doing in the Book of Kings. His “heart may be led astray”. He may be tempted to lord it over the people, considering himself “better” than everyone else.

The most resonant warning note is struck at the outset. Rather than commanding the appointment of a king, the Torah envisages the people asking for one so that they can be “like all the nations around us”. This is contrary to the whole spirit of the Torah. The Israelites were commanded to be different, set apart, counter-cultural. To want to be like everyone else is not, for the Torah, a noble wish but a failure of imagination and nerve. Small wonder then that a number of medieval commentators held that the creation of a monarchy is not a biblical imperative. Ibn Ezra held that the Torah did not command it but merely permitted it. Abarbanel – who favoured republican government over monarchy – regarded it as a concession to popular sentiment.

However, the key passage is not here but in I Samuel 8.[1] As predicted in Deuteronomy, the people do eventually request a king. They come to Samuel, the prophet-judge, and say: “You are old, and your sons do not walk in your ways; now appoint a king to lead us, such as all the other nations have.”

Samuel is displeased. God then tells him: “Listen to all that the people are saying to you; it is not you they have rejected, but they have rejected Me as their king.” This seems to be the heart of the matter. Ideally, Israel should be under no other sovereign but God.

Yet God does not reject the request. To the contrary, God had already signalled, through Moses, that such a request would be granted. So He says to Samuel: “Listen to them; but warn them solemnly and let them know what the king who will reign over them will do.” The people may appoint a king, but not without having been forewarned as to what are the likely consequences. Samuel gives the warning in these words:

“This is what the king who will reign over you will do: He will take your sons and make them serve with his chariots and horses, and they will run in front of his chariots . . . He will take your daughters to be perfumers and cooks and bakers. He will take the best of your fields and vineyards and olive groves and give them to his attendants. He will take a tenth of your grain and of your vintage and give it to his officials and attendants . . . and you yourselves will become his slaves. When that day comes, you will cry out for relief from the king you have chosen, and the Lord will not answer you in that day.”

Despite the warning, the people are undeterred.

“No!” they said. “We want a king over us. Then we will be like all the other nations, with a king to lead us and to go out before us and fight our battles.” When Samuel heard all that the people said, he repeated it before the Lord. The Lord answered, “Listen to them and give them a king.” What is going on here? The sages were divided as to whether Samuel was setting out the powers of the king, or whether he was merely trying to dissuade them from the whole project (Sanhedrin 20b). The entire passage, like the one in Deuteronomy, is profoundly ambivalent. Is God in favour of monarchy or against? If He is in favour, why did He say that the people's request was tantamount to rejecting Him? If He is against, why did He not simply command Samuel to say no?

The best analysis of the subject was given by one of the great rabbis of the 19th century, R. Zvi Hirsch Chajes, in his *Torat Nevi'im*. His thesis is that the institution of monarchy in the days of Samuel took the form of a social contract – as set out in the writings of Locke and Rousseau, and especially Hobbes. The people recognise that they cannot function as individuals without someone having the power to ensure the rule of law and the defence of the nation. Without this, they are in what Hobbes calls a “state of nature”. There is anarchy, chaos. No one is safe. Instead, in Hobbes' famous phrase, there is “continual fear, and danger of violent death; and the life of man solitary, poor, nasty, brutish and short” (Hobbes was writing in the wake of England's civil war). This is the Hobbesian equivalent of the last line of the Book of Judges:

“In those days Israel had no king; everyone did as he saw fit.”

The only way to escape from anarchy is by everyone agreeing to transfer some of their rights – especially the use of coercive force – to a human

sovereign. Government comes at a high price. It means transferring to a ruler rights over one's own property and person. The king is entitled to seize property, impose taxes, and conscript people into an army if these are necessary to ensure the rule of law and national security. People agree to this because they calculate that the price of not doing so will be higher still – total anarchy or conquest by a foreign power.

That, according to Chajes, is what Samuel was doing, at God's command: proposing a social contract and spelling out what the results would be. If this is so, many things follow. The first is that Ibn Ezra and Abarbanel were right. God gave the people the choice as to whether or not to appoint a king. It was not compulsory but optional. The second – and this is the fundamental feature of social contract theories – is that power is ultimately vested in the people. To be sure, there are moral limits to power. Even a human king is under the sovereignty of God. God gives us the rules that are eternal. Politics is about the laws that are temporary, for this time, this place, these circumstances. What makes the politics of social contract distinctive is its insistence that government is the free choice of a free nation. This was given its most famous expression in the American Declaration of Independence: "to secure these rights (life, liberty and the pursuit of happiness) Governments are instituted among Men, deriving their just powers from the consent of the governed." That is what God was telling Samuel. If the people want a king, give them a king. Israel is empowered to choose the form of government it desires, within the parameters set by Torah law. Something else follows – spelled out by R. Avraham Yitzhak haCohen Kook (Responsa Mishpat Cohen, no. 143-4, pp. 336-337): "Since the laws of monarchy pertain to the general situation of the people, these legal rights revert [in the absence of a king] to the people as a whole. Specifically it would seem that any leader [shofet] who arises in Israel has the status of a king [din melekh yesh lo] in many respects, especially when it concerns the conduct of the people . . . Whoever leads the people may rule in accordance with the laws of kingship, since these encompass the needs of the people at that time and in that situation."

In other words, in the absence of a king of Davidic descent, the people may choose to be ruled by a non-Davidic king, as they did in the age of the Hasmoneans, or to be ruled instead by a democratically elected Parliament, as in the current State of Israel.

The real issue, as the Torah sees it, is not between monarchy and democracy, but between government that is, or is not, freely chosen by the governed. To be sure, the Torah is systematically skeptical about politics. In an ideal world, Israel would be governed by God alone. Given, however, that this is not an ideal world, there must be some human power with the authority to ensure that laws are kept and enemies repelled. But that power is never unlimited. It comes with two constraints: first, it is subject to the overarching authority of God and His law; second, it is confined to the genuine pursuit of the people's interests. Any attempt by a ruler to use power for personal advantage (as in the case of King Ahab and Naboth's vineyard: 1 Kings 21) is illegitimate.

The free society has its birth in the Hebrew Bible. Far from mandating a retreat from society, the Torah is the blueprint of a society – a society built on freedom and human dignity, whose high ideals remain compelling today.

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### **What Berachos will we recite when Mashiach Comes?**

**By Rabbi Yirmiyohu Kaganoff**

*Since Parshas Shoftim discusses the laws of the Jewish king, I thought it appropriate to discuss this topic, since we hope that the next Jewish king will come soon and be the Mashiach. This article was previously published in my book From Buffalo Burgers to Monetary Mysteries. Should you be interested in purchasing the book, you may do so via the website, RabbiKaganoff.com or by sending me an e-mail.*

Shimon asked me recently what berachos we will recite when mashiach comes, and when we will recite those berachos. I must admit that, surprisingly, no one had ever asked me this shaylah before. I did discover two short responsa on the topic, both dealing only with certain aspects of the subject.

Subsequently, my son showed me a pamphlet that included a list of berachos that we will recite upon that auspicious occasion. However, the list included errors and was incomplete. Hopefully this article will prepare us better for the occasion we daven for three times a day, and will itself hasten the redemption.

Before discussing the shaylah, we must first clarify an important fact, one that a surprising number of Jewish people do not know:

Who is mashiach, and what will he accomplish?

Mashiach is a Torah scholar descended from David HaMelech, who will reestablish the halachic Jewish monarchy in Eretz Yisrael and influence the entire Jewish people to observe halacha meticulously, to the finest detail.[i] He will be wiser than his ancestor, Shelomoh HaMelech, will be a prophet almost as great as Moshe Rabbeinu; he will teach the entire people how to serve Hashem, and his advice will be sought by all the nations of the world. He will gather the Jews who are presently scattered to the ends of the world, expand Jewish territory more than ever before, and rebuild the Beis HaMikdash. (This follows the approach of the Rambam, Hilchos Melachim Chapter 11. There is a dispute as to whether the third Beis HaMikdash will be built under mashiach's supervision, or whether it will descend from heaven.[ii] There is also a dispute whether the ingathering of the exile is performed by mashiach or occurs immediately prior to his arrival. We will find out for certain when the events unfold.) After mashiach establishes his dominion, there will be no more wars, famine, jealousy, or competition, since the entire world will be filled with only one desire: to know Hashem and draw close to Him.[iii]

The fact that mashiach is both the political leader of klal Yisrael and also a leading talmid chacham caused Rav Shmuel Hominer, a great tzadik and talmid chacham of the previous generation, to ask Rav Shelomoh Zalman Auerbach the following interesting shaylah, which I paraphrase: "When we merit meeting mashiach, we will be required to recite four berachos to praise Hashem upon the occasion: (1) chacham harazim, The wise One who knows all secrets [which I will explain shortly]; (2) shechalak meichachmaso lirei'av, Who bestowed of His wisdom to those who fear Him; (3) shechalak mikevodo lirei'av, Who bestowed of His honor to those who fear Him; and (4) shehecheyanu." Rav Hominer then proceeded to ask whether the second and third berachos, both of which begin with the word shechalak should be recited as two separate berachos, or if they are combined into one beracha, shechalak meichachmaso u'mikevodo lirei'av, Who bestowed of His wisdom and honor to those who fear Him. Let me explain his question:

Chazal instituted the following blessing, to be made when one sees a Jewish king: Baruch Attah Hashem Elokeinu Melech haolam shechalak mikevodo lirei'av, that Hashem bestowed of His honor to those who fear Him. A different, but similar, beracha was instituted to be recited upon seeing a tremendous talmid chacham: Baruch Attah Hashem Elokeinu Melech haolam shechalak meichachmaso lirei'av, that He bestowed of His wisdom to those who fear Him.[iv]

Chazal also instituted the recital of similar berachos when one sees a non-Jewish king, shenasan mikevodo lebasar vadam, that Hashem gave of His honor to human beings; and shenasan meichachmaso lebasar vadam, that Hashem gave of His wisdom to human beings, when one sees a gentile scholar.[v]

(Note that the berachos recited over a Jewish king or scholar use the word shechalak whereas the berachos recited over gentiles use the word shenasan. The word shechalak implies that the recipient of this power or wisdom recognizes that these are gifts received from Hashem, and that Hashem retains total control over them.[vi] However, the gentile king or scholar

views these Divine gifts as his own accomplishments and does not recognize Hashem's ongoing involvement in his success.)

Since mashiach will be both a king and a Torah scholar, Rav Hominer assumed that someone meeting him should recite both berachos. However, Rav Hominer queried whether these two similar berachos are combined into one beracha, shechalak meichachmaso umikevodo lirei'av - that Hashem bestowed of His wisdom and honor to those who fear Him.

Rav Shelomoh Zalman replied that we do not combine these two berachos, even when seeing a Jewish king who is also a talmid chacham.[vii] He pointed out that berachos are generally kept separate, even when their themes are similar. As Rav Shelomoh Zalman noted, an earlier author, the Teshuvah Mei'Ahavah,[viii] discussed this same shaylah in the eighteenth century and reached the same conclusion.

It is noteworthy that several poskim contend that we no longer recite the beracha shechalak meichachmaso lirei'av upon seeing a noteworthy talmid chacham, maintaining that our generations no longer possess Torah scholars of the stature required to recite this beracha. (This approach is quoted by Shu't Teshuvah Mei'Ahavah, 2:237; Ben Ish Chai, Parshas Eikev 1:13; and Aruch HaShulchan 224:6. On the other hand, Chayei Adam 63:8; Kaf HaChayim 224:18; and Shu't Shevet HaLevi 10:13 rule that we do recite this beracha today. Several anecdotes are recorded about great talmidei chachamim who recited the beracha upon seeing gedolim, such as the Ragitzchaver Gaon, the Chazon Ish, the Brisker Rav, and Rav Gustman. See, for example, Piskei Teshuvos, Chapter 224 footnote #17.) Nevertheless, both Rav Hominer and Rav Shelomoh Zalman assumed that we will recite this beracha upon witnessing mashiach, either because they held that we do recite this beracha today, or that mashiach will clearly be a scholar of this league.

Baruch Chacham Harazim -- Knower of Secrets

In the above-quoted correspondence with Rav Shelomoh Zalman, Rav Hominer, mentioned that we will recite two other berachos when greeting mashiach: Baruch chacham harazim and she'hechyanu. What is the beracha of Baruch chacham harazim?

The Gemara[ix] records that someone who witnesses 600,000 Jews gathered together recites Baruch Attah Hashem Elokeinu Melech haolam chacham harazim, the wise One who knows all secrets.[x] This beracha praises Hashem for creating such a huge multitude of people, each with his own unique personality and physical appearance. (The Gemara records a different beracha to recite when observing a similarly large-sized throng of gentiles.) The wording of the beracha notes that only Hashem knows the secrets that are in the heart of each of these people.[xi]

Rav Hominer pointed out that since the entire Jewish people will surround mashiach, there will be no doubt at least 600,000 Jews together, enabling us to say this beracha. Note, however, that we will recite this beracha upon seeing the huge crowd, and will not recite the other berachos until we actually see mashiach.

Shehecheyanu

The fourth beracha mentioned by Rav Hominer is shehecheyanu, based on the halacha that if one sees a close friend whom one has not seen for thirty days, one recites shehecheyanu because of one's excitement.[xii] Certainly, seeing mashiach for the first time will generate more excitement than seeing a close friend that one has not seen for thirty days! (Compare this to Shulchan Aruch, Orach Chayim 225:2.)

Shehecheyanu or hatov vehameitiv

However, I would raise the following query: Should we recite shehecheyanu or hatov vehameitiv (He who is good and brings benefit) upon seeing mashiach?

The Mishnah teaches: "Upon hearing good tidings, one recites Baruch hatov vihameitiv.

One who builds a new house or purchases new items recites Baruch shehecheyanu vekiyemanu vehigyanu lazman hazeh." [xiii] When one hears good tidings that are beneficial only for him, he recites shehecheyanu; if others benefit also, he recites hatov vehameitiv.[xiv] Similarly, when

acquiring new appliances, one recites hatov vihameitiv if other people benefit; if only one person benefits, as is usually the case when purchasing new clothes, then he or she recites shehecheyanu.[xv]

So, which beracha will we recite upon the coming of mashiach, shehecheyanu or hatov vihameitiv? After all, it is not just the excitement of seeing the mashiach, but the realization that he will change the entire world for the better that generates the excitement and the beracha.

In my opinion, we will recite both shehecheyanu and hatov vehameitiv, but not at the same time. We will certainly recite hatov vehameitiv when we hear the wonderful tidings of mashiach's arrival. After all, if one recites the beracha when hearing that one receives any kind of bounty, how much more so for the gift of mashiach's long-awaited arrival!

In addition, according to Rav Shmuel Hominer and Rav Shelomoh Zalman, one will recite shehecheyanu upon seeing mashiach the first time, due to the personal pleasure of witnessing him.

Although this now completes the list of berachos mentioned by Rav Hominer, I believe at least one more beracha should be added to the list: Returning the widow to her property

The Gemara[xvi] teaches us that someone who sees Jewish houses in Eretz Yisrael that have been restored after the churban recites the beracha of matziv gvul almanah, He who reestablishes a widow in her borders, referring to the restoration of the Jewish people to the Holy Land. Rashi explains that this Gemara applies to a period such as that of Bayis Sheini, when the Jews returned to Eretz Yisrael after the exile, and the Rif states that it refers specifically to the restoration of shuls and Batei Medrash. Obviously, we will recite this beracha the first time we see either the restored Beis HaMikdash or the batei medrash and shuls of a rebuilt Yerushalayim.

Why don't we recite this beracha now?

We do not recite this beracha until mashiach arrives and we no longer need to worry about our enemies.[xvii] However, as soon as mashiach has accomplished his purpose, we will recite this beracha on every rebuilt shul and beis medrash we see in Eretz Yisrael. Thus, we might recite this beracha even before actually seeing mashiach himself!

An earlier teshuvah

There actually was an earlier responsum, discussing what berachos we will recite when mashiach arrives. Someone asked Rav Chayim Felaggi, zt'l, a great nineteenth-century posek who was the rav of Izmir, Turkey, the following shaylah, "When mashiach redeems us, what beracha will we recite upon the redemption and in appreciation of Hashem's benefiting us?"

Since the teshuvah is fairly short, I am translating it:

"It appears that we should recite a beracha of 'ga'al Yisrael,' 'That you redeemed us from this bitter exile,' similar to when we complete retelling the story of our Exodus on Pesach and recite 'And we thank You and recite a new song on our redemption. We conclude with the beracha, 'He who redeemed Israel.'" After the future redemption, we will recite a similar beracha. We will also recite shehecheyanu for experiencing this wondrous time, since, without question, this day will be established as a Yom Tov." [xviii]

Recently, I saw someone rule that we will recite a beracha "Baruch Attah Hashem Elokeinu Melech HaOlam Go'el Yisrael" as soon as mashiach arrives. However, I believe this to be an incorrect understanding of Rav Felaggi's teshuvah. Nowhere do Chazal record a beracha with the text "Baruch Attah Hashem Elokeinu Melech HaOlam go'el Yisrael, nor do they specify a beracha to be made when one is redeemed. Rather, what Rav Chayim Felaggi contended is that the Sanhedrin of the mashiach era will institute a celebration to commemorate the wondrous events that transpire, and will presumably institute the recitation of a beracha similar in structure to the beracha that we make immediately prior to drinking the second cup of wine at the Seder, which closes with the words ga'al Yisrael. In addition, the Sanhedrin will, presumably, make the day of mashiach's arrival into a Yom Tov that will be celebrated with the beracha of shehecheyanu, just as we recite this beracha to commemorate every Yom Tov.

Six berachos

Thus, we now have a total of six berachos to recite when mashiach arrives:

- (1) hatov vehameitiv when we hear of his arrival;
- (2) matziv gvul almanah, each time we see a newly reconstructed shul or Beis Medrash, and when we see the Beis HaMikdash;
- (3) chacham harazim, upon seeing 600,000 or more Jews assembled;
- (4, 5, 6) when we actually see mashiach, we will recite three berachos: shechalak meichachmaso lirei'av, shechalak mikevodo lirei'av and shehecheyanu. In what order should we recite these last three berachos? I believe that the following Gemara[xix] demonstrates that shehecheyanu should be the last of this triad:

“Rav Pappa and Rav Huna, the son of Rabbi Yehoshua, were traveling when they met Rav Chanina, the son of Rabbi Ikka. They told him, ‘when we see you, we recite two berachos: asher chalak mei’chachmaso lirei’av and shehecheyanu.’” Thus we see that shehecheyanu is recited after the other berachos.

Which beracha is recited first?

Having resolved earlier that we will recite two different berachos, shechalak meichachmaso lirei'av and shechalak mikevodo lirei'av, which of these berachos is recited first?

I found no reference made by any posek concerning this question. On the one hand, perhaps one can demonstrate that the beracha on a talmid chacham is first, since we have a general rule that mamzer talmid chacham kodem lekohen gadol am ha'aretz, a mamzer who is a Torah scholar is given more honor than a kohen gadol who is boorish.[xx] On the other hand, the Gemara[xxi] cites a dispute between the prophet Yeshaya and King Chizkiyahu as to whether a king commands more respect than a prophet or vice versa. The Gemara implies that the king commands more respect. Thus, one could infer that the beracha relating to mashiach being king should be recited before the beracha on his being a talmid chacham.

What if I can't see the mashiach?

Now a practical question:

What if you cannot actually see mashiach because of the large throngs that are there, but you know that he is in front of you. Do you recite these berachos anyway?

Two texts, two opinions

It would seem that whether one recites these berachos under such circumstances depends on a dispute among authorities, which is, in turn, dependent on two versions of a passage of Gemara:[xxii]  
Version #1: Rav Sheisheis, who was blind, joined others who went to see the king. When the king arrived, Rav Sheisheis began reciting the blessing. According to this version, Rav Sheisheis recited the beracha for seeing the king, although he could not and did not see him. Thus, someone may recite this beracha to Hashem for "seeing" (i. e., feeling) the honor that the king receives, even though he does not actually see the king himself.[xxiii]  
However, there is another version of this text, which reads as follows:  
Rav Sheisheis, who was blind, joined others who went to see the king. When the king arrived, Rav Sheisheis began blessing the king.

What is the difference between the two versions? According to the second version, Rav Sheisheis blessed the king, meaning he gave him an appropriate greeting, but there is no evidence that he recited the beracha on seeing a king, since he could not see him. It is very likely that one may not recite these two berachos unless one actually sees a king or a talmid chacham; it is insufficient just to be aware of his presence.[xxiv]

Conclusion

In conclusion, there may a total of as many as eight special berachos to recite when mashiach arrives, in the following order.

1. When we first hear from a reliable source the good news of mashiach's arrival, we will recite, “Baruch Attah Hashem Elokeinu Melech haolam hatov vehameitiv.”

2. When we see the huge throngs of Jews assembled to greet him, which will no doubt number at least 600,000 people, we will recite, “Baruch Attah Hashem Elokeinu Melech ha'olam chacham harazim.”

3. When we see the rebuilt Beis HaMikdash or rebuilt shullen or Batei Medrash, one should recite, “Baruch Attah Hashem Elokeinu Melech ha'olam matziv gvul almanah.” Theoretically, one might recite this beracha before the beracha chacham harazim, if one sees the rebuilt Beis HaMikdash before one sees the huge throngs.

4. When we actually see the mashiach, we will recite “Baruch Attah Hashem Elokeinu Melech haolam shechalak mikevodo lirei'av.”

5. Immediately after reciting this beracha, we will recite the beracha “Baruch Attah Hashem Elokeinu Melech ha'olam shechalak meichachmaso lirei'av.” According to some poskim, one may recite these last two berachos when aware that mashiach is nearby, even if one cannot see him.

6. When one actually sees mashiach, one should recite shehecheyanu.

- 7-8. According to Rav Chayim Felaggi, a Yom Tov will be established to commemorate mashiach's arrival, and on that holiday we will again recite shehecheyanu, and a longer beracha mentioning some of the details of the miraculous events of his arrival. This beracha will close with the words Baruch Attah Hashem ga'al Yisrael.

Now that we have completed our discussion and review of these halachos, let us daven hard that we soon have the opportunity to recite these berachos!

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***Ohr Somayach :: Torah Weekly :: Parshat Shoftim***

***For the week ending 26 August 2017 / 4 Elul 5777***

***Rabbi Yehuda Spitz***

***Insights***

***Just One Moment***

“Who is the man who has built a new house and has not yet inaugurated it?

Let him go and return to his house, lest he die in the war and another man will inaugurate it.” (20:5)

Rashi: “And this thing will pain him.”

Rashi's comment on the above verse cannot mean that the thought of someone else inaugurating his new home will be extremely painful to him. For in the “painful thoughts department” nothing is more painful than the thought of death itself!

The Midrash teaches that when the Romans executed Rabbi Chananya for teaching Torah in public, they wrapped him in his Sefer Torah and set it alight. To prolong his agony they packed water-soaked wool around his chest. Rabbi Chananya said, “The parchment is consumed, but the letters fly up in the air.” The Roman executioner was deeply moved by Rabbi Chananya's holiness and asked, “If I remove the wool from around your heart, will I have a share in the World-to-Come?” Rabbi Chananya promised him that he would. The Roman then removed the wool, added wood to the fire to curtail Rabbi Chananya's agony, and jumped into the flames and died. A Heavenly voice proclaimed, “Rabbi Chananya and the executioner are about to enter the World-to-Come.” One thought of teshuva (repentance) can undo a life of sin.

And one thought of sin can undo a lifetime of teshuva.

The most important moment in a person's life may be his last moment. At that moment he has the potential to fix a lifetime of wrongdoing. What a waste to spend that last moment immersed in the cares of this world rather than setting one's gaze on eternity.

That's what Rashi means when he says “and this thing will pain him.” How great will be this man's pain should he spend his last moments thinking about his real estate, rather than preparing himself to enter the world of truth!

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Rabbi Dr. Tzvi Hersh Weinreb

### **OU Torah**

#### **Shoftim: Justice, Justice**

**Rabbi Dr. Tzvi Hersh Weinreb**

Like any good grandparent, I have seen my share of little-league baseball games. Earlier this summer, I sat through an all-day tournament of four five-inning games. Not too excited about what was happening on the playing field, I found myself slipping into a half-doing, half-contemplative mood. Watching the kids, from a dazzling diversity of backgrounds, playing by the rules, abiding by the umpire's calls, and lining up to shake hands with their opponents when each match was over, it occurred to me that more than mere recreation was taking place here. Rather, by fully engaging in this quintessential American pastime, these children were learning about justice, fairness, and the resolution of conflict. And they were learning about these vital principles in a manner far more effective than any classroom lesson. They were learning that there are rules and that one must know them and abide by them. They were learning that their own judgments could be flawed, and were subject to a higher authority to whom they had to submit, albeit not without proper protest, if the game was to proceed successfully. They were learning to compromise, to adapt, to respect others, and to acknowledge the dignity of their opponents, in victory and in defeat. No trivial lessons, these.

I soon realized that I too, and most of us who grew up in the American culture, had similar experiences. Perhaps not as regimented, certainly not as well-organized, my peers learned about justice and fairness by virtue of the games we played. Whether or not we integrated these lessons into our ultimate adult standards is another matter which depended upon a variety of circumstances far removed from the playing field.

As my philosophizing continued, and as the innings dragged on with my grandson's team continuing its uphill struggles, I reflected on how basic was this human need for justice and fairness, and in how many ways our search for these simple principles is frustrated. I believe, along with a host of philosophers including Plato and Kant, that human beings are "programmed" to expect justice. We all have a built-in sense of what is just, and what is fair, and we are bitterly disappointed when our experiences in life do not match our expectations for justice.

A common reaction to bitter disappointment, especially expressed by the young but not absent from the adults' response repertoire, is the plaintive cry, "It's not fair!" We respond this way to the minor letdowns of everyday life but also to truly grievous tragedy. Those of us who have had to break bad and unexpected news to another have heard the protest, "But that's not fair!" I know that I have heard this expressed by those who found out about the rejection of a lover, and also from those who were notified of the sudden death of someone close.

I vividly recall my father-in-law's first encounter, while himself fleeing the advancing Nazi army, with an acquaintance who had just lost everything. This person narrowly escaped the aerial firebombing of his entire village, witnessing the instant death of his parents, wife, and children. He collapsed into the arms of my father-in-law's father, a Chassidic rebbe, wailing, "Les din, v'les dayan!" "There is no justice, there is no judge." In this moment of unutterable grief, he could only cry hysterically about the absence of fairness and justice in God's world.

How wise is our Torah in this week's Torah portion, Shoftim, to prescribe a thorough system of justice to be installed in "all your gates". Justice is the primary objective of a Jewish society, although the Torah fully recognizes that it is an elusive objective indeed. It requires unstinting diligence and painstaking persistence. It requires trained, qualified, and dedicated judges, and a cooperative attitude from all members of society.

Justice is never perfect but must ever strive to approach that ideal. "Tzedek tzedek tirdof – Justice, justice, you must pursue!" Recently, President Obama, in a context not at all irrelevant to our theme this week, quoted one of Reverend Martin Luther King's more famous insights: "The arc of the moral universe is long but it bends toward justice." The president was applying Dr. King's words to his response to the mass protests in Iran against the recent election there, and the regime's repressive reaction to that protest.

I am a great fan of Dr. King and stand in awe of his eloquence. And my Jewish faith also foresees the "bend toward justice". Hence, Isaiah 1:27: "Zion will be redeemed through Justice and by those who return to her in Righteousness."

But there is an aspect to the Jewish vision of justice which is much too impatient to passively await the curve of that long arc. This week's Torah portion insists on the urgency of justice and the necessity to implement it swiftly and comprehensively.

Two of our weekly Torah portions, Mishpatim and Shoftim, are named for justice, and a full quarter of our Code of Jewish Law, Choshen Mishpat, mandates its thorough implementation.

Yes, we believe that the course of history, ultimately divinely-guided, bends ever so slowly towards justice, but it is our responsibility to exert every human effort to hasten the pace of that course.

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OpEds

Chief Rabbi Ephraim Mirvis

7 **חדשות ערוך**

#### **The art of compromise**

**Chief Rabbi Ephraim Mirvis**

Are compromises a good thing?

This week's Parasha of Shoftim tells us 'Tzedek Tzedek Tirdof', 'Justice, justice you shall pursue'. And throughout the ages, many people have grappled with the repetition of the term 'Tzedek', why is it mentioned twice? The Gemarah in Mesechet Sanhedrin (32b) explains, 'Echad L'din V'Echad Lifsharah'. One of the words, 'Tzedek', comes to tell us about a formal process of the dispensing of justice, the other comes to teach us about compromise.

And the message is that not every dispute needs to end up in court. Sometimes the people themselves can work it out or perhaps with a mediator. And we know, that in the area of conflict resolution, compromises can always be a good thing.

The Hebrew term, 'P'shara' is a lovely term, it comes from 'Mayim Potrim', 'warm water'. You see, warm water is a compromise: The hot water can say, 'well actually, this warm water is hot, it's just been cooled down a bit'. And the cold water can say, 'it's cold, it's just been warmed up a bit'. And that's the essence of the compromise – both sides can emerge claiming victory. From an Ashkenazi perspective, every time we walk through a door, we're reminded about compromise. That's because of the angle of the Mezuzah. You see, in our tradition, there are those who say that the Mezuzah should be upright, vertical. There's another opinion which says that the Mezuzah should be horizontal. So we strike a compromise and that's why in our tradition, the Mezuzah is at an angle – it's a message about the beauty of compromise.

The Talmud gives this example: If you have very narrow straights and two ships come along and they are heading for each other, or a narrow path on the slope of a mountain and two camels are coming towards each other – either the two sides will hit and that will be a tragedy, or there will be a stand-off. Or one of the sides in these situations needs to retrace their steps – there has to be an element of compromise. This is the original Talmudic traffic jam.

In commenting on ‘Oseh Shalom Bimromav’ at the end of Kaddish, Lord Jakobovits said that we take three steps back. This is our prayer for peace and we recognize that sometimes we need to uproot ourselves from our previously held positions of conviction, in order to make some concessions, so that we can move many hundreds of steps forward.

Compromises sometimes can be a good thing and even if you are right, you can provide a way forward, through taking a few steps back.

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**Rabbi Yissocher Frand**

***The Measure of A Person Is His Sense of Gratitude***

The Torah admonishes judges not to show favoritism, not to corrupt justice, and not to take bribes “for bribes will blind the eyes of the wise and will pervert the words of the righteous” [Devorim 16:19]. No person is immune from the temptations of a bribe. Bribes attack a person’s ability to judge fairly. Even if a person is righteous and even if he is extremely wise – he is not above falling prey to the power of a bribe.

The Gemara in Kesuvos [105b] states: “It goes without saying that monetary bribes are forbidden, but the Torah is coming to teach us that even ‘verbal bribes’ are forbidden.” Flattery, kind words, and so forth can all affect a person’s judgment. The Gemara lists several incidents demonstrating how particular Amoraim of the Talmud acted regarding rejecting bribes.

Shmuel was having difficulty crossing a rickety bridge. A certain person stuck out his hand and helped him cross the bridge. Shmuel asked what brought him to the bridge right then. The person told Shmuel that he had a case to be heard in Shmuel’s court for adjudication. Shmuel disqualified himself from being a judge in the case since he had just received a favor from this person.

Similarly, Ameimar was sitting in court and a feather flew on top of his head. A fellow came over and removed the feather. When he told Ameimar that he was there to have his case heard, Ameimar disqualified himself from hearing the case.

A third Amora related incident involved Mar Ukva. Someone spat in front of Mar Ukva and another person came along and covered up the saliva. Mar Ukva disqualified himself from hearing the case of the person who did him the favor of covering up the saliva.

A final case involved Rav Shmuel b’Reb Yossi and his sharecropper. The sharecropper who normally delivered produce to Rav Shmuel b’Reb Yossi every Friday showed up early one week and delivered the produce on Thursday because he had to be in town that day for a Din Torah. Rav Shmuel b’Reb Yossi disqualified himself from hearing the case, lest he be “bribed” by the favor of the early delivery that week.

Rav Pam, zt”l, asked a question about this narration: Are we to infer that these Amoraim were so fickle that the slightest favor could influence them? What’s the big deal about any of these matters? Did these Amoraim have such little backbone that they could be swayed by trivial and incidental matters? Rav Pam said that the lesson of this Gemara is not so much about judicial integrity or the corrosive nature of bribes. The major lesson that this passage of Talmud teaches is the concept of Hakaras HaTov [gratitude]. This Gemara teaches us how indebted each of these Amoraim felt to anyone who did them even the slightest favor.

Such matters would be insignificant to us. As a result of our insensitivity to the proper attribute of Hakaras HaTov, such favors do not even register on our radar screens as necessitating any gratitude on our part. We do not even consider them favors. However, people who are highly sensitive to the attribute of showing gratitude do consider these kindnesses to be favors, worthy in fact of favors in return.

Rav Pam explains that many of the problems in our society indeed stem from the lack of appreciation of one’s obligation for Hakaras HaTov. Husbands take the kindnesses that wives do for them for granted and wives take for granted the things that husbands do for them. Everybody has expectations of the other party in a marriage because “that’s their job!” “Why should they get ‘Extra credit’ for merely doing their job?” If each spouse would see the things done for them as a favor which needs to be recognized, marriages would be far happier and far more stable. The same is true in employer-employee relationships and in virtually all other relationships as well!

Rav Pam notes: If parents and alumni would have the proper sense of Hakaras HaTov to the institutions that educated them and their children, Yeshivos and Beis Yaakovs and Day Schools would not be in the sorry state of financial distress in which they find themselves today. All too often, the attitude is “I paid my tuition. I did my job. You did your job. Do not bother me anymore!” If they had a feeling for the proper sense of gratitude to these teachers and institutions, their ongoing gifts would be far more generous. Rav Kook, when yet a Rav in Europe, before moving to Eretz Yisrael spent time in the summers on the Baltic seacoast in Latvia, as was the custom of many European Rabbonim. There was a hall there where they made minyanim. Rav Reuvain Bengas happened to be there one evening and had Yahrzeit. There were only nine people in the hall, so one of the people in the hall went outside looking for a tenth Jew for the minyan for Rav Reuvain’s Yahrzeit. Meanwhile, outside there was a certain fellow also trying to form a minyan and he had an exact minyan. The person from the hall did not realize this and pulled one person from the outside group into the hall for the inside minyan.

Although this was all unintentional, the person who organized the minyan outside stormed into the hall and started yelling at Rav Bengas and heaping insults upon him. Rav Kook, well-known for his great Ahavas Yisrael for every Jew, nevertheless went to the person who was berating Rav Bengas and slapped him across his face for embarrassing a Talmid Chochom. The slapped person got so furious at Rav Kook that he decided to take him to the secular court for assaulting him. A whole commotion developed. A number of people asked Rav Kook to just apologize so that the matter would not go any further. Rav Kook refused. He said if this was just for my honor I could apologize, but this involves the honor of Rav Bengas who was shamed. I am not sorry I slapped him. I had to stand up for the honor of a Talmid Chochom. Let this person take me to court!

A few days passed, however, and the fellow had a change of heart. He came into Rav Kook and apologized and told him he was not going to take him to court. Seemingly that was the end of the story.

Years later, Rav Kook came to America and he was approached by the person who he had slapped years earlier in the Latvian seacoast town. He told Rav Kook “I cannot thank the Rabbi enough. I owe you a great debt of gratitude.” He then took out a gold watch and gave it to Rav Kook. He explained that after Rav Kook slapped him, his life became miserable in Europe. As a result of that tumultuous incident, he became notoriously known as the Jew who yelled at Rav Bengas and the Jew who was slapped by Rav Kook. He had no choice but to leave Europe and go to America where no one knew him. In America, he became a millionaire! He felt his good fortune was all the result of the slap of Rav Kook and wanted to show Hakaras HaTov to him.

Sometimes we should feel gratitude even for a slap in the face! Likewise, the Amoraim felt a super sensitivity for gratitude even for trivial matters. The same is true of righteous Jews in every generation. The Chofetz Chaim was a Kohen and could not attend funerals. A woman who had once donated a window to his Yeshiva in Radin died. (This was a simple window – not a fancy stained glass window.) Even though the Chofetz Chaim could not enter the cemetery and despite his old age, he walked a long distance behind the casket to the cemetery to accompany the body to burial, as Hakaras HaTov for the donation of the window.

If only we would recognized the obligation to recognize favors – however small – the world would be a far better place!

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Parsha Parables By Rabbi Mordechai Kamenetzky

**Drasha - Parshas Shoftim**

**Battle Cry of the Jew**

**Rabbi Mordechai Kamenetzky**

Approaching war correctly may be more difficult than waging war itself. In order to prepare Klal Yisrael for war a series of queries were presented to them. Soldiers who were newlywed or had recently built new homes or planted new vineyards were told by the officer in charge to leave the army and return home. Furthermore, soldiers who were faint of heart morally or spiritually were asked to return home so as not to weaken the hearts of others in battle.

But war must begin with encouragement. So before the officers ask the questions that may relieve some soldiers from active duty, the kohen gives a moral boosting speech. The kohen opens with Judaism's most famous words, "Sh'ma Yisrael – Hear Oh Israel! You are about to approach battle on your enemies. Let you hearts not wither and do not fear, tremble, or be broken before them. For Hashem who will go with you, fight with you, and save you" (Deuteronomy 20:3-4).

Rashi comments on the hauntingly familiar expression of "Sh'ma Yisrael – Hear oh Israel!" Those words are the national anthem of the Jewish nation whose doctrine of belief is contained in the declarative that follows. "The L-rd our G-d the L-rd is One" (Deuteronomy 6:4). Rashi connects the pre-battle pep-talk in Parshas Shoftim with the famous words read week's earlier in Parshas Va'eschanan. He explains that the expression, "Hear oh Israel" used in the kohen's prologue is actually used as a hint to Hashem. The kohen is in essence reminding Hashem of the unofficial anthem that Jews recite twice daily, world-over. The kohen is in essence declaring that "even if the Jewish people have only the merit of the words Hear oh Israel, they are worthy to be victorious and saved (from the ravages of war)."

I was wondering. Isn't the kohen talking to the people? If Rashi tells us that with this choice of words there is a subtle message to Hashem, can we not also presume that there is perhaps, an important, if only subtle message to His nation as well?

Refusenik Yosef Mendelevitch, imprisoned in a work camp by Soviet authorities refused to give up his religious convictions. He made a kippah, which he wore proudly in the work camp.

Once the KGB colonel in charge of the camp heard of Mendelevitch's behavior, he summoned him to his office and threatened him.

"Take that off your head or I will kill you!" he demanded.

Mendelevich was not moved. "You can kill me, but I will not take it off."

The officer was shocked by Yosef's calm attitude. In desperation he grilled him. "Are you not afraid to die?"

Mendelevich just smiled softly. "Those who will die by the commands of Brezhnev are afraid of death. However those who believe that our death will be by the command of G-d are not afraid of His command."

Perhaps the symbolism of using the words of the Sh'ma Yisrael, which connect to our sincere faith in the oneness and unity of the Almighty is profoundly significant.

The kohen is commanding the Jews to enter the battlefield without fear. There is no better familiar declaration than that of Sh'ma Yisrael. Those words kept our faith and calm-headedness throughout every death-defying and death-submissive moment throughout our history. During the Spanish inquisition, it was on our lips. During the Crusades it was shouted in synagogues about to be torched. And during the Holocaust Sh'ma Yisrael

was recited by those who walked calmly to meet the Author of those hallowed words that captured the faith of Jewish souls more resolutely than the fetters that held the frail bodies.

The Chofetz Chaim would urge soldiers to constantly repeat the paragraph of the Sh'ma Yisrael during battle. It would sustain their faith as it would calm their fears. And the words Sh'ma Yisrael remain the battle cry of the simple Jew who maneuvers through a world filled with land-mines of heresy and temptation.

It is the battle-cry of our faith and in encouraging a nation to be strong and remembering that Hashem is with us. And no matter what the message is, there is no better introduction than, Sh'ma Yisrael. And there are no better words during the battle either.

Good Shabbos!

*Dedicated in honor of the marriage of Meir Frankel to Chevi Hartstein!*

*Special Mazel Tov to Mrs. Mati Frankel and the entire Rosenberg –*

*Margules Family!*

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*Rabbi Mordechai Kamenetzky is the Dean of the Yeshiva of South Shore.*

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subject: Peninim on the Torah by Rabbi A. Leib Scheinbaum

**Peninim on the Torah Hebrew Academy of Cleveland**

**Rabbi L. Scheinbaum**

**Parashas Shoftim**

**שופטים ושטרנים תתן לך בכל שעריך... ושפטו את העם משפט צדק**

**Judges and officers shall you appoint in all your cities... and they shall judge the people with righteous judgment. (16:18)**

Titen lecha, "Shall you appoint" (Literal translation: shall you put for you/yourself). The Kli Yakar derives from you/yourself that, before one concerns himself with helping others, he must first judge himself. Make absolutely certain that your house is in order before you reach out to others. How true this is. There are some who occupy themselves with reaching out to others as an excuse, in order to delay addressing their own personal issues.

In a similar vein, Horav Simcha Bunim, zl, m'Peshischa, explains Shoftim v'shotrim titen lecha, "Judges and officers shall you appoint" in the following way: As long as a person constantly judges himself (assures himself of his own/personal appropriateness), if he is looking for – and acknowledges – his own failings and the positive attributes of others, then (and only then) v'shaftu es ha'am mishpat tzedeq; "they shall judge the people with righteous judgment." Only in that case can we be assured that they will judge others with honesty and from a fair and bipartisan perspective. One who sees only the failings of others, but glosses over his own shortcomings, will be unable (or certainly hard-pressed) to render honest judgment.

A woman once came to Horav Tzvi Hirsch, zl, m'Dinov, weeping uncontrollably, complaining that the dayanim, rabbinic judges at the bais din, had issued a faulty ruling against her. Rav Tzvi Hirsch peered into the halachah, and, after a few moments, he discovered that the woman had spoken the truth. The dayanim had, indeed, erred in the judgment they had rendered. He summoned them and showed them their error, which they immediately accepted. Afterwards, one of the judges asked the Dinover what had motivated him to reevaluate the judgment. (People would often claim that the judge either ruled against them or had erred. What made this case unique? What was the red flag?) The Rebbe replied, "Toras Hashem temimah meshivas nefesh; 'The Torah of Hashem is perfect, it restores the soul' (Tehillim 19:8). Had you issued a correct psak, judgment, the woman would not have been able to weep so incessantly. It was only because the judgment had not been temimah, perfect, that her emotions were able to get the better of her."

**שופטים ושטרנים תתן לך... לא תטה משפט לא תכיר פנים ולא תקח שחד**

***Judges and officers shall you appoint in your cities... you shall not pervert judgment, you shall not respect someone's presence; and you shall not accept a bribe. (16:18,19)***

The Torah exhorts us to appoint honest judges who will adjudicate accordingly. It then follows up with three rules (so to speak) for keeping the judges "honest". They should not pervert judgment; they should treat everyone equally, regardless of the litigant's financial portfolio or eminence and power; last, they should not accept a bribe – even if the bribe comes without strings attached. Once one has accepted anything from another person, he becomes predisposed to him and the judgment that he renders might in some way be biased.

The appointment of judges is obviously critical for the healthy growth of community. A community in which justice is perverted and determined by vested interest and bribery is not a community. It is a jungle. If the appointment of judges is a communal commandment, why does the Torah write *titen lecha*, which implies that this mitzvah is more of a personal nature? Horav Moshe Feinstein, zl, suggests that the command to appoint judges also has a personal connotation. While it certainly addresses the community at large, it also speaks directly to the individual. Each individual should judge himself objectively and, if he crosses the line, he should acknowledge this fact and police himself accordingly. To acknowledge that one has sinned demands maturity. Many of us seek to conjure up excuses to justify aberrant behavior, and succeed in doing so. Thus we absolve ourselves of any form of guilt. Once we have come to the realization that a sin has been committed, we must resort to self-discipline, accepting upon ourselves a realistic and effective form of penance that will, hopefully, ensure that we will not do a repeat performance.

When the Torah admonishes a judge not to pervert justice, not to countenance one person over another and not to accept a bribe, it is speaking, likewise, to the individual who must make a decision, acknowledge guilt, resolve to repent. When it involves an individual, the greatest impediment to justice is bribery. While a person does not actively bribe himself, he does don blinders when, due to vested interests, he veers from the proper course of judgment. The problem begins when we refuse to accept our personal lack of impartiality in a given situation. This is the first negia, personal vulnerability, due to vested interest. The following incidents underscore this idea and demonstrate how careful our Torah giants are to distance themselves from any vestige of personal negios.

The Chazon Ish, zl, was walking in the accompaniment of Horav Eliezer Palchinsky, zl. The Rosh Yeshivah commented concerning a certain Mashgiach, ethical supervisor in a yeshivah, who was a prolific writer and thinker, whose discourses were a masterpiece of erudition and profound methodical thought; yet, when he would speak concerning a subject in which he had personal negios, he would lose his rational thought process, often making comments that were without foundation and forethought.

Hearing this, the Chazon Ish stopped and smiled, "Had you told me that a great man blundered and sinned," the Chazon Ish began, "I would tell you that his actions do not undermine his greatness. (One can be great and still fall victim to the yetzer hora, evil inclination. It is nothing more than a momentary lapse.) Concerning a negia ishis, personal interest/touch/involvement, however, it is different, for this negia accompanies him twenty-four hours a day. (It becomes part of him and takes him down.) No! Such a person is not great. He is a katan she'b'ketanim, smallest of the small!"

Negios take over a person's life, his thoughts, actions, speech. He is controlled by these interests to the point that it diminishes his stature. Negios are a form of bribery. One does not have to accept money in order for his rational thought process to become impaired. Any personal interests which beclouds his judgment is a bribe – which blinds one's perspective and perverts his sense of justice and reason.

Horav Yitzchak Zilberstein, Shlita, observes a form of bribe which eludes many, possibly because it is natural and, thus, we do not give it a

second thought: tears. Weeping can cause a judge to lose his ability to be impartial. The Avnei Nezer was Rav in Sochatchov. One day, a widow came to his bais din and, before she was able to present her claim, broke out in spontaneous weeping. The Avnei Nezer rose from his seat and left the room. He said, "I am disqualified from listening to this case. Since I heard her cry, I no longer qualify to render judgment. Tears are a form of shochad, bribery."

Rav Zilberstein cites a similar comment heard from Horav Eliezer M. Shach, zl. A kallah, bride-to-be-married, came to the Rosh Yeshivah of Ponevez with a personal request: Would Rav Shach honor her by accepting siddur kiddushin, to officiate at her wedding? She neither knew Rav Shach, nor did he owe her anything. She just wanted the gadol hador, preeminent Torah giant of the generation, to be her mesader kiddushin. The Rosh Yeshivah demurred, apologizing that he prepared his shiur, Torah lecture, on that day, and his shiur took precedence.

When the kallah heard his negative response, she immediately burst into tears. It was an instinctive reaction. She was so hoping that he would have said yes. When the Rosh Yeshivah saw her reaction, he said, "Do not weep. I will be mesader kiddushin. I only ask that the chupah take place on time. Every minute is precious, and I must return home to prepare my shiur."

Those who were present were taken aback by his sudden change of heart. "Why did the Rosh Yeshivah defer to her request? We know the value and significance of every minute of preparation for the shiur. Furthermore, the Rosh Yeshivah does not even know the kallah," they commented.

Rav Shach replied with a simple statement, "One cannot ignore the tears of a bas Yisrael."

Reading these stories, I cannot help but wonder why tears are not a more integral part of our tefillos. The Shaarei Dema'os, Gates of Tears, never close. Hashem listens. Tears are an expression and indication of sincerity. If we want to be heard, we should ask with emotion. It can catalyze that difference for which we are waiting.

***צדק צדק תרדנה***

***Righteousness, righteousness shall you pursue. (16:20)***

The Mishnah in Meseches Peah 8 derives from the above pasuk that one who is healthy, but claims he is crippled or blind, for whatever reason (usually for profit), will not leave this world until he himself becomes afflicted with what he has claimed to have. Horav Bunim, zl, m'Peshischa questions this statement. Will this, likewise, apply to one who presents himself as a tzaddik, righteous person? Will he also not die before he becomes a tzaddik? If the pasuk teaches us that one must be straight, trustworthy and honorable, can we consider this man honorable? Should he be rewarded by becoming a tzaddik simply because he claims that he is one?

The Peshischa explains this with a mashal, parable. A wealthy man was traveling and chanced upon a shikur, drunk, rolling in a dung heap. Obviously, this man had lost all sensitivity and self-esteem. The wealthy man instructed his servants to remove him from the heap, scrub him down, dress him in priest's vestments, bring him to his mansion and assign him a nice, clean room. A few hours elapsed, and our drunk woke from his stupor to see himself attired in a priest's habit and surrounded by servants who asked him, "How can we be of assistance to his Reverence?" "What would his Reverence like to drink?" "Can we bring his Reverence to a specific destination?" etc.

Our drunk was certain that this was all a dream. He was far from wealthy and even less sober. What was going on? This could not be his home. He usually passed out in a dung heap. As the ruse continued, with the servants prepared to do anything for his Reverence, a thought entered his mind: Perhaps he was having a dream, with his poverty and alcoholism nothing but a dream. The reality was that he was a member of the cloth, a distinguished priest who was wealthy and lived in a mansion. If this was the case, he must leave immediately and travel to the Vatican, because is that not where all priests congregate? He should at least inquire concerning the

location of his church. He would have to wing the service, since he was clueless about what a priest does.

He needed to implement a test to determine the truth: Was he or was he not a priest? He obtained a Bible written in Latin, because that was the language spoken by priests. He conjectured that if he could read it fluently – then he must be a priest. If, however, it was hieroglyphics to him, it would indicate that he was actually a poor drunk and his new attire was a façade. The servants kept up with their requests to serve him. He opened up the Bible and could not read a word. This would imply that he was not a priest. If this was true, however, why were the servants still referring to him reverently, as if to a priest? Apparently, he decided, none of the priests was fluent in Latin. It was all a sham. He was as bad as they were.

The Peshischa concluded his story. “This is the punishment for one who attempts to beguile others that he is a tzaddik. He will do it long enough that he himself begins to believe and accept the ruse. When he enters the yeshivah, the shul, and removes a tome of Talmud, a sefer written by one of the commentators, and, lo and behold, he has no clue to its meaning – he will ascertain that tzaddikim are also not knowledgeable. He will not say that he is a sham. No! He will surmise that all the others who “claim” to be erudite are not! After all, since he knows nothing, and he is a tzaddik, so they must probably be as uneducated as he.

This is the greatest punishment, because now he has lost everything. He is not righteous, and he begins to slander those who are.  
**על פי התורה אשר יורוך ועל המשפט אשר יאמרו לך תעשה – לא תסור מן הדבר אשר יגידו לך ימין ושמאל**

**According to the teaching that they will teach you and according to the judgment that they will say to you, shall you do; you shall not deviate from the word that they will tell you, right or left. (17:11)**

The decision rendered by the courts must be obeyed, even if one is convinced that it is wrong. Even if the judge/Torah scholar seems to be conveying that right is left and left is right, you must listen, accept and execute the law as told. We must maintain unswerving obedience to the directive issued by our gedolim, Torah leaders of the generation. Not everyone warrants the title gadol, Torah giant. Some may qualify as scholars, but, unless one reflects the total demeanor of mussar, ethics, yiraas Shomayim, fear of Heaven, in addition to being erudite, one does not qualify as a gadol. Halachah is a self-contained discipline which adheres to a different standard. Thus, knowledge in its own right – without the religious/spiritual accouterments which accompany it – is an insufficient barometer for determining gadlus.

Rashi adds to the lo sassur, “‘You shall not deviate’: Even if they tell you that right is left and that left is right.” At first blush, this is a difficult concept to absorb. If the judge/rav/rosh yeshivah is (in my mind) clearly in error; if he says that right is left and/or vice versa – he is wrong. Nonetheless, the Torah enjoins us to listen, accept and perform – even when we know he is wrong. How can the Torah expect an intelligent human to accept a statement, an edict, that he knows is categorically false?

Horav Isser Zalmen Meltzer, zl, explains this in the most enlightening manner. Obviously, wrong is wrong – as right is correct. Yet, the Torah tells us to accept what is wrong – because, although it might be wrong in our mind, it is really right. We are wrong. The Rosh Yeshivah observes that Rashi chose the opposites of right and left as opposed to day and night, black and white. Why specifically are right and left used? Following the lead of the pasuk, right and left are used for practical purposes. When one person stands opposite another, Reuven’s right hand is opposite Shimon’s left hand – and vice versa. So, in reality, whether it is right or left is a question of angle, or perspective, from which position is one looking at the hand. My right hand is your left, so when I say “right,” you say “left”; yet, we are both correct!

The Torah is conveying a profound truth. At times, we might be quite certain about something, but this is only from our own perspective. The talmid chacham, Torah scholar, views the issue from a different vantage

point, hence, representing a different perspective. The scholar’s vision has been honed by the wisdom of the Torah which he has acquired. Thus, he sees the larger picture with a clarity of vision which is inaccessible to someone who has less accumulated wisdom.

It is not always easy to accept that someone knows more than we do, but that is exactly the definition of emunas chachamim. Once we lose the ability to believe in our Torah leaders, I wonder what is next. Chazal (Pesachim 42) relate the story of Rav Masna who came to the city of Papunya and taught the halachah that matzah must be made with mayim shelanu. The next day everyone came to his house to request water from him. He then explained to the people that mayim shelanu does not mean “our water,” but rather, water that rests outside its source, so that it has had a chance to cool off. Why did Chazal bother to relate this incident? Obviously, there are better and more edifying lessons to be taught than demonstrating how simple-minded people can be.

Horav Chaim Kanievsky, Shlita, quotes Horav Yisrael Salanter, zl, who explains that Chazal are actually teaching us a lesson in emunas chachamim. Everyone, at one time or another, either has personally baked matzah or has observed its production, personally or on video. With this in mind, imagine some great rav, a noted Torah scholar, visits our community and informs us that what we have been doing for generations is all wrong. Furthermore, the halachah which he teaches is one that incurs for him considerable profit. For example, he tells us that we must use a certain flour obtainable only from him at a premium price. The probable reaction to his halachah would be: “My father and grandfather have all baked the old way. What was good for them is good for me! There is no way I am going to accept a new – more expensive – way to bake matzah, just to line the rabbi’s pockets.”

Clearly, the citizens of Papunya knew how to bake matzah. They had been doing so for years. They could easily have told Rav Masna to take his teachings elsewhere. They listened and lined up the next day for his water, because they misinterpreted what he had meant. They were willing to accept or trust that Rav Masna knew what he was saying – that he knew more than they – even if it flew in the face of their common-sensical reasoning. That is emunas chachamim!

**מי האיש אשר בנה בית חדש ולא חנכו ילך וישב לביתו פן ימות במלחמה ואיש אחר יחנכו**

**Who is the man who has built a new house and has not inaugurated it? Let him go and return to his house, lest he die in the war and another man will inaugurate it. (20:5)**

An individual whose mind is not on the battle, will – due to his fear or lack of enthusiasm – erode the morale of his comrades. The Torah mentions those individuals who return home and are free from joining the army. These are men who had just initiated an endeavor: taken a wife; built a house; planted a vineyard. For practical reasons, their minds are focused elsewhere – not on the battlefield. Rashi remarks concerning one who has built a house and has yet to move in: He is anxious concerning the possibility that he might die and someone else might move into his un-lived property.

Imagine – a person is more concerned that someone else will move into his un-lived house than his possible death at the hands of the enemy! Does this make sense? Is this person rational? Is he more obsessed with his house than he is with his life? The Gerrer Rebbe, zl, explains that the issue is regarding what occupies his mind in his last moments. If he is mortally wounded, what will course through his mind: thoughts of teshuvah, repentance, or concern that someone else will take over his home? It sounds insane, but apparently this is human nature. The mind processes what impacts it at the immediate moment – and, at that moment, the soldier is more concerned about his house than he is about his life.

When a person confronts the most important moment of his life, in fact, his very last moment of life, his mind should be occupied with something more significant than who will live in his house. Maayanah Shel

Torah quotes the Pirkei D'Rabbi Eliezer 30, who says: Death by thirst is unusual, it is the most difficult of all causes and forms of death. Why? The author explains: a person who is dying of thirst thinks that all that he needs in order to live is a drop of water. Thus, at the very last moments of his life, what courses through his mind: "A drop of water is all that I need. One drop of water, and I will live." His mind is preoccupied with nothing else other than his obsession with a drop of water. Obviously, a G-d-fearing Jew, regardless of his elevated spiritual status, should have something more important on his mind.

**וּנְרַפָּא רִפְאֵנוּ וְנִרְפָּא – Heal us Hashem, and we will be healed.**

The brachah, Refaeinu, follows immediately after the brachah, Reeh na b'anyeinu, as physical pain and affliction follow after spiritual anxiety and ambiguity. One of the most difficult challenges of physical illness is dealing with the question, "Why?" When a person is confronted with ambiguity, when he does not know why something is happening to him, he has greater difficulty dealing with the issue and maintaining clarity of mind. Thus, the sequence of the blessings implies that, as long as we have not come to terms with our personal spiritual frustration, we cannot expect to be spiritually free – a situation which in and of itself not only leads to illness, but also undermines one's ability to maintain the stamina he needs to battle illness. A "broken" person has one strike against him when he confronts illness. (I think it is much more than one strike; he cannot even go up to bat.) Once one has resolved his spiritual ambiguities, he has the resolution and fortitude to face the physical illness, the diagnosis and necessary route of therapy. The bottom line is: Without Hashem, we do not stand a chance. Hence, we pray Refaeinu Hashem – only then – v'neirafei.

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