

# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI DOV KRAMER**

### Taking a Closer Look

**“R**ighteousness, righteousness shall you pursue” (Devarim 16:20). How should we “pursue righteousness?” Rashi, quoting the Talmud (Sanhedrin 32b), explains it as a commandment to “go after a beautiful Beis Din” (court of Jewish law). The Talmud continues by giving us examples of a “beautiful Beis Din; after the sages to a Yeshiva (where they gather and a Beis Din is set up-Rashi), after Rabbi Eliezer to Lud, after Rabban Yochanan ben Zakai to Beror Chayil, after Rabbi Yehoshua to Pekiyyin, after Raban Gamliel to Yavneh, after Rabbi Akiva to B'nei Berak, after Rabbi Masya [ben Charash] to Rome, after Rabbi Chananya ben Teradyon to Sichni, after Rabbi Yosi to Tzippuri, after Rabbi Yehudah ben Besaira to Netzivin, after Rabbi [Chanina the nephew of Rabbi] Yehoshua to the exile (in Pumpedisa, in Bavel), after Rebbe to Beis She'arim, after the sages to the Lishkas Hagazis (the chamber in the Temple area where the Sanhedrin - Jewish Supreme Court - met).” The common understanding of this Talmudic passage is that we are commanded to travel far away (if necessary) to one of these well-known Jewish courts to “pursue righteousness.” However, this raises several issues.

First of all, why would the Talmud put the Sanhedrin last? Shouldn't this be our first choice? It is also odd that the Lishkas Hagazis is mentioned along with courts that operated after the destruction of the Temple (such as the court in Bavel). Additionally, this passage is quoted by the Rif and the Rosh (who quote the Talmud when it is relevant to Jewish law), yet not codified in this form (to “go after a beautiful Beis Din”). Even though there are laws that can be said to stem from this statement, such as the rights of some litigants, in certain circumstances, to move the case from a local jurisdiction to where the more competent Beis Din is, why is the language of the Talmud not quoted as law? While it may be precisely because not every litigant can move a case to another Beis Din that this language is not used, the question then becomes why isn't every litigant commanded to do so (when reasonable), not just allowed to? Isn't the Torah commanding us to seek out the most competent Beis Din to ensure that the right judgment is made? It seems a bit awkward for the Torah to say that we should always pursue

righteousness when we are really limited to doing so to very specific circumstances. Finally, if we are supposed to go to the most competent court, why is there a specific commandment to set up a court in each and every city (Devarim 16:18)? Why bother setting up a court that will be, or should be, bypassed? Or, alternatively, why tell us to travel to a better court if we are supposed to go to our local one?

This last question is asked by Rabbi Alexander Sender Shor, z'l (“Bechor Shor,” who died in 1737), by Rabbi Peretz Steinberg, shlita (“Pri Eitz Hachayim,” published 5756 in New York), and also asked in “Merapsin Igrai” (published 5766 in B'nei Berak). Although what I am about to suggest parallels the answers given in these three sources, it's approach comes from a somewhat different perspective.

Although most commentators understand Rashi (and, by extension, the Talmud) to mean that the commandment to pursue righteousness is directed towards the litigants, the Ramban says that the word “righteousness” is used twice because it is being directed at both the judges and the litigants. Although he doesn't explain how judges are expected to “go after” a more “beautiful” Beis Din, the law does state (C”M 13:6 and 14:1) that if a court has a question, they write it down and send it to the more knowledgeable one. Even though this does not constitute “traveling” to the other court, it is consistent with the expression “go after” (“halech achar”) which the Talmud uses dozens of times. If we examine those uses, it becomes evident that the term “going after” is used when we are determining the status of one thing based on the status of something else.

If two non-Jewish parents are of different nationalities, what nationality is their child considered? We “go after the male” (Yevamos 78b), i.e. the child has the same status as the father. If a piece of meat was found in an area between 10 butcher shops, nine of which are kosher and one which is not, what is the status of the meat? We “go after the majority” (Kesubos 15a) and the meat is considered kosher. If a person makes a vow and we are unsure what his intent was, how do we interpret his words? We “go after the language people speak” (Nedarim 30b), i.e. the common usage. If a something is made out of two materials, one that can become ritually impure (i.e. metal) and one that cannot (i.e. wood), can this item become impure? The Talmud (Shabbos 59b-60a) goes

**TORAS AISH IS A WEEKLY PARSHA  
NEWSLETTER DISTRIBUTED VIA EMAIL AND THE  
WORLD WIDE WEB AT [HTTP://AISHDAS.ORG](http://AISHDAS.ORG).  
FOR MORE INFO EMAIL [YITZ@AISHDAS.ORG](mailto:YITZ@AISHDAS.ORG)**

The material presented in this publication was collected from publicly available electronic mail, computer archives and the UseNet. It is being presented with the permission of the respective authors. Toras Aish is an independent publication, and does not necessarily reflect the views of any given synagogue.

**TO DEDICATE THIS NEWSLETTER PLEASE CALL  
973-472-0180 OR EMAIL [YITZ@AISHDAS.ORG](mailto:YITZ@AISHDAS.ORG)**

through numerous examples and which part of the object we "go after," i.e. what the status of that object is. Applying that to our usage, when the Talmud says that we "go after a beautiful Beis Din," it would mean we try to have the local court have the same status as the most competent courts. The commandment to "pursue righteousness" would mean that everybody involved, the judges, the litigants, and those given the responsibility to appoint judges (see Bechor Shor, one of the Ba'alay Tosfos, who uses the term "ba'alay din," litigants, to refer to those appointing the judges) is supposed to do whatever they can to have the lowest (local) court be consistent with the highest court; issuing the same rulings that the Sanhedrin would if they heard the case and following the same processes (such as in which order they hear the cases, how they speak to the litigants, how they question witnesses, etc.) that the higher, more knowledgeable courts do. It doesn't mean (necessarily) traveling to another Beis Din, but importing the same standards to the local Beis Din.

For judges, it means not being innovative in their decisions or procedures, but making sure they are consistent with all other courts, including (and especially) the Sanhedrin. If they have any questions at all, they must contact a higher, more knowledgeable court to get direction, instruction and information (see Rambam, Hilchos Mamrim 1:4). Although there are logistical considerations (such as the cost of traveling making the case not worth pursuing, or a defendant frustrating a plaintiff by making him travel in the hopes of getting him to drop the case), if one is not confident in the local court they should try to get the case moved to a more competent court. Failing that, a litigant can demand that the court write down the reasons for their decision (C"M 14:1 and 4), so that it can be shown to higher court (and the decision overturned, if necessary). Perhaps most importantly, it means that when judges are appointed, the choice is made based on how confident the appointers are that the perspective judge will follow the same guidelines as the Sanhedrin, even if that entails recruiting judges from the "gathering of scholars" who have spent years observing how the higher courts operate, and have shown that maintaining consistency with the highest

court is a priority (which is probably one of the reasons they spend their time among other scholars).

The Talmud referenced the Sanhedrin last because all courts, including those mentioned, aspire to be consistent with it (or was, after the Temple was destroyed). All of the laws pertaining to the court system are part of the process of having it be consistent, so there's no need to spell it out by quoting the Talmud. Nevertheless, since it is relevant to the law, it was quoted by the Rif and the Rosh. And there is no longer any contradiction between setting up a court in every city and "going after" other courts, as this refers to having the local court maintain the same standards as even the highest court.

Several commentators comment on the connection between the end of Parashas Re'ay, which discussed going to the Temple for the holidays, and the beginning of Parashas Shoftim, which discusses setting up the court system. Besides showing how despite a thrice yearly trip to the place where the Sanhedrin is we still need a court in every city (see Chizkuni), it also teaches us that each of the courts set up locally must be consistent with the Sanhedrin. As Rashi says, if we "pursue righteousness," by appointing the right judges, "we will be worthy of long life and of returning to our land." © 2007 Rabbi D. Kramer

**RABBI BEREL WEIN**

## Wein Online

**T**he parsha of this week deals with the subject of following the decisions of the court and judges of one's time, even if one personally disagrees with those judicial conclusions. From this flows a later concept in halacha of a zakein mamreh - a leading scholar, a member of the Sanhedrin itself, who refuses to accept or abide by the majority position and opinion of his colleagues.

There is a normative stance in Jewish life and Judaism that demands a restriction of individual freedom and everyone doing their own thing. Every scholar is convinced that his opinion is correct, perhaps even perfectly and exclusively correct. But one must be willing to accept the fact that if the majority of the scholars disagree then the law must remain that way, even if history later proves them wrong or mistaken.

The majority, like any individual as well, is not infallible. But human society must function according to certain standards and norms and the Torah demands this type of discipline from all of the responsible leaders and judges. The zakein mamreh has the right to his own opinion but he has no right to preach it publicly in a way that will split the Jewish society and come to the disastrous situation of there being "two Torahs" present in Jewish society.

There must be a great deal of frustration in the heart of the zakein mamreh for he is undoubtedly convinced of the correctness of his position. But the

Torah does not allow for the correctness of an individual opinion as regarding one particular issue of law to endanger the entire delicate balance of judicial decision and halachic parameters. Again, the forest always trumps the trees in the Jewish view of law and halachic life.

The question now remains is this true of the majority opinion regarding political and societal issues as well. So many times in the human history has the majority been wrong on crucial life and death issues. Winston Churchill was the lonely voice of warning in the 1930's when Germany rearmed.

Here in Israel there have been many instances, especially over the past decade, when the majority has been wrong in its decisions and policies. The rabbis were a minority opinion in the times of the great rebellion against Rome and correctly foresaw the defeat and the destruction of the Temple. The prophet Yirmiyahu was a lonely and strident voice of dissension against the majority military and diplomatic policies of the kings of Judah.

It is apparent that there is a significant difference between halachic and judicial decisions and national political and security issues. Eventually, even in these issues, the will of the majority will prevail in a democracy. But the dissenters have an innate right to be heard - and their opinion to be judiciously considered. The tyranny of the majority is a real danger in national matters.

It is much harder in these types of issues to define what is the forest and what are the trees. Therefore, it is clear that the concept of zakein mamreh is limited to those specific halachic issues and procedures that are detailed to us in the Talmudic tractate of Sanhedrin. In other matters, the majority should always force itself to truly listen to the opinion of the minority and the minority has the duty to express those opinions lucidly and publicly. © 2007 Rabbi Berel Wein- Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at [www.rabbiwein.com](http://www.rabbiwein.com). For more information on these and other products visit [www.rabbiwein.com/jewishhistory](http://www.rabbiwein.com/jewishhistory).

#### **RABBI AVI WEISS**

### **Shabbat Forshpeis**

**T**he Torah's sympathetic attitude toward ecology surfaces in a law legislating conduct during war.

This week's portion states: "When you besiege a city for many days to wage war against it, to seize it, do not destroy its trees by swinging an axe against them, for from it you will eat and you shall not cut it down." The Torah then offers a rationale explaining why the tree should not be cut down: "Ki ha-Adam etz ha-sadeh lavoh mi-panekha be-matzor." (Deuteronomy 20:19) What do these words mean?

Rabbi Avraham Ibn Ezra offers a simple answer. Human beings depend upon trees to live. We eat their produce. Cutting down a tree is, therefore, forbidden, as it would deny the human being food which is essential for life. For Ibn Ezra, the explanation should be read as a declarative statement. Don't cut down the fruit tree for a person is the fruit tree, depending upon it for sustenance.

Rashi understands the rationale differently. For Rashi, "Ki ha-Adam" should be read as a rhetorical question. "Is a tree a person with the ability to protect itself?" In other words, is the tree of the field a person that it should enter the siege before you?

A fundamental difference emerges between Ibn Ezra and Rashi. For Ibn Ezra, the tree is saved because of the human being, i.e., without fruit trees it would be more difficult for people to find food. Rashi takes a different perspective. For him, the tree is saved for the tree's sake alone, without an ulterior motive. Human beings can protect themselves; trees cannot. The Torah, therefore, comes forth offering a law that protects the tree.

The Torah's tremendous concern for trees expresses itself powerfully in numerous parables. One of the most famous is the story of a traveler in the desert. Walking for days, he's weary and tired, when suddenly he comes upon a tree. He eats from its fruit, rests in the shade and drinks from the small brook at its roots.

When rising the next day, the traveler turns to the tree to offer thanks. "Ilan, Ilan, bameh avarkheka, Tree oh Tree, how can I bless you? With fruit that gives sustenance? With branches that give shade? With water that quenches thirst? You have all of this!"

In a tender moment, the traveler looks to the tree and states, "I have only one blessing. May that which comes from you be as beautiful as you are." (Ta'anit 5b, 6a)

This story has become a classic in blessing others with all that is good. Our liturgy includes the classic Talmudic phrase, "These are the precepts whose fruits a person enjoys in this world." (Shabbat 127a) Trees and human beings interface as trees provide us with metaphors that teach us so much about life.

To those who disparage the environment, our Torah sends a counter message. Trees must be protected, not only for our sake, but for theirs-and for the message they teach about life. One Shabbat, as I walked with my eldest granddaughter Ariella, greeting everyone with Shabbat Shalom, she saw a tree, embraced it, and said, "Shabbat Shalom Tree." Ariella certainly has internalized the message of the importance of the tree, may we all be blessed with this lesson as well. © 2007 Hebrew Institute of Riverdale & CJC-AMCHA. Rabbi Avi Weiss is Founder and Dean of Yeshivat Chovevei Torah, the Open Orthodox Rabbinical School, and Senior Rabbi of the Hebrew Institute of Riverdale.

**MACHON ZOMET****Shabbat B'Shabbato**

by Rabbi Amnon Bazak, Yeshivat Har Etzion

In this week's Torah portion, which is in general so full of mitzvot, a single verse is concerned with the prohibition of trespassing on territory belonging to somebody else. "Do not move the boundary of your colleague's land, set by the early people, which you will inherit in the land that G-d gives you in order to take possession" [Devarim 19:14]. On the other hand, it seems that this is an especially serious prohibition, since it is also mentioned in the curses recited in the ceremony on Mount Gerizim and Mount Eival. "Let one who moves the boundary of his colleague's land be cursed" [27:17]. What is the basis of this prohibition, why does it appear where it does in the Torah portion, between a passage about the sanctuary cities (19:1-13) and one about bearing false witness (19:15-21)?

It seems from the verse that the prohibition has a dual meaning. First, the Torah emphasizes that the prohibition is related to a concept "set by the early people," such that the problem is social and legal. Since the boundary was established by the early generations, it represents the righteous and just way of dividing up the land, and trespassing onto another's property is a simple act of robbery. It is written, "Do not move on a permanent boundary, and do not enter a field belonging to orphans" [Mishlei 23:10], and once again the prohibition is related to a social and ethical approach. This clearly explains the link between this verse and the passage which follows it, which is concerned with matters related to the laws of a court and with true and false testimony.

But there is also another significant factor. The Torah is careful to note that this prohibition is relevant "in the land that G-d gives you in order to take possession." Trespassing not only causes harm to another person, it also harms the division of Eretz Yisrael into plots of land, which was done by drawing lots according to G-d's will. And this explains why the verse is close to the previous passage, which is concerned with the sanctuary cities. The purpose of the laws of sanctuary is also to avoid harming the land. "Innocent blood shall not be spilled in your land, which G-d gives you as a heritage" [19:10]. Thus, the two passages are related to the unique properties of Eretz Yisrael and to the need of preserving the lives of the people dwelling on the land and the proper apportionment of the land.

The dual role of this prohibition can be seen in a somewhat different light in the affair of Navot. When Achav asked Navot to sell him his field, he replied, "Heaven forbid that I should give my ancestor's heritage to you!" [Melachim I 21:3]. While this is not a direct case of trespassing, it is related to the general concept of interfering with a heritage from previous

generations. In his words, Navot mentions two important points: his desire to continue living in his ancestor's heritage, and his religious obligation not to harm the heritage which G-d gave his family.

As Rashi notes in Devarim, from a halachic point of view, both factors are relevant. One who violates the prohibition of trespassing outside of Eretz Yisrael is guilty only of robbery, while one who violates the law in Eretz Yisrael has performed two sins: robbery and also harming the partitioning of the land.

**RABBI SHLOMO RISKIN****Shabbat Shalom**

Israel's return to national sovereignty after almost 2,000 years of exile and persecution is indeed miraculous; nevertheless, we constantly feel the pressure of an existentially threatened existence, since we are living in "bad neighborhood" surrounded by nations which are at best unfriendly and at worst seek our destruction.

Hence, Israel cannot afford to lose a war. But even when we win, the price we pay is extremely high - first and foremost in terms of the lives that are lost, often our best and our brightest - but also in terms of how destruction of life, even of those who are out to destroy us and our loved ones, and how the control of other populations, even if it be necessary to protect one's own population, affects the soul and moral fiber of the people of the Book.

In this week's portion, Shoftim, we read "...when you approach a city to wage war against it, you must propose a peaceful settlement. If the city responds peacefully and opens its gates, all the people inside shall become tributary unto you and shall serve you" (Deut. 20:10).

In 1967, Egypt blockaded the Gulf of Aqaba, ordering UN troops out of the Sinai. Broadcasts from Arab lands threatened the Jewish state with destruction. The Arab world prepared for war but when the smoke settled, much land and hundreds of thousands of Palestinians from Judea, Samaria and Gaza, who had been waiting for Israel to be driven into the sea, were now under Israeli rule. Certainly our major Government policy was not to maintain control over people who didn't want to be controlled by us, and we have been offering land for peace ever since our lightning victory in June, 1967. Tragically, however, our offers were rebuffed time and time again, Arab refugee camps, cities and even mosques have been turned into army bases hell-bent on our destruction, and the glow of victory has turned into a savage struggle of blood, stones, guns, home-made rockets and suicide bombers. And as Israeli-Palestinian relationships worsened, a number of movements emerged. The most outspoken one advocated the impossibility of Jews and Arabs sharing this land, thus necessitating their eventual transfer. Although the newspapers didn't

usually report the source of his remarks, Meir Kahane, an ordained rabbi, who was assassinated in NYC by an Arab gunman, loved to quote from a passage in Maimonides, one of the central pillars of Judaism. Rabbi Kahane and I were friends who often disagreed; I accepted all of his questions, but none of his answers. Unfortunately, I believe that Rabbi Kahane only gave a partial picture of Maimonides' position.

The passage he would cite is from Laws of Kings, Ch. 6, Law 1, an almost verbatim quote from our verse in Shoftim which commands us not to make war (either voluntary or obligatory) unless we first offer peace. Maimonides, however, adds a condition which does not appear in our text in the Biblical portion: the Gentiles must accept the Seven Noahide Laws, the prohibitions against murder, immorality and idolatry, as the very first conditions of a peace agreement. And then Rav Kahane continues to quote the master legalist - philosopher: "And the servitude which they must accept means that they are to be scorned and debased to a lower status, and they may not lift their heads among Israelites, but they must be conquered under their power, and they can't be appointed over an Israelite for anything in the world. And the 'maas' (tribute) which they accept shall find them willing to serve the king with their bodies and with their money, such as the erection of the walls and the strengthening of the fortresses."

Certainly Maimonides' words sound rather harsh. But Rabbi Kahane overlooked that two other central pillars, Nachmanides and Rashi, interpret tribute (l'maas) and servitude (ve'avadukha) quite differently. In addition, scholars have found no Biblical or rabbinic source for Maimonides' interpretation of 'scorn and servility.'

In fact, Professor Gerald Blidstein, in his work Political Concepts in Maimonidean Halakha, claims that Maimonides' language concerning a captured people can be traced to the Koran (Sura 9,29), which use identical language regarding the status of a captive people. This would suggest that in Maimonides' time, the code for captured nation status was set by the Islamic powers, which debased its captives. And it would seem that Maimonides took the code of the Islamic world and their attitude toward non-Muslims and applied it to Jewish law. In effect, Maimonides utilized a rule which he expresses often in his Code of Civil laws when Jews would be called upon to judge Gentiles: "We judge them in accordance with the way in which they would judge us if we were to be judged in their courts." By adopting the Gentile's rules, we might get them to see the necessity of their revising their ethics of warfare captivity.

Moreover, Nachmanides disagrees with Maimonides. Tribute and servitude have nothing to do with being scorned and derided. Rather, v'avedukha (servitude) means that any Jew can hire the captured people to draw his water or to chop his wood, but the

worker must be "properly compensated." And maas means that they have to build storehouses and government projects, whenever it be necessary to do so.

Rashi's interpretation of tribute and servitude is the simplest - maas v'shebud. Maas means that the captured are required to pay taxes. And shebud means that they're supposed to do some service for the nation.

And because of the parallel structure in the phrase maas v'shebud there is an implicit suggestion that the two are connected: how you pay tribute is how you do service. And since taxes-tribute-means that only a part of that money you earn goes to the government, similarly shebud means that you serve the government on a part-time basis, several years out of one's life, akin to the national service operative in Israel society today.

The interpretations of Rashi and Nachmanides make it clear that if two conditions are met, then we can extend legal citizenship (should they desire it) to the Arabs from the territories: first, if they accept a role of responsibility toward us and, I would add, publicly vow fealty to the Government of Israel.

And even more to the point, in the same chapter 6 of Laws of Kings, (but this time law 5), Maimonides introduces the concept of the necessity of desisting from actions which desecrate G-d's name in the eyes of the Gentile world in the manner in which we treat Gentiles, even in times of warfare against them.

The proper sanctification G-d's name must be a necessary factor in every decision of the State of Israel, political as well as military. (see Maimonides, Mishneh Torah, last law of the Laws of Slaves), in which he reminds us that both Jew and Gentile emanate from the "womb" of the same G-d). Proper orchestration between the protection of our security needs and our sanctification of G-d's name is the greatest challenge of our time. And I would submit that everything we do to prevent collateral damage - even to the extent of refusing aerial bombing in favor of house-to-house searches despite the concomitant losses we must suffer as a result - gives us high marks (and great heartache) in the continuous challenge of forging a State which hopes to be "a light unto the nations."

© 2007 Ohr Torah Institutions & Rabbi S. Riskin

## **RABBI ADAM LIEBERMAN**

### **A Life Lesson**

In this week's Torah portion, Moses instructs the Jews on additional commandments they need to observe.

He tells them that when they appoint a king, the king: "...shall write for himself two copies of this Torah ... it shall be with him, and he shall read from it all the days of his life." (Deuteronomy 17: 18-19)

G-d wants the king to have a Torah - with all its commandments - in his personal possession at all

times. Why would a king, the very person in charge of telling others what to do, have to do this?

It is because all too often we'll see people who are in charge decide - whether consciously or not - to have one set of rules for themselves and a completely different set of rules for everyone else.

Why is it that people "in charge" so often believe that one set of rules should apply to them and another set to everyone else? The reason is when you're the one barking out orders, it's very easy to forget that you too have a boss to answer to - one named G-d.

This is precisely the reason G-d wants every king not only to possess two Torah scrolls, but actually to keep one with him at all times. Every place a king goes (except in unclean places) the Torah goes with him as well. Clearly, there are many perks with being a king, and a king is certainly entitled to all of them. But his underlying behavior must be to abide by G-d's rules, not his own.

The powerful message is very clear. There cannot be one set of rules for a leader and another for his followers. G-d tells the Jewish people that kings and their followers must all live by the same rules.

We see this happening in our own lives all the time. Parents instruct their children never to lie, but when the same child answers the telephone, the parent may quietly whisper, "Tell him I'm not home." This is the exact behavior that G-d wants us to avoid at all costs.

And in everyday situations, sound advice you readily give to others you should also start taking for yourself. Practice what you preach. Live by the same words you give to friends, family, and co-workers, and don't feel you're above any of it. This will force you to grow in ways you've never imagined, and that's exactly what G-d had in mind. © 2007 Rabbi A. Lieberman & aish.org

**RABBI ABBA WAGENSBERG**

## Emotional Alignment

**T**he beginning of Parshat Shoftim cautions the judges of the Jewish people, "Do not take a bribe (shochad)" (Deut. 16:19). The Talmud (Ketuvot 105b) asks, "What is shochad? It means SHE'HU CHAD (that he is alone)."

The commentator Gan Raveh explains this cryptic remark in light of another Talmudic passage (Shabbat 10a) that states, "Any judge who issues a true verdict is considered to be a partner with G-d in Creation." In other words, a judge who accepts a bribe cannot issue a true verdict, since the bribe will have swayed his perception of truth. Since his ruling will not be just, he can no longer be called G-d's partner in Creation. Therefore, the bribe (shochad) has led him to a state where he is alone (she'hu chad).

The Talmud (Ketuvot 105a) wonders what new idea we learn from the verse, "Do not take a bribe." If

the phrase is trying to teach us not to acquit the guilty and accuse the innocent, this idea is stated explicitly elsewhere, "You shall not pervert judgment" (Deut. 16:19). Rather, the Talmud explains that a judge must not take a bribe even if it is in order to acquit the innocent and accuse the guilty. Accepting a bribe is wrong even if the verdict issued is ultimately correct!

This raises a problem. Earlier, it seemed that shochad led to the corruption of justice, which distanced the dishonest judge from G-d. Now it seems that shochad applies even if the judge issues a true verdict. How, then, can we say that he is considered to be chad (alone)? Ultimately, he did what was right!

In order to resolve this difficulty, we must return to the Talmudic statement we mentioned initially: "Any judge who issues a true verdict (emet l'amito) is considered to be a partner with G-d in Creation." The commentator Divrei Chanoch wonders why the double expression *emet l'amito* (literally, "truthful truth") is used here, when the single word *emet* (truth) would seem to suffice. Once absolute truth has been reached, what could possibly make it truer?

The Divrei Chanoch explains, based on the Beit Yosef (Choshen Mishpat 1:2), that even if the final ruling is true, a judge who accepts a bribe will still favor one party more than the other. This is a corruption, since the judge loves the party that gave him the bribe and hates the party that didn't. Although the ruling itself may be *emet*, the judge's emotions have been altered, so the verdict cannot be *emet l'amito*. "Truthful truth" refers to the internal world as well, not merely an externally correct judgment.

The Divrei Chanoch therefore explains why a judge who accepts a bribe, yet issues a true verdict, is nevertheless considered to be "alone." In order to be a partner with G-d in Creation, a judge must be truthful through and through. Actions alone are insufficient; his emotions must also reflect his utter commitment to justice. We can learn from here that it is not enough just to act properly. We are expected to feel the right way, as well - to align our emotions with the will of G-d.

According to the commentator Torat Avot, there are two levels of truth. The first level is intellectual, based on knowledge and reasoning. The second, higher level is emotional, drawn from the wisdom of the heart. This does not in any way dismiss the value of intellectual knowledge. However, it is crucial for the Torah learning that we acquire intellectually, to permeate our hearts emotionally. Torah study often changes the way we think - but we must be sure that it also changes the way we feel.

May we all merit to reach inward and live a truly truthful life, by allowing Torah to penetrate our hearts and change our feelings. In this way, may we live up to the high standards of behavior that have been set for us, so that G-d will judge us favorably! © 2007 Rabbi A. Wagensberg & aish.org

RABBI ZEV LEFF

## Parsha Insights

“**W**hen you go out to war against your enemy and you see horses and chariots, an army greater than you, do not fear them, for the Lord your G-d, Who took you out of Egypt, is with you.”(Deut. 20:1)

How can we possibly expect to achieve such a high level that we do not fear when we go into battle? Even Moses fled in terror when his rod was transformed into a snake. Yet if the Torah commands us not to fear the impending battle, it must be something within the capability of every Jew.

The Talmud (Brachot 60a) raises a seeming contradiction between the verse, "Fear in Zion, you sinners" (Isaiah 33:14), which implies that fear is a sin, and the verse, "Fortunate is the one who fears constantly" (Proverbs 28:14). The Talmud resolves the apparent contradiction: fear of losing one's Torah learning or mitzvah observance is positive; all other fear is negative.

A careful consideration of the mitzvot of our parsha provides important clues as to how we can attain the proper fear and avoid all other fear. The unifying thread running throughout is the necessity to pursue perfection. The parsha begins with the command to appoint judges and enforcers of the law to ensure tzedek - complete and perfect righteousness. Our right to occupy Israel, the land of perfection, depends on our pursuing this goal diligently. Life - meaning an attachment to G-d - is possible only where that quest for righteousness is in progress. For this we require judges to discern what is right. And they must be given the means to enforce that judgment.

The Alter of Kelm explains that judges and enforcers parallel chachma (wisdom) and mussar (ethics) on the individual level. Chachma is the ability to discern what actions and thoughts are an expression of G-d's will; mussar is the ability to translate that knowledge into action.

The Torah continues with three prohibitions that put our quest for perfection into perspective. First we are told not to plant an asheira (tree) near the altar. The message is that one is not to be misled by that which is attractive or fruitful - such as an asheira, from the path of total subjugation to G-d.

The cold, unattractive stones of the Temple altar represent total devotion to G-d. And it is the sacrifices, which appear to involve the destruction of an aspect of the physical world, that in reality preserve and give sustenance. For this reason we are commanded to salt the portions of the sacrifices that are to be burnt on the altar. Salt is a preservative. We salt the portions about to be consumed on the altar to show that they are in fact being preserved eternally by being offered to G-d.

Next the Torah enjoins us not to set up a matzeivah, a monolith, but rather a mizbe'ach. Sforno explains that a single stone represents a person standing perfect before G-d. A mizbe'ach altar of many stones, by contrast, represents the quest for perfection of a yet imperfect individual. If a Jew deludes himself into thinking he has reached perfection, disaster is sure to follow.

The next prohibition against offering a blemished animal teaches us, says Sforno, that our goal is perfection and quality, not quantity.

If one deviates even slightly from following G-d's will, the quest for perfection cannot succeed. "Justice, justice pursue" - righteousness is a result of righteousness; it can never result from unrighteousness.

Rabbi Yisrael Salanter relates the following parable: King A bet King B a million rubles that he could convince King B's prime minister to disrobe publicly. King B could give his prime minister any instruction he wanted as long as he did not reveal the wager. King B called in his prime minister and informed him that he was being sent to King A's country, where he could do whatever he pleased with one exception - under no circumstances was he to disrobe publicly.

After a few days, King A called in the prime minister and asked him how he had become a hunchback. The prime minister responded that he was not a hunchback. King A countered that he most certainly was a hunchback, and he was willing to wager a half of million rubles to that fact. To establish who was right, the prime minister was to disrobe in front of the royal court.

The prime minister eagerly accepted the wager, despite the king's orders. He reasoned that the bet was a sure thing, and he would split the profits with King B. The prime minister disrobed. The royal court unanimously concurred that he was not a hunchback, and the king gleefully gave him his half of million rubles.

Upon returning home, the prime minister told King B his windfall and offered to split it with the king. But instead of being delighted, the king was enraged. "You think you won me 250,000 rubles, you fool. You cost me a million rubles because you failed to heed my command," King B shouted.

So, too, says Rabbi Yisrael, do all those who attempt to reach G-d in non-prescribed ways deceive themselves. Theirs is the path of idolatry, the next subject in the parsha.

Only by obeying the Torah leaders of the generation can one be assured that his path leads to perfection, and not its opposite. Thus the need for such obedience is the next topic in the parsha.

When the quest for perfection is the driving force in a person's life, the fear that he is deluding himself or is failing to achieve this perfection is always with him. He can be compared to someone who is

afraid of mice and finds himself in a burning building with a mouse standing at the only exit. That person will quickly forget his fear of mice.

So, too, will every other fear pale for the one who seeks above all to draw close to G-d - besides the fear of losing his closeness to G-d: "G-d is my light and salvation, from whom should I fear; G-d is my life's strength, from whom should I dread?... If an army encamps against me,... in this do I trust... that I will dwell in G-d's home all the days of my life, that I will see the pleasantness of G-d and visit in His inner sanctum." (Psalms 27:1-4)

When such a person goes into battle to fight the enemies of Israel and G-d, the only thing that concerns him is the strengthening of G-d's rule that will result from victory.

In this vein, Sefer Hachinuch (Mitzvah 525) explains the foundation of the mitzvah not to fear the enemy in battle: Every individual Jew should put his trust in G-d and not fear for his own personal life in a situation where he can give honor to G-d and his people. He should not think about his wife or children or property, but rather divert his mind from everything and concentrate only on the battle. And further he should ponder that the lives of the entire nation depend upon him...

One who fights with all his heart, with the intention of sanctifying G-d's Name, is assured not to be harmed and will merit for himself and his children a faithful home in Israel and eternal life in the World to Come.

Because his only fear in battle lies in not achieving the kiddush Hashem of victory, he does not fear the enemy because he is thinking only of his own awesome responsibilities.

It is not fear which is prohibited but fearing "them." The fear of the enemy pales into nothingness next to the fear of the chillul Hashem of being vanquished in battle. © 2007 Rabbi Z. Leff & aish.org

### **RABBI MORDECHAI KAMENETZKY**

## **Just Justice**

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

The Torah repeats the word righteousness. It does not repeat the word pursue. Would it not have been more appropriate to stress the word pursue rather than the word righteousness? Second, what does "righteousness, righteousness" mean? Isn't one righteousness enough? What is double righteousness?

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

Veteran news reporter David Brinkley surveyed the Washington scene back in September of 1992 and reported a very interesting event. Washington, DC derives a great portion of revenue from traffic tickets. In fact, \$50 million a year is raised from tickets for moving violations, expired inspection stickers, overdue registrations and of course the inescapable plethora of expired parking meters.

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

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

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

It is said that during the 1930s, when the saintly Rabbi Yisroel Meir haCohen of Radin, better known as the Chofetz Chaim, was in his 90s, he wanted to live the last years of his life in Eretz Israel. However, he was unable to obtain a Polish passport because the Polish government required him to produce either an official birth certificate, or bring forward two witnesses who were there at his birth! All of that was in pursuit of an unjust code of law. The Torah tells us this week to be vigilant in the pursuit of righteousness, but it also tells us to be righteous in its pursuit as well! © 1999 Rabbi M. Kamenetzky & Project Genesis, Inc.

