

# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI DOV KRAMER**

### Taking a Closer Look

“**T**here shall not be for the Kohanim [or] the Levi'im, the entire Tribe of Levi, a portion and an inheritance with (the rest of the nation of) Israel" (Devarim 18:1). As Rashi explains, this means that no one from the Tribe of Levi gets a "portion" of the spoils of war, nor do they get any land in. What happens if a Kohain or Levi doesn't listen, and takes possession of any spoils or moves onto a plot of land in Israel? "A Levi or Kohain that took a portion of the spoils gets whipped (the 39 lashes inflicted for violating a Biblical commandment not to do something). And if he took an inheritance in the land, they remove him from it" (Rambam, Hilchos Shemita 13:10). The commentators are puzzled as to why the laws are different in the two cases. Both are violations of a "negative commandment" (a commandment not to do something) where the opportunity to make amends exists (which usually preempts the punishment of "makos," or lashes); just as we can take him off of the property he lived on illegally, he can return the spoils he took that he wasn't supposed to. As a matter of fact, the Chinuch disagrees with the Rambam, telling us (Commandment #505) that neither violation is punished by "makos," as returning what was taken is a possibility. How can the Rambam say that taking spoils is punishable by "makos" if the spoils can be returned? Why is it different than "taking an inheritance?"

The Chinuch, who presents a reason for every Biblical commandment, gives a separate reason for the two prohibitions. A Levi is prohibited from sharing in the spoils of war "because they are G-d's workers, [and] it is inappropriate for them to use vessels that were grabbed from other people during wartime by sword, spear [or] javelin, for only things that were acquired in a peaceful, upright and trustworthy manner should enter G-d's house, and so that no man or woman worry over it." Explaining Commandment #504, on the other hand, he writes that Levi'im do not get an inheritance in the Land of Israel "in order that this Tribe is involved only in serving G-d, blessed is He, and will not need to work the land. [Instead,] the rest of the Tribes give them a portion of everything they have (i.e. the tithes), without (the Levi'im) having to work for it at all." The Rambam (13:12) gives a similar reason for both prohibitions, saying that the Tribe of Levi does not get a share of the

spoils, nor do they get an inheritance in the Land of Israel, "because they were separated to serve G-d and to teach His correct ways and righteous laws to the public. And they were therefore separated from the ways of the world and do not wage war like the rest of [the nation of] Israel and they do not inherit (the land)." As noted by Rabbi Yehuda Levenberg, shlita (Imray Chain 89), referencing the Nodeh B'Yehuda (II Y"D 201) and the Meshech Chochma (Bamidbar 31:4), not waging war corresponds to not being allowed to take any spoils, as only those that went to war or guarded the supplies get a share in the spoils. In any case, the Rambam and the Chinuch differ not only regarding whether or not a Levi who takes spoils get "makos," but also why they were prohibited from sharing in the spoils in the first place.

Although there could be (and are) numerous reasons for each of the commandments, and different reasons need not be mutually exclusive, in this case it appears that the Rambam could not agree with the Chinuch's reason for the spoils being prohibited, as he is of the opinion (13:11) that when a war is waged outside the Land of Israel, Levi'im can get an inheritance and share in the spoils. If there was something inherently improper with G-d's workers owning anything obtained during combat, they shouldn't be allowed to keep any spoils, from any war, no matter where it was waged. [Why owning land or waging war is different outside of Israel proper is unclear. It may have to do with the nature of this type of war, similar to the Levi'im being included in the war against Midyan in the 40th year in the desert (see Rashi on Bamidbar 31:4), or perhaps after Israel proper was already conquered and settled, any wars outside of it were on top of whatever responsibilities owning land in Israel already entailed; just as non-Levi'im participated in this war despite their obligations at home, so too the Levi'im participated despite their primary responsibility at home as G-d's workers.) The Chinuch, on the other hand, agrees with the Ra'avad, and does not differentiate between the Land of Israel proper and the land beyond what was promised to our forefathers (with the prohibitions applying there as well). Therefore, for the Rambam, the reason for the two prohibitions are the same, i.e. to prevent the Tribe of Levi from the worldly distractions brought about by owning land and waging war/acquiring spoils, while the Chinuch understands the problem with owning any spoils of war to be of a

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moral nature. In short, both agree that the problem is owning land (because of the distractions that go along with it), but they disagree as to why the spoils are problematic. The Chinuch says there is also a problem owning spoils (because of how they were obtained), while the Rambam says the problem is not so much owning the spoils, but obtaining them, as it means having been involved in the war effort (which is a distraction to their holy work).

This might be why they differ regarding getting "makos" as well. If the problem is owning the land and owning the spoils, disowning them (by being removed from the land and returning the spoils) takes care of the issue, and negates the possibility of "makos." However, if the problem is not "owning" the spoils, but rather "obtaining" them (by being involved in the war effort), returning them does not undo the fact that they had already been obtained and that this Kohain or Levi participated in the war effort enough to qualify for a share in the spoils. And because he transgressed the commandment not to qualify for the spoils, the Rambam says that he gets "makos." © 2008 Rabbi D. Kramer

#### **RABBI BEREL WEIN**

### **Wein Online**

**T**hough most of the attention in the opening parsha of Shoftim is devoted to judges and the judicial system of Israel, the Torah does specifically mention the necessity for shomrim - police - to enforce the law and the decisions of the judiciary. In fact one may make a clear argument that a fair, impartial and efficient police force is as necessary for the proper functioning of society as is a judiciary blessed with those qualities.

A corrupt police force is the hallmark of a doomed totalitarian society. A lawless country that has no proper police enforcement of just and mutually agreed upon statutes is a place of chaos that no one should ever wish to live in. All of the standards of righteousness, fairness, impartiality and holiness that are listed in the Torah regarding judges apply in the same vein and intensity to police personnel as well. A society that cannot trust its police force to be fair and honest is a society of fear- one that only breeds mistrust and eventually crime within itself.

The examples of this truth in past history and current events are too numerous to mention. Since police are usually armed and are empowered to use necessary physical force when they deem the occasion warrants it, police who do not subscribe in practice to the moral code that the Torah sets for them become a danger instead of a blessing to the general welfare of society. The social fabric of our own society has been badly frayed by instances of police misconduct. The Torah holds police to a high standard of behavior and morality. We should not allow a lower standard for the sake of some sort of expediency.

Jewish police are still something of a rarity in the Jewish psyche. The Germans used them in the ghettos of destruction that they established. The police themselves were eventually also liquidated by the Germans but they were widely viewed by the limited number of ghetto survivors as being reprehensible people. The police in Israel were originally viewed as an heroic group, part of the ethos and culture of the "new Jew" fostered by the early secular Zionist pioneers. Over the past few years some of this original luster has dimmed due to police misconduct, corruption and inefficiency.

Petty personal squabbling among the leaders of the police has also led to the tarnishing of the police image. The police claim to be underpaid and overworked which certainly may be true. The Torah's admonition of creating an effective police force nonetheless remains in place. The public perception of the police is often as important as is its actual effectiveness.

A lack of public trust in police behavior and probity endangers the entire balanced structure of a law abiding society. As such, the Torah's declaration in this week's parsha regarding the judiciary and the police remains intensely relevant in our time as well. There is a special prayer in the Amidah for the welfare of our judiciary.-and the police are subliminally included in that prayer as well. © 2008 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**his week's parsha discusses the issue of war and reveals that war is only undertaken as a last resort.

The portion opens by proclaiming, "When you come close to a city to fight against it, then proclaim peace unto it" (Deuteronomy 20:10 ). Rashi maintains that this verse only applies to the first half of the paragraph that deals with optional wars (Deuteronomy 20:10 -15). Hence, this part concludes with the words, "thus shall you do (seek peace) to all

the cities which are very far off from you, which are not of the cities of these nations" (Deuteronomy 20:15 ). But regarding the conquest of the seven Canaanite nations, obligatory war, peace overtures are not made. According to Rashi, this, in fact, is the intent of the second half of this paragraph (Deuteronomy 20:16 -18).

Ramban disagrees. He insists that the opening verse, which outlines the obligation to seek peace first, is a general statement about both obligatory and permissible war. After all, Yehoshua (Joshua) offered peace to the Seven Canaanite nations, nations whom we were obligated to confront militarily.

For Ramban, the paragraph is divided following this general heading. The first half addresses optional war where those not directly involved in the military conflict are spared (Deuteronomy 20:11 -15). The last half of the paragraph tells us that in the obligatory war, no one escapes, everyone is to be decimated (Deuteronomy 20:16 -18).

Ramban adds that peace could be achieved, even in the case of the Seven Nations, those who manifested the worst of immorality and idol worship. If they renounce their evil ways and abide by basic ethical principles, they would be allowed to remain in the land.

Ramban, one of the greatest lovers of Zion , teaches us that even when it comes to conquering the land, there is a perpetual quest for peace. This position has been echoed in the State of Israel's relationship with its neighbors. Israel has always reached out to make peace and gone to war only when absolutely necessary.

All this is reflected in the pledge taken by Jewish soldiers as they are conscripted into the army. They commit themselves to what is called Tihur Ha-Neshek, Purity of Arms. This proclamation recognizes the necessity of self defense, but insists that war, if necessary can be conducted with a sense of purity, a sense of ethics, and with the spirit of a longing for peace, the true spirit of the Torah. © 2008 *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.*

#### **RABBI ABBA WAGENSBERG**

### **Between the Lines**

**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! © 2008 Rabbi A. Wagensberg & aish.com

### MACHON ZOMET

## Shabbat B'Shabbato

by Rabbi Amnon Bazak, Yeshivat Har Etzion

**T**he Torah deals with false witnesses and warns about the punishment for the sin: "If a false witness rises up against a man to make an evil declaration, let the two men who have a dispute stand before G-d and before the Kohanim and the judges who exist at the time. Let the judges investigate fully whether the witness is a false witness, one who has declared a falsehood about his brother. And you shall do to him as he had planned to do to his brother. And you shall eradicate evil from within your midst." [Devarim 19:16-19]. The simple interpretation of this verse implies that the judges examine the witnesses in depth. Note that in other places this is indeed the meaning of the verb used in the verse, "v'darshu (dalet-resh-shin)." "And you shall investigate and research and ask well, and behold it is true, this evil deed was performed in your midst" [13:15; see also 17:4]. That is, the verse implies that if the examination reveals that the witness is lying he should to be punished in the same way as what he wanted to inflict on the accused.

However, as is well known, the oral Torah established that this equivalent punishment is only applied in a very specific case? if two later witnesses declare that the first ones could not have seen the event at the time that they claimed, since "you were with us at the same time in another place" (see Rashi). But based on the verse itself this does not seem to be the only relevant case. The Torah does not mention other witnesses or the contents of the testimony but seems to leave the decision in the hands of the judges, based on their examination of the testimony. Why did the oral Torah insist that the only case where the false witnesses are given the same punishment that they planned for the victim is when they are contradicted in a specific way by a second pair of witnesses?

There does indeed seem to be a significant difference between the simple meaning of the verse and the interpretation of the Midrash. A simple reading of the verse seems to imply that any false witness will be severely punished and that the judges have the authority to decide whether the testimony is true or not. However, the oral Torah put a limit on the laws of false testimony. At first glance, with respect to these laws which might have an impact on a death sentence, extraordinary weight has been given to the opinion of the judges. The oral Torah therefore removed the authority to decide on the veracity of the witnesses from

the subjective opinion of the judges and replaced it with a more objective criterion which depends on other witnesses. And because it would not be reasonable to overturn the statement of the original witnesses based on contradictory testimony alone, since neither set of witnesses has more inherent power than the other (independent of how many witnesses there are, in that in principle "two witnesses are the same as a hundred," see the Ramban), the only remaining reasonable alternative is for the second set of witnesses to claim that the first ones could not have seen the events as described.

In any case, the simple reading of the verse teaches us how important it is for the judges to examine the witnesses and the serious nature of false testimony. In principle, this sin has a very severe punishment: "And you shall eradicate the evil from within you. And let those who remain behind listen and see, so that they will not continue to do such evil acts among you." [19:19-20].

### RABBI ZEV LEFF

## Outlooks & 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. © 2008 Rabbi Z. Leff & aish.com

**RABBI SHLOMO RISKIN**

## Shabbat Shalom

“Judges and officers shall you establish in all of your gates... and you shall come to the Kohan-Teachers, to the Judges who will be [functioning] in those days. And you shall do in accordance with what they tell you... And you shall surely set up for yourselves a King...” (Deut 16:18, 17:8-10, 14)

Fascinatingly enough, the Bible records a number of different and distinctive leadership roles in the Biblical period in Israel, each of which has to be adequately defined and understood: King, Judge, Kohan-Priest and Prophet. Each of these functionaries played a major role; however, only when all four leadership roles operated in tandem, with each playing his "instrument" to perfection, and when at the same time each one successfully served to check and balance the others, could the Israelite nation hope to become a "holy nation and Kingdom of Priest-teachers."

The King must be the orchestra leader. He must serve as Chief Executive Officer par excellence, responsible for setting the theoretical policy and effectuating the proper functioning of a government dedicated to being a beacon of light and enlightenment, a model of morality and freedom, to all the nations of the world. The King must be the symbol of the King of all Kings, both for his nation as well as for all of humanity, and he must therefore discard the normal trappings of a powerful monarchy - the acquisition of many houses (Volvos today), the marrying of many wives (or "cavorting" with many mistresses) and the amassing of much gold and silver - in favor of his always bearing on his person a second Torah Scroll. (Deut. 17:15-20; Maimonides, Mishneh Torah, Laws of Hagiga 3).

The next most critical functionaries were the judges, and when qualified, their legislative skills might bring them to the Sanhedrin, the highest court in the land. The Sanhedrin dealt with great national questions; it sat within the Holy Temple borders, in the office of Hewn Stone or clear-cut decisions (Lishkat HaGazit), and was presided over by the Prince or President (Nasi), who traditionally hailed from the family of Judah. These Judges not only decided the law which was to be followed by Israel, especially those laws which were involved in dispute and dissension within the ranks of rabbinic leadership but even more importantly, the Sanhedrin had to extract and extrapolate new laws in response to changing circumstances; the critical function of the Sanhedrin was nowhere in greater evidence than after the destruction of the Second Temple, when our Sages transformed Judaism from a

Temple-centered, Priestly-directed nation to a very different "Prayer-and-Repentance" oriented people, through whose legislative body of Elders the external Divine Voice from Sinai would continue to be heard throughout the generations.

But perhaps the most fundamental of all functionaries were the Priest and Prophet, the Kohan and Navi, who had to complement each other despite (or perhaps because of) the natural tensions which (of necessity) developed between them, and whose awe-inspiring presence - especially that of the prophet - is so tragically absent today. I have previously commented on the fact that the Kohan-priest wore unique and special garments, and that the position of Kohan-priest was completely dictated by pedigree: only if your father was a Kohan-priest could you be a Kohan-priest. The Kohan represented the march of tradition, the ritual laws regarding praying and eating, ascetic fasting and celebratory feasting, the minutiae of religious observances from the moment the Jew rises in the morning to the time he/she goes to sleep at night, the life-cycle events from cradle to grave.

But as crucially important as ritual detail may be for our Jewish continuity and eternity, and as an expression of the utter seriousness with which we look at Divine service, compulsive obsession surrounding our observances can destroy the very spirituality our religion is desperately attempting to foster, and turn a sincere inner religious emotion into an external "show" of one-upmanship. This was the kind of degeneration occurring within the sacred walls of the Holy Temple itself, and it caused the prophets to speak out against the hypocritical sacrifices and the meaningless festival celebrations that left widows and orphans in the lurch.

Today, we can see the tension between ethics and ritual in the area of Kashrut. The major purpose of kashrut certainly included uniting the Jewish people into a cohesive, unique and separate ethnic entity, dedicated to the preservation of our faith. Instead, in the contemporary Jewish world, the results are the exact opposite. Is there any force in contemporary Jewish life which divides the Jewish people to a greater extent than Kashrut observance! More often than not, fervid religiosity is measured by which homes and restaurants I will not eat in or which Kashrut certifications I will not accept. Are we truly preserving the march of Jewish generations and the importance of binding traditions from parents to children when children refuse to eat in Sabbath observing parental homes because their parents do not abide by a stringency of "Kosher" milk (halav yisrael) or accept the Chief Rabbinate permissibility of selling the top soil of Israel to the Arabs during the Sabbatical year!?

In Biblical times it was the prophet - devoid of special clothes or special pedigree - who reminded the Kohan priests as well as the nation that G-d desires first and foremost service of the heart, and that the true

purpose of the ritual was to bring Jews together in love and compassion. The prophet decreed animal sacrifices and festival observances as meaningless, reduced to empty forms and hollow attempts at bribing G-d, if devotees of ritual forget the orphan, the widow and the homeless (Isaiah 1). Tragically, the courageous voice of the prophet, whose major task is to properly define religious priorities, is sadly lacking today within our institutionalized, and all too often ossified, Jewish community. © 2008 Ohr Torah Institutions & Rabbi S. Riskin

### **RABBI PINCHAS WINSTON**

## **Perceptions**

**J**udges and law enforcers you must establish in all your communities, which G-d, your G-d gives to you, throughout the tribes; they must judge the people fairly". (Devarim 11:26-28)

"Do you understand what it means when it says forbidden?" How many children have been asked that question growing up? How many adults need to be asked that question after already having grown up? How many of us will ask ourselves this question on this Yom HaDin, and will be asked this question on THE Yom HaDin Hagadol v'Hanora?

The answer, of course, is simple: it means you cannot do something. The difficult part is in understanding why we do it anyways, and do it, and do it, and do it, etc. Actually, come to think of it, the answer to that question is also quite simple: we are compelled to do that which is forbidden by the yetzer hara, as the Torah states:

"G-d smelled the pleasing odor, and G-d said, 'I will never again curse the land because of mankind, because the inclination of the heart is evil from his youth.'" (Bereishis 8:21)

So, there you have it: we are born into our lowly position, as the Talmud declares: "Difficult is the yetzer hara that even its Creator called it "evil," as it says, 'Because the inclination of the heart of man is evil from his youth' (Bereishis 8:21).

"Rav Shimon, the son of Levi said: every day the yetzer of a man strengthens itself seeking to kill him." (Kiddushin 30b)

Whoa! Kill us? Really? If so, then what can we actually do to rectify the situation if we are born behind the spiritual eight ball? If it is over before we even start, the why even bother try? Well, for starters, it says:

"According to the effort is the reward." (Pirkei Avos 5:26)

In other words, though you may not succeed in this world by trying, you will always succeed in terms of the next world for trying. No effort to do good goes unnoticed by Heaven, or unrewarded by G-d.

The only problem is that, true as this may be, it does not always suffice as motivation to keep trying; we humans need to see positive results from our positive

actions to remain positive about trying. It's the way G-d made us, so the question remains: Why keep trying if we can't succeed? The answer is, it all depends upon what you call "success."

We can succeed by recognizing our inherent weakness, and then by turning to G-d for help. We move in the direction of success when we acknowledge that, without G-d's help, we don't stand a chance, but that with G-d's help, we stand every chance. We earn reward in the World-to-Come just for trying, but we earn success in this world for enlisting G-d's help in our fight against our yetzer hara.

This idea is alluded to by the Talmud, when it says: "In the Time-to-Come, The Holy One, Blessed is He, will bring the yetzer hara and slaughter him before the righteous and the evil. To the righteous it will appear like a high mountain, and to the evil it will appear like a thread of hair. Both will cry; the righteous will cry and say, 'How were we able to overcome this high mountain?' The evil will cry and say, 'How were we not be able to overcome this thread of hair?'" (Succah 52a)

Like a lot of the Talmud's midrashic content, important insights only emerge by meditating on the simple words, by not taking them only for face value. The Talmud is making a very important distinction between righteous people and evil people, and it is far more subtle than most think, especially when we factor in the well-known concept of measure-for-measure (Sanhedrin 90a).

For, when it comes to punishment, G-d always makes sure that the punishment fits the crime, in order to educate us in this world, and to justly punish people in the next world if they didn't correct their behavior while still alive. Therefore, it should be that, by looking at what occurs in this Midrash after history has come to a close, we can figure out the mistake made by the evil people during history, and for that matter, what the righteous people did right.

So, how does the yetzer hara appear to the righteous people at the End-of-Days? It appears like a mountain, an intimidatingly high mountain, one that they can't imagine ever having climbed. And, how does the same yetzer hara appear to the evil at the End-of-Days? As a thread of hair, a shockingly thin, conquerable thread of hair, and they will be aghast at how they hadn't even tried to do so.

If so, then, it must be that this is how each looked at the yetzer hara during his lifetime. The righteous saw the yetzer hara as a huge mountain, one likely to overcome them before they overcame it. Therefore, in humility, they turned to G-d for help. As a result, they received tremendous Heavenly help, and were able to tame their yetzer hara, and channel its energies in a holy direction, as if it was subservient to them.

Not so the evil people of history. They never took their yetzer hara seriously, treating it instead like it was but a thread of hair, as if they had always been in perfect control of all that they did. Huh! How different things seem on Yom HaDin, after the yetzer hara is history, and life appears as it actually was from G-d's vantage point! At that time, the line between Gehenom and Gan Aiden will appear to them as thin as the hair they let overcome them, and they will cry, "Why didn't we just step over it to the right side of the line!"

With this interpretation, we can answer an important question. Everyone knows the story of how the wife of Potiphar tried to seduce Yosef, and how he almost fell prey to her scheme. According to one opinion in the Talmud, Yosef actually came to the house of his master that day to acquiesce to her request, and would have, had he not seen an image of the face of his father, which he took as a warning and fled.

For rejecting the wife of his master, Yosef earned the title "tzaddik." However, the question is, why? First of all, he shouldn't have even considered accepting his master's wife's proposal of adultery, and secondly, the only reason why he succeeded in avoiding sin was because he saw his father's face in his mind's eye. Should a tzaddik not be able to resist such temptation on his own, without Divine assistance?

According to what we are saying here, the answer is no. As Shlomo HaMelech wrote: "There is not a righteous man on earth who does only good and never sins." (Koheles 7:20)

What makes a tzaddik a tzaddik, apparently, is how he realizes just how powerful his yetzer hara really is, and how easily he can fall prey to it, sometimes over time, sometimes at a moment's notice. Aware of this inherent human vulnerability, the tzaddik never takes his yetzer hara for granted, and prays for Heavenly help in the battle against it, as Yosef did that day when he almost lost everything.

And, for doing so, he was answered with a vision from Heaven, which gave him the capability, at the last second, to fight back his yetzer hara, and do the right thing. For recognizing his need for Heavenly help in the battle against his yetzer hara, and for invoking Heavenly help to succeed, Yosef earned the appellation of "tzaddik," as does anyone who treats his own yetzer hara like a huge mountain, and turns to G-d for help. Indeed, in one siddur (Tefillah Kol Peh), at the end of Shemonah Esrai, there is a special prayer inserted for this very purpose, which asks G-d for help against our yetzer hara.

Reciting it regularly serves two very important purposes. First of all, it reminds us that without G-d's help, we can't overcome the yetzer hara, no matter how spiritually strong we may think we are. Secondly, it invokes the necessary Heavenly help to at least stay in the battle, an important first step for making sure that,

on Rosh Hashanah, when we consider our accomplishments and failures from the previous year, we have more to rejoice about, and less to regret.

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**RABBI SHLOMO RESSLER**

## Weekly Dvar

**T**his week we read the Parsha of Shoftim, which charges us to "Appoint for you judges and officers at all of your gates" (16:18). Rav Moshe Feinstein points out that the word "lecha" (for you) seems superfluous. This commandment could have simply stated, "appoint judges and officers", so why did the Torah add the word lecha? The question is even stronger if you consider that the commandment is a society-based commandment, and the extra word is singular. It seems almost contradictory to address an individual while describing a community-based law.

Rav Moshe explains that the Torah is teaching us a very fundamental concept. In addition to the need for society at large to have these judges and officers, individuals must be both a judge and officer over themselves. The Shlah continues this thought when he explains the continuation of the Passuk (verse), explaining that a person has seven "gates": two eyes, two ears, two nostrils and a mouth. The way that these gates are used will either build or destroy the person. A person must control the flow through these gates. But the Torah also tells us that to accomplish our goal of controlling what comes out of our 'gates', we need both judges AND officers. Judges make the rules, and officers enforce the rules. Not only do we have to make an extra effort to know the rules by which to live, but we also need to build safeguards to help us stick to those rules. (I.e. if the rule is not to speak negatively about others, maybe we should try not to hang around people that do.) If we study the Torah's guidelines, we'll realize their value and understand our need to protect them.

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