

# Toras Aish

## Thoughts From Across the Torah Spectrum

RABBI DOV KRAMER

### Taking a Closer Look

“**A**nd the arm (foreleg), the jaws and the stomach shall be given to the Kohain” (Devarim 18:3). These parts of a slaughtered animal are some of the "Matnos Kehuna," the gifts given to Kohanim so that they can focus on learning and teaching, and on performing the Temple service. The Talmud (Chulin 133a) discusses whether it's preferable for a Kohain to snatch these parts of the animal from the butcher before he distributes them to the Kohanim, to show "chivuv ha'mitzvah," how much the Kohain cherishes the mitzvah. B'er Yosef asks what kind of "chivuv ha'mitzvah" could be associated with the Kohain taking these sections of meat, since they do not have any "kedusha," no special status, to the extent that the Kohain can sell these parts to anyone, or even feed them to his dog (see Yoreh Deyah 61:13).

Another question that could be asked is how the Talmud could even consider the possibility that a Kohain can grab these meat portions before they are given to him, since the owner has the right to choose which Kohain to give them to. Why isn't taking this meat considered outright stealing (see R"N) since it doesn't belong to the Kohain until after it is given to him? When the Talmud resolves the issue, the reason a Kohain should not grab the meat from the butcher is not because it would be stealing, but because the verse says explicitly that the owner must "give" it to the Kohain. How could the Talmud have considered the possibility that taking it was okay (and Abaye have actually been grabbing these portions until he became aware that the Talmud determined he can't), if the verse explicitly says that the owner must "give" it to the Kohain?

After learning that the non-Kohain (and non-Levi) must "give" the meat to the Kohain, Abaye stopped snatching it and asked for them instead. This way, the Kohain is "giving" it to him, but asking for it demonstrated his "chivuv ha'mitzvah." Upon learning that Sh'muel HaNavi's sons were not highly thought of because they asked for ma'aser (instead of waiting for it to be given it to them), Abaye also refrained from asking for the meat, but took them when offered. Finally, after learning that "modest" Kohanim no longer accepted any "showbread" (which was also distributed to Kohanim) after Shimon HaTzaddik's death, Abaye

didn't accept any of this meat (except once a year, so that all would know he was a Kohain). The transition from wanting to demonstrate "chivuv ha'mitzvah" to having no part in the mitzvah is interesting, especially since the Torah specifically designates this meat for Kohanim. Why would shunning these things be praiseworthy if G-d's intention was that the Kohanim should get them?

Nemukay Yosef (see also Rabbeinu Yehonasan Mi'Lunil) says that butchers didn't want to give a large amount of meat to some Kohanim and leave no meat for others, so they divided the portions into the smallest pieces allowed (enough to be considered an honorable portion, see Y"D 61:9). This is similar to the "showbread" because after Shimon HaTzaddik died, the small portion of "showbread" given to each Kohain no longer satisfied those who ate it. Apparently, Rambam (Hilchos Bikurim 9:22), Tur and Shulchan Aruch (Y"D 61:11) understood Abaye's situation the same way. Based on this, the issues raised above can be resolved.

It was not considered "stealing" when Abaye grabbed the meat, since the butchers had already designated the appropriate pieces for the Kohanim and intended to distribute them equally. (It is also possible that Abaye knew, based on past experience, which pieces would be given to him.) In order to ensure that the butchers valued the mitzvah of giving this meat to the Kohanim, Abaye wanted to demonstrate its importance by taking an active role in it being "given" to him. Once he learned that doing so impugned his own reputation (thereby having the opposite effect of his intent to set a good example) and was an inappropriate course of action, he stopped doing it. With all the meat being given out to other Kohanim, there was no need for Abaye to take it (as long as he had other sources of food/income). The "chivuv ha'mitzvah" Abaye was hoping to accomplish was not his own mitzvah (since only the non-Kohanim/Levi'im were commanded to give these parts to a Kohain). Rather, Abaye was trying to enrich the butcher's mitzvah by demonstrating how much he valued it.

B'er Yosef suggests a totally different approach to answer his question, with the mitzvah applying to the Kohain himself, "to value the gifts that G-d, in His abundant goodness, granted him." Therefore, "it is a mitzvah to chase after it in order to show recognition of the good that G-d bestowed upon him through His

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abundant kindness." In other words, the act of aggressively pursuing these pieces of meat demonstrated a recognition and appreciation for what G-d has given him. However, "chivuv mitzvah" implies an already existing mitzvah that is cherished. More importantly, how is this meat being given to a Kohain different from anything anyone receives? Aren't we all supposed to recognize that whatever we have comes from G-d (see Avos 3:8)? Why, according to B'er Yosef, would the Talmud only discuss this "mitzvah" with regards to "Matanos Kehuna" if it applies equally to everyone's income? Did Abaye expect us to "grab" our check from the desk of the payroll person before it gets to our mailbox? Or sign up for direct deposit to get it sooner? Or not sign up for direct deposit so that we can grab it (or ask for it)? The implication is that the "Matnos Kehuna" are unique. Why are they different than any other income or revenue?

As I discussed last week, attributing anything to a source other than G-d qualifies as "idol worship." (Even atheists qualify as "believing in powers other than G-d," since they believe that matter can evolve on its own-without the help, direction and guidance of a Creator.) Gravity isn't an independent force, but a "natural law" created and powered by G-d. The fact that G-d gives every single object a force of gravity, in the same proportion, does not negate the notion that it is G-d doing it. All it means is that He is not doing it specifically for certain objects, but doing it for all things. The same is true for all of the "laws of nature;" G-d designed them, and makes them "go" constantly ("ha'mechadesh b'chol yom tamid ma'aseh beraishis"), every time (or almost every time).

Originally, G-d prepared everything for Adam in a way that didn't require work; he didn't have to plow, plant or harvest in order to eat. Things changed after he ate from the Tree of Knowledge, and in order to eat, man had to work the land. The ability of the land to produce food was still from G-d, and powered by G-d, but man needed to toil in order to harness that power. [This is one of the reasons the blessing on bread refers to G-d as "the One Who brings bread from the ground." Even if we have to work the land, harvest the wheat, separate the kernels, grind them, add water, knead the dough, and bake it, since every step of the process requires G-d's handiwork-including giving us the

materials, knowledge and ability to bake bread and build the ovens to bake it in-we acknowledge what G-d has done for us, and consider it as if He gave us an already-baked loaf of bread.] Aside from having to put in the work, the only difference between G-d handing us a loaf of bread or handing us all the materials to make a loaf of bread is the necessity for us to take the materials G-d provides and do the work now required of us. Therefore, even after we've decided to do our part, we must recognize that it was G-d Who made it possible for us to have the loaf of bread.

So far, we've discovered one difference between the "Matnos Kehuna" and our "gifts from G-d;" we must do our part in order for those gifts to "arrive," while the responsibilities of the Kohanim are not directly connected to the food they eat. There are other fundamental differences as well. The laws of nature apply to everything in our world, even if not everything fulfills the purpose of creation. All tomatoes follow G-d's natural laws when they grow, whether they are eaten by humans or by moles. All of mankind has the ability to utilize the world G-d created, even those who aren't righteous. True, in the end, G-d will ensure that justice prevails, but G-d is the power behind everything utilized by everyone.

It was easier to recognize that G-d was behind the manna falling from heaven than it is to recognize His role in the loaf of bread purchased in a bakery. Whereas the farmer can't say that G-d makes grains grow specifically for him (although the amount that grows, etc., is dependant on his level of attachment to G-d), the Kohain can say that the reason he gets the foreleg is specifically because G-d wanted him to have it. And receiving income more directly (and specifically) from G-d requires a higher level of recognition of-and appreciation for-where it comes from. ©2011 Rabbi D. Kramer

**RABBI SHLOMO RISKIN**

## Shabbat Shalom

**“Y**ou shall surely appoint for yourself a king." (Deut. 17:15). Can a woman be elected as president of a synagogue? Can a woman serve as a judge in matters of halachic dispute? Can she function within a synagogue as a member of the clergy who responds to halachic questions posed by the congregants? These issues have raised some controversy, with the major source of the dispute and its resolution emanating from a verse in this week's biblical reading.

The great sage and religio-legal decisor Maimonides (1135-1204) concludes his magnum opus with the "Laws of Kings," which includes statutes of governance as well as a vision of the period of universal messianic redemption, the goal of our entire religious and national covenantal enterprise. In the very first chapter, where he establishes the importance of a

monarchy as opposed to anarchy, he adds: "It is improper to establish a woman as monarch, as the Bible states 'You shall surely appoint for yourselves a king - a melech [male ruler] and not a malka [female ruler]" (Laws of Kings 1:5, 6).

This particular exclusion of a female monarch is indeed cited by the midrash, but then Maimonides adds a clause which is not to be found in our midrashic sources but which seems to be his own addition: "And similarly any appointment within Israel must be the appointment of a male and not a female." He then goes on to write, "And we do not appoint - for the position of monarch or as high priest - a butcher, a barber, a bathhouse keeper, or a tanner, not because they are invalid by their very nature but rather because their professions are looked down upon (by society at large), and so the nation will denigrate their authority."

Now this very last clause in Maimonides, which excludes certain professionals from being appointed king or high priest is cited in the Talmud (B.T. Kiddushin 82), with the reason for their exclusion being because "they do business with women"; it therefore would make sense for Maimonides to have extrapolated that women themselves ought certainly not be appointed to any office of authority since they would not enjoy the respect of the masses which such appointments would require.

From this perspective we can also understand Maimonides' additions. If women were not respected members of society, then a woman ought not be appointed to any position of authority - not as a monarch, not as a judge, not as a member of synagogue clergy to decide issues, not as an Attorney General, and not as a principal of a school!

However, five times in the Talmud, the Tosafists (Ashkenazic authorities of the 11th to 13th centuries) bring up historical precedents which would seriously undermine the Maimonidean position: Was not Shlomzion HaMalka, the sister of Rav Shimon ben Shetah, the ruling monarch in Israel during the Second Commonwealth (76-67 BCE), with no recorded objection from the Sages and during a rare period when halakha truly ruled the Jewish state? And was not Deborah a judge in Israel, who sat beneath a tree rendering religio-legal judgments to her people? The Tosafists give various responses, including the position that woman have every right to judge - against the view of Maimonides - as well as the fact that Deborah was accepted by the people, and therefore as long as she was well-versed in the law she could render halachic decisions (see Tosafot Bava Kama 15a and Nida 50a). In fact, at least in one instance, the Mishna rules in accordance with a woman, Bruria, the wife of Rav Meir, against her father, Rav Hanina ben Teradyon.

The Mishpatei Uziel (a book of responsa by the first Sephardi Chief Rabbi of Israel) insists that Maimonides himself would accept this latter position.

He merely excluded women from appointed positions lest the people not take feminine authority seriously; but were a woman to be elected - accepted as monarch by the people or as a judge by the litigants, she could certainly serve in those positions of authority. Hence it would seem that there is certainly halachic room to permit a woman to be elected synagogue president and - if truly expert in the law - to be a member of synagogue clergy. Since, however, the main functions of a synagogue are the public prayers and public Torah readings - which women cannot lead in a service with men and women - I do not believe that a woman can serve as the sole rabbi of a synagogue; hence I would not give a woman the specific title of "Rabbi." After all, in small synagogues the rabbi is often expected to serve as cantor and/or Torah reader, which are functions that a woman cannot halachically perform for the men in the congregation. Perhaps a more acceptable title might be Morah Rabbah, Great Leader, bearing in mind that the permission to give halachic leadership, or direction, is heter hora'ah, yoreh yoreh, from the same root. ©2011 Ohr Torah Institutions & Rabbi S. Riskin

**CHIEF RABBI LORD JONATHAN SACKS**

## Covenant & Conversation

**T**his summer, we've seen riots on the streets of London and Manchester on the one hand, Tripoli on the other. On the face of it there was nothing in common between them. In London the rioters were holding rocks. In Tripoli they were holding machine guns. In Libya they were rioting to remove a tyrant. In London they were rioting for clothes and flatscreen televisions. There was only one thing in common, namely that they were riots. They reminded us, as John Maynard Keynes once said, that civilization is a thin and precarious crust. It can crumble easily and quickly.

The riots in both places, in their different ways, should make us think in a new way about the unique political project Moses was engaged in the parsha of Shoftim and in the book of Deuteronomy as a whole.

Why do crowds riot? The short answer is, because they can. This year we have seen the extraordinary impact of smartphones, messaging systems and social network software: the last things, one might have thought, to bring about political change, but they have done so in one country after another in the Middle East - first Tunisia, then Egypt, then Libya, then Syria, and the reverberations will be with us for years to come. Similarly in Britain, though for quite different reasons, they have led to the worst, and strangest, riots in a generation.

What the technology has made possible is instant crowds. Crowd behaviour is notoriously volatile and sweeps up many kinds of people in its vortex. The result has been that for a while, chaos has prevailed, because the police or the army has been caught

unawares. The Torah describes a similar situation after the sin of the golden calf: "Moses saw that the people were running wild and that Aaron had let them get out of control . . ." (Ex. 32: 25). Crowds create chaos.

How then do you deal with crowds? In England, by more police, zero tolerance, and tougher sentencing. In the Middle East, we do not yet know whether we are seeing the birth of free societies or a replacement of the tyranny of a minority by the tyranny of the majority. However, it seems to be a shared assumption that the only way you stop people robbing one another or killing one another is by the use of force. That has been the nature of politics since the birth of civilisation.

The argument was stated most clearly by Thomas Hobbes in the 17th century in his political classic, *Leviathan*. Without the use of force, Hobbes said, we would be in a state of nature, a war of all against all in which life would be "nasty, brutish and short." What we have witnessed in both Britain and the Middle East has been a vivid tutorial in Hobbesian politics. We have seen what a state of nature looks like.

What Moses was proposing in *Devarim* was fundamentally different. He assembled the people and told them, in so many words, that there would be social order in the new land they were about to inherit. But who would achieve it? Not Moses. Not Joshua. Not a government. Not a tyrant. Not a charismatic leader. Not the army. Not the police. Who would do it. "You," said Moses. The maintenance of order in *Deuteronomy* is the responsibility of the entire people. That is what the covenant was about. That is what the sages meant when they said *Kol Yisrael arevin zeh bazeh*, "All Israel are responsible for one another." Responsibility in Judaism belongs to all of us and it cannot be delegated away.

We see this most clearly in this week's parsha in the law of the king. 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 a king the Lord your G-d chooses . . . The king must not acquire great numbers of horses for himself . . . He must not take many wives . . . He must not accumulate large amounts of silver and gold. (*Deut. 17: 14-17*)

Note the strange way the command is phrased. "When you say . . ." Is this an obligation or a permission? "Like all the nations around us" - but the entire thrust of the Torah is that the Israelites were not to be like the nations around them. To be holy means to be different, set apart. "The king must not . . . must not . . . must not." The accumulation of prohibitions is a clear signal that the Torah sees the institution as fraught with danger. And so it was. The wisest of men, Solomon, fell into all three traps and broke all three

laws. But that is not the end of the Torah's warning. Even stronger words are to follow:

When he takes the throne of his kingdom, he is to write for himself on a scroll a copy of this law . . . It is to be with him, and he is to read it all the days of his life so that he may learn to fear the Lord his G-d and follow carefully all the words of this law and these decrees and not consider himself better than his fellow Israelites . . . (*17: 18-20*)

Only one man is commanded in the Torah to be humble: the king. This is not the place to go into the famous disagreement among the commentators as to whether appointing a king is a command or not. [1] Maimonides says it is an obligation. [2] Ibn Ezra says it is a permission. [3] Abrabanel says it is a concession. [4] Rabbenu Bahya says it is a punishment. The Israelites, a nation under the sovereignty of G-d, should never have sought a human leader. In the words of Avinu malkenu, *Ein lanu melekh ela atah*, "We have no other king but You."

The point is, however, that the Torah is as far removed as possible from the world of Hobbes, in which it is *Leviathan* - his name for absolute monarchy, the central power - who is responsible for keeping order. In a Hobbesian world, without strong government there is chaos. Kings or their equivalent are absolutely necessary.

Moses is articulating a quite different view of politics. Virtually every other thinker has defined politics as the use of power. Moses defines politics as the use of self-restraint. Politics, for Moses, is about the voice of G-d within the human heart. It is about the ability to hear the words, "Thou shalt not." Politics is not about the fear of the government but about the fear of G-d.

So radical is this political programme that it gave rise to a phenomenon unique in history. Not only did Jews keep Jewish law when they were in Israel, a sovereign state with government and power. They also kept Jewish law in exile for 2000 years, when they had no land, no power, no government, no army, and no police.

Rabbi Levi Yitzhak of Berdichev once said: "Master of the universe, in Russia there is a Czar, an army and a police force, but still in Russian houses you can find contraband goods. The Jewish people has no Czar, no army and no police force, but try finding bread in a Jewish home on Pesach!"

What Moses understood in a way that has no parallel elsewhere is that there are only two ways of creating order: either by power from the outside or self-restraint from within; either by the use of external force or by internalised knowledge of and commitment to the law.

How do you create such knowledge? By strong families and strong communities and schools that teach children the law, and by parents teaching their

children "when you sit in your house or when you walk by the way, when you live down and when you rise up."

The result was that by the first century Josephus could write, "Should any one of our nation be asked about our laws, he will repeat them as readily as his own name. The result of our thorough education in our laws from the very dawn of intelligence is that they are, as it were, engraved on our souls."

This is a view of politics we are in danger of losing, at least in Europe, as it loses its Judeo-Christian heritage. I have argued, in many of these essays and several of my books, that the only country today that retains a covenantal view of politics is the United States. It was there, in one of the great speeches of the nineteenth century, that Abraham Lincoln articulated the fundamental idea of covenant, that when there is "government of the people, by the people, for the people," there is a new birth of freedom.

When only police or armies stand between order and riots, freedom itself is at risk ©2011 Chief Rabbi Lord J. Sacks and torah.org

### RABBI AVI WEISS

## Shabbat Forshpeis

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

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

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

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

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

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

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

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

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

To those who disparage the environment, our Torah sends a counter message. Trees must be protected, not only for our sake, but for theirs-and for the message they teach about life. One Shabbat, as I walked with my eldest granddaughter Ariella, greeting everyone with Shabbat Shalom, she saw a tree, embraced it, and said, "Shabbat Shalom tree." Ariella certainly has internalized the message of the importance of the tree, may we all be blessed with this lesson as well. ©2011 Hebrew Institute of Riverdale & CJC-AMCHA. Rabbi Avi Weiss is Founder and President of Yeshivat Chovevei Torah Rabbinical School - the Modern and Open Orthodox Rabbinical School. He is Senior Rabbi at the Hebrew Institute of Riverdale, a Modern and Open Orthodox congregation of 850 families. He is also National President of AMCHA - the Coalition for Jewish Concerns.

### RABBI BEREL WEIN

## Wein Online

**T**his is the 'law and order' parsha of the Torah, so to speak. Implicit in studying it is the realization of the delicate balance between an ordered society, with some restraints on personal freedom and expression, and, on the other hand, a society of complete personal freedom but also of anarchy and chaos.

The judges and police that the Torah commands and authorizes are to be the arbiters that decide the rules of society and the acceptable behavior of its citizens. But, they are merely the enforcers of the law. It is the citizenry itself that sets the limits and mores of the society.

As we have recently seen, thousands of police cannot, by themselves, stop looting, rioting and other

forms of social mayhem. There has to be an agreed upon social imperative within the society to make for order. Traffic flows because there is an unwritten but nevertheless binding agreement among drivers to observe traffic signals and stop lights.

Police can be a deterrent to law breakers but police do not guarantee a civil or lawful society. Eventually all societies based purely upon police power falter and fail. Again, witness what is happening in the countries that surround us. Police states cannot control beliefs, ideas and human longings. These eventually rise to the fore, unfortunately many times violently and in revolution, and assert themselves to be stronger than the power of the police state. Police are only valid as the enforcers of the public will. When they overstep that boundary they can become a very negative force in society.

The Torah bids judges and courts to rule fairly, justly and righteously. There is no judge in the world that enters the courtroom without personal prejudices and preconceived beliefs. Yet, the Torah still demands that this judge, burdened by this weight, weigh the matters before him fairly and decently. The pursuit of true justice is a never ending one.

The rabbis of the Talmud advised us to choose a court that has the established reputation for being fair, just and wise. The Talmud lists for us courts and judges that met this description in the early centuries of the Common Era. Being a judge is always a lonely, difficult position. No one will be completely satisfied with a judge's decision. There always are perceived slights and injustices that occur in all legal proceedings.

The Torah bids all of us - judges, litigants, witnesses and the general public - to somehow rise above these inescapable human failings and continue to pursue justice and righteousness as best we can. The prophet challenges us "to create justice." All human creations have an element of imperfection incorporated within them. We should not allow the presence of this unavoidable imperfection to cloud our general view of the necessity for the pursuit of justice to continue.

Judges may falter and be found wanting, but the Torah's insistence upon the rule of justice and right in society is never ending. Both judges and police when set upon the Torah's path of pursuing justice and a moral society fulfill a vital role in society and government. ©2011 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)

**ADAM LIEBERMAN**

## A Life Lesson

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

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

G-d wants the king to have a Torah-with all its commandments-in his personal possession at all times. Why would a king, the very person in charge of telling others what to do, have to do this?

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

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

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

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

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

And in everyday situations, sound advice you readily give to others you should also start taking for yourself. Practice what you preach. Live by the same words you give to friends, family, and co-workers, and don't feel you're above any of it. This will force you to grow in ways you've never imagined, and that's exactly what G-d had in mind. ©2008 A. Lieberman & aish.com

**RABBI BORUCH LEFF**

## Kol Yaakov

We may not notice it as much as previous generations did due to the relative good relations with the non-Jewish world (though recent events have shaken us), but we are in exile and have been for almost 2000 years. The prolonged exile has devastated normal Jewish life in numerous ways.

The recent period of the Three Weeks of mourning the Temple's destruction, from 17th of Tamuz until 9th of Av, is designed to remind us of all that we are mourning. While it is true that the Three Weeks have now passed and we have reverted back to

our relaxing summer vacations, it is important particularly now to reflect on the growth that we were supposed to have attained.

We do this in the spirit of the Talmud in Brachot 32b, "The early pious ones would prepare for prayer for an hour, pray for an hour, and contemplate their prayers an hour afterwards", in order to apply and bring the growth they just experienced into their regular lives. At the end of our reflections, we will see a strong link to our weekly Torah portion, Shoftim

The Three Weeks determines the "who we are and how we live" as Jews. When we mourn for the Temple, when we feel the pain of its loss and the sufferings that our ancestors experienced during this period, it is not a "pain" that we are mourning. Pains don't last 2,000 years. The most intense and sharpest of pains dissipate. A year later they're weak, ten years later they're weaker, and a thousand years later they're not felt at all. It isn't the pain that our ancestors felt which we are mourning; it is the loss that is affecting us to this day.

This is the recognition and the statement that we make when we fast on 17th of Tamuz and keep the laws of mourning of the Three Weeks and Tisha B'av. It is a statement that not having a Temple renders us a broken people, unable to live a normal life. It means that we have been thrown to a state of spiritual disease and illness, where we cannot think correctly, feel correctly or live correctly.

We are in a state of darkness, unable to reach out and to relate to our Creator as we should to live spiritual, healthy and full lives. It is not simply that extra opportunities are lost to us, but we are crippled and we live as cripples. This is the most important and tragic effect of all. A blind man reaches the point where his blindness is so accepted that he is not aware of a sense of loss. He is not aware that he does not live a normal and full life, that he is handicapped and that there are whole areas of experience and existence that are closed to him. He starts thinking that this is life at its fullest. He doesn't know that the inability to see colors, the inability to see the magnificence of G-d's creation, is a lack and a loss. He accepts it as being the norm. That is tragic because in doing so, he reduces G-d's creation.

If this is true in material matters, how much more so is the effect when it comes to accepting a spiritually crippled life as being the norm. If we come to feel that as a people without a Temple we are living a full life, think of the effect this has on our understanding of what existence is all about, of what our relationship with our Creator is all about. We accept as a normal way of living life without G-d's face turned to us. Somehow it seems to us as though the way we live is perfect. It doesn't make sense to us to go and bring animals, slaughter them in a Temple, put them on an altar and burn up the meat. As a nation, we

have begun to feel that maybe sacrifices aren't necessary after all.

We have lost the sense of commitment and service to G-d, which can only be completely filled by bringing a sacrifice. We have lost the value of being able to physically reach out and show G-d that we give ourselves to Him with totality and completeness. And if we don't shed our own blood, it's because we substitute the blood of the sacrifice. But we are ready to give ourselves, our bodies, our blood for His sake. (See Temple Full of Blood [http://www.aish.com/torahportion/kolyaakov/A\\_Temple\\_Full\\_of\\_Blood.asp](http://www.aish.com/torahportion/kolyaakov/A_Temple_Full_of_Blood.asp)) If I bring a sacrifice even once a year, it transforms my entire year. The knowledge that I have open to me the opportunity, the desire, the decision, that I will bring a sacrifice, makes me prepare many days for it. It's an experience that lifts me up. It's a different and higher form of existence.

The recognition that the loss of the Temple is really something significant, that I suffer now every minute of my life from that loss, is an absolute necessity in keeping our sanity as Jews. This is why the Rabbis instituted the mourning period of the Three Weeks. The Torah given at Sinai included all components necessary to live a full life in the service of G-d and was not lacking anything. What then are we to make of the holidays and fast days which are of Rabbinic obligation? Why would the rabbis add new laws to a perfect Code given by G-d Himself?

The only possible solution to this difficulty is to realize that every rabbinic law that we encounter within the framework of Torah does not exist as an ideal. Rather, the existence of rabbinic laws reflect a failing of the Jewish People within particular areas which forced the rabbis to respond and correct these failings. As the first Mishnah in Pirkei Avot (Ethics of the Fathers) teaches (loose translation): "Assu Syag LeTorah" - "Make a fence around the Torah when you deem it necessary. Add precepts and rituals to the Torah to enhance the performance of each of the 613 commandments."

Ideally, the original Torah given directly by G-d was designed to be "self-sufficient" in terms of spiritual growth. But the enactment of the Three Weeks was necessary in order for us to keep an awareness of what it is to be a true servant of G-d, to know and relate to Him. Therefore, we must use the Three Weeks to make us aware again, to keep us from falling into the trap of accepting our lives now as normal.

But it goes even beyond this. Not only do we accept a world without a Temple, a world without the sacrifices, as being a tolerable world, but, worse, we accept a world in which the Jewish people and Torah values are subordinate, as being a normal tolerable world. We're comfortable in America, in Canada, in England and all over. It doesn't feel as though we're in the Diaspora at all. We can speak their language and

we can relate to them. We live with their value system that at times is antithetical to Torah.

We accept from them the definition of what a good marriage is, and we start thinking of romance and love as being the basis of marriage. And then marriage becomes primarily a means for self-fulfillment. Shortly thereafter, selfishness becomes ingrained and a part of the very fabric of our existence, instead of the realization that the purpose of marriage is to learn to be concerned one for the other, to be outgoing, to be giving to another.

We learn from them, we take from them because we don't feel the exile, because we feel at home. And if once in a while someone says, "Well, but you're not really at home," we don't want to hear it, we don't want to face it. We feel at home, we're comfortable. This is degradation and falsehood; this isn't the way to live.

Observance of the Three Weeks is more than mourning, it is an acceptance of a commitment that we want a different way of living, and that we understand the purpose of our existence to be an entirely different one than the way in which we are living presently. It is a commitment to seeking a true Jewish existence and a true human existence that requires the awareness of the need for G-d as an actual presence.

Think for a moment. After explaining here in detail many of the exile's horrific effects upon the Jewish soul and value system, what would be the most debilitating consequence of the exile?

Parshat Shoftim opens with the verse:

"Judges and policeman shall be placed in all of your cities which G-d, your Lord, has given you - all of your tribes, and they shall judge the people with righteous judgment." (Devarim 16:18)

The general themes of Parshat Shoftim are the laws of kings, judges and a central authority of justice present with the existence of the Sanhedrin, the Supreme Court of Jewish law.

This is the most debilitating consequence of the exile - the loss of our judges and Supreme Court. If we had a Sanhedrin, disputes among the Jewish people would cease to exist. While free discussion and questioning has always been encouraged in Jewish learning (as the old expression goes, "Two Jews, three opinions"), as long as a Sanhedrin existed, all Jews followed the same law ruled upon by Sanhedrin as the bottom line. There were no separate groups or factions, observing different laws, customs, or philosophies. The Jewish people were united.

Without a central authority, disputes may begin for the "sake of heaven" and with G-d's law in mind, but all too often, they end with personal, hate-filled arguments and fights. A Jewish people divided is a Jewish people that cannot achieve great accomplishments and brings upon itself terrible suffering. Our internal fighting removes Divine

protection from us, which makes us vulnerable for the attack of our enemies. As the Yerushalmi Peah, Chapter 1 says (paraphrased): "Although undeserving, King Achav (an ancient Jewish king) won many wars because the people of his generation were at peace with one another. The opposite is true as well: if Jews fight among themselves, they will lose wars."

This is what we mean in the Shemoneh Esrai prayer, 11th blessing:

"Restore our judges to the influence they once held and our advisers to the prestige they had in earlier times, and thereby remove sorrow and groans."

All of our sorrows and groans result from discord and fighting, and our fighting comes as a result of the lack of central authority governing Jewish law and practice. This is why non-existence of the Sanhedrin is perhaps the most debilitating consequence of the exile.

We have expressed here the pains and sorrows of the exile. Let us live to see the joys and jubilation of the redemption, speedily and soon. © 2011 Rabbi B. Leff and aish.com

#### **RABBI SHLOMO RESSLER**

### **Weekly Dvar**

This 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.

He 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), adding 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! © 2006 Rabbi S. Ressler & LeLamed, Inc.