

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI DOV KRAMER

Taking a Closer Look

“If it is found within you, within one of your gates, which Hashem your G-d has given you, a man or a woman that will do that which is evil in the eyes of Hashem your G-d, to break His covenant. And he went and he served other deities, and he prostrated before them, (and) [or] to the sun or to the moon or to [any of] (all) of the hosts of the heaven, which I have not commanded.” These verses (Devarim 17:2-3) are clearly referring to idol worship, and the consequences of doing so follow. Much has been written about the meaning of the words “which I have not commanded,” but I would like to focus on how Rashi understands them.

Rashi adds one word, “le’ovdam” (to serve them), in order to explain this expression. The end of that verse now reads either “which I have not commanded you to serve them,” or “which I have commanded you not to serve them,” a subtle yet profound difference. The first possibility means that there was no commandment telling us that we should serve them, and in the absence of a commandment to serve them, we cannot (as this would be “adding on” to the commandments, see Devarim 4:2 and 13:1). This is the way most commentators understand Rashi (or the verse, with their explanation being directly on the verse, not on Rashi), while others (including the second approach of Rabbeinu Bachye, the Ba’al Haturim on Vayikra 10:1 and the Ikur Sifsay Chachamim), explain the verse as “which I have commanded you not to serve.” Which one did Rashi mean? (I found it interesting that the Sifsay Chachamim explains it one way and the Ikur Sifsay Chachamim the other.)

Rashi’s source is the Talmud (Megila 9b), where our verse is one of the changes made by the 72 sages who were put into 72 different rooms and ordered to translate the Torah into Greek by Talmi (Ptolemy II, who ruled Egypt in the 3rd century BCE). With divine help, each of the sages made the exact same changes despite being unable to consult with each other. Each of the changes was made in order to avoid a possible misunderstanding. According to Rashi, the sages were afraid that the words “which I did not command” would be misunderstood to mean “did not authorize/create,” implying that there were things that existed that were not created/authorized by G-d. They therefore added “to

serve them” into the text, making it clear that it was not the existence of the sun, moon and stars that G-d did not “command,” but the worship of them. This context doesn’t address which way to read the verse, but it does tell us that the changes made for the Greek translation did not alter the true meaning of the text, as otherwise this change would not have been used by Rashi in his commentary (or by others) to explain to us what the verse means. However, the Talmud is not the only place where the changes made to the text by the 72 sages are enumerated, and the almost identical version taught elsewhere will help us understand how to read our verse.

Whereas the Talmud adds just one word to the text of our verse, the Yerushalmi (Megila, towards the end of 1:9), the Michilta (Bo 14) and the Midrash Tanchuma (standard, or Warsaw, edition, Shemos 22) add another word, “le’umos” (“to the nations”). The text presented to Talmi now reads either “which I have not commanded the nations to serve” or “which I have commanded the nations not to serve.” This additional word adds an interesting twist to the context of the verse. The implication would seem to be that G-d did not command this to the nations, but did to the Jewish people. How could that be? Did G-d only prohibit non-Jews from idol worship? Did He command anyone to serve the heavenly hosts? Obviously not. And what did Talmi think when he saw these words in the translation? Wouldn’t he realize that changes were made from the original for those who speak Greek? Didn’t he know that the Torah was given to the Chosen People? Why would it mention what was or wasn’t commanded to the other nations when giving the consequences of someone Jewish worshipping idols?

Rabbeinu Bachye (in his first approach) is among the commentators that understand the words “which I have not commanded” to refer to the mistake the Rambam (Hilchos Avodas Kochavim 1:1) describes as having been the beginnings of idol worship. It was thought that the same way giving honor to a king’s officers is a form of giving honor to the king, giving honor to G-d’s agents, such as the heavenly hosts, was a valid means of giving honor to G-d. Eventually this morphed into worshipping the sun, moon and stars (etc.) directly, but at least at the outset the intent was to serve G-d by giving honor to the celestial bodies He created and gave prominence. Our verses are talking about someone who worships these false deities, and therefore adds that not only doesn’t G-d want us to

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worship them, but He doesn't even want us to give them any honor, as "I have not commanded you" to serve or honor them. However, the prohibition against doing something other than the Torah's commandments are included in the prohibition against adding to the commandments; we still need to figure out why it had to be reiterated, and added here.

There is a discussion among the early commentators about whether or not sorcery, witchcraft, black magic, and the like, actually work. [The simpler understanding, based on Shaul trying to conjure up the soul of Shemuel and actually having a conversation with him (Shemuel I 28:7-19), and the Talmud (Berachos 12b) learning from Shemuel's response that Shaul was forgiven for his not fully wiping out Amalek, is that at least some forms are real.] Either way they are prohibited, and the Talmud (Sanhedrin 56b), based on verses in our Parasha (18:9-12) extends this prohibition to non-Jews as well. Although we are given an option to accomplish what those things are supposed to accomplish (18:14-15), this option (a prophet through whom G-d communicated with us) is not available to non-Jews.

Each nation has an administering angel that oversees them, except for the Chosen People, whom G-d oversees directly. These administering angels just carry out G-d's will; they do not have the autonomy to affect things on their own (see Sefornu, who explains this to be the intent of our verse). Nevertheless, it could be mistakenly thought that they can influence what happens (not just by carrying out G-d's will, but that G-d's will is that they can decide what happens). Is this the option for non-Jews if they can't use black magic (et al)? Are non-Jews supposed to give honor to their administering angels? Whether they are or not will not only affect what non-Jews do, but can affect whether Jews will be tempted to do the same (just as Jews have been tempted to use sorcery). The Torah therefore reiterates that G-d did not command anyone, neither Jews nor non-Jews, to give honor to the celestial bodies or to the administering angels.

It would be difficult to say that the verse means that G-d commanded Jew and non-Jew alike not to worship idols. The non-Jew is not being addressed, and the Jew has been warned about this countless times. The very fact that these verses are discussing the severe punishment for those that worship idols makes a

reiteration that we are commanded not to superfluous. Since the added words "to the nations to serve them" must be true to the intent of the verse (and not raise Talmi's eyebrows), it seems much more likely that the intent of the verse is "that I have not commanded." If the point is for us to know that serving these deities will not accomplish anything, we can understand why, besides telling us elsewhere not to try any forms of worship other than those already commanded, the Torah tells us that no one, neither Jew or non-Jew, was commanded to serve or honor any deities. It won't help, it's prohibited, and the consequences are severe. © 2009 Rabbi D. Kramer

RABBI BEREL WEIN

Wein Online

The pursuit of justice is an integral part of Judaism. Righteousness and justice are to be pursued through righteous means. Noble causes supported or achieved by questionable means no longer remain so noble. Since human justice is always tainted and influenced by preconceptions, prejudices, beliefs and societal pressures it can safely be said that there is no human court that can achieve one hundred percent true justice.

Yet the Torah bids us to pursue that almost unattainable goal. It is the Torah's policy to fully recognize the frailties of human beings and yet at the very same time not to compromise its spiritual standards for human behavior and values. The Torah sets for us goals and definitions. That we may be incapable of easily achieving those goals does not alter the obligation placed upon us to attempt to reach them.

True piety, justice and truth are absolutes that defy our systems of relative morality and changing societal norms and behavior. Yet it is obvious that we must have a clear definition of those lofty goals that we aspire to reach. The Torah sets very high standards for us in all areas of human life and behavior. We may not be able to live up completely to those standards permanently but a clear understanding and definition of what those standards are gives us the necessary frame of reference by which we may judge our life's activities and accomplishments. Ignoring or watering down these standards in order to feel more comfortable with one's failings and weaknesses is a sure recipe for moral corruption and societal breakdown.

Judges and police - law and order - were to be established in all of the Jewish communities at all times. In most of the period of the long exile from our homeland, the Jewish society was a self-policing one, with or without the benefit of non-Jewish governmental authorization as the case may have been.

For most of this long period of time the justice system was entrusted to the rabbis, their courts and their decisions. Their verdicts were enforced by the norms of the society in which they lived. The rabbis

respected the law of the land in all cases except where those laws were obviously discriminatory against Jews, opposed Torah laws or were patently unjust and evil.

Yet the rabbis opposed having disputes between Jews adjudicated in non-Jewish courts. With the creation of the State of Israel there now exist in our country dual judicial systems - that of the secular court system and of the rabbinic court system.

Being courts composed of human beings, neither system has proven itself infallible in all instances. Yet for the most part all of us who live in Israel feel that we do live in a country that does aspire to a correct and moral system of law and order in our society.

As long as we do not compromise the lofty standards of the Torah regarding true justice we somehow are able to live with our society's shortcomings vis-à-vis those standards. The pursuit of true justice will always remain a goal in Jewish life. © 2009 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. For more information on these and other products visit www.rabbiwein.com

RABBI SHLOMO RISKIN

Shabbat Shalom

“Judges and executors of justice shall you establish for yourselves in all of your gates.... Righteousness, righteousness shall you pursue in order that you may live and inherit the land which the Lord your G-d is giving to you" (Deut 16:18, 17: 8-10, 14). A close reading of this week's biblical portion of Shoftim reveals that critical to the people of Israel inheriting the land is the resolve to maintain a high standard of justice, particularly the appointment of righteous judges, "...who will not prevent justice, or show favoritism before the law or take bribes of any kind (ibid, 19)." When the Torah speaks of pursuing righteousness, it reiterates the word tzedek, "Righteousness, righteousness shall you pursue," a repetition that prompts a number of important interpretations: for example, 'pursuing' another religious court if the local court is deemed inadequate for the needs of the litigants (Rashi, ad loc). Or the penetrating words of Rav Menachem Mendl of Kotzk, 'pursuing' justice by means of justice, that your goals as well as your means are just.

I would add that even the basic 'administrative' elements of court-room management must be just: to begin on time without keeping the litigants waiting, neither rushing the case through, nor causing the litigants to feel that they haven't been adequately heard, and still concluding each case with as much dispatch as possible.

Further on in our portion, the Torah adds another critical criterion for true justice: "When there will arise a matter for judgment which is too wondrous for

you [a case which is not cut-and-dry, which requires extra consideration on the part of the judges]... you shall come to... the judge who shall be in those days..." (Dt. 17:8,9). Rashi explains that we must rely on the sages of each particular era for the judgment at hand, so that "...Jephtha in his generation is as good as Samuel in his generation." This notion is further elucidated by Rav Levi Yitzhak of Berdichev in his masterful *Kedushat HaLevi* under the rubric "tayku," a Talmudic acronym whose four Hebrew letters, Tof, Yud, Kuf, Vov, summarize the judicial principle in extremely difficult adjudications: "Tishbi [Elijah the Prophet] will answer your questions and ponderings" [in the Messianic Age]. Why Elijah? asks Rav Levi Yitzhak. After all, when the resurrection takes place, won't our teacher Moses, a far greater halakhic authority than Elijah, also be resurrected? And Moses' teacher was G-d Himself!

The answer Rav Levi Yitzhak provides to his seemingly naïve question is exquisitely profound. Moses died close to 4000 years ago; Elijah, according to the Biblical account, was "translated" live into heaven, and regularly returns to earth, appearing at every circumcision and at every Passover Seder. Since Elijah understands the travail, hopes and the complexity of the generation of the redemption, only he can answer the questions for that generation. In terms of our portion's instruction, this means that a judge must be sensitive to the specific needs and cries of his particular generation.

There is yet however, the most important criteria for a judge. When Yitro, the Midianite Priest, first suggests that his son-in-law Moses set up a court system of district judges, we were also presented with their qualifications: "You shall choose from the entire nation men of valor [hayil], G-d fearers, men of probity who hate dishonest profit" (Exodus 18:21).

The great legalist-theologian, Maimonides (1135-1204) defines the word hayil (a word which connotes a soldier in the army of the Divine) as follows: "Men of valor refers to those who are valiantly mighty with regard to the commandments, punctilious in their own observance And under the rubric of 'men of valor' is the stipulation that they have a courageous heart to rescue the oppressed from the hands of the oppressor, as in the matter of which it is Scripturally written, 'And Moses rose up, and saved [the shepherdesses]' from the hands of the more powerful shepherds... And just as Moses was humble, so must every judge be humble," (Mishneh Torah, Sanhedrin 2,7).

Rav Shlomo Daichovsky, one of the most learned and incisive Judges on the Religious High Court in Jerusalem asks [in his "Epistle to my Fellow Judges," 25 Shevat, 5768 and published in T'chumin, Winter 5768], "how is it possible for me to be a valiant fighter on behalf of the oppressed, which requires the recognition of one's power to exercise one's strength against the guilty party, and yet at the same time for me

to be humble, which requires self-abnegation and nullification before every person? These are two conflicting and contrasting characteristics?"

Rav Daichovsky concludes that humility is critical only when the judge is not sitting in judgment; when the judge is seated on the throne of judgment, he must be a valiant and self-conscious fighter, fearlessly struggling against injustice as though "a sword is resting against his neck and hell is opened up under his feet" (B.T. Sanhedrin 7, Rambam there). "The Judge must be ready to enter Gehenom and to face a murderous sword in defense of his legal decision... he must take responsibility and take risks, just like a soldier at war, who dares not worry about saving his own soul" or walking upon the safe (and more stringent) halakhic ground.

Rav Daichovsky reminds his fellow-judges about R. Zecharia Ben Avkulis (B.T. Gittin 53a) who refused to sanction the sacrificial blemished lamb of the Roman Emperor sent to the Temple because those on the right would accuse him of acting too leniently regarding Temple sacrifices, and yet, at the same time, he refused to sanction sentencing the spy to death because those on the left would accuse him of acting too harshly by putting someone to death for merely bringing a blemished sacrifice. The Talmud concludes, "...the humility of R. Zecharia b. Avkulis destroyed our Temple, burnt our Sanctuary, and exiled us from our homeland."

Rav Daichovsky exhorts his fellow judges not to fear any human being when they render a decision, not even great halakhic authorities who may disagree with their judgments, because these illustrious scholars did not hear the case that his colleagues are judging; they did not look into the eyes of the woman refused a divorce, and therefore are not vouchsafed the same heavenly aid as the judges who are involved with the litigants eye-to-eye and heart-to-heart (see Maimonides, Laws of Sanhedrin 23,9). Hence it is clear that a judge must be fearless and courageous, a fierce spokesperson for the rights of the oppressed.

Tragically, the majority of the Judges of the Religious High Court in Israel do not heed the wise counsel of Rav Daichovsky. They do not hear the cries of the oppressed women refused divorces by recalcitrant and greedy husbands, they are insensitive to the desperate national need to find appropriate ways to convert the close to 400,000 gentiles living as Israeli citizens, often risking and losing their lives in the wars of our national survival.

There are manifold solutions within the Talmud and Rishonim to free "chained" women, or to bring the Gentiles among us under the wings of the Divine presence. Instead, our judges often choose to follow the safe path, to rule in accordance with every stringency, to deafen their ears to the cries of the agunah in favor of the ultra-orthodox anti-Talmudic insistence on "purity of Israel," to refuse to nullify sham and shameful

marriages but hasten to nullify conversions performed by respected religious authorities like Rav Haim Druckman - nullifications (clearly forbidden by Maimonides) that wreak havoc on innumerable Jewish families. Given such judges, do we merit our inheritance in the land of our forbears? © 2009 Ohr Torah Institutions & Rabbi S. Riskin

RABBI AVI WEISS

Shabbat Forshpeis

The 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. © 2009 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 SIR JONATHAN SACKS

Covenant & Conversation

In his enumeration of the various leadership roles within the nation that would take shape after his death, Moses mentions not only the priest/judge and king but also the prophet: "The Lord your G-d will raise up for you a prophet like me from among your own brothers. You must listen to him."

Moses would not be the last of the prophets. He would have successors. Historically this was so. From the days of Samuel to the Second Temple period, each generation gave rise to men-and sometimes women-who spoke G-d's word with immense courage, unafraid to censure kings, criticize priests, or rebuke an entire generation for its lack of faith and moral integrity.

There was, however, an obvious question: How does one tell a true prophet from a false one? Unlike kings or priests, prophets did not derive authority from formal office. Their authority lay in their personality, their ability to give voice to the word of G-d, their self-evident inspiration. But precisely because a prophet has privileged access to the word others cannot hear, the visions others cannot see, the real possibility existed of false prophets- like those of Baal in the days of King Ahab. Charismatic authority is inherently destabilizing. What was there to prevent a fraudulent, or even a sincere but mistaken, figure, able to perform signs and wonders and move the people by the power of his words, from taking the nation in a wrong direction, misleading others and perhaps even himself?

There are several dimensions to this question. One in particular is touched on in our sedra, namely the prophet's ability to foretell the future. This is how Moses puts it: "You may say to yourselves, 'How can we know when a message has not been spoken by the Lord?' If what a prophet proclaims in the name of the Lord does

not take place or come true, that is a message the Lord has not spoken. That prophet has spoken presumptuously. Do not be afraid of him."

On the face of it, the test is simple: if what the prophet predicts comes to pass, he is a true prophet; if not, not. Clearly, though, it was not that simple.

The classic case is the Book of Jonah. Jonah is commanded by G-d to warn the people of Nineveh that their wickedness is about to bring disaster on them. Jonah attempts to flee, but fails-the famous story of the sea, the storm, and the "great fish". Eventually he goes to Nineveh and utters the words G-d has commanded him to say-"Forty more days and Nineveh will be destroyed"-the people repent and the city is spared. Jonah, however, is deeply dissatisfied: "But Jonah was greatly displeased and became angry. He prayed to the Lord, 'O Lord, is this not what I said when I was still at home? That is why I was so quick to flee to Tarshish. I knew that you are a gracious and compassionate G-d, slow to anger and abounding in love, a G-d who relents from sending calamity. Now, O Lord, take away my life, for it is better for me to die than to live.'" (Jonah 4:1-3)

Jonah's complaint can be understood in two ways. First, he was distressed that G-d had forgiven the people. They were, after all, wicked. They deserved to be punished. Why then did a mere change of heart release them from the punishment that was their due?

Second, he had been made to look a fool. He had told them that in forty days the city would be destroyed. It was not. G-d's mercy made nonsense of his prediction.

Jonah is wrong to be displeased: that much is clear. G-d says, in the rhetorical question with which the book concludes: "Should I not be concerned about that great city?" Should I not be merciful? Should I not forgive? What then becomes of the criterion Moses lays down for distinguishing between a true and false prophet: "If what a prophet proclaims in the name of the Lord does not take place or come true, that is a message the Lord has not spoken"? Jonah had proclaimed that the city would be destroyed in forty days. It wasn't; yet the proclamation was true. He really did speak the word of G-d. How can this be so?

The answer is given in the book of Jeremiah. Jeremiah had been prophesying national disaster. The people had drifted from their religious vocation, and the result would be defeat and exile. It was a difficult and demoralizing message for people to hear. A false prophet arose, Hananiah son of Azzur, preaching the opposite. Babylon, Israel's enemy, would soon be defeated. Within two years the crisis would be over. Jeremiah knew that it was not so, and that Hananiah was telling the people what they wanted to hear, not what they needed to hear. He addressed the assembled people: "He said, 'Amen! May the Lord do so! May the Lord fulfill the words you have prophesied by bringing the articles of the Lord's house and all the exiles back to this place from Babylon. Nevertheless, listen to what I

have to say in your hearing and in the hearing of all the people: From early times the prophets who preceded you and me have prophesied war, disaster and plague against many countries and great kingdoms. But the prophet who prophesies peace will be recognized as one truly sent by the Lord only if his prediction comes true."

Jeremiah makes a fundamental distinction between good news and bad. It is easy to prophesy disaster. If the prophecy comes true, then you have spoken the truth. If it does not, then you can say: G-d relented and forgave. A negative prophecy cannot be refuted-but a positive one can. If the good foreseen comes to pass, then the prophecy is true. If it does not, then you cannot say, 'G-d changed His mind' because G-d does not retract from a promise He has made of good, or peace, or return.

It is therefore only when the prophet offers a positive vision that he can be tested. That is why Jonah was wrong to believe he had failed when his negative prophecy-the destruction of Nineveh-failed to come true. This is how Maimonides puts it:

"As to calamities predicted by a prophet, if, for example, he foretells the death of a certain individual or declares that in particular year there will be famine or war and so forth, the non-fulfilment of his forecast does not disprove his prophetic character. We are not to say, 'See, he spoke and his prediction has not come to pass.' For G-d is long-suffering and abounding in kindness and repents of evil. It may also be that those who were threatened repented and were therefore forgiven, as happened to the men of Nineveh. Possibly too, the execution of the sentence is only deferred, as in the case of Hezekiah. But if the prophet, in the name of G-d, assures good fortune, declaring that a particular event would come to pass, and the benefit promised has not been realized, he is unquestionably a false prophet, for no blessing decreed by the Almighty, even if promised conditionally, is ever revoked... Hence we learn that only when he predicts good fortune can the prophet be tested." (Yesodei ha-Torah 10:4)

Fundamental conclusions follow from this. A prophet is not an oracle: a prophecy is not a prediction. Precisely because Judaism believes in free will, the human future can never be unfailingly predicted. People are capable of change. G-d forgives. As we say in our prayers on the High Holy Days: "Prayer, penitence and charity avert the evil decree." There is no decree that cannot be revoked. A prophet does not foretell. He warns. A prophet does not speak to predict future catastrophe but rather to avert it. If a prediction comes true it has succeeded. If a prophecy comes true it has failed.

The second consequence is no less far-reaching. The real test of prophecy is not bad news but good. Calamity, catastrophe, disaster prove nothing. Anyone can foretell these things without risking his reputation or authority. It is only by the realization of a

positive vision that prophecy is put to the test. So it was with Israel's prophets. They were realists, not optimists. They warned of the dangers that lay ahead. But they were also, without exception, agents of hope. They could see beyond the catastrophe to the consolation. That is the test of a true prophet. © 2009 Rabbi J. Sacks and torah.org

RABBI BENJAMIN YUDIN

Glatt Yashar

The opening mitzvah of parshas Shoftim mandates that courts of law be established throughout the land. That same verse directs the judges to execute "mishpat tzedek"-righteous judgment. Judges are then further instructed not to pervert judgment, to not show any favoritism to a litigant by giving him preferential treatment, and to not take a bribe. Then the Torah seems to be repeating itself again when it says (16:20) tzedek tzedek tirdof- righteousness righteousness shall you pursue". Rav Ashi in Sanhedrin (32A) understood the repetition of the word righteousness to teach that circumstances might warrant different "righteous" approaches. There are instances in which the course of righteousness is to pursue justice, din, and other circumstances in which righteousness dictates we pursue compromise, psharah. In addition, the Talmud (ibid) understands "tzedek tzedek tirdof" as an instruction to seek out the best court available.

The Dubner Maggid in his Ohel Yaakov (parshas Mishpatim) has a novel understanding of "tzedek tzedek tirdof". Rather than understand the teaching as addressing judges, he learns the verse as a directive to each individual that in their personal and business affairs they are to be scrupulously careful to ensure that what is theirs is really theirs. In fact, he questions the nature of the dinei Torah that arose in the midbar and suggests that unlike most court cases, in which each individual claims rights and possession, here they were asking the judges to verify and ensure their rightful claim of ownership, with each one saying, "No! Maybe it is yours".

There is a delicious Medrash (Vayikra Rabbah 27:1) that illustrates this idea. The Medrash teaches that Alexander the Great once visited the community of Afriki and wished to observe its judicial system. Two men came before the king for justice. The first said, "I purchased a plot of land from this man, and when I dug to lay the foundation of a home, I found a treasure buried there. I only bought the land, not the treasure, therefore it is not mine." The seller said, "I too am fearful of the biblical prohibition of 'lo tigzo'-do not steal' and I too do not want it back unless it is definitely mine." The king (judge) asked the buyer if he had a son, he answered "yes". The seller answered positively to having a daughter. "Wonderful," said the king, "let them marry and share the treasure." This is "tzedek tzedek

tirdof" - affirming with certainty that what's yours is really yours.

The Arizal was known to have the ability to identify sins and transgressions of individuals by looking carefully into their face. The Rav of Tzfas, Rav Moshe Galante (1540-1614) once came to the Arizal for his "spiritual check-up", whereupon the latter said "you have safek gezel"-literally you are suspected of thievery borderline theft. The rabbi who had a silk business fasted, cried. He then called in all his workers, put a pile of money on the table, and asked if he had cheated any of them. They all answered in the negative and left. The last to leave, a woman, took a few coins. When the rabbi employer asked why she took the money, she answered "you paid me as a regular worker, and I am a specialist." The rabbi cried for joy that his record was now cleaned. He was able to say about himself "tzedeq tzedeq tirdof".

The internet can be a wonderful tool to use, but it is also subject to much abuse. Too many are guilty of pirating information that is copyrighted from the internet. Rav Moshe Feinstein zt"l said it is not permitted to copy any item that is being sold by the creator (maker) of that item. Every time one copies it, they are taking away sales from him. "Everyone does it and it really should be permitted (mutar)"-in no way justifies it.

Our children must be taught the definition of plagiarizing and the prohibition thereof. Again, the internet contains much scholarly material. It is also an opportunity to bring much geulah to the world-by giving proper credit to the author and earning the approbation of "tzedeq tzedeq tirdof".

Applying for scholarships from yeshivot when one doesn't need it (this is often done by hiding income), is stealing from tzedakah, and the practical consequences of not getting a scholarship when one truly needs it, is because of a lack of "tzedeq tzedeq tirdof".

It is not sufficient to be careful about eating glatt kosher, our money has to be glatt yashar. © 2009 Rabbi B. Yudin and The TorahWeb Foundation

RABBI NAFTALI REICH

Legacy

Shul politics are nothing new, and the hapless victim is usually the rabbi. If he is not extra careful, the president and the synagogue board will find fault in what he says, what he does, how he dresses, anything. Even if the rabbi is much wiser and far more learned than his congregation, he is not immune.

But what about the illustrious rabbis of earlier times, the great luminaries whose immortal works infuse our lives with meaning and direction? Did they also suffer from shul politics?

Unfortunately, the answer is yes. The annals of Jewish history are replete with accounts of stellar scholars persecuted and sometimes even driven away

by their congregations. How can this be? The very names of these people fill us with awe and admiration, and we would travel great distances if we could but meet them and ask for their blessings. How then is it possible that their own contemporaries treated them so shabbily?

The key to this strange phenomenon can perhaps be found in one of the more baffling biblical mysteries. In the early chapters of Genesis, we read that Abraham recognized and acknowledged the Creator, and that he carried the message of his stunning discovery to the world at large. Many people flocked to him, pledging their loyalty to his views and the way of life he advocated. But a brief generation, we find the Jewish nation still limited to the small but growing family of Abraham's descendants. What happened to all these converts?

The commentators explain that once Abraham passed away these people were reluctant to accept Isaac as their new leader. They criticized him and drew unfavorable comparisons between him and his father. Left without a leader they were willing to accept, they drifted away from Judaism and eventually reverted to their old idolatrous ways. What inner compulsion drives people to look at everyone around them with critical eyes, to belittle the great and find fault with the faultless? Why are we inclined to measure our great leaders against the idealized standards of their predecessors?

It is our own insecurities that engender our cynical attitudes. It is only natural for a person to seek assurances of his own importance and self-worth. Some people, however, have such a poor self-image that they can only feel accomplished by tearing down their superiors. Narrowing the perceived gulf between themselves and the great people of their time makes them feel more worthy and important. They can accept the greatness of deceased sages or their own idolized mentors, because they do not feel competitive towards them. But their contemporaries are fair game.

In this week's portion, the Torah warns against just such an attitude. When two people become involved in a dispute, the Torah tells us, they should bring to the matter to the judge "of those days." What is the significance of the phrase "of those days"? To whom else would they bring their dispute? The Talmud explains that we are not to measure the judges of our own times against the judges of bygone generations. We are to accept them on their own considerable merits and bow to their judgment.

Two friends were sitting together at the funeral of a prominent community member. A long procession of distinguished personages and family members delivered warm eulogies, bringing tears to many eyes. After the funeral, the two friends walked home in a contemplative mood. "You know something," one of them commented. "He was a very fine fellow. I'm going to miss him."

"Aw, c'mon," said his friend. "I know you're not supposed to speak ill of the dead, but you couldn't stand the guy. You always had something nasty to say about him."

"Yeah. But let's be honest. Whenever he was honored, I always wished I was receiving those honors. But now that he's passed on, I can think about him more objectively. And you know what? He really was a fine fellow!"

In our own lives, regrettably, we all too often see the tendency to denigrate our leaders as a means of self-aggrandizement. Sometimes, we are even guilty ourselves. But if we can condition ourselves to recognize these criticisms for what they are, we will find it easier to focus on the many positive qualities of our devoted community leaders and rabbis. Not only will we then be able to give them their due respect, we will also discover greater inner satisfaction and a higher sense of self-worth for ourselves. © 2009 Rabbi N. Reich and torah.org

RABBI DR. ABRAHAM J. TWERSKI

Interpersonal Teshuva

The season of heightened teshuvah is before us. The daily sounding of the shofar in the month of Elul, the early morning selichos, Rosh Hashanah, the Ten days of Penitence, culminated by Yom Kippur, the Day of Forgiveness. It is of interest that Yom Kippur is generally translated as the "Day of Atonement" rather than "Day of Forgiveness," although the term kapara generally refers to forgiveness. It is unknown who coined the term "Day of Atonement," but perhaps there is something to be learned from it.

In contrast to forgiveness, atonement connotes making restitution and compensation. This concept is not really relevant to sins of *bein adam lamakom*, between man and Hashem, because we cause Hashem no harm when we sin, as Elihu said, "Were you to have transgressed, how would you have affected Him, and if your rebellions were numerous, what would you have done to Him?" (Iyov 35:6). Chanun hamarbeh lisloach, Hashem's mercy is infinite and His forgiveness is abundant, but that is only for sins between man and Hashem. If one has sinned against another person, Hashem does not forgive those sins until one has appeased whomever one offended. The Chasam Sofer said, "I am worried much more about sins *bein adam lachavero* than *bein adam lamakom*. I trust Hashem's forgiveness, but I cannot be sure about people."

So for there to be forgiveness on Yom Kippur, there must be atonement, restitution, and that is not always easy to achieve. Ironically, easiest of all is if you were a *goniff* (thief) and stole something, because then all that is required is that you make monetary compensation. It is much more difficult if you maligned someone by speaking disparagingly of him. Here you may be in a quandary, because if you were to ask the

person to forgive you for having spoken badly about him, you may cause him to agonize, "I wonder what he said about me and to whom." Rabbi Yisrael of Salant said that in this case it is better not to tell the person that you spoke badly about him, hence there is no way to ask for forgiveness. In addition, if you spread a false rumor about him, *halacha* does not require that he forgive you.

Whereas one can make restitution by returning the money one stole, there is no way of making restitution if you "stole" someone's time. I.e., if you promised to meet someone at a certain time and you kept him waiting for twenty minutes, you deprived him of time, a commodity which cannot be replaced.

Perhaps you mistreated your child with improper discipline. You might have come from work having had a very difficult day and were very irritable, and were unjustly harsh to your child. That is an offense against another person which requires that person's forgiveness. However, inasmuch as a child is legally incompetent, he cannot grant forgiveness, and Yom Kippur cannot erase that sin!

Bein adam lachavero applies to husbands and wives *vis-a-vis* one another. An abusive spouse incurs a sin when one mistreats one's partner, and the aggrieved spouse may not forgive wholeheartedly.

Suppose someone asked your advice, and you told him what you thought would be best, but it turned out that your advice was misguided, and the person sustained a loss because of your advice. Although your intentions were good, you did inadvertently cause him damage, for which you are just as responsible as if you accidentally broke his window. The Steipler Gaon, in the very last moments of his life, cried bitterly, saying "I am afraid that perhaps I may have given someone bad advice."

What can we do about those situations where restitution is not feasible? One of the students of the Vilna Gaon felt that he had offended someone by sarcastically rejecting the latter's explanation of a difficult Talmudic passage. He went from shul to shul throughout Vilna, looking for the man to ask his forgiveness, but did not find him and he was heartbroken. The Gaon told him, "If you have truly done everything within your power to ask his forgiveness, you can be sure that Hashem will put it in his heart to forgive you."

That is the solution for those incidents where one cannot atone. If one makes serious effort to make restitution and appease the offended people, then Hashem will put it in their hearts to forgive one. But one must be thorough in making restitution and asking forgiveness wherever possible, and that includes your spouse and your children if you have offended them, because only then will one merit Hashem's intervention on one's behalf. © 2009 Rabbi Dr. A. J. Twerski and The TorahWeb Foundation