

# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI LORD JONATHAN SACKS Z"L**

### Covenant & Conversation

*Rabbi Sacks zt"l had prepared a full year of Covenant & Conversation for 5781, based on his book Lessons in Leadership. The Office of Rabbi Sacks will continue to distribute these weekly essays, so that people all around the world can keep on learning and finding inspiration in his Torah.*

It was one of the great moments of personal transformation, and it changed not only Moses but our very conception of leadership itself.

By the end of the book of Bamidbar, Moses' career as a leader would seem to be ending. He had appointed his successor, Joshua, and it would be Joshua, not Moses, who would lead the people across the Jordan into the Promised Land. Moses seemed to have now achieved everything he was destined to achieve. For him there would be no more battles to fight, no more miracles to perform, no more prayers to make on behalf of the people.

It is what Moses did next that bears the mark of greatness. For the final month of his life he stood before the assembled people, and delivered the series of addresses we know as the book of Deuteronomy or Devarim, literally "words." In these addresses, he reviewed the people's past and foresaw their future. He gave them laws. Some he had given them before but in a different form. Others were new; he had delayed announcing them until the people were about to enter the land. Linking all these details of law and history into a single overarching vision, he taught the people to see themselves as an am kadosh, a holy people, the only people whose sovereign and lawgiver was God Himself.

If someone who knew nothing about Judaism and the Jewish people were to ask you for a single book that would explain both who Jews are and why they do what they do, the best answer would be Devarim. No other book so encapsulates and dramatises all the key elements of Judaism as a faith and way of life.

In a much-watched TED talk, and a book with the same name,<sup>1</sup> Simon Sinek says that the transformative leaders are those who 'Start with Why.'

<sup>1</sup> Simon Sinek, *Start with Why: How Great Leaders Inspire Everyone to Take Action*, Portfolio, 2011. The lecture can be seen at <http://www.youtube.com/watch?v=qp0HIF3SfI4>.

More poetically, Antoine de Saint-Exupery said, "If you want to build a ship, don't drum up people together to collect wood and don't assign them tasks and work, but rather teach them to long for the endless immensity of the sea."

Through the addresses we read in the book of Devarim, Moses gave the people their Why. They are God's people, the nation on whom He has set His love, the people He rescued from slavery and gave, in the form of the commandments, the constitution of liberty. They may be small but they are unique. They are the people who, in themselves, testify to something beyond themselves. They are the people whose fate will defy the normal laws of history. Other nations, says Moses, will recognise the miraculous nature of the Jewish story – and so, from Blaise Pascal to Nikolai Berdyaev and beyond, they did.

In the last month of his life Moses ceased to be the liberator, the miracle-worker, the redeemer, and became instead Moshe Rabbeinu, "Moses, our teacher." He was the first example in history of the leadership type in which Jews have excelled: the leader as teacher.

Moses surely knew that some of his greatest achievements would not last forever. The people he had rescued would one day suffer exile and persecution again. The next time, though, they would not have a Moses to do miracles. So he planted a vision in their minds, hope in their hearts, a discipline in their deeds and a strength in their souls that would never fade. When leaders become educators they change lives.

In a powerful essay, 'Who is fit to lead the Jewish people?' Rabbi Joseph Soloveitchik contrasted the Jewish attitude to kings and teachers as leadership types.<sup>2</sup> The Torah places severe limits on the power of kings. They must not multiply gold, or wives, or horses. A king is commanded "not to consider himself better than his fellow Israelites, nor turn from the law to the right or to the left" (Deut. 17:20).

A king was only to be appointed at the request of the people. According to Ibn Ezra, the appointment of a king was a permitted, but not an obligation. Abarbanel held that it was a concession to human frailty. Rabbeinu Bachya regarded the existence of a

<sup>2</sup> Abraham R. Besdin, *Reflections of the Rav*, World Zionist Organisation, 1979, 127-139.

king as a punishment, not a reward.<sup>3</sup> In short, Judaism is at best ambivalent about monarchy – that is to say, about leadership as power.

On the other hand, its regard for teachers is almost unlimited. “Let the fear of your teacher be as the fear of heaven,” says the Talmud.<sup>4</sup> Respect and reverence for your teacher should be greater even than respect and reverence for your parents, rules Rambam, because parents bring you into this world, while teachers give you entrance to the World to Come.<sup>5</sup>

When someone exercises power over us, they diminish us, but when someone teaches us, they help us grow. That is why Judaism, with its acute concern for human dignity, favours leadership as education over leadership as power. And it began with Moses, at the end of his life.

For twenty-two years, as a Chief Rabbi, I carried with me the following quotation from one of the greatest leaders of the Zionist movement, Israel’s first Prime Minister, David Ben-Gurion. Although he was a secular Jew, he was enough of a historian and Bible scholar to understand this dimension of leadership, and said so in eloquent words: Whether you hold humble office in a municipality or in a small union or high office in a national government, the principles are the same: you must know what you want to achieve, be certain of your aims, and have these goals constantly in mind. You must fix your priorities. You must educate your party and must educate the wider public. You must have confidence in your people – often greater than they have in themselves, for the true political leader knows instinctively the measure of man’s capacities and can rouse him to exert them in times of crisis. You must know when to fight your political opponents, and when to mark time. You must never compromise on matters of principle. You must always be conscious of the element of timing, and this demands a constant awareness of what is going on around you – in your region if you are a local leader, in your country and in the world if you are a national leader. And since the world never stops for a moment, and the pattern of power changes its elements like the movement of a kaleidoscope, you must constantly reassess chosen policies towards the achievement of your aims. A political leader must spend a lot of time thinking. And he must spend a lot of time educating the public, and educating them anew.<sup>6</sup>

<sup>3</sup> In their commentaries to Deut. 17:15. Rabbenu Bachya’s point is that the people should in principle have needed no other king than God Himself. In support of his view, he quotes Hosea: “They set up kings without My consent; they choose princes without My approval” (8:4); and “So in My anger I gave you a king, and in My wrath I took him away” (13:11).

<sup>4</sup> Pesachim 108b.

<sup>5</sup> Mishneh Torah, Hilchot Talmud Torah 5:1.

<sup>6</sup> Moshe Pearlman, Ben Gurion Looks Back in Talks with Moshe Pearlman, Weidenfeld and Nicolson, New York, 1965,

The poet Shelley once said that “poets are the unacknowledged legislators of the world.”<sup>7</sup> Whether this is true or false, I do not know, but this I know: that there is all the difference between giving people what they want and teaching them what to want.

Teachers are the unacknowledged builders of the future, and if a leader seeks to make lasting change, they must follow in the footsteps of Moses and become an educator. The leader as teacher, using influence not power, spiritual and intellectual authority rather coercive force, was one the greatest contributions Judaism ever made to the moral horizons of humankind and it can be seen most clearly in the Book of Devarim, when Moses for the last month of his life summoned the next generation and taught them laws and lessons that would survive, and inspire, as long as there are human beings on earth. *Covenant and Conversation 5781 is kindly supported by the Maurice Wohl Charitable Foundation in memory of Maurice and Vivienne Wohl z”l* ©2021 Rabbi Lord J. Sacks z”l and rabbisacks.org

#### **RABBI SHLOMO RISKIN**

## **Shabbat Shalom**

**T**he biblical reading of Devarim always falls out on the Sabbath preceding Tisha Be’av, the fast commemorating the destruction of our Holy Temples. This is not merely an “accident” of the calendar; in our portion, Moses reviews his life and he cries out, “How (eicha) can I bear your troublesomeness and your burdens and your belittling barbs?” [Deut. 1:12], a verse which begins with the same word that opens the Scroll of Lamentations (“How [Eicha] does she sit alone, the city once filled with our people?”) The Torah reader on the Sabbath chants the Torah verse Eicha with the same haunting melody used for the Eicha reading on Tisha Be’av.

What is the significance of the destruction of the Temple? How important could the Temple have been if Judaism managed to survive without it for the last 2,000 years? And how many modern Jews can really identify with the slaughter of animals as offerings in a Temple? By exploring a fundamental difference of opinion between two great Jewish leaders—Rabbi Yohanan ben Zakkai and Rabbi Akiva—we can gain insight into the significance of our Temple, and the irretrievable loss we suffered as a result of its destruction.

As the Romans besieged Jerusalem, Rabbi Yohanan managed to leave the city and meet with Vespasian, the leader of the Roman armed forces carrying out the siege. The rabbi requested that the

<sup>52</sup> I owe this quotation to Jonathan (now Lord) Kestenbaum, Executive Director of the Office of the Chief Rabbi, 1991-1996.

<sup>7</sup> Percy Bysshe Shelley, A Defence of Poetry: An Essay (ReadHowYouWant, 2006), 53.

Romans spare the city of Yavne and its wise men, the Sanhedrin of sages.

Rabbi Yohanan was willing to relinquish Jerusalem and the Temple so long as the Jews could remain in Israel and maintain their ongoing interpretations of the Oral Law.

Approximately six decades later, Rabbi Akiva bitterly condemned this accommodating stance of Rabbi Yohanan (even though he taught both of Rabbi Akiva's own two teachers, Rabbi Yehoshua and R. Eliezer), referring to a verse from the Prophet Isaiah which he applied to Rabbi Yohanan: "God turns the sages backwards and transforms their wisdom into foolishness" (Isa. 44:25) (B.T. Gittin 56b). Apparently, Rabbi Akiva believed that Rabbi Yohanan gave up too much too soon, that he should have continued to fight in order to retain Jerusalem and the Holy Temple.

Indeed, Rabbi Akiva put his ideas into practice by spearheading the Bar Kochba rebellion against Rome (135 CE) for the avowed purpose of Israel's liberation of Jerusalem and rebuilding of the Holy Temple.

What was the fundamental difference of opinion between these sages? Rabbi Yohanan ben Zakkai believed that, apart from the prohibitions of murder, sexual immorality and idolatry, the only value for which one may forfeit one's life is the survival of the Jewish nation. This explains why the Bible introduces the concept of a life-endangering obligatory war (milhemet mitzva) for the sake of the conquering the Land of Israel at the dawn of our history, because without the Land of Israel there would never have developed the nation of Israel. Given the overwhelming might of the Roman Empire and the Roman armies, Rabbi Yohanan concluded that if the Land of Israel and the Torah of Israel could be secured—Yavne and its wise mei—nt would be unnecessary and even halachically unacceptable to risk the survival of the Jewish people in a war for Jerusalem and the Holy Temple.

Rabbi Akiva believed differently. He understood the function of the Holy Temple and Jerusalem as being cardinal to the mission of Israel, a holy nation and a kingdom of priest-teachers (to the world) through whom all of the families of the earth are to be blessed.

The people of Israel were entrusted to teach the world that God created every human being in His Divine image, that each individual must be free and inviolable, and that our God of love and morality demands a world of peace and security for all. The city from which this message must emanate is the City of Jerusalem, the City of Peace (Yeru Shalom); the mechanism by which this mission is to be advanced is the Holy Temple, the beacon from which the Torah will go forth to all nations of the world, impressing upon them how "swords must be beaten into plowshares and spears into pruning hooks, nation shall not lift sword above nation and humanity will not learn war anymore"

(Isa. 2:4). Rabbi Akiva believed that unless we disseminate this teaching to the world, there is no purpose to our national being; hence the centrality of our Messianic vision and the necessity of continuing to fight for Jerusalem and the Holy Temple.

Bar Kochba's revolt ended in failure. The subsequent Hadrianic persecutions and the resulting Jewish exile wrought havoc upon our nation, and it became clear to the overwhelming majority of our sages that Rabbi Akiva was wrong and Rabbi Yohanan ben Zakkai had been correct. He had rescued Judaism by his initiating the "exchange" with Vespasian.

But our situation has radically changed. Contemporary history, post-Holocaust, teaches us that the nation of Israel cannot survive without a Jewish state and a Jewish army. We live in a global village where one madman with nuclear power can (God forbid) destroy the entire world. This teaches us that, unless the inviolability of the human being and the universal acceptance of a God of peace becomes an axiom of all humanity, there will be no free humanity left in the world, and certainly no Jewish nation. Rabbi Akiva has been vindicated for our times; only by teaching fundamental absolute morality in our City of Peace can we secure the future of Israel and the free world. ©2021 Ohr Torah Institutions & Rabbi S. Riskin

#### **RABBI BEREL WEIN**

### **Wein Online**

**T**his last oration of our teacher Moshe reviews the occurrences in history of the Jewish people after their miraculous Exodus from Egypt. The words of Moshe are very personal to him alone and reflect his recollection and viewpoint of all of the events and incidents that occurred during the 40 -year sojourn of the Jewish people in the desert of Sinai.

Nuances of difference sometime appear between the descriptions that Moshe attributed to events that occurred, and the more objective description of those events recorded previously in the Torah. This is natural because of the different personal recollections by humans regarding events that occurred in the purely objective description, giving them a view of the same events but from a different perspective.

There is no need to reconcile the two apparent differing descriptions of the same Torah event. We know that human beings can never really be truly objective, and that everything that we see, and experience is always filtered through our own personalities, thoughts and even prejudices. As such, we can never claim objectivity in recalling past events and describing them for later generations.

It is not that truth is a subjective value, but, rather, it is not possible within the limitations of human existence, for truths to be accurately described, without the injection of the personality and the subjective viewpoint of the person recalling or describing the truth

as to what occurred. Only heaven achieves ultimate accuracy of truth. We human beings strive for such perfection but should be aware that it is beyond our abilities to actually attain.

We see this clearly in how Moshe describes the origin of the debacle that befell the Jewish people regarding the sending of the spies to gain intelligence about the land of Israel. In the Torah previously, it appears that Moshe himself was the instigator and catalyst for this idea that later went so wrong. However, when Moshe relives the matter here in the book of Dvarim, he casts the incident in a different light completely. It was the people emerging as a mob upon him that forced him to agree to send spies, and to bring back a report about the land of Israel to the Jewish people before their actual entry into the country.

It is not that Moshe was trying to extract himself from blame and participation in this sad incident, which would doom that generation of the desert and never reach the land of Israel. It is simply that he records for us his absolute misgivings when the proposal first surfaced. In his memory, he does not see himself as ever having instigated the proposal and describes himself as an almost unwilling participant in the process that later ensued. In the eyes of heaven, because Moshe later acquiesced to the public demand for the sending of the spies, it made Moshe a prime mover, and instigator, if you will, in the event of the spies.

Oftentimes, in life, we are apparently innocent victims of forces brought upon us, and yet, we are held accountable personally for the consequences of our participation in the event, unwilling and hesitant as it may have been. The book of Dvarim teaches us many lessons in life that otherwise we may overlook, ignore and of which we may not be aware. ©2021 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 AVI WEISS**

## Shabbat Forshpeis

**A**t first glance, the portion of Devarim is a random recapitulation of events the Jews experienced in the desert. It seems without order; yet a closer look reveals a clear structure.

The first major section deals with the experiences and episodes of the Jews during the first two years in the desert, up until God's decree that we were to wander there for forty years.

This section describes God telling us immediately after our departure for Egypt that we will enter the Land of Israel (Deuteronomy 1:6–8). In preparation for that entry, Moses lays out a system of jurisprudence necessary for the proper functioning of the nation (1:9–18). With Am Yisrael now ready to enter the land, the people ask Moses to send spies to

Canaan to investigate how it can best be conquered. A description of the spy story follows, with the recounting of God's decree that the Jews will wander in the desert for forty years (1:19–46).

The second section in Devarim is a brief review of what happened to Am Yisrael in the last two years of its wanderings (Deuteronomy 2, 3). Here are described our interactions with the nations of Edom, Moab, Amon, Sichon, and Bashan, as we took a circuitous route into the land. This is followed by Moses's unsuccessful appeal to God that he be permitted to enter the land, found in the beginning of next week's portion, Va'etchanan.

Rabbi David Tzvi Hoffmann points out that these two sections open and close with similar phraseology, setting them off as distinct units. The first section begins with the phrase "rav lachem" (it is enough [that you've been at Sinai]) and "penu u'se'u lachem" (turn [to the land of Israel]; Deuteronomy 1:6–7). The second section begins with similar terminology: "rav lachem" (it is enough [that you've wandered here in the desert]), "pnu lachem" (turn [to enter the land of Israel]; 2:3).

Each section, writes Rabbi Hoffmann, also concludes with similar words – va'teshvu and va'neshev (1:46, 3:29).

Both sections are preceded by the first five sentences of Deuteronomy, which "headline" the forty years described in brief in the first two sections we have already discussed. The first two sentences of Deuteronomy summarize the earlier events as found in the first section, and the next three sentences encapsulate the final happenings as laid out in the second section.

A surface reading leaves the impression that the portion of Devarim haphazardly repeats our travels through the desert. Yet, when one looks deeper and more carefully, one realizes that Devarim is a portion of exact and precise structure – much like the entire Torah. ©2021 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 JONATHAN GEWIRTZ**

## Migdal Ohr

**"A**nd I commanded your judges at that time, saying, "Listen amongst your brothers..." (Devarim 1:16) Moshe commanded the judges to listen to litigants (when they are both present) in order to ascertain the facts of the case and the proper decision. They are adjured to be patient and not rush to judgment.

The meforshim ask what the word, "laimor-saying" refers to, as generally it is used when someone receiving the command must convey a specific message to another. Rashi comments that the word

“shamoa,” listen, is present tense and connotes constant action, like zachor and shamor, remembering and keeping [the Shabbos.]

The Ohr Hachaim suggests that the intention of listening as a constant act is an instruction to the judges not to stop hearing the arguments of the parties, even if they think they’ve heard them all already. They should also not adjourn the case to another day because they are tired of listening to the claims.

The underlying lesson to take from this, even for those of us who are not judges, is that we should constantly be open to listen to others and not pass judgment too quickly. Often, people make their assumptions about people early on and thereafter judge them based on those opinions. Instead, we must keep an open mind and heart and be willing to hear people out, even if we think we’ve heard everything already.

When Kamtza came to the party and was embarrassed to leave, he begged to be allowed to stay. The host simply would not hear of it. Think about that. The Bais HaMikdash was destroyed because he refused to listen to the pleadings of his enemy. In this case, the argument was sound, as he had actually received an invitation and thought the host wished to make peace. But sadly, the host, whose name has been erased from history, closed his ears and set in motion the hurt that would encompass the entire world.

At every moment in our interactions with others, we take on the role of judges. Will we listen and be open to what they have to say? Will we convey to them the fact that we are willing to listen, a requirement that may be inferred from the command, “Iaimor,” to say? If we are thoughtful and not hasty to sum up other people and pass judgment upon them, seeing them and their needs, then we will be able to generate good will and love amongst our people, and thereby reverse the damage of the Churban and bring about the advent of Moshiach and the third and final (and permanent!) Bais HaMikdash.

*A man once came to the Beis HaLevi to ask a halachic question. “Is one permitted to use milk for the arba kosos (four cups) on Pesach instead of wine?”*

*R’ Soloveitchik asked if there was some medical reason the man could not drink wine. As he questioned the man, it came out that he could not afford wine. The Rov told him, “No, one may not use milk instead of wine,” and gave him a “loan” of twenty rubles for wine.*

*The Beis HaLevi’s family questioned him after the fellow left. “Wine doesn’t cost so much money. Why did you give him twenty rubles?!”*

*“Didn’t you hear what he said?” asked the Rav. “He asked if he could use milk. Since we don’t mix meat and milk, that means he couldn’t afford meat for the Seder either! I merely gave him enough money for his true needs.” ©2021 Rabbi J. Gewirtz and Migdal Ohr*

## ENCYCLOPEDIA TALMUDIT

### Bishul Akum

*Translated by Rabbi Mordechai Weiss*

**N**owadays, as in the past, many Jews hire non-Jewish domestic help. Often included in their job is cooking for their employers. This brings up the issue of *bishul akum* (a law forbidding Jews from eating food cooked or baked by a non-Jew). The rabbinic prohibition was enacted to prevent close social interaction with non-Jews, which could ultimately lead to intermarriage. This law is hinted at in the Torah. Moshe asked Sichon the king of the Emorites to “sell us food, and provide us with water to drink, and we will pay you” (*Devarim* 2:28). How could the Jews eat food cooked by Sichon? It must be that just as water is sold without being cooked, all the food supplied by Sichon would be similarly uncooked.

Of course, this interpretation of the verse is not the reason for the prohibition, only an additional support. After all, we could use the same logic to argue that water does not require grinding, and therefore it is prohibited to buy flour that was ground by non-Jews. Rather, we assume that the primary reason for the enactment is a concern about intermarriage. According to some (or possibly most) *Rishonim*, this concern is relevant only when the food is cooked in the house of the non-Jew. In contrast, if the cooking takes place in a Jewish home, there is no concern.

This distinction is strengthened by the story marshaled to support the enactment. The food that Sichon was asked to prepare for the Jews would have been prepared in his home, not in the Jews’ tents.

In any case, the *Shulchan Aruch* follows the stringent opinion, which prohibits food cooked by a non-Jew even if it was prepared in the home of a Jew. Ashkenazic custom permits it if a Jew is involved in some way in the food preparation. ©2017 Rabbi M. Weiss and Encyclopedia Talmudit

## RABBI DAVID LEVIN

### Righteous Judges

**M**oshe used the last days of his life to admonish the B’nei Yisrael for their behavior during the forty years in the desert and to remind them of their halachic responsibilities to fulfill Hashem’s covenant. Moshe warned the people about their predicted straying from Hashem and that their existence in the land was predicated on their observance of Hashem’s laws. At the same time that Moshe warned the people of their eventual exile from the land, he reminded them that Hashem would never abandon them and would bring them back into the land forever.

Moshe began his discussion by reminding the people of their history prior to discussing the laws with them. Moshe reminded the people how he had learned

from Yitro that the people were too numerous for him to judge on his own. As Moshe now said, "How can I alone carry your trouble and your burden and your quarrels? Provide yourselves men who are wise and understanding and well known to your tribes and I shall appoint them as your heads. You answered me and said 'The thing that you have proposed to do is good.' And so I took the heads of your tribes, men who were wise and well known, and I appointed them as heads over you, leaders of thousands, leaders of hundreds, leaders of fifties, and leaders of tens, and officers for your tribes. And I commanded your judges saying, 'listen among your brothers and judge righteously between a man and his brother or his neighbor (disputant). You shall not recognize faces (show favoritism) in judgment, small and great alike you shall hear, you shall not fear in the face of a man, for the judgment is for Elokim; and the matter that is too difficult for you, you shall bring to me and I shall hear it."

We first found the appointment of judges in Parashat Yitro in Sefer Sh'mot. Moshe's father-in-law, Yitro, recommended to appoint judges over thousands, hundreds, fifties, and tens. There we were told that Moshe should find men (1) who fear Hashem, (2) men of truth, and (3) people who despise money. Moshe here mentioned several additional traits: (4) these men must be wise, (5) understanding, and (6) well known to their tribes. Sefer HaZikaron explains that the word "men" means (7) righteous men. When Moshe told the people that he was appointing judges, he did not mention the word "understanding." Rashi tells us that Moshe was unable to find men who possessed "understanding". Of the seven traits that were mentioned, Moshe was only able to find men that possessed the three traits of wise, well-known, and righteous.

HaRav Zalman Sorotzkin explains that the leaders of each of the levels had additional responsibilities. They also lead the soldiers' divisions into these same numbers, so that the leader of thousands was also responsible for a division of a thousand soldiers in battle. Each division had additional duties. According to the Gra', the judges of thousands were only involved in judging and war. The same was true of the leaders of hundreds. The leaders of fifties were also called the elders, and they were responsible to teach Torah to the people. The leaders of tens were also the officers and the guards, and punished the people with lashes at the request of the higher judges. Above all of the judges was Moshe, who handled the more difficult cases that were too complex for the lower courts.

Most of the words that we find here concerning the way these judges should perform their responsibilities are found in earlier parts of the Torah. If we look at these words carefully, we may be able to

discern several concepts which have been unclear before. Moshe told the people that he would appoint judges, and he told the judges that they were to "listen between (among) your brothers." The Gemara in Sanhedrin (7b) quotes Rav Hanina: "This is a warning to the court not to hear the words of one litigant before his opponent has arrived, and a warning to the litigant that he should not present his case before the judges before his opponent arrives. The necessity to wait for both litigants before any testimony is given falls equally on the judges as well as the litigants. Each must hear the testimony of the other so that he can respond to any testimony that might be disputed. The Or HaChayim explains these words in a different manner. The judges must be willing to listen completely to the testimony of each litigant. If one litigant wishes to present a long case with many details, he must not be told to limit his testimony. At the same time, each judge is cautioned to listen with a discerning ear so that he may question the arguments and evidence that are presented and use his own judgment to decide the truth.

The term "bein geiro" is often translated as "between his neighbor." Rashi quotes the Gemara in Sanhedrin to bring an alternate interpretation. The word geiro comes from the word lagur which refers to dwell. The Gemara refers to domestic dwellings and the inheritance of brothers. The judges are cautioned that even the minor difference between the inheritance of a stove as compared to the inheritance of an oven must be considered carefully even though this inheritance is between brothers who could compromise on an issue so simple as this. One might think that this argument is covered by the warning concerning "kakaton kagadol tishma'un, small and great alike you shall hear." One might think that this is talking about the small matter and the great matter. Havanat HaMikra explains that this is not referring to small and great matters but instead to small and great people. He understands the text to mean that we must give equal time and equal weight to the testimony of the weak as well as the strong, to the unimportant as well as the important people. The Or HaChayim also understood the word shamo'a to mean pay attention to. He reported that some judges even refused to gaze on either litigant for fear that the other litigant might understand this to mean that this judge was prejudiced in favor of the other one.

Perhaps the most important phrase in Parashat Devarim is the phrase, "You shall not fear in the face of a man, for the judgment is for Elokim." A judge has an almost impossible task for he represents Hashem. A judge may not use mercy when judging a case involving a poor man against a rich man. Our normal tendency would be to pity the poor man. We might wish to rule in his favor if it would cause him a financial loss. Yet the Torah uses the name of Hashem, Elokim

which indicates justice and righteousness. The Gemara mentions a case where a judge ruled in favor of a rich man and then, after the judgment, paid the fine for the poor man.

The qualities of a judge should be qualities that we all seek in ourselves. As we approach the High Holy Days, may we assess ourselves to find which of these qualities we need to improve in ourselves in the year to come. If we begin the journey, Hashem will enable us to improve, even if we cannot reach our goals. Our responsibility is fulfilled with our effort, not with our accomplishment. © 2021 Rabbi D. Levin

### RABBI YAAKOV BERNSTEIN

## Ha'aros

**T**he Chofetz Chaim writes that the only thing holding back Moshiach and the Bais Hamikdosh is that we are not pleading for them... (Shem Olam). This is surprising. For many hundreds of years Hashem has withheld these brochos from us, and all we need to do is plead?

We find in the heliga sefer Me'or Einayim (Devorim): The Gemara (Mo'ed Katton 16b), tells us that Hashem makes a decree, but the tzadik annuls it. The Zohar (1:45b) asks: How can this be? The tzadik thwarts the will of Hashem? Answers the Zohar: Hashem delights in the dialogue with the tzadik -- it is among Hashem's greatest pleasures. In other words, Hashem wants the tzadik to intervene. Your prayer, uttered with intense concentration, can give Hashem great pleasure! (Of course, we'll say we're not tzadikim, and cannot daven with such concentration... Nonetheless, we can certainly try, and our efforts can bear fruit.)

Nothing happens without asking for it (Ramban, Shmos). If we do ask, our greatest aspirations can indeed come about. But you must ask!

So there we have what the Chofetz Chaim said. Hashem wants you to immerse yourself in prayer, to beg and plead for the geula... Unfortunately, we are stuck in our lethargy, our complacency.

These years have seen incredible hardships for the world. Many died from the pandemic, many suffered economically, many were isolated and lonely. From far-away China, the entire world shattered. Woe for us, if we don't take lessons to heart. Yet, many denied that the situation was serious.

During the waning months of the pandemic in the US, I had major surgery and spent four weeks in hospitals. I had to learn to turn over in bed, get up, walk -- just like a newborn infant. Chazal say that Hashem resides above the sick man, and I felt this strongly. The constant lesson: Don't take anything for granted! The ability to do the smallest physical act is an unbelievable miracle! Hashem is close to you, whatever you need, speak to Him. Ask, plead... it won't happen by itself; you must make the request!

So, too, when it comes to the pandemic. Don't take anything for granted. You might suddenly find that you must remain in place; you can't go to shul or the grocery store! The basic freedoms that we have come to expect are not guaranteed. Just as my illness taught me not to expect anything, tragedies remind all of us not to take anything for granted. Tell Hashem what you need, but don't expect that it will happen by itself, without the request.

Regarding the pandemic, people clamor: Return to normal! But there is no source for such a prayer.

In tefila we ask for return:

1. Return us to Your Torah... Bring us back in teshuvah...
2. Return our judges... our advisors...
3. Return the avodah to the Bais Hamikdosh...
4. Who returns His presence to Tziyon...

These are not returning to 'normalcy' -- 'normalcy' for hundreds of years has been galus -- but we are asking for geula! Return us to the exalted state of the ancients! Next year in Yerushalayim -- rebuilt Yerushalayim!

(It is a dispute if the following words -- "and the fire-offerings of Yisrael" are connected to the previous phrase, i.e., "Return the avodah to the Bais Hamikdosh and the fire-offerings of Yisrael," or part of the next phrase, i.e., "The fire-offerings of Yisrael and their tefilos accept favorably." Incidentally, Tosafos writes that "the fire-offerings of Yisrael" refer to the neshamos the tzadikim! (Tur, Orach Chaim 120))

We've had so many tragedies of late. Unfortunately, people tend to shrug them off and not take them to heart. The lesson of the tragedies and the Churban Bais Hamikdosh is to aspire to something beyond our daily lives. To aspire to the truly great things. We must be shaken from our complacency. Don't take your basic rights for granted! It's not entitlement; Hashem gives us so that we can direct our energies towards His service. "Return us -- return us to the great heights of the ancients!" This must be our prayer!

We cannot, however, aspire to great things with machlokus in our midst.

One of the greatest controversies over the last few centuries was the debate between the chasidim and the misnagdim. It is well known that the Brisker Rav, Rabbi Yehoshua Leib Diskin, had been a misnagid. When he arrived in Eretz Yisrael, he declared that the disagreement between the chasidim and the misnagdim had ended. All had to work together for the common good.

The Chofetz Chaim, too, would not tolerate machlokus in the frum camp. Rav Shachna Zohn reprinted a letter from the Chofetz Chaim some thirty five years ago (it can be found in Rav Zohn's sefer, Ateres Yaakov). The letter is remarkable for its

sensitivity and wisdom.

One excerpt: "Originally, the Litvaks had the gedolei Torah; the Chasidim had the gedolei avodah. Today, however, the Chasidim also have gedolei Torah, and the Litvaks also have gedolei avodah. There is no longer any significant difference between them." To the Chofetz Chaim, it was a simple matter. Differences in custom and attitude are superficial, it is the Torah and avoda that unite us. ©2021 Rabbi Y. Bernstein & torah.org

### RABBI NAFTALI REICH

## Legacy

**M**oses knew he had only days to live. Standing on the Plain of Moab near the banks of the Jordan River, he felt the spiritual tug of the Promised Land only a stone's throw away, but he knew he would never tread on its hallowed soil. He called together the Jewish people and prepared them for a future without his leadership.

As he reviewed all the turbulent events that took place from the time of the Exodus until their arrival on the threshold of the Promised Land, Moses uttered a groan of lamentation. "Eichah?" he declared. "How can I bear it?"

The commentaries explain that as he contemplated the troubled past Moses felt a sense of foreboding about the future. In his mind, he followed the sequence of events to their logical conclusion, and thus, he foresaw the destruction of the Holy Temple in Jerusalem that would take place nearly a thousand years later. He foresaw the estrangement of the Jewish people from their Father in Heaven and their banishment from their homeland. In pain and grief, Moses uttered the word eichah, which is also the eponymous first word of Lamentations, otherwise known as Eichah, the book which was to memorialize the national tragedy. Therefore, we traditionally read this verse in the chanting style unique to Lamentations.

What did Moses see in the past and present that convinced him that a great national tragedy lay in the future? How did he discern the eventual breakdown in the relationship between the Jewish people and the Creator?

The commentators explain that contentiousness derives from a fundamental lack of faith. If a person has a deep and abiding faith in Hashem, he understands that nothing happens without Hashem's approval. Therefore, if he suffers at the hands of another person, he recognizes it as a test from Hashem. His first reaction is to look into himself and correct his inner laws. His second step is to deal with the situation gently, ethically and honorably, just as Hashem would want him to deal with it.

If a person lacks faith, however, he is not convinced that Hashem is behind the injustice he has suffered. On the contrary, he is convinced that he alone

controls his destiny. Therefore, when he perceives an attack, he has no time or patience for conciliation and the niceties of ethical conduct. He is prepared to fight tooth and nail for his rights.

When Moses considered the combative nature of the Jewish people, he realized that their faith was flawed. Sadly, he understood that these flaws would eventually widen into fissures and create a chasm between them and their Father in Heaven. This was clearly a road that headed for disaster.

A young soldier was assigned to a brigade commanded by a famous general. The soldier was excited about being in the general's brigade, but he came into serious conflict with his platoon sergeant.

Whenever the sergeant gave him an order, he would argue interminably and seek ways to extricate himself. The sergeant grew furious and punished the soldier every time he did not obey instantly.

Things went from bad to worse, until one day the soldier struck his sergeant in anger.

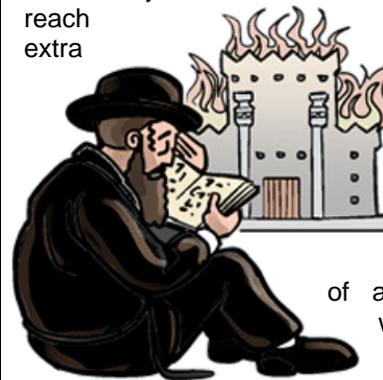
The soldier was arrested and court-martialed. The general presided at his trial.

"Young man," said the general, "you stand accused of gross insubordination against me."

"Oh no, sir," said the soldier. "You must be mistaken. I have nothing but respect and admiration for you. My problems are with the sergeant."

"I am afraid you are the one who is mistaken," said the general. "Who do you think gave the sergeant command of his platoon? It was me. Who do you think assigned you to his platoon? It was me. If you had brought your complaints to me, I would have listened. But if you strike the man I appointed, it is insubordination against me."

In our own lives, we find ourselves in highly litigious world. Everyone around us is concerned about his rights and prerogatives and is ready to go to war to defend them. It makes for stressful living conditions, because we always find ourselves contending with our neighbors and associates, with the insurance company, the phone company, even the grocer on the corner. And even when we win, we often find ourselves emotionally exhausted and frazzled. But if we could reach into ourselves for an extra measure of faith, we would recognize the vicissitudes of modern life as a test of our relationship with Hashem, and we would respond on a spiritual level. Instead of anxiety and stress, we would enjoy peace and serenity. ©2021 Rabbi N. Reich & torah.org



## Tisha B'Av