

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.

OThe parsha of Shoftim is the classic source of the three types of leadership in Judaism, called by the Sages the “three crowns”: of priesthood, kingship and Torah.¹ This is the first statement in history of the principle, set out in the eighteenth century by Montesquieu in *L’Esprit des Lois* (The Spirit of Laws), and later made fundamental to the American constitution, of “the separation of powers.”²

Power, in the human arena, is to be divided and distributed, not concentrated in a single person or office. In biblical Israel, there were Kings, Priests and Prophets. Kings had secular or governmental power. Priests were the leaders in the religious domain, presiding over the service in the Temple and other rites, and giving rulings on matters to do with holiness and purity. Prophets were mandated by God to be critical of the corruptions of power and to recall the people to their religious vocation whenever they drifted from it.

Our parsha deals with all three roles. Undoubtedly, though, the most attention-catching is the section on Kings, for many reasons. First, this is the only command in the Torah to carry with it the explanation that this is what other people do: “When you enter the land the Lord your God 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

¹ Mishnah Avot 4:13. Maimonides, *Mishneh Torah*, Hilchot Talmud Torah, 3:1.

² Montesquieu’s division, followed in most Western democracies, is between legislature, executive and judiciary. In Judaism, primary legislation comes from God. Kings and the Sages had the power to introduce only secondary legislation, to secure order and “make a fence around the law.” Hence in Judaism the King was the executive; the priesthood in biblical times was the judiciary. The “crown of Torah” worn by the Prophets was a unique institution: a Divinely sanctioned form of social criticism – a task assumed in the modern age, not always successfully, by public intellectuals. There is today a shortage of Prophets. Perhaps there always was.

around us...” (Deut. 17:14). Normally, in the Torah, the Israelites are commanded to be different. The fact that this command is an exception was enough to signal to commentators throughout the ages that there is a certain ambivalence about the idea of monarchy altogether.

Second, the passage is strikingly negative. It tells us what a King must not do, rather than what he should do. He should not “acquire great numbers of horses,” or “take many wives” or “accumulate large amounts of silver and gold” (Deut. 17:16-17). These are the temptations of power, and as we know from the rest of Tanach, even the greatest – King Solomon himself – was vulnerable to them.

Third, consistent with the fundamental Judaic idea that leadership is service, not dominion or power or status or superiority, the King is commanded to be humble: he must constantly read the Torah “so that he may learn to revere the Lord his God ... and not consider himself better than his fellow Israelites” (Deut. 17:19-20). It is not easy to be humble when everyone is bowing down before you and when you have the power of life and death over your subjects.

Hence the extreme variation among the commentators as to whether monarchy is a good institution or a dangerous one. Maimonides holds that the appointment of a king is an obligation, Ibn Ezra that it is a permission, Abarbanel that it is a concession, and Rabbenu Bachya that it is a punishment – an interpretation known, as it happens, to John Milton at one of the most volatile (and anti-monarchical) periods of English history.³

There is, though, one positive and exceptionally important dimension of royalty. The King is commanded to study constantly: “...and he is to read it all the days of his life so that he may learn to revere the Lord his God and follow carefully all the words of this law and these decrees and not consider himself better than his fellow Israelites and turn from the law to the right or to the left. Then he and his descendants will reign a long time over his kingdom in Israel. (Deut. 17:19-20)

Later, in the book that bears his name, Moses’ successor Joshua is commanded in very similar terms: Keep this Book of the Law always on your lips; meditate on it day and night, so that you may be careful to do everything written in it. Then you will be

³ See Eric Nelson, *The Hebrew Republic*, Harvard University Press, 2010, 41-42.

prosperous and successful. (Josh. 1:8)

Leaders learn. That is the principle at stake here. Yes, they have advisors, elders, counsellors, an inner court of Sages and literati. And yes, biblical Kings had Prophets – Samuel to Saul, Nathan to David, Isaiah to Hezekiah and so on – to bring them the word of the Lord. But those on whom the destiny of the nation turns may not delegate away the task of thinking, reading, studying and remembering. They are not entitled to say: I have affairs of state to worry about, so I have no time for books. Leaders must be scholars, Bnei Torah, “Children of the Book,” if they are to direct and lead the people of the Book.

The great statesmen of modern times understood this, at least in secular terms. William Gladstone, four times Prime Minister of Britain, had a library of 32,000 books. We know – because he made a note in his diary every time he finished reading a book – that he read 22,000 of them. Assuming he did so over the course of eighty years (he lived to be 88), this meant that he read on average 275 books a year, or more than five each week for a lifetime. He also wrote many books on a wide variety of topics from politics to religion to Greek literature, and his scholarship was often impressive. For example he was, according to Guy Deutscher in *Through the Language Glass*,⁴ the first person to realise that the ancient Greeks did not have a sense of colour and that Homer’s famous phrase, “the wine-dark sea” referred to texture rather than colour.

Visit David Ben Gurion’s house in Tel Aviv and you will see that, while the ground floor is spartan to the point of austerity, the first floor is a single vast library of papers, periodicals and 20,000 books. He had another 4,000 or so in Sde Boker. Like Gladstone, Ben Gurion was a voracious reader as well as a prolific author. Benjamin Disraeli was a best-selling novelist before he entered politics. Winston Churchill wrote almost 50 books and won the Nobel Prize for Literature. Reading and writing are what separate the statesman from the mere politician.

The two greatest Kings of early Israel, David and Solomon, were both authors, David of Psalms, Solomon (according to tradition) of *The Song of Songs*, *Proverbs* and *Kohelet/Ecclesiastes*. The key biblical word associated with Kings is *chochmah*, “wisdom.” Solomon in particular was known for his wisdom: When all Israel heard the verdict the King had given, they held the King in awe, because they saw that he had wisdom from God to administer justice. (I Kings 3:12)

Solomon’s wisdom was greater than the wisdom of all the people of the East, and greater than all the wisdom of Egypt ... From all nations people came to listen to Solomon’s wisdom, sent by all the

Kings of the world, who had heard of his wisdom. (I Kings 5:10-14)

When the Queen of Sheba saw all the wisdom of Solomon... she was overwhelmed. She said to the King, ‘The report I heard in my own country about your achievements and your wisdom is true. But I did not believe these things until I came and saw with my own eyes. Indeed, not even half was told to me; in wisdom and wealth you have far exceeded the report I heard...’ The whole world sought audience with Solomon to hear the wisdom God had put in his heart. (I Kings 10:4-24)

We should note that *chochmah*, wisdom, means something slightly different from Torah, which is more commonly associated with Priests and Prophets than Kings. *Chochmah* includes worldly wisdom, which is a human universal rather than a special heritage of Jews and Judaism. A Midrash states “If someone says to you, ‘There is wisdom among the nations of the world,’ believe it. If they say, ‘There is Torah among the nations of the world,’ do not believe it.”⁵ Broadly speaking, in contemporary terms *chochmah* refers to the sciences and humanities – to whatever allows us to see the universe as the work of God and the human person as the image of God. Torah is the specific moral and spiritual heritage of Israel.

The case of Solomon is particularly poignant because, for all his wisdom, he was not able to avoid the three temptations set out in our parsha: he did acquire great numbers of horses, he did take many wives and he did accumulate great wealth. Wisdom without Torah is not enough to save a leader from the corruptions of power.

Though few of us are destined to be Kings, Presidents or Prime Ministers, there is a general principle at stake. Leaders learn. They read. They study. They take time to familiarise themselves with the world of ideas. Only thus do they gain the perspective to be able to see further and clearer than others. To be a Jewish leader means spending time to study both Torah and *chochmah*: *chochmah* to understand the world as it is, Torah to understand the world as it ought to be.

Leaders should never stop learning. That is how they grow and teach others to grow with them. *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

"When a matter shall arise for you too wondrous for judgment, whether it be capital, civil, or ritual, you shall go up to the

⁴ *Through the Language Glass: Why the World Looks Different in Other Languages* (New York: Metropolitan Books/Henry Holt and Co., 2010).

⁵ *Eichah Rabbati 2:13.*

judge of those times, and according to the law which they shall teach you, and according to the judgment which they shall tell you to do, do not stray neither from the right nor the left of the word that they declare to you" (Deut. 17:8–11). In an era when strict interpretations of Jewish Law are in vogue, and when Orthodox rabbis who render decisions with a broader perspective face withering personal and professional attacks, we would do well to revisit the concepts of freedom of thought and the right of dissent within the realm of Jewish Law. Is there, in fact, room within the Jewish legal system for individual freedom and conscientious objection to majority opinions?

For guidance, let us look at the model of the Sanhedrin in Jerusalem. To what extent did the sages of that august legal body admit pluralism into the halls of their debates? In truth, the Sanhedrin always encouraged dissenting opinions, even beginning their judicial inquiry with the views of the youngest and least learned, to encourage everyone to state his opinion without being intimidated by the views of more senior colleagues.

But there are limits to this pluralistic spirit. For instance, a member of Sanhedrin must not oppose the authority of the judicial majority. One who does is categorized as a rebellious elder (*zaken mamreh*), and his offense is considered a capital crime [Babylonian Talmud, Sanhedrin 87a], assuming that he proactively attempts to influence others to defy the court in practice.

However, the law of the "rebellious elder" is shaded with subtleties. The aforementioned passage in the Talmud points out that one is not condemned as a *zaken mamreh* if the disagreement is limited to verbal preaching against the decision, while accepting the ruling in practice. Furthermore, not only does one who disagrees have a right to do so, he is obligated to explain the reasons for his disagreement. After all, if he is correct, he may eventually convince others to see things his way.

What happens, however, if the dissenter is a "conscientious objector"? Fascinatingly, the first mishna in Tractate Horayot forbids a scholar from performing an act that the Sanhedrin permitted but which he believed was prohibited, noting that if a recognized scholar knows that a decision of the Sanhedrin is incorrect, but he nevertheless acts in accordance with the majority, he has committed a transgression and must bring a sacrifice! In other words, not only may he go against the majority, but failure to do so is a sin that requires ritual atonement.

Our sages add, "One might think that even if they tell you that right is left and that left is right, you must nevertheless listen to them? It is for this reason that the Torah specifies [do not stray from] right and left, in order that you may understand that only when they tell you about the right this is right and the left that

is left, then must you listen to them" [Jerusalem Talmud, Horayot 1:1].

These sources clearly guide the sage to follow his conscience when he is firmly convinced of the correctness of his position. If he ignores his own knowledge as to what constitutes a correct practice, his transgression in following the incorrect view of the Sanhedrin obligates him to bring a sacrifice. [An important exception to this rule of freedom of dissent is the calendar, since nothing ensures the unity of the Jewish people and threatens our fragmentation more than the calendar. In that regard, there must be unanimity.]

Support for the Sage's right to dissent is further found in Tractate Eduyot [5:6], where we read that the sage Akavya ben Mahalalel disagreed with the majority opinion on four issues. He was offered the coveted position of Av Beit Din, second-in-command of the Sanhedrin, but only on condition that he change his mind on his dissenting opinion. Akavya's response was that he would rather be called a fool all his days and not be considered wicked before God for even one moment for having sacrificed his vision of truth for the lure of high rabbinic office.

The mishna goes on to record one view that maintains that Akavya was excommunicated and that when he died the court threw stones upon his coffin. However Rabbi Yehuda vehemently disagrees: "Heaven forbid that Akavya would have been excommunicated, for the courtyard of the Holy Temple was never closed in the face of a Jew as great in wisdom and in fear of sin as Akavya ben Mahalalel."

Rabbi Yehuda names a different sage whom the court excommunicated and whose coffin was pelted with stones. The conclusion of this mishna courageously affirms the right of conscience of an individual scholar granting accolades to Akavya for refusing to bend to the will of the majority.

Perhaps the confusion between Akavya and the other figure is the mishna's subtle way of stating that going against the majority demands a price. Many will not understand what you are doing; your coffin may be pelted with stones. But in the end, your name will be cleared and your courage will be praised. As long as wisdom, reverence for God, and fear of sin motivate your decisions, you dare not mute your individual conscience when you enter the courtyard of the Holy Temple of Jewish law. ©2021 *Ohr Torah Institutions & Rabbi S. Riskin*

RABBI BEREL WEIN

Wein Online

This week's Torah reading envisions for us an efficient, organized system of law and order, justice, and fairness. The Torah set a very high bar regarding the selection of judges and police. They are to be free of prejudice, bias and personally held

agendas and social ideals. They are literally to be blind, without knowledge as to the nature and personalities of the litigants who appear before them and whose cases they must decide. The judges must be free of any form of corruption, from open graft to simple courtesy.

The Talmud records for us that the great Mar Shmuel, the head of the Academy of third century, Nehardea in Babylonia, was walking across a narrow bridge when the person coming towards him honorably made way so that the Rabbi could pass. Later in the day, this very same person appeared as a litigant before Mar Shmuel in a case before his court. Afraid of being influenced by the courtesy extended to him by this person, by allowing him to pass first on the narrow bridge, Mar Shmuel disqualified himself from judging the matter.

While such standards of justice that are outlined in this week's reading are almost impossible for human beings to achieve, we all are influenced by great and small things that occur to us, and by previous prejudices that have been instilled into us by events and societies. Though justice may be blind, the justices themselves rarely, if ever, are able to obtain the necessary level of fairness that the Torah seems to demand. Yet, we are aware that the Torah was not granted to angels, but rather, to human beings, and human beings are never perfect and always have, within themselves, prejudices and preconceived ideas regarding policies and judgments.

The Torah set standards for us to try and achieve. It never demands the impossible from human beings. So, the requirements set forth in this week's reading are the goals that we must try to achieve. We must pick the best, wisest, least prejudice, most honest people of integrity, that we can find in our midst, and appoint them as judges and police. Yet, the Torah reminds us that ultimate justice belongs to the Lord.

Mistakes that we make here on earth, in the long run of time and eternity, are always rectified by Heaven. We should be comforted by this. The Talmud teaches that a judge can only judge what he sees and understands, with the human condition appearing before him. Heaven, however, has the ability to see everything, in terms of eternity, in terms of ultimate justice and fairness to all. It is without limited knowledge, therefore, that we are to do our best, and realize that ultimate justice is not done here on earth, but, rather, subject to the guidelines of Heaven. We can only attempt to create the best system of justice that is possible, within the constraints of human behavior and society.

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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 AVI WEISS

Shabbat Forshpeis

Mesorah is commonly associated with the transmission of Torah. For some, it is a meta-halachic concept: regardless of what the halachah (Jewish law) says, there is a past tradition that must not be broken.

Of course, the time-honored practices of tradition are of tremendous import, as the Torah states: "Ask your father and he shall tell you; your grandfather and he shall say to you" (Deuteronomy 32:7). Or, as Proverbs states, "Listen, my child, to the discipline of your father and do not forsake the instruction of your mother" (Proverbs 1:8).

But history is only half of the equation. It is a mistake to think that mesorah only means that everything we do today is cemented in the past. The Torah makes this point when it declares, "If there arise a matter too hard for you in judgment...you shall

rise...and come to the judge that shall be in those days" (Deuteronomy 17:8, 9). Here, in clear terms, the Torah says that Jewish law continues to evolve over time.

Rashi quotes the Midrash, which questions why it is necessary to specify "in those days:" if one is coming to a judge, obviously one does so during one's own days. But, says the Midrash, the added words teach even if the contemporary judge is not equal to one's predecessor, the ruling is followed (Sifrei 153). "Yiftach in his generation [is as acceptable] as the prophet Samuel in his generation" (Rosh Hashanah 25b).

The Talmud elaborates on this concept when it records that, unlike his predecessors, Rebbe, a Talmudic scholar, did not obligate that tithes be taken on fruits and vegetables grown in Beit She'an. He maintained that Beit She'an was outside of Israel. His brothers were incensed: "A place where your ancestors acted prohibitively, will you act permissively?"

Rebbe responded: "Makom hinichu li avotai l'hitgader bo" (My ancestors left room for me to distinguish myself" (Chullin 6b-7a). In other words, it's been left over for the next generation. No generation can do all of the work that is necessary.

It follows, then, that mesorah is not solely rooted in the past. Rather, mesorah conveys the idea that, within proper parameters, we should innovate to address the issues of our time. This innovation is not straying from mesorah; it is rather demanded by it.

Religious innovation involves two steps. The first is to assess a particular law and evaluate whether it conflicts with other central principles of Torah such as tzelem E lohim (that every human being is created in the image of God), kavod habriyot (human dignity), and kedoshim tihiyu (and you shall be holy).

If conflict exists, mesorah demands we take a second step through which halachah can evolve. The Torah makes this very point when declaring that the perplexing issues of the day should be brought before the generation's judges. Beyond Torah law, mesorah includes a sophisticated network of rabbinic law. After an extensive, in-depth analysis of the legal issue at hand, new applications may be possible.

When making this analysis, it is important to recall the teaching of Rabbi Kook, who stated, "There is no prohibition to permit the permissible, even though it was not practiced in the past" (Rabbi Avraham Yitzchak Hakohen Kook, Responsa Orach Mishpat, Orach Chayim 112). After all, mesorah serves as a delicate bridge spanning past to future, commenting powerfully on contemporary halachic issues. ©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 this shall be the rule of the Kohanim... and they shall give to the Kohain the foreleg, the jaw and the stomach." (Devarim 11:28)

In return for their service of Hashem in the Mishkan, Bais HaMikdash, and beyond, Hashem allocated certain parts of every animal slaughtered to be given to the Kohanim. This applied to non-sacrificial animals, and only to those belonging to non-Kohanim. There were other Priestly gifts as well, which were given to Kohanim even if they were not working in the Bais HaMikdash.

While we understand that a Kohain serving in the Bais HaMikdash and offering sacrifices deserves recompense for that, and certain parts of many korbanos did go to the Kohain who offered them, we need to get a better understanding of the general gifts given to the Kohanim. These three give us an insight into the concept.

Rashi quotes the "darshanim" that these gifts were given to the Kohanim out of appreciation for Pinchas's act of zealotry which made peace between Hashem and the Jews. The foreleg is because Pinchas took a spear in his hand. The jaw (which included the tongue) is because he davened (as it says in Tehillim 106:30) and the stomach because that's where he impaled the Midianite woman. In recognition of his acts, his fellow Kohanim were rewarded, perhaps to instill in them the obligation to act in kind should the need arise.

Rabbeinu Bachya suggests that these three parts are the best of the animal. The foreleg is the best of the limbs, the jaw and tongue the best of the head, and the stomach the best of the innards. In every instance, we offer the Kohanim the best portion, which echoes the mitzvah of sanctifying them.

The Klei Yakar offers a different explanation, that the Kohanim raise their hands to offer the Birchas Kohanim, hence the foreleg, they recite it with their mouths, hence the jaw, and the stomach is because they bless the people that the food should multiply in their stomachs, thus satisfying them with even a little bit.

Looking at it from yet another angle, we can say that the z'roa represents the outreach the Kohanim are to do, bringing spirituality to the people and drawing them close. The mouth parts are as the posuk says, "The lips of the Kohaim guard the law," and they are teachers who enlighten through their words, as well as make peace. The stomach represents the inner compassion they should have for all their charges, the Jews entrusted to their care.

What we see from all these insightful approaches is that we cannot clearly explain why Hashem decrees anything or gives us specific mitzvos. There are many facets to each and every command,

which we might not even realize or think of. Some of these ideas relating to the gifts are to teach us something, while others are to teach the Kohanim, and still others are about expressing gratitude.

In short, we give these gifts, and follow everything in Torah, because Hashem said so, and He knows better than we do. Every time we eat meat, we are reminded that Hashem's ways are far beyond the understanding of mortal men.

Flying to Israel one day, Ari noticed a fellow Jew on the flight who appeared to be observant. When Ari greeted him, he was ignored. Ari felt this was rude, but it got worse. The passenger didn't even make a bracha as he ate and drank. When a minyan prayed, the guy took a nap. Ari was incensed. How could this person dress to appear to the world like a frum Jew when he didn't daven or even make blessings on his food?! Ari tried to put it out of his mind for the rest of the flight but the hypocrisy of it infuriated him.

When the plane landed, Ari saw the "faker" met by a group of people who had been waiting for him and the coffin of his mother, which he had been accompanying to burial in Israel. Only then did Ari realize that this man was an "onain," who is prohibited from performing mitzvos or even making a bracha until after his relative is buried. It dawned on him that he did not judge the other man favorably. In truth, he realized, he was the one who was faking it; dressing like an observant Jew, but not acting like one at all. ©2021 Rabbi J. Gewirtz and Migdal Ohr

RABBI DAVID LEVIN

A Just Court System

A court system is such that it will enable the people to be judged according to the Torah and provide them with a means of enforcing that judgment. Today, we have a court system within the Jewish community, but some choose to go outside of the community and seek secular courts. A Jewish Court is bound by law to treat all equally by the words of the Torah. Let us see how the Torah accomplishes this: "Judges and officers you shall appoint in all your cities which Hashem your Elokim gives you for your tribes; and they will judge the people with righteous judgment. You shall not pervert judgment and you shall not take notice of presence, and you shall not take a bribe, for a bribe will blind the eyes of the wise and make righteous the words of the crooked. Righteousness, righteousness you shall pursue, so that you will live and take possession of the land that Hashem your Elokim is giving to you."

One of the first requirements of a judicial system is the availability and ease with which these courts can be accessed. The Jews in the desert were within walking distance of the Court, and accessibility was simple. Now that the B'nei Yisrael would be spread over the Land of Yisrael, it would not be as easy

to access a central Court. HaRav Zalman Sorotzkin brings the comments of the Raibad, explaining the connection between these opening p'sukim and the last section of the previous parasha which dealt with the three Pilgrimage Festivals of Pesach, Shavuot and Sukkot. "Even if you are required to travel three times (a year) to the place of the Kohanim, those who serve in the Temple, and there you will ask about the helaws and judgments, that is not enough for you until you have for yourself judges in your gates." HaRav Shimshon Raphael Hirsch explains that Devarim had been focused on those laws which centralize the Jews around the Temple in order to unify the People and their relationship with Hashem. The shift to discuss the laws of assigning sho'tim and shotrim in each village and tribe, was to show that the Central Sanhedrin and the Temple spread its influence to the far reaches of the land. It is the Sanhedrin which now would appoint its representatives throughout the land.

At the end of the first pasuk we find the words, "and they will judge the people with a righteous judgment." Professor Nechama Leibovits explained that this idea is repetitious, as these concepts have been discussed previously in the Torah. "Our sages have taught us that there is no repetition of any precept in the Torah unless the text wishes to add some new point, detail, or aspect." In parashat K'doshim we find a similar message, but our parasha refers to those who choose the judges, making sure that they choose them fairly and justly. They are cautioned not to appoint a judge because he is distinguished looking, or is brave, or lent the appointer money. These people might be unlearned and might acquit the guilty and convict the innocent. His court must be a learned court, because his is the court which most of the residents of the city will visit.

When the Torah warns the judges, "do not take notice of someone's presence," it appears that the Torah is cautioning that judge in much the same way as it does in the first perek in Devarim, "you will not respect persons in judgment but you will hear the small as well as the great." Rashi tells us that this should apply not only in the judgment of the case but also in the way in which the case is heard. The judge may not allow one party to speak freely and caution the other party to hurry. Even a smile or a gesture can make the other party feel that his case is lost. Hirsch indicates that the authorities who choose the judges must "appoint such men as judges through whom justice, pure unadulterated justice would be achieved."

The officers who are appointed must be qualified as righteous individuals just as the judges are. They must be knowledgeable of the Torah laws and the punishments that are permitted. They are limited in the fact that they have no permission to act except at the command of the judges. Professor Leibovits explains that one could ask how the courts and the officers can

judge and punish another human being. "The Torah gives the answer. That authority has been vested by the Creator in the judges and officers. Our Torah does not demand that the owner of the vineyard (Hashem) come and clear the weeds from his own vineyard, but charges society with the task of keeping its own house in order."

The most striking pasuk in our section is the final one: "Righteousness, righteousness you shall pursue, so that you will live and take possession of the land that Hashem your Elokim is giving to you." The double tzedek (righteousness) has been interpreted in many different wayjust laws. Hirsch understands it to mean "right and just." Hirsch explains that it is "the highest unique goal, to be striven for purely for itself, to which all other considerations have to be subordinated." Every aspect of a case must be handled in complete impartiality. HaRav Sorotzkin demonstrates this idea with a quote from Gemara Sanhedrin (32). The two uses of the word tzedek are "echad l'din v'echad l'p'sharah, one for the actual law and one for the compromise." The Gemara informs us that it is always best to reach a compromise between the two parties and even when assisting the parties to formulate a compromise one must be impartial.

One could question this last concept that one should always seek out a compromise between the parties instead of the just law. If the judges are learned men and men of justice, how can they seek a compromise when that compromise does not agree with the letter of the law? There would appear to be only one way in which true Justice could be rendered. Twice within these three sentences the Torah refers to "Hashem your Elokim." We know that the names of Hashem refer to different characteristics of Hashem. The name which we say as Hashem is the characteristic of Mercy. The name Elokim is the characteristic of Justice. As we see in these p'sukim, Mercy precedes Justice. Mercy is given to both sides before the judgment is given. Only afterwards can Justice take place.

May we strive in our own actions to place Mercy before Justice. In that way we will have demonstrated that we have learned the lesson of this parasha. © 2021 Rabbi D. Levin

RABBI AVROHOM LEVENTHAL

Ain't it Good to Know You've Got a Friend

These famous words of the great songwriter, Carole King, bring up a thought. The end of Parshat Shoftim relates the halacha when finding an unidentified body in the desert. The Sanhedrin is called to measure a radius from the body to all of the nearest cities. The town that is closest to the body is then required to perform the mitzvah of "Egla Arufa".

The elders of that town must bring a calf and kill it as an atonement, near a brook in a desolate area. They then, under the supervision of the Kohanim, "wash their hands" of the calf in the brook and declare that "our hands did not spill this blood and our eyes did not see".

There is much symbolism connected to this ritual. The calf, like the murder victim, will not meet its potential. The brook is desolate just as the future of the victim.

Rashi brings the obvious question: How could we think that these righteous elders had anything to do with the death of this person? What was their sin that requires atonement and a declaration of innocence? He explains that the elders express that they did not see him and escort him with food for the way. The implication is that had they seen him, they would have certainly attended to him and provided food for the way.

What is the correlation between the death of this innocent person and the elders not noticing him? Why should the lack of attention bring even a remote sense of responsibility on their part?

Let us return for a moment to the stranger whose lifeless body was discovered in the desert.

Who was he or she? Where did they come from? Why were they traveling alone? What was their "story"?

The fact that the elders, and most likely no one else from the town, could not answer those questions, leads to an even stronger question.

Why didn't they know about them? Why didn't they see him or her?

When a new person shows up in your city, your neighborhood or community, they should be greeted and made to feel comfortable and welcome.

There are multiple examples in the Torah where we are reminded to be friendly to the stranger, because we were strangers in Egypt. Our forefather Avraham built a home open on all sides so that one could enter and feel welcome no matter from which direction they were coming. It didn't matter to Avraham who the stranger was.

When someone new comes into our midst, it behooves us to reach out. A greeting, a smile, an introduction or invitation will turn the stranger into a guest.

Sometimes, however, we are so involved with our own lives that we tend to "not see" that new person. Perhaps herein lies the connection to the elders.

וְעֵינֵינוּ לֹא רָאוּ "And our eyes did not see"

The guilt of the elders is not in their "spilling the blood" but rather in not seeing. A new person entered their midst and was not tended to.

Leaders must educate by example to be sensitive to the stranger.

A lack of interaction may cause the visitor to question their acceptance or self-worth. When they

don't feel welcome they may then choose to leave and seek another place. And on that journey they might meet up with someone dangerous.

When one feels that others care for them they will feel good about themselves and have the courage to defend themselves. If they question their own value, they could give up the will to carry on.

It is incumbent on the leaders of a community to ensure that everyone is noticed, whether the stranger or any of the members of the community.

It is not just for the leaders. It is a lesson for all of us.

The seemingly "insignificant" actions of greeting another human being with a smile or showing interest in their welfare is not just a courtesy. It can be the material to help fortify their own self-worth. The feeling that they are not alone but are noticed and appreciated can give another just the boost that they need.

Perhaps this is why the Rabbis teach us that Yosef sent "agalot/wagons" to his father through his brothers. The simple reason given is Yosef was sending a proof that it was in fact him by hinting to his father that "egla arufa" was the last topic that they had learned together.

I propose that there was an additional message intended for his brothers. Yosef was telling them: "You sold me into slavery and sent me away without care or concern. One can't send someone away without concern for their needs or state of mind. Thank G-d it turned out well for me, but that might not always be the case. No one should ever feel that they are alone in this world".

Never underestimate what your smile, greeting and sincere concern can do for another person.

They should know that they are not alone. They have a friend.

Thank you, Carole King. ©2021 Rabbi A. Leventhal, noted educator and speaker, is the Executive Director at Lema'an Achai lemaanachai.org

RABBI YITZCHOK ADLERSTEIN

The Enforcers

"Judges and officers you shall appoint in all your cities." (Devarim 16:18) A medrash (Devarim Rabbah 5:1) tells us not to disparage din, because it is one of the three pillars upon which the world stands. It seems odd that the medrash has to turn to a Mishnah in Pirkei Avos (1:18) to prove that din is no trivial matter. There is an explicit verse in our parshah that does that: "Righteousness, righteousness you shall pursue!" That is about as full-throated an endorsement of din as is possible.

Perhaps the medrash does not wish to make a statement about the more-than-obvious value of din. Perhaps it aims at those who actively disparage din in the community. Those who mock dayanim and the words of our chachamim. Those who cheapen the beis

din process by acting as orchei dayanim -- people who are hired to achieve results for their clients, rather than seek truth and justice.

The latter, in my opinion, are worse than the lo tzayis din, the individual who refuses to submit to the authority of the court. The damage done by his refusal is usually limited to those involved in one particular court case. The mockers and the orchei dayanim weaken the power of the court for the rest of the community, crumbling one of the three pillars upon which the world stands.

Our pasuk tells us how to erect that pillar. Before the doors of the court open, you must appoint officers to strengthen the authority and the judgments of the judges. When the beis din has no power to enforce its rulings, how much righteousness can it promote? If there are to be judges, there must first be officers.

Today, we are particularly disadvantaged. Our courts have no real power of enforcement. Their only remaining tool is the loyalty of the people to the Torah and its protocols of resolving disputes. Those who mock the courts or weaken their effectiveness destroy the pillar of justice. They create a world in which one person can swallow up another, without any recourse for the victim.

The worst offenders are those who call themselves bnei Torah, who nonetheless mock the batei din. Additionally, their disparaging the rulings of great Torah figures leads to a general reduction of their stature, which leads to a minimizing of their livelihood. When young people see how Torah figures are forced to live, is it any wonder that their ardor for Torah is reduced, and they choose other life-paths for themselves?

"Tell My nation of their willful transgressions, and the House of Yaakov their unwitting transgression." (Yeshaya 58:1) The gemara (Bava Metzia 33b) refers to the willful transgressions to talmidei chachamim, and the latter to the common people. What this means is that some bnei Torah brazenly display their contempt for some leaders. When that happens, it is no wonder that the masses lose their respect for Torah. Without people to look up to, their transgressions are mitigated, and reduced to the level of chataim/unwitting sins!

Such is the sorry state of affairs today. ©2021 Rabbi Y. Adlerstein & torah.org

