

# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI SHLOMO RISKIN**

### Shabbat Shalom

If Judaism had a mission statement, what might it be? How can we sort out the incidental from the essence so that the ideas and ideals do not get lost in the latest scandal threatening to undermine our exalted mission? Furthermore, is there a connection between the vocation ("calling") of Israel and the tear-stained, blood-soaked history of our nation, between the "curses" we experienced at the destruction of both Temples and the anti-Semitic persecutions of our long exile, continuing today with the losses we suffer in war and terrorist attacks? Why has Israel as a nation not known a day of genuine peace since its rebirth 62 years ago?

I feel hounded by these questions because of images which keep returning to my mind. First, the beautiful, gentle and innocent face of Uriel Liwerant, of blessed memory, his clear and sensitive eyes framed by slightly lop-sided glasses, his humble, bashful smile, and his quick mind dedicated to the study of Torah. Uriel was a beloved child of Efrat, a 21-year-old tank commander who was killed a year ago when his tank overturned while crossing a bridge during a military training maneuver.

Then other images, clashing with the sweet goodness of Uriel, also plague my mind, people who should never be mentioned in the same sentence as Uriel. I'm speaking of the terrible violator of public trust, Bernard Madoff, with his baseball cap and supercilious smile, arguably among the worst scoundrels of all time. And the too often repeated money-laundering and fraud perpetrated through "Torah" institutions in the Diaspora, and here in Israel. Here in Israel a prominent leader of a major religious political party, bearing the title of rabbi is sentenced to a lengthy prison term for accepting bribes and violating the public trust. I feel tainted, ashamed and embarrassed.

"Righteousness, righteousness shall you pursue" must guide our steps. We must return to basics and understand why G-d "elected" us in the first place. Who was the first truly righteous man in the Torah? Abraham was not chosen because he was a rich shepherd, or because he had a brilliant mind. "...I have known, loved and appointed [Abraham] in order that he commands his children and household after him to observe the way of the Lord, which is to do

compassionate righteousness [tzedaka] and moral justice [mishpat]." This is why G-d promised to "make of Abraham a great and powerful nation through whom all the nations of the earth would be blessed" (Genesis 18:18,19).

If we have any doubt as to Abraham's "mission," all we have to do is turn to the following verse and note that the subject is the ethical and moral corruption of Sodom and Gomorrah, the direct cause of their destruction. Clearly, what G-d expects of Abraham and his descendants is to teach compassionate righteousness and moral justice to the world; only if these principles of ethical action become the sacred legacy of humanity will the nations be blessed with freedom and peace, secure in their knowledge that belligerence and selfishness have been replaced by conciliation and generosity.

Israel's "mission" is repeated right before G-d enters into a covenant with His nation and reveals the Ten Commandments: "And now, if you shall internalize, indeed internalize My voice and observe My covenant, you shall be for Me a treasure from among all nations; for the entire earth is Mine. You must be for Me a kingdom of priest- teachers and a holy nation" (Exodus 19:5,6; see Sforno ad loc).

Our covenantal position in the world - indeed the very continued existence of the world - depends on our success in bringing these values to the nations. And it is common sense that if we ourselves fail to live up to these ideals, we will not be able to teach them to the world! The Bible warns us twice, in Leviticus 26 and Deuteronomy 28, that if we reject this ethical covenant, we will have to suffer at the hands of the nations we failed to teach. Nahmanides identifies these warnings as prophecies of the destruction of the two Temples.

Isaiah declares that G-d despises our attentiveness to ritual if we turn a blind eye to the widow and the orphan. He rejects the prayers of "observant" Jews whose hands are filled with blood or ill-gotten gains. "Learn well: seek moral justice, straighten out world corruption, judge the orphan, plead the case for the widow... Zion shall be redeemed [only] by means of moral justice, and her residents will return only by means of righteous compassion" - tzedaka u-mishpat, the two virtues which were the basis for Abraham's initial election (Isaiah 1: 17-27). Hence, when Isaiah calls on Israel to rouse itself, to bedeck itself in the garments of Zion's glory, to shake off the dust (of exile), arise and return to Jerusalem (Isaiah 52:1-2), he also

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admonishes Israel to understand that it is the suffering servant, scorned and bereft and hurt, covered in ashes, racked with suffering; bearing the world's iniquities, the sores that come from a willingness to suffer evil and ignore the violation of the innocent (Isaiah 53). Israel is the heart of the world, its conscience.

We suffer because we did not - and are not - fulfilling our mission to teach the nations. And now even the best of us are under the illusion that being religious means eating a Shabbat cholent after synagogue or attending a concert with separate seating.

The prophet Jeremiah tells us what we must honor: "Thus says the Lord: do not praise the wise person for his wisdom; do not praise the strong person for his strength; do not praise the wealthy person for his wealth. But for this shall be praised the praiseworthy: understand and know Me, because I am the Lord who does lovingkindness, moral justice and compassionate righteousness on earth, because it is these that I love, says the Lord" (Jeremiah 9:22, 23). © 2010 *Ohr Torah Institutions & Rabbi S. Riskin*

**CHIEF RABBI LORD JONATHAN SACKS**

## Covenant & Conversation

**T**he contribution of Tanakh, the Hebrew Bible, to political thought is fundamental, but not well known. In this study I want to look at institution of monarchy. What does it tell us about the nature of government as the Torah understands it?

The command relating to a king opens with these words: "When you enter the land the Lord your G-d is giving you and have taken possession of it and settled in it, and you say, 'Let us set a king over us like all the nations around us,' be sure to appoint over you the king the Lord your G-d chooses..." (Deut 17:14-15).

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

The entire passage is fraught with ambivalence. The dangers are clearly spelled out. There is a risk that a king will exploit his power, using it to acquire wealth,

or wives, or horses (one of the status symbols of the ancient world). This is exactly what Solomon is described as doing in the Book of Kings. His "heart may be led astray". He may be tempted to lord it over the people, considering himself "better than his brothers".

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

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

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

Yet G-d does not reject the request. To the contrary, G-d had already signaled, through Moses, that such a request would be granted. So He says to Samuel: "Listen to them; but warn them solemnly and let them know what the king who will reign over them will do." The people may appoint a king, but not without having been forewarned as to what are the likely consequences. Samuel gives the warning in these words: "This is what the king who will reign over you will do: He will take your sons and make them serve with his chariots and horses, and they will run in front of his chariots... He will take your daughters to be perfumers and cooks and bakers. He will take the best of your fields and vineyards and olive groves and give them to his attendants. He will take a tenth of your grain and of your vintage and give it to his officials and attendants... and you yourselves will become his slaves. When that day comes, you will cry out for relief from the king you have chosen, and the Lord will not answer you in that day."

Despite the warning, the people are undeterred. "No!" they said. "We want a king over us. Then we will be like all the other nations, with a king to lead us and to go out before us and fight our battles." When Samuel heard all that the people said, he repeated it before the Lord. The Lord answered, "Listen to them and give them a king."

What is going on here? The sages were divided as to whether Samuel was setting out the powers of the king, or whether he was merely trying to dissuade them from the whole project (Sanhedrin 20b). The entire passage, like the one in Deuteronomy, is profoundly ambivalent. Is G-d in favour of monarchy or against? If He is in favour, why did He say that the people's request was tantamount to rejecting Him? If He is against, why did He not simply command Samuel to say No?

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

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

That, according to Chajes, is what Samuel was doing, at G-d's command: proposing a social contract and spelling out what the results will be. If this is so, many things follow. The first is that Ibn Ezra and Abarbanel are right. G-d gave the people the choice as to whether or not to appoint a king. It was not compulsory but optional.

The second-and this is the fundamental feature of social contract theories-is that power is ultimately vested in the people. To be sure, there are moral limits to power. Even a human king is under the sovereignty of G-d. G-d gives us the rules that are eternal. Politics is about the laws that are temporary, for this time, this place, these circumstances. What makes the politics of social contract distinctive is its insistence that government is the free choice of a free nation. This was given its most famous expression in the American Declaration of Independence: "to secure these rights (life, liberty and the pursuit of happiness) Governments are instituted among Men, deriving their just powers

from the consent of the governed." That is what G-d was telling Samuel. If the people want a king, give them a king. Israel is empowered to choose the form of government it desires, within the parameters set by Torah law.

Something else follows-spelled out by R. Avraham Yitzhak haCohen Kook (*Responsa Mishpat Cohen*, no. 143-4, pp. 336-337): "Since the laws of monarchy pertain to the general situation of the people, these legal rights revert [in the absence of a king] to the people as a whole. Specifically it would seem that any leader [shofet] who arises in Israel has the status of a king [din melekh yesh lo] in many respects, especially when it concerns the conduct of the people... Whoever leads the people may rule in accordance with the laws of kingship, since these encompass the needs of the people at that time and in that situation." In other words, in the absence of a king of Davidic descent, the people may choose to be ruled by a non-Davidic king, as they did in the age of the Hasmoneans, or to be ruled instead by a democratically elected Parliament, as in the current State of Israel.

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

The free society has its birth in the Hebrew Bible. What we need in today's Jewish world-especially in Israel-is a rebirth of Jewish political philosophy (following the ground-breaking work of the late Professor Daniel Elazar). Far from mandating a retreat from society, the Torah is the blueprint of a society-a society built on freedom and human dignity, whose high ideals remain compelling today. © 2010 Chief Rabbi Lord J. Sacks and torah.org

**RABBI DOV KRAMER**

## Taking a Closer Look

“**W**hen a matter of judgment becomes hidden from you, between blood [and] blood, between court case [and] court case, and between affliction [and] affliction, words of disagreement within your gates, and you shall get up and you shall go up to the place that Hashem your G-d has chosen" (Devarim 17:18). Unlike our secular courts, where the lower courts issue rulings that determine the

law unless or until it is overturned by a higher court, Jewish law is determined at the top. Either it was taught to Moshe by G-d, who taught it to Yehoshua, etc, or it was determined by the Jewish Supreme Court, the Sanhedrin. If there was ever a doubt as to what the law was, or if a disagreement ever arose between courts as to what the law was, the case was brought before the higher courts to see if they knew what the law was, and it kept being "kicked" up to a higher court until either it came before a court that knew the law, or the Sanhedrin deliberated and determined the law (Rambam, Hilchos Mamrim 1:4). It would seem, though, that this could have been stated in a much more concise manner; "If a question about the law ever arises, get ye to the Sanhedrin!" Why were these three categories (blood, court cases and afflictions) delineated?

Maharal suggests that these categories represent three areas of life, the self (afflictions, i.e. "tzoraas"), the household (represented by the wife, i.e. her emissions of "blood"), and society (court cases, both civil and criminal). The implication is that in all areas of life, the law is determined through the "Halachic System," with the law either being passed down from a previous generation or determined by the halachic authority (the Sanhedrin). Even so, mentioning the categories should have sufficed; mentioning each category twice, using the expression "between blood/case/affliction and blood/case/affliction," needs to be explained. Why didn't the Torah just say, "When a matter of judgment regarding blood, court cases or afflictions becomes hidden from you, you shall go up to the place that G-d has chosen"?

The Tosefta (Horiyos 1:5) uses these words to prove that the procedure followed (i.e. which offerings to bring to atone for the mistake) if the Sanhedrin issues an incorrect ruling only applies when a law within a category is disregarded, not when a whole category is disregarded ("between blood and blood," not when there are no laws regarding blood). Nevertheless, in order to learn this concept we would only need the extra words by one category, not by all three.

Rashi explains this extra verbiage as the question arising "between blood that is tamay (ritually impure) [and] blood that is tahor (ritually pure), between a verdict of innocence [and] a verdict of guilt (or obligation), and between an affliction that is tamay [and] an affliction that is tahor." In other words, the Torah is laying out for us what the doubt is about; is the blood tamay or not, is the defendant off the hook or not, and is the affliction tamay or not. However, this would seem obvious too, as what other options are there? Even though Rashi helps us read the words, he doesn't seem to help us understand why those "extra" words are there.

Rashi's explanation is difficult for another reason as well. Not just because the Talmud (Sanhedrin 87a and Nidah 19a, see also Yerushalmi Sanhedrin 11:3) and Sifray (152) explain the verse

differently, but because the Talmud (Nidah 19a) rejects the explanation that Rashi uses. The Mishna discusses which colors of blood are tamay, implying that there are some colors of blood that are not. The Talmud asks how we know that there is any blood that is not tamay; maybe all blood is tamay, no matter what color it is. The first answer given is based on our verse, that the extra words indicate that there is blood that is tamay and blood that is tahor, and a doubt arose as to which is which. The Talmud then proves that this can't be what the verse means, as the third category would then be distinguishing between afflictions that are tamay and afflictions that are tahor, and there are no "afflictions" that are tahor. The term "affliction" ("nega") only applies if it is tamay; if it is tahor, a different term is used. The Talmud then gives us the "real" explanation of the extra verbiage, that the Torah is referring to sub-categories, which match (or almost exactly match) the sub-categories the Talmud gives in Sanhedrin and the Sifray gives on our verse (the blood of a "nidah," "yoledes" and "zavah"; a criminal case that involves a capital offense, other criminal cases, and cases that involve monetary issues; and afflictions of the body, of a house and of a garment). Finally, the Talmud proves that there must be blood that is tahor, as if all blood was tamay, a question about it couldn't have arisen that would need the Sanhedrin for clarification. (The Talmud explains why the Sanhedrin may have to get involved with afflictions even if they are all tamay, detailing what they might need to clarify.) Why didn't Rashi use Chazal's approach to explain the verse? How could Rashi use an explanation that the Talmud rejects?

Tzaidah LaDerech offers two possible explanations for Rashi. First he suggests that Rashi didn't really mean "afflictions that are tahor," since none exist. Rather, he meant conditions that are tahor and therefore not really afflictions. However, being that Rashi is trying to explain why the Torah uses the word "nega" twice, this possibility is a bit difficult to accept. Tzaidah LaDerech's second approach is based on the fact that Rashi's purpose in his commentary is to offer the simplest, most straightforward explanation of the words. Rashi will therefore sometimes choose explanations that the Talmud rejects, if it is the most straightforward way to explain them. Although Tzaidah LaDerech does enumerate several cases where Rashi chooses a minority opinion (or an opinion that is not consistent with the Talmud's conclusion), using an opinion that is rejected outright seems to be taking this a step further. Even though we do find Chazal using this explanation for the words relating to "blood" (besides Nidah 19a, see Berachos 63b and Yerushalmi Nidah 2:6), and we should try to understand this explanation given its rejection (on Nidah 19a), nowhere is Rashi's explanation of the words relating to "affliction" given; without a source for this explanation, and given it being rejected by the Talmud, how could Rashi use it?

At first glance, the Talmud's initial question of how we know that any blood is tahor seems strange. After all, the Torah says explicitly (Vayikra 12:4-5) that a "yoledes" (one who gives birth) has a long stretch where any blood she sees is tahor. However, the Talmud is discussing colors, and asking how we know that there are certain colors of blood that are tahor; the blood of a "yoledes" is tahor even if it is a color that is normally tamay. The Talmud finally proves that there must be some colors that are always tahor because otherwise how would a doubt about whether she is tamay arise. This is not such a simple "proof," though, as elsewhere (Sanhedrin 87b) the Talmud gives examples for each of the sub-categories of what kind of doubt could arise. For the sub-category of a "yoledes," the example is whether or not there must be a break between the bleeding after childbirth and the bleeding that is not tamay. This has nothing to do with the color of the blood, so the category of "blood" that must be settled by the Sanhedrin does not really require that there be a color of blood that is tahor. Similarly, the example of the sub-category of a "zavah" has nothing to do with the color of the blood. It is only the sub-category of a "nidah" that revolves around the color of the blood. The Talmud using this sub-category to prove that some colors are tahor indicates that the extra words by each category are understood to be teaching us each of these sub-categories, and since each sub-category must have the possibility of needing clarification by the Sanhedrin, we know that there must be some color (or colors) of blood that are not tamay.

This explains why we need sub-categories by blood. What about the other two categories? Does the Torah point to their sub-categories only to remain consistent, or do we learn something from them as well? If the only sub-categories hinted to by the Torah's extra words were under the blood category, then the possibility exists that rather than being sub-categories of cases that may need clarification by the Sanhedrin, the Sanhedrin may only be needed to distinguish between these categories, to determine where a certain type of bleeding is considered that of a "nidah, yoledes or zavah." However, since we have sub-categories of afflictions as well, we know that this can't be how to read the verse, as there is no way anyone can be confused as to whether the affliction is on a "person, house or garment." The extra words that tell us that there are sub-categories by afflictions teach us that the Sanhedrin may have to clarify details within each category, not just to help us distinguish between them. It could be suggested that once we need sub-categories by two of the categories, the Torah kept the language consistent and referred to sub-categories of court cases as well. It is also possible that the Torah wants to teach us that all court cases, whether they involve financial issues, more serious crimes/sins, or less serious crimes/sins, must be clarified by the Sanhedrin; there cannot be one set of laws for one city or one Tribe and

another set elsewhere, even if those differences are mutually agreed upon in each locale or by each group. There may be a division of federal, state and city law in our secular society, but by teaching us these sub-categories, the Torah is telling us that there must be one set of laws for all of Israel.

Once we've established that on the "d'rash" (exegetical) level the Torah is teaching us things about each category (and sub-category), we can return to how Rashi explains the verse on the "p'shat" level (its plain meaning). We can't learn that there is such a thing as tahor blood by reading the extra words as "between blood that is tamay and blood that is tahor," but once we've learned that through the "d'rasha," it is now a viable way to read it as "p'shat." The Talmud only rejected the "p'shat" reading as a source for the law, not as a way to read the verse once we know the law. The problem that remains is how Rashi could say that this is the "p'shat" by afflictions if there are no "afflictions" that are tahor.

But are there really no afflictions that are tahor? Previously ([www.RabbiDMK.posterous.com/Parashas-TazriyaMetzora-5770](http://www.RabbiDMK.posterous.com/Parashas-TazriyaMetzora-5770)) I have discussed the fact that an affliction does not become tamay until the Kohain declares it to be tamay. Whereas for blood the poseik (halachic decisor) tells us what its status was even before it was examined, the house (or garment or person) does not become tamay until after the Kohain's declaration. This creates several anomalies, including the existence of a real affliction, one that will become tamay once the Kohain says it is an affliction, that is not yet tamay. It is an "affliction" that is "tahor" (see Shabbos 132b). When it comes to determining the status of an affliction, there is no such thing as an affliction that should be declared tahor. Therefore, when operating in the realm of determining status, the Talmud rejects the possibility of there being an affliction that is (i.e. should be declared) tahor. However, Rashi, operating on the "p'shat" level, is not reading the verse to determine its status, but to determine which kinds of cases to bring to the Sanhedrin for clarification; until it is clarified and declared to be an affliction, it is tahor.

Nevertheless, this "p'shat" is still problematic, as until there is clarification there would be no afflictions that are tamay, and reading the verse as "clarifying between afflictions that should be declared tamay and those that should be declared tahor" brings us back to the same problem of there not being any afflictions that shouldn't be declared tamay. However, if we re-categorize the types of cases, this difficulty disappears.

As noted earlier, every Jewish law (when there was a Sanhedrin) was determined from the top. I have discussed why the Torah lists these three categories of law on the "d'rash" level (and why the sub-categories were necessary); what about on the "p'shat" level? Why didn't the Torah just say that all laws must be clarified by the Sanhedrin? Would we think that any laws

wouldn't need to be brought to the Sanhedrin for clarification?

Let's start with blood. If we are unsure whether the blood is tamay or not, we have two options. We can either try to clarify the situation, or be "machmir" (stringent), and just treat it as if it's tamay. By including the category of blood, the Torah is telling us that we should clarify the law, not just avoid having to by acting stringently. Although the laws of ritual purity cannot vary from city to city (as either something is tamay or it isn't), contractual law can, as each party is agreeing to the specific stipulations of the contract. Can a society determine which laws should govern the commerce done within its borders? What about how it deals with those that violate the law? By including the category of court cases, the Torah is telling us that the same standards and rules must apply to everyone, and if a doubt arises about any law detail, it can't be decided locally (even if all agree to such "arbitration"). Civil laws, criminal laws and ritual laws must be brought to the central authority, even if all agree to abide by the decisions of the local authority, and to be "machmir" if ritual laws come into doubt. What about ritual laws that don't apply until the determination is made? Must they be brought to the Sanhedrin too, or can we put their determination on hold, much like we do when we remove the items from the house before the Kohain looks at it, or delay showing the Kohain a potential affliction until after Yom Tov? The Torah includes this category too, telling us that we must go to the Sanhedrin to determine whether blood is tamay or tahor (we can't just be "machmir"), decide innocence or guilt in a court case (we can't have different societal laws), and declare the status of afflictions, as we can't leave any afflictions tahor if they really are afflictions and should be declared tamay. Rather, in all these cases, "you shall get up and go up" to the Sanhedrin for clarification. © 2010 Rabbi D. Kramer

### RABBI NAFTALI REICH

## Legacy

Seeing is believing. Most of us are natural skeptics, and it is difficult to convince us of something we have not seen with our own eyes. And even then, we are apt to have lingering doubts. Indeed, we take pride in our skepticism, because we know it protects us from all sorts of fraud and deception. We are nobody's fools. In this week's portion, however, the Torah goes directly against this tendency. The Torah exhorts us not to deviate one whit from the words of our Sages, neither to the right nor to the left. What does this mean? The Talmud explains that even if they tell us that our right hand is our left and our left is our right we are to follow them with implicit faith. Of course, our Sages would obviously never tell us something that is patently ridiculous. Rather, the left and right hands are a metaphor for something that is seemingly erroneous

according to our perceptions. Nonetheless, we are required to follow their lead rather than our own judgment. The Torah demands that we have faith.

How do we understand this requirement to have faith? Why does the Torah demand of us to go against our natural instincts? Why should we follow blindly rather than take a stand as independent thinkers and demand explanations?

If we pause to consider, however, we will discover that faith forms an integral part of our everyday lives. In fact, without faith we would be practically immobilized. When we get into our cars, we do not worry that our brakes may be defective and will suddenly fail when we are traveling at high speeds. Why? Because we have faith in the manufacturers. When we get on a plane we do not worry that the pilot is incompetent or drunk. Why? Because we have faith in the pilot. When we go to doctors, we generally accept what they tell us. Why? Because we have faith in our doctors.

Without faith, we would be afraid to switch on the lights or put food into our mouths or believe a word anyone tells us. Clearly, Hashem created us with the innate ability to have faith. Why then, if we so easily have faith in our doctors and pilots, do we find it so difficult to have faith in Hashem even when we believe in His existence? Why do we find it so hard to accept all His deeds and commands without question?

The answer lies in our egotism. Doctors and pilots are there to serve us. Accepting them on good faith may result in physical restrictions, but it does not require us to surrender our personal independence in any way. We are still in control of our destinies. They advise. We make the decisions. Such faith comes easily.

Faith in Hashem is an altogether different matter. If we forfeit the right to question His deeds and commands, we acknowledge that we are subservient to Him. We surrender our independence, and that is a very difficult thing to do. But still, we must. For if we believe in Hashem yet refuse to give Him our faith and trust, we would be living a lie.

Therefore, the Torah exhorts us again and again to have faith in Hashem, to overcome the stiff, illogical resistance of egotism and submit to His higher intelligence. Certainly, He is at least as deserving of our good faith as our doctors and pilots.

After attending the yeshivah of a great sage [Rav Chaim Brisker -editor] for a number of years, a young student suddenly declared himself an atheist and announced that he was leaving. Naturally, this came as great shock to the other students and the faculty, and they begged him to consult the sage before he left.

The sage nodded gravely as he listened to the young man. "I agree that if you are an atheist this is not the place for you," he said. "But tell me, what made you become an atheist?"

"It is because I have lost my faith," the young man replied.

"Indeed? And why did you lose your faith?"

"Because I have questions."

The sage smiled sadly. "No, my young friend, you do not have questions. You have answers. You have decided that you want to live a certain lifestyle, and in order to do so you have to be an atheist. Now that you've come up with this answer, you have found questions to support your foregone conclusion."

In our own lives, we experience the egotistical resistance to faith in our children, who find it hard to admit that their parents may be right but would willingly accept the same statements from others. The difference is simple. When we acknowledge the wisdom of parents, we pay a high price in personal independence. Similarly, we pay a high price when we acknowledge the awesome might and wisdom of the Master of the Universe. But if we overcome our stubborn egotism and acknowledge the obvious truth, we will find that the rewards of faith are well worth the price we pay for them. © 2010 Rabbi N. Reich & torah.org

**RABBI AVI WEISS**

## Shabbat Forshpeis

**W**hether appointing a king is legally obligatory or not is a subject of great controversy. But whether it is or is not, the Torah recognizes that it is human nature that people will ask for leadership in the form of a king. (Deuteronomy 17:14) When they do, the Torah builds limitations into the kingship so that the king will never abuse his power.

Of paramount importance is that both the king and his people realize that while he is the leader, he is still a subject of G-d. In the end it is the Lord who is the King of kings.

This may explain the seemingly odd rule that that the king cannot return the people to Egypt. (Deuteronomy 17:16) Egypt represents that place where the Pharaohs insist that they themselves are G-d. All revolved around them. Upon leaving Egypt the Jewish people no longer remained subservient to Pharaoh, but to G-d alone. G-d here is declaring that the people are my subjects-not subjects of subjects.

The tension of allowing for a monarch while at the same time advancing the idea of the sole kingship of G-d was constantly felt throughout our history. When the Jews asked Samuel for a king: "To judge us like all the nations," Samuel is upset. (Samuel I, Chap. 8) Wanting to be like all the nations is a distortion of the unique Torah definition of kingship where the king remains beholden to G-d.

The unique nature of the king of the Jewish people is further understood at the conclusion of the Book of Samuel. David improperly takes a census of the Jewish people. (Samuel II, Chap. 24) It is improper because he counts for the sole goal of understanding

the magnitude of his power. If the goal of his counting was to further serve G-d, he would have counted by asking each individual to contribute a half shekel to the Temple. David makes the same mistake as the nation-believing that the king of Israel is in the center rather than G-d.

The concern that the king not overstep his authority is similar to the contemporary concept of abuse of power. Even in democracies it is not uncommon for presidents and prime ministers to grab more power than they have been given.

Still, with all its inherent problems, the office of kingship has positive features. In the time of the Judges, Israel was led by individuals who, by and large, represented their individual tribes. As a result, there was little sense of cohesion of the people.

With the advent of kingship, Israel is led by one authority whose major task is to unite the entire Am (nation) to speak for all and act on their behalf. No wonder the first king, King Saul comes from the tribe of Benjamin, a tribe that had been ostracized in the Concubine of Givah story. If Saul, who came from Benjamin, could become king and be accepted by all, any king had a chance to accomplish his goal.

Tragically, the unity did not take place. Saul was stripped of his kingship; the kingdom of David is split in two. And today, we continue to anticipate the time when a descendant of David will arise and usher in redemption for all our people who will together in unison, in Jerusalem, proclaim the ultimate kingship of G-d. © 2010 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 BEREL WEIN**

## Wein Online

**T**he pursuit of justice is never-ending and true justice in its ultimate sense is rarely if ever achieved. Is there any punishment that truly deals with murder or terrible physical or sexual abuse? Ultimate justice is located in a realm that we are not privy to nor do we understand in any fashion or way.

Yet in this week's parsha the Torah demands that we continue in our pursuit of justice even though we may be aware that the ultimate goal is beyond our powers and abilities. The Talmud interprets this pursuit as being defined, in a practical manner, to finding the best possible court of justice to appeal to for justice.

There is no perfect court, for it is made up of fallible individuals, so the Talmud only advises us to find the best possible courts that exist at that time and place. It lists the recommended courts and leading justices of its day but every generation has to continue its own search for the best courts and justice systems available.

The pursuit of justice is an unending one but one that is the most vital component of a positive and

harmonious society. A society that does not respect or trust its judicial system and its judges to be fair and efficient eventually disintegrates into lawlessness and resulting dictatorship and oppression.

The rabbis of Midrash and Talmud commented regarding the opening verse in the book of Ruth which speaks about the era of the Judges of Israel after the death of Yehoshua, "woe to a generation that continually judges its judges negatively!" That is a warning that should be taken to heart equally by the judges of the generation and their public society.

Because of the difficulty that always arises in attempting to achieve any modicum of true justice in civil disputes-and with Jewish society, for good or for better, a litigious society-the Talmud advocated mediation and arbitration as being the better way to solve disputed monetary issues.

All lawyers in the United States are well aware of Lincoln's statement that "a poor settlement of a case is still better than a good lawsuit." Unfortunately, that does not appear to be a widely accepted tenet of behavior in the current increasingly aggressive methodology in the practice of law. Compromise forces us to acknowledge our imperfections and our inability to arrive at true and ultimate justice on our own.

The rabbis of the Talmud again stated that a good and fair court composed of pious scholars will be granted Divine assistance in rendering its decision in a case that actually goes to final trial and judgment. Even such a court cannot achieve ultimate justice by its own human means. Divine aid is required to approach a fair and equitable decision in judicial matters.

Since Divine aid is never guaranteed to any human endeavor, the rabbis strongly urged the idea of compromise and settlement for all issues in human dispute. The rabbis in Avot characterized the idea that "what is mine is mine and what is yours is yours" as possibly being a trait of the wicked people of Sodom. It allows no room to compromise and to move on in life. And, perhaps, that is the most practical type of justice-the idea of compromise and the realization that most instances in life less is more? that any human society can accomplish. © 2010 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](http://www.rabbiwein.com)

#### **RABBI ARON TENDLER**

## **Parsha Summary**

**1**st and 2nd Aliyot: Moshe details the most important characteristics of a Judge: the ability to remain objective and the strength to refuse bribery. The singular focus of the Shofet must be to carry out the will of G-d as detailed in the Halacha. Nothing must deter him in carrying out his mission of justice. Idolatrous practices must be eradicated and punished. Idol

worship represents the greatest perversion of justice by replacing divine justice with human failings and desires. The Sanhedrin is our direct link with divine intent, and as stated in Pasuk 17:11, we view the rulings and interpretations of the Supreme Court as G-dly directives. Our Monarch must be selected for his unyielding commitment to G-d, Torah, and the people. This is why he must write his own Sefer Torah and carry it with him at all times. He must be first and foremost a Shofet, a Judge.

3rd and 4th Aliyot: Moshe again addressed the place of the tribe of Levi, reemphasizing the care and attention due to them by the rest of the nation. They are our teachers. Without their instruction we will neither understand or be able to properly apply justice.

5th Aliya: For justice to exist, it must be accepted as a divine ruling. Only G-d's justice can be trusted to take into account all variables and possibilities. Moshe instructed his nation regarding the true Navi-prophet and the false prophet. No other forms of divination can be used to ascertain G-d's justice, and all false prophets and methods of divination must be destroyed. The value of human life is determined by our system of justice, and Moshe reviewed the laws of the unintentional killing in contrast with the intentional murder.

6th, and 7th Aliyot: The end of Parshas Shoftim discusses both proper and false witnesses, as well as the Torah's approach to warfare. It may be that the judicial quality of a nation can be ultimately assessed by its behavior during war, more so than during times of peace.

The Parsha concludes with the unique mitzvah of the Eglah Arufa and the process through which the community takes responsibility for the unsolved murders. This ceremony, which reflects the priceless value of life, might be the most eloquent expression of G-d's judicial system.

#### **Summary of The Haftarah**

*Haftarah Shoftim: Isaiah 51:12-52:12*

G-d, speaking through Yishayahu the Navi, contrasts the situation of Israel while in exile to the way things will be at the time of Her redemption. In many ways it continues the Parsha's theme of justice. "...Behold I took from you the cup of weakness... and I will place it into the hand of those who cause you to wander..." (51:22-23) Ultimately, Israel will be returned to the Land and our oppressors will be punished.

In the last section of the Haftarah (52:7-9) the Navi prophesies the coming of Eliyahu Hanavi who will herald the arrival of Mashiach and the rebuilding of Yerushalayim. "How beautiful are the feet of the herald on the mountains announcing peace, heralding good tidings, announcing salvation..." Our soon to be announced redemption is the greatest consolation that G-d could offer his children. © 2010 Rabbi A Tendler & [torah.org](http://torah.org)