

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI LORD JONATHAN SACKS ZT"L

Covenant & Conversation

Some commands in the Torah were understood so narrowly by the sages that they were rendered almost inapplicable. One example is the *ir hanidachat*, the city led astray into idolatry, about which the Torah states that "you must kill all the inhabitants of the city by the sword" (Deut. 13:16). Another is the *ben sorer umoreh*, the stubborn and rebellious child, brought by his parents to the court and if found guilty, put to death. (Deut. 21:18-21).

In both these cases, some sages interpreted the law so restrictively that they said "there never was and never will" be a case in which the law was applied. (Sanhedrin 71a) As for the condemned city, Rabbi Eliezer said that if it contained a single *mezuzah*, the law was not enforced. (Ibid) In the case of the rebellious child, R. Judah taught that if the mother and father did not sound or look alike, the law did not apply. (Mishnah Sanhedrin 8:4) According to these interpretations, the two laws were never meant to be put into practice, but were written solely "so that we should expound them and receive reward." (Tosefta Sanhedrin 11:6, 14:1) They had only an educational, not a legal function.

In the opposite direction, some laws were held to be far more extensive than they seemed at first sight. One striking example occurs in this week's parsha. It refers to the conduct of a siege in the course of war. The Torah states:

When you lay siege to a city for a long time, fighting against it to capture it, do not destroy its trees by putting an axe to them, because you can eat their fruit. Do not cut them down. Are the trees people, that you should besiege them? However, you may cut down trees that you know are not fruit trees and use them to build siege works until the city at war with you falls. (Deut. 20:19-20)

This prohibition against destroying fruit-bearing trees was known as the rule of *bal tashchit*, "Do not destroy." On the face of it, it is highly limited in scope. It does no more than forbid a "scorched earth" policy in the conduct of war. It seems to have no peacetime application. However, the sages understood it very broadly, to include any act of needless destruction. Maimonides states the law thus: "Not only does this apply to trees, but also whoever breaks vessels or tears

garments, destroys a building, blocks a wellspring of water or destructively wastes food transgresses the command of *bal tashchit*." (Hilkhot Melakhim 6:10) This is the halakhic basis of an ethic of environmental responsibility.

Why did the Oral tradition, or at least some of its exponents, narrow the scope of the law in some cases, and broaden it in others? The short answer is: we do not know. The rabbinic literature does not tell us. But we can speculate. A *posek*, seeking to interpret Divine law in specific cases, will seek to do so in a way consistent with the total structure of biblical teaching. If a text seems to conflict with a basic principle of Jewish law, it will be understood restrictively, at least by some. If it exemplifies such a principle, it will be understood broadly.

The law of the condemned city, where all the inhabitants were sentenced to death, seems to conflict with the principle of individual justice. When Sodom was threatened with such a fate, Abraham argued that if there were only ten innocent people, the destruction of the entire population would be manifestly unfair: "Shall the judge of all the earth not do justice?"

The law of the stubborn and rebellious son was explained in the Talmud by R. Jose the Galilean on the grounds that: "The Torah foresaw his ultimate destiny." He had begun with theft. The likelihood was that he would go on to violence and then to murder. "Therefore the Torah ordained: Let him die innocent rather than die guilty." (Mishnah Sanhedrin 8:5) This is pre-emptive punishment. The child is punished less for what he has done than for what he may go on to do. Rabbi Shimon bar Yohai, who said the law never was or would be applied, may have believed that in Judaism there is a contrary principle, that people are only judged for what they have done, not for what they will do. Retributive punishment is justice; pre-emptive punishment is not.

To repeat: this is speculative. There may have been other reasons at work. But it makes sense to suppose that the sages sought as far as possible to make their individual rulings consistent with the value-structure of Jewish law as they understood it. On this view, the law of the condemned city exists to teach us that idolatry, once accepted in public, is contagious, as we see from the history of Israel's kings. The law of the stubborn and rebellious child is there to teach us how steep is the downward slope from juvenile delinquency to adult crime. Law exists not just to regulate but also to

educate.

In the case of bal tashchit, however, there is an obvious fit with much else in Jewish law and thought. The Torah is concerned with what we would nowadays call 'sustainability.' This is particularly true of the three commands ordaining periodic rest: the Sabbath, the sabbatical year and the jubilee year. On the Sabbath all agricultural work is forbidden, 'so that your ox and your donkey may rest' (Exodus 23:12). It sets a limit to our intervention in nature and the pursuit of economic growth. We become conscious that we are creations, not just creators. The earth is not ours but G-d's. For six days it is handed over to us, but on the seventh we symbolically abdicate that power. We may perform no 'work,' which is to say, an act that alters the state of something for human purposes. The Sabbath is a weekly reminder of the integrity of nature and the boundaries of human striving.

What the Sabbath does for humans and animals, the sabbatical and jubilee years do for the land. The earth too is entitled to its periodic rest. The Torah warns that if the Israelites do not respect this, they will suffer exile: 'Then shall the land make up for its sabbatical years throughout the time that it is desolate and you are in the land of your enemies; then shall the land rest and make up for its sabbath years' (Leviticus 26:34). Behind this are two concerns. One is environmental. As Maimonides points out, land which is overexploited eventually erodes and loses its fertility. The Israelites were therefore commanded to conserve the soil by giving it periodic fallow years, not pursuing short-term gain at the cost of long-term desolation. (The Guide for the Perplexed, III:39) The second, no less significant, is theological: 'The land,' says G-d, 'is Mine; you are but strangers resident with Me' (Lev. 25:23). We are guests on earth.

Another group of commands is directed against over-interference with nature. The Torah forbids crossbreeding livestock, planting a field with mixed seeds, and wearing a garment of mixed wool and linen. These rules are called chukkim or 'statutes.' Nahmanides understood this term to mean laws that respect the integrity of nature. To mix different species, he argued, was to presume to be able to improve on creation, and is thus an affront to the Creator. Each species has its own internal laws of development and reproduction, and these must not be tampered with: 'One who combines two different species thereby changes and defies the work of creation, as if he believes that the Holy One, blessed be He, has not completely perfected the world and he now wishes to improve it by adding new kinds of creatures.' (Ramban, Commentary to Lev. 19:19) Deuteronomy also contains a law forbidding taking a young bird together with its mother. Nahmanides sees this as having the same underlying concern, namely of protecting species. Though the Bible permits us to use some animals for

food, we must not cull them to extinction.

Samson Raphael Hirsch in the nineteenth century gave the most forcible interpretation of biblical law. The statutes relating to environmental protection, he said, represent the principle that 'the same regard which you show to man you must also demonstrate to every lower creature, to the earth which bears and sustains all, and to the world of plants and animals.' They are a kind of social justice applied to the natural world: 'They ask you to regard all living things as G-d's property. Destroy none; abuse none; waste nothing; employ all things wisely... Look upon all creatures as servants in the household of creation.' (R. S. R. Hirsch, The Nineteen Letters, Letter 11)

Hirsch also gave a novel interpretation to the phrase in Genesis 1, 'Let us make man in our image after our own likeness.' The passage is puzzling, for at that stage, prior to the creation of man, G-d was alone. The 'us', says Hirsch, refers to the rest of creation. Because man alone would develop the capacity to change and possibly endanger the natural world, nature itself was consulted as to whether it approved of such a being. The implied condition is that man may use nature only in such a way as to enhance it, not put it at risk. Anything else is ultra vires, outside the remit of our stewardship of the planet.

In this context, a phrase in Genesis 2 is decisive. Man was set in the Garden of Eden 'to work it and take care of it' (Gen. 2:15). The two Hebrew verbs are significant. The first -- le'ovdah -- literally means 'to serve it.' Man is not just a master but also a servant of nature. The second -- leshomrah -- means 'to guard it.' This is the verb used in later Torah legislation to describe the responsibilities of a guardian of property that does not belong to him. He must exercise vigilance in its protection and is liable for loss through negligence. This is perhaps the best short definition of man's responsibility for nature as the Bible conceives it.

Man's dominion over nature is thus limited by the requirement to serve and conserve. The famous story of Genesis 2-3 -- eating the forbidden fruit and the subsequent exile from Eden -- makes just this point. Not everything we can do, may we do. Transgress the limits, and disaster follows. All of this is summed up by a simple midrash: "When G-d made man, he showed him the panoply of creation and said to him: 'See all my works, how beautiful they are. All I have made, I have made for you. Take care, therefore, that you do not destroy my world, for if you do, there will be no one left to mend what you have destroyed.'" (Kohelet Rabbah 7:13)

We know much more than we once did about the dangers to the earth's ecology of the ceaseless pursuit of economic gain. The guidance of the Oral tradition in interpreting "do not destroy" expansively, not restrictively, should inspire us now. We should expand our horizons of environmental responsibility for the

sake of generations not yet born, and for the sake of G-d whose guests on earth we are. *Covenant and Conversation is kindly supported by the Maurice Wohl Charitable Foundation in memory of Maurice and Vivienne Wohl zt"l* ©2015 Rabbi Lord J. Sacks z"l and rabbisacks.org

RABBI SHLOMO RISKIN

Shabbat Shalom

"Judges and Executors of Justice shall you establish for yourselves in all of your gates.... Justice, justice shall you pursue in order that you may live and inherit the land which the Lord your God is giving to you." (Deuteronomy 16:18–20) In this opening passage of our weekly portion, the Bible conditions our ability to remain as inhabitants of the Land of Israel upon the appointment of righteous judges, who will not prevent justice, show favoritism before the law or take bribes of any kind (Deut. 16:19).

The Bible also reiterates, "Justice, justice shall you pursue," a commandment with a number of important interpretations. First of all, seek or appoint another judicial court if the local court is not deemed adequate for the needs of the litigants (Rashi, ad loc.). Secondly, in the words of Rabbi Menaḥem Mendel of Kotzk, make certain that you pursue justice by means of justice, that your goals as well as your means are just.

I would add to this the stipulation that the "administration" aspect of courtroom management be just: begin on time without keeping the litigants waiting, conclude each case with as much dispatch as possible, and listen sympathetically to the claims of each party, so that everyone feels that he/she has received a fair hearing.

Further on in our portion, the Bible adds another critical criterion for true justice: "When there will arise a matter for judgment, which is hidden from you [a case which is not cut-and-dry; which involves changing conditions and therefore requires extra consideration on the part of the judges] ... you shall come to... the judge who shall be in those days" (Deut. 17:8-9).

Rashi makes it clear, basing himself on the words of our Talmudic sages, that we must rely on the Sages of the particular era of the problem for the judgment at hand, that "Yiftaḥ in his generation is as good as Samuel in his generation."

This notion is further elucidated by Rabbi Levi Yitzhak of Berditchev in his masterful *Kedushat Levi*, under the rubric "teiku,"; t-y-k-u – Tishbi Yetaretz Kushyot Veba'abayot, or "Elijah the Prophet will answer questions and ponderings" in the Messianic Age. "Why Elijah?" asks Rabbi Levi Yitzhak. After all, there will be a resurrection of the dead in the Messianic Age, wherein Moses will be resurrected; since Moses was a greater halakhic authority than Elijah, since Moses studied directly with God Himself, why not have him

answer the questions rather than Elijah?

Rabbi Levi Yitzhak answers his seemingly naïve question with a most sophisticated response. Moses died close to four thousand years ago; Elijah, according to the biblical account, was "translated" live into heaven, and – says the midrash – regularly returns to earth, appearing at important moments to help certain individuals as well as at every circumcision and at every Passover Seder. And since Elijah will be involved with people and will therefore understand the travail and the angst, the hopes and the complexities of the generation of the redemption, only he can answer the questions for that generation. A judge must be sensitive to the specific needs and cries of his particular generation!

Then what are the most important criteria for a righteous judge? We have seen that he must clearly be a scholar in Jewish legal literature and must be an aware, intelligent, and sensitive observer of the times and places in which he lives, a judge of and for the period and place of adjudication.

But there is more. In the book of Exodus, when Yitro, the Midianite priest, first suggests to his son-in-law Moses that he set up a judicial court system of district judges, we find more qualifications for our judges: "You shall choose from the entire nation men of valor (ḥayil), God-fearers, men of probity who hate dishonest profit" (Ex. 18:21).

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

Rabbi Shlomo Daichovsky, one of the most learned and incisive judges who ever occupied a seat on the Religious High Court in Jerusalem queries (in an "Epistle to my Fellow Judges," dated 25 Shevat 5768, and published in *Teḥumin*, Winter 5768) as to how it is possible for a judge to be a valiant fighter on behalf of the oppressed – which requires the recognition of one's power to exercise one's strength against the guilty party – and at the same time for him to be humble, which requires self-abnegation and nullification before every person? These seem to be two conflicting and contrasting characteristics!

Rabbi Daichovsky concludes that humility is an important characteristic only when the judge is not sitting in judgment; when the judge is seated on the

throne of judgment, he must be a valiant and self-conscious fighter, fearlessly struggling against injustice as though "a sword is resting against his neck and hell is opened up under his feet" (Sanhedrin 7). "The Judge must be ready to enter Gehenna and to face a murderous sword in defense of his legal decision.... He must take responsibility and take risks, just like a soldier at war, who dare not worry about saving his own skin" (Maimonides, Mishneh Torah, Laws of Sanhedrin 23:8).

The chief concern of a judge must be for the justice and well-being of the litigants before him and not for his own security and reputation in walking on the "safe" (and more stringent) halakhic ground. ©2022 *Ohr Torah Institutions & Rabbi S. Riskin*

RABBI BEREL WEIN

Wein Online

Following the decisions of the court and judges of one's time, even if one personally disagrees with those judicial conclusions, is the subject of this week's parsha. This leads to a later concept in halacha of a zakein mamreh -- a leading scholar, a member of the Sanhedrin itself, who refuses to accept or abide by the majority position and opinion of his colleagues.

There is a normative stance in Jewish life and Judaism that demands and restricts individual freedom and everyone doing their own thing. Every scholar is convinced that his opinion is correct, perhaps even perfectly and exclusively correct. But one must be willing to accept the fact that if most of the scholars disagree, then the law must remain that way even if history later proves them wrong or mistaken.

The majority, like any individual as well, is not infallible. But human society must function according to certain standards and norms and the Torah demands this type of discipline from all responsible leaders and judges. The zakein mamreh has the right to his own opinion but he has no right to preach it publicly in a way that will split the Jewish society and come to the disastrous situation of there being "two Torahs" present in Jewish society.

There must be a great deal of frustration in the heart of the zakein mamreh for he is undoubtedly convinced of the correctness of his position. But the Torah does not allow for the correctness of an individual opinion of law to endanger the entire delicate balance of judicial decision and halachic parameters. Again, the forest always trumps the trees in the Jewish view of law and halachic life.

The question now remains: is this true of the majority opinion regarding political and societal issues as well? Many times, in human history has the majority been wrong on crucial life and death issues. Winston Churchill was the lonely voice of warning in the 1930's when Germany rearmed.

Here in Israel, there have been many

instances, especially over the past decade, when the majority has been wrong in its decisions and policies. The rabbis were a minority opinion in the times of the great rebellion against Rome and correctly foresaw the defeat and the destruction of the Temple. The prophet Yirmiyahu was a strident voice of dissension against the majority military and diplomatic policies of the kings of Judah.

It is apparent that there is a significant difference between halachic and judicial decisions and national political and security issues. Eventually, even in these issues, the will of the majority will prevail in a democracy. But the dissenters have an innate right to be heard -- and their opinion to be judiciously considered. The tyranny of the majority is a real danger in national matters.

It is much harder in these types of issues to define what is the forest and what are the trees. It is clear though that the concept of zakein mamreh is limited to those specific halachic issues and procedures that are detailed for us in the Talmudic tractate of Sanhedrin. In other matters, the majority should always force itself to truly listen to the opinion of the minority and the minority has the duty to express those opinions lucidly and publicly. ©2022 *Rabbi Berel Wein - Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at www.rabbiwein.com. For more information on these and other products visit www.rabbiwein.com*

RABBI AVI WEISS

Shabbat Forshpeis

Is appointing a king obligatory or optional (Deuteronomy 17:14–20)? Whatever one's position, it is clear that the Torah places limits on the king's power. Specifically:

- The king must limit the numbers of horses at his disposal so military power does not go to his head.
- The king must limit the number of his wives so passion will not sweep him off his feet, leading him to make wrong decisions.
- The king carries a Torah everywhere to recognize he is not above the law.

Thus, while the king is the leader, he is still subservient and a subject of God. In the end, it is the Lord Who is the true King, the Ruler of rulers.

This immutable hierarchy may explain the seemingly odd rule that the king cannot return the people to Egypt. In Egypt, the Pharaohs insisted they were God. Upon leaving Egypt, the Israelites committed themselves to the principle that no person – even their leader, even their king – is God.

The tension of monarchy coexisting with the kingship of God has constantly been felt throughout our history. When the Jews asked Samuel for a king, he became upset, fearing the intention was to distort the unique Torah definition of kingship in which the king

remains beholden to God (I Samuel 8).

With all of its complexities, kingship nonetheless has positive features. In the time of the Judges, Israel was led by individuals who, by and large, represented their respective tribes. As a result, there was little unity.

With the advent of kingship, Israel was led by one authority whose major task was to unite the entire nation, to speak for all and act on their behalf. Tragically, though, even during the kingship, unity was seldom achieved. The kingdom of David was split in two, and, in the end, both the north and south kingdoms were destroyed.

Secondarily, the introduction of kingship may have been an attempt to peacefully transition power – as the eldest son automatically took the reins. This, too, did not work, as very often the eldest son was not a worthy successor.

With the establishment of the State of Israel, we are in a position to repair the failed kingship. This idea is enunciated by Rabbi Kook, who writes that, in the absence of the biblical king, the people vote. The leadership they democratically elect then has the status of the biblical kingship of Israel (Mishpatei Kohen, n144). ©2022 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

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Home Dedication

Translated by Rabbi Mordechai Weiss

Dedicating a home in Israel is a mitzva. This becomes clear in the following verse, which addresses the question of who goes out to fight in wartime and who is sent home: “Is there anyone who has built a new house but has not dedicated it (*chanacho*)? Let him go back to his home” (*Devarim* 20:5). Commentators explain that the verse is referring to a home that there is a mitzva to dedicate, and this must be in a place where there is a mitzva to live, namely the Land of Israel.

Dedicating something (*chinuch*) is usually associated with a beginning. So, when the verse says that the person “has not dedicated it,” this means he has not started living there. More specifically, according to *Targum Yonatan*, it means he has not yet put up a *mezuzah*, while the Radak says that it means he has not yet had a meal there.

Some believe that a meal served at a home dedication or house-warming is not considered a *seudat mitzva* unless there are *divrei Torah* (words of Torah). Others maintain that in Israel, the meal of a home dedication is automatically a *seudat mitzva*, even without accompanying *divrei Torah*. It is only in the Diaspora that *divrei Torah* are required in order to transform the meal into a *seudat mitzva*.

Since buying a new item of clothing requires reciting the blessing of *Shehecheyanu*, it would certainly seem that buying a new home should require it as well. However, *Shehecheyanu* is recited only when the person is the only beneficiary of the new item. In general, a person buys a home for himself and his family. Therefore, *Shehecheyanu* is not recited. ©2017 Rabbi M. Weiss and Encyclopedia Talmudit

RABBI DAVID LEVIN

Choosing a King

In Shmuel Aleph perek Chet, we find that Shmuel is approached by all of the elders of the B'nei Yisrael to ask for a king. “And they said to him you have become old and your sons do not follow in your way, now establish for us a king to police us like all of the other nations.” Shmuel’s reaction is harsh, “and the thing was bad in the eyes of Shmuel as the said give us a king to police us and Shmuel prayed to Hashem.” What was wrong with what the people asked? Why was Shmuel surprised when the leaders merely did exactly what Moshe said in this week’s parasha? “When you come into the land that Hashem your Elokim gives to you and you will possess it and you will dwell in it and you will say, I will place over me a king like all of the nations that are around me.” Moshe continues, “You shall surely place above you a king that Hashem your Elokim chooses from among your brethren you shall place above you a king....” Moshe does not seem to have the same reservations that we find in Shmuel.

There is a fundamental difference of opinion as to what Moshe is saying. According to the Ohr HaChaim, when Moshe says, “and you will say,” the indication is that this statement is not a command from Hashem but an action which is predicated by the desires of the people. Yet when we look at the second half of Moshe’s statement, “and you shall surely place over you,” the implication is that this is a command of Hashem. The Ramban agrees with the first interpretation of the Ohr HaChaim, namely, that it is not a mitzvah to appoint a king but an acceptable, permitted action. But whether this is a mitzvah or a permitted action, we are still concerned with Shmuel’s apparent disgust at the request.

When Shmuel became old and unable to manage without assistance, he appointed his two sons, Yoel and Aviya, as judges. His sons, however, were not of his same caliber. In Shabbat (56a) we are told that they did not accept bribes but insisted that the people come to their court in Be'er Sheva in order to increase the wealth of their own attendants. The Radak points out that they were too impressed by money, an inappropriate trait for a judge. The first words to Shmuel of those who requested a king was that Shmuel was too old to carry on and his sons did not follow in his path. Shmuel, therefore, took this

request as a personal affront. Hashem's answer to Shmuel picks up on this theme. "And Hashem said to Shmuel, il'sten to the voice of the people to all that they will say to you because it is not you whom they have rejected but it is Me they have rejected to rule over them." It is clear that Hashem would not have commanded that the people take a king, since this was a rejection of Himself. Hashem does go on to warn the people that only Hashem may choose that king from among the B'nei Yisrael. The negative effects that Shmuel presents to the people is one of conscription of their sons and daughters for the king's own personal benefit, a tax that he will place on you for his armies, confiscation of your best lands, orchards, and vineyards, and taking for himself your servants and animals fit.

The Torah places a number of responsibilities and limitations on any king. He may not gather for his use too many horses. Rashi uses the second part of this sentence to warn that acquiring horses would probably cause the people to return to Egypt. The Ramban argues that trade with Egypt was permitted and horses could be acquired elsewhere if necessary. He believes that the prohibition of acquiring too many horses had to do with a false belief that his strength would come from the many chariots he would possess. The Ramban argues that the false belief would lead him away from Hashem who was his only strength. The king is also cautioned against having too many wives or too much money as this might lead him to a false sense of personal greatness and think of himself as far superior to his people.

There is one aspect in the people's request of Shmuel for a king which Shmuel seems to overlook. The people do not request a king just to be like the other surrounding nations. They ask for a king "to judge us." Their initial concern is for someone who will guide them on the right path and to follow Hashem's laws. There are two possibilities that we can see from Shmuel's reaction. The first possibility was that he heard their request but thought that the people's desire to be like the other nations was more prominent in their minds than the desire to be guided and reprimanded. The second possibility is that he heard their words and deemed them to be spiteful as a criticism of both he and his sons. Their action was then a rejection of his leadership and his message. That is why Hashem chose to deflect that rejection to Himself.

The phenomenon of a king is not so different than what we see today in our politicians. It is sad to see the corruption that power brings. But there is one mitzvah concerning a king that truly could prevent this negative behavior. The Torah tells us, "And it will be when he sits on the throne of kingship and he will write for himself two copies of the Torah on a scroll before the Kohanim the Levi'im. And it will be with him and he will read in it all the days of his life in order that he will

learn to fear Hashem his Elokim to guard all the words of the Torah and these statutes to do them." The king is admonished to write and read from the Torah so that he will learn Who is really in charge of the world. As any teacher knows, the reading and writing of these words will strengthen his memory of them as well as his adherence to them. Should our politicians of today choose to do the same they would neither be so arrogant nor so corrupt.

But this message is not just for politicians. It speaks to us directly. We are often misled by our own feelings of self-importance and believe that what we have accomplished in life is due to our own hard work, "by my strength and the power of my hand." Though we work and put forth our best efforts, we can easily forget the hidden hand of Hashem in everything we accomplish. It is our task to notice Hashem in everything we do and to acknowledge, especially to ourselves, that it is His assistance that helps our hard work succeed. © 2022 Rabbi D. Levin

RABBI JONATHAN GEWIRTZ

Migdal Ohr

"**F**or all who do these are abhorrent to Hashem, and because of these abominations, Hashem, your G-d, drives them from the land before you." (Devarim 18:12) The word, "to'eva, abomination," is used multiple times in the Torah, describing different things. In this case, it refers to various types of necromancy and soothsaying. Elsewhere it refers to illicit relationships, arrogance, and also to eating non-Kosher animals.

We are expected to understand what Hashem detests, and work towards detesting it ourselves. But how can we do this? It seems like there are a number of things Hashem dislikes, and they are not necessarily obvious. For example, eating pork is forbidden, but not because it is dirty or disgusting. As Rashi teaches from the Sifra, "One should not say, "I am disgusted by eating pig." Rather, he should say, "I would like to eat it, but my Father in Heaven told me not to." (Vayikra 20:26)

The things Hashem finds abominable are not what people find abominable. Rather, they are what a holy, pure soul finds detestable. Therefore, in order to intuit what He dislikes, we must seek out what the various abominations have in common. This takes some work as some are actions, some are items, and some are beliefs. How, then, can we identify what Hashem hates and teach ourselves to hate it as well?

One way is to go back to the verse we quoted above about how to look at them. The entire verse in Vayikra is, "And you shall be holy for Me, for I, Hashem, am holy, and I will separate you from the nations to be Mine."

What does Hashem consider abhorrent? What does He deem an abomination? Anything that drives a

wedge between us and Him. He wants us to be close to Him. He is holy, so we must be. His is honor and glory, so glorifying ourselves is at odds with that relationship.

Similarly, there are things which "normal" people might engage in or consume, but Hashem has told us that we live on a higher plane, one that enables us to connect with Him, and for that reason, we stay away from them.

In this parsha, when people wish to know the future, it is a natural desire. It makes sense that we wish to be prepared and try to prevent problems. And yet, Hashem says, "This would drive a wedge between us. I want you to trust Me and turn to Me always. Don't use dark forces to try and handle things on your own. Don't be afraid to need Me. Rely on Me and I will support you."

Whatever we encounter in life, we should ask ourselves if it is enhancing the relationship or hindering it. Even things that are not "evil," can be abominations if they get in the way. Desires for money, food, and pleasure can be used to serve Hashem, or they can inhibit the relationship. Hashem wants us to be whole with Him, and then, He will keep us whole.

A wealthy fellow came to R' Aharon Leib Shteinman zt"l with a problem. He had a Kollel he supported, but he was struggling in business and it was challenging to afford everything. R' Aharon Leib told him to add another 20 scholars to the Kollel and everything would be OK.

It was hard, but the fellow accepted this advice. Within a few months, things had turned around in his business and he was doing very well. He asked, "Perhaps I should add more members to the Kollel now?"

R' Aharon Leib said, "No. That would be bad. You'd be unable to afford it." Seeing the man's confusion, he explained, "When you came to me last time, you realized Hashem was your only hope. Now, you think you've got the "magic formula," and it won't work." ©2022 Rabbi J. Gewirtz and Migdal Ohr

RABBI YISROEL CINER

Parsha Insights

This week we read the parsha of Shoftim {Judges}. "Shoftim v'shotrim tetane l'cha {Judges and officers you shall appoint for yourselves} in all the gates that Hashem has given you for your tribes, and they shall judge the nation with righteous judgment. [16:18]"

The Kli Yakar points out that the passuk {verse} would have been more consistent had it said: "Judges... you shall appoint for yourselves... that Hashem has given you... and they shall judge you," as opposed to "and they shall judge the nation."

He explains that the passuk is addressing the powerful people of the community who are often involved in appointing the judges. Be sure to appoint

shoftim {judges} who will not show preferential treatment to anybody -- even to those whom they owe their positions to.

That is the meaning of "Shoftim v'shotrim tetane l'cha {Judges and officers you shall appoint for yourselves}" -- make sure that they will be judges over you, the appointees. If you have done that, you can then be assured that "they shall judge the nation with righteous judgment" -- that the general populace will receive just rulings.

The Talmud [Moed Katan 17A] offers some parameters as to the type of person one should choose to be the judge. Rabi Yochanan taught: If the Rav is like an angel of Hashem, then seek Torah from him.

In what way is this Rav/Judge meant to be similar to an angel?

The Darchei Mussar explains that angels are described as not turning to either side as they move. This means that they do the will of the Creator without taking into account any 'outside' opinions. They go straight toward the pure fulfillment of Hashem's will.

That is an essential quality for judges. When a situation is brought before them, they must ignore all outside factors and decide what is the clear, pure will of Hashem as presented to mankind through the Torah. No other factors can be taken into consideration.

The story is told of a young man who was appointed to be the Rav of Hamburg. On the very first day of his arrival in town, he was approached by a woman who had a claim against one of the most prominent members of the community. The Rav, weary from his trip, asked if he could first get settled in and deal with the matter the next day. The woman however would not be put off, giving a number of reasons why it had to be done that day.

The young Rav called his shamesh {attendant}, instructing him to summon that wealthy individual to a Din Torah {Court based on Torah Law}. The shamesh seemed to be rooted to his place. "How can I summon this person to come before the Rav? The whole town trembles before him!" he thought to himself. He began to voice his concerns but the Rav refused to be intimidated. "Go and summon him immediately!" he told the shamesh.

The shamesh got as far as this man's door but didn't have the nerve to knock. He began to pace outside in the yard, hoping that the man would notice him and ask what he had come for. After a short while the man left his house and saw the shamesh outside. When the shamesh finally stuttered out an explanation, he curtly told him to tell the Rav that he'll come at his convenience.

The shamesh relayed the response to the Rav who sent him back with the following message: "The woman is not willing to wait and he therefore must come today." When the man heard this message he became furious. "Tell the Rav that he clearly does not

yet know who is who over here. I run this community while he is only a guest here. If I said I'll come when I can, then I'll come when I can!"

When the Rav heard this message he rose like a lion. "You tell him that if I say that he must come today then he must come today! Otherwise I will have him excommunicated!" The shamesh begged him to send someone else with this last message but the Rav refused.

With no other option, the shamesh went this third time to the man. He literally delivered the message and then ran from the house.

A short while later this man came before the Rav with a big, warm smile. "Mazel tov! You have truly earned your position in this town!"

He explained that the community leaders were concerned that such a young Rav would not be able to stand up to the pressures of leading a community filled with such prominent and powerful people. This woman was sent with the pretense of a Din Torah as a way of determining that the Rav could stand up to the pressures. By focusing only on the will of Hashem, the Rav showed himself worthy and capable of this position.

Rav Moshe Feinstein offers another explanation for this passuk. "Shoftim v'shotrim tetane l'cha" -- every person must be a judge over himself. To be sure that we are doing the right things. To avoid rationalizing and making excuses. To ignore the pressures of what those around us might be saying and to do what we know is right. ©2013 Rabbi Y. Ciner & torah.org

SHLOMO KATZ

Hama'ayan

Our Parashah, which is always read in the month of Elul preceding the Days of Judgment, begins: "Judges and officers you shall appoint at all your gates -- which Hashem, your Elokim, gives you -- for your tribes; and they shall judge the people with righteous judgment." R' Levi Yitzchak of Berditchev z"l (1740-1809; early Chassidic Rebbe) writes that this verse is offering us a recipe for a successful judgment on Rosh Hashanah. Hashem wants to judge us mercifully, but we must allow Him to do so. When we behave with kindness and judge our fellow Jews favorably, we awaken Hashem's kindness, so that He can judge us the same way. Through such behavior, we open the "gates" of Heavenly kindness, allowing blessing to flow to all of the Jewish People.

This, writes R' Levi Yitzchak, is the lesson of our verse: You will appoint the judges and officers who determine your fate on Rosh Hashanah by choosing your gates, i.e., choosing which gates you will open. How? By judging all of the people with righteous judgment, i.e., by always seeing the righteousness of others and judging them favorably. (Kedushat Levi)

A related thought from the anonymous 13th century work Sefer Ha'chinuch (Mitzvah 171): Our Sages teach that man is measured by his own measuring stick. However, the author continues, this teaching is misunderstood. It does not mean that Hashem looks at how man behaves and responds accordingly. That is a human trait. Rather, through his own actions, man makes himself into a receptacle to receive reward or punishment.

"Judges and officers you shall appoint in all your gates -- which Hashem, your Elokim, gives you -- for your tribes, and they shall judge the people with righteous judgment." (16:17)

This is the first verse of this week's Parashah. The preceding verse, the final verse in last week's Parashah, states: "Everyone according to what he can give, according to the blessing that Hashem, your Elokim, gives you."

R' Reuven Halevi Horowitz z"l (chassidic rebbe; died 1810) writes: Sometimes a person complains to Hashem about the fact that He gave the person Bechirah / free choice and that he has a difficult battle to wage against the Yetzer Ha'ra. That person may say to his Creator, "I do not want Bechirah. Rather, I place myself entirely in Your hands to lead me in the way of truth and to compel me to do Your will. Even though, in this way, I will not earn reward, I do not care, for the greatest reward is to be able to serve You. I am not asking to change the nature of the world, which is that man has Bechirah. Rather, this is my free choice: to serve You without the interference of the Yetzer Ha'ra." This, writes R' Horowitz, is an appropriate sentiment, if it is sincere.

This, continues R' Horowitz, is hinted at by the above adjacent verses. "Everyone according to what he can give." A person has the right to "give" himself completely into Hashem's Hands, to be ruled "according to the blessing that Hashem, your Elokim, gives you." How does one accomplish this? "Judges and officers you shall appoint."

Thereafter, the person must continue to "judge the people" -- in this case, himself -- "with righteous judgment." A person cannot expect Hashem to send a prophet to guide one's every step. But, when one sincerely does his best and prays for Hashem's guidance, Hashem will plant the proper thoughts in his head so that he will act only in accordance with Hashem's will. (Duda'im Ba'sadeh) ©2022 S. Katz and torah.org

