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**Parshat HaShavua sheet**

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Parshat Shoftim  
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**BRANCHES OF THE JUDICIARY**

By Rabbi Mordechai Kamenetzky

Juxtapositions. The Talmud analyzes them and expounds upon them. After all, every word of the Torah is as important as the next, and the positioning of each law in the Heavenly ordained book bears a great symbolism if not halachic (legal) implication.

Perhaps that is the reason that our sages expounded upon a very interesting juxtaposition in this week's portion. This week's parsha is named Shoftim – Judges. That is exactly what it begins dealing with. It commands us to appoint judges. They should be honest, upright and unwavering. It prohibits taking any form of bribery as it attests that even the most brilliant and pious of souls will be blinded and perverted by bribes. Conspicuously placed next to those laws is the prohibition of the planting of the asheira tree. The asheira tree appeared as any other tree, but it had another purpose. It was worshiped as an idol.

Those two sections adjoin. The sages comment that there is a stark comparison. "Anyone who appoints an unworthy justice is as if he planted the asheirah tree in his midst." The obvious question is: though both acts are terribly wrong, there must be a greater reason other than the fact that they both are wrong and immoral. What is the connection?

*There was a period in the 1970's when a group of rogues were smuggling valuables in Tefillin (phylacteries) and other religious articles that would usually evade inspection; thus the thieves assumed their scheme would be successful. Often they would send these religious articles with unsuspecting pious Jews and asked to deliver them to certain locations near their final destinations. When United States customs officials got wind of this scheme they asked a few observant agents to help crack the ring. In addition to preserving the sanctity of the religious items, the customs authority felt that Jewish religious agents would best be able to mete out knowing accomplices from unsuspecting participants who had been duped into thinking they were actually performing a mitzvah. The Jewish custom agent in charge of the operation decided to confer with my grandfather, Rabbi Yaakov Kamenetzky on this matter. Though his advice on how to break the ring remains confidential, he told me how he explained how the severity of the crime was compounded by its use of religious items. "Smuggling diamonds in Tefillin," he explained, "is equivalent to raising a white flag, approaching the enemy lines as if to surrender and then lobbing a grenade. That soldier has not only perpetrated a fraud on his battalion and the enemy; he has betrayed a symbol of civilization. With one devious act, he has destroyed a trusted symbol for eternity – forever endangering the lives of countless soldiers for years to come. "These thieves, by taking a sacrosanct symbol and using it as a vehicle for a crime have destroyed the eternal sanctity and symbolism of a sacred object. Their evil actions may cause irreparable damage to countless honest religious people. Those rogues must be stopped, by any means possible," he exclaimed.*

Rabbi Chaim Soleveitchik explained the comparison of the asheirah tree to the corrupt judge. An asheirah tree is a very deceiving object. It is as beautiful as any other tree in the world. However, man has turned its aesthetic beauty into a vehicle for blasphemy. "A judge," Rabbi Chaim Soleveitchik explains, "has all those attributes. He may have an honest appearance, even a regal demeanor. In fact, he could have a long kapote and a flowing beard. His very image exudes traits that personify honesty, integrity, and morality. However if he is inherently dishonest he is no better than a lovely tree whose sole purpose is to promote a heretical ritual of idolatry."

They both may look pretty and could be used as a vehicle to promote G-d's glory but in this case, they are not. In fact, quite the opposite. Those formerly beautiful objects now bring disgrace to the Creator.

And so, the Torah tells us this week that trees may have outer beauty, but cannot be classified unequivocally as being an ever-sounding testimony to Hashem's glory. Likewise a judge whose demeanor may be noble, may be a source of deception who will bring disgrace on an entire nation. After all, as the saying almost goes, "you cannot book a judge by his cover!"

## Here Comes the Judge

By Rabbi Yossy Goldman

Don't be judgmental. Unless, of course, you happen to be a judge. Then it's your job.

This week's Parsha, Shoftim (Deut: 16:18–21:9), begins with the biblical command for judges to be appointed in every city and town to adjudicate and maintain a just, ordered, civil society. Interestingly, it occurs in the first week of Elul, the month in which we are to prepare in earnest for the Days of Judgment ahead, Rosh Hashanah and Yom Kippur.

There are, however, some significant differences between earthly judges of flesh and blood and the heavenly judge. In the earthly court, if after a fair trial a defendant is found guilty, then there's really not much room for clemency on the part of the judge. The law is the law and must take its course. The accused may shed rivers of tears, but no human judge can be certain if his remorse is genuine. His feelings of regret are touching, but of limited legal consequence. After all, a human judge may only make a decision based on "what the eye can see." The misdeed was seen to have been committed. The remorse, who knows? Perhaps he's a good actor and is only acting contrite. The Supreme Judge, however, *does* know whether the accused genuinely regrets his actions or is merely putting on an act. Therefore, He alone is able to forgive. That is why in heavenly judgments, *teshuvah* (repentance) is effective.

The Maharal of Prague gave another reason. Only God is able to judge the whole person. Every one of us has good and bad to some extent. Even those who have sinned may have many other good deeds that outweigh the bad ones. Perhaps even one good deed was of such major significance that it alone could serve as a weighty counterbalance. The point is, only God knows. Only He can judge the individual in the context of his whole life and all his deeds, good and bad.

Our goal is to emulate the heavenly court. We should try to look at the totality of the person. You think he is bad, but is he all bad? Does he have no redeeming virtues? Surely, he must have some good in him as well. Look at the whole person.

A teacher once conducted an experiment. He held up a white plate and showed it to the class. In the center of the plate was a small black spot. He then asked the class to describe what they saw. One student said he saw a black spot. Another said it must be a target for shooting practice. A third suggested that the plate was dirty or damaged. Whereupon the teacher asked, "Doesn't anyone see a white plate?"

There may have been a small black spot, but essentially it was a white plate. Why do we only see the dirt? Let us learn to find the good in others. Nobody is perfect, not even ourselves. Let's not be so judgmental and critical. Let's try to see the good in others.

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## Righteous Righteousness

By Rabbi Eli Scheller

*Righteousness, righteousness shall you pursue.* (Deut. 16:20)

In the beginning of the parsha the Torah tells us, "Righteousness, righteousness shall you pursue." The second "righteousness" seems superfluous. What is it coming to teach us? Sometimes a person wants to do God's will but he gets so caught up in fulfilling the commandments that he overlooks different areas. For example, he might want to rise very early in the morning to pray, but his alarm then awakens everyone else in his family.

Reb Bunim of Peshis'cha interprets the verse in this vein: *pursue righteousness righteously*. It is not enough to seek righteousness; it must be done through honest means. The Torah does not condone the pursuit of holiness through improper means. One has to make sure that he is not stepping on anyone else's toes when performing the commandments.

The Chozeh of Lublin wanted to arise very early one morning to take care of a great mitzvah. The night before he asked his wife to prepare supper extra early so that he would be able to wake up in time. That night, not only was supper not served early - it was served even later than usual. Consequently he did not wake up in time and did not perform that great mitzvah. He thought to himself, "I would be justified in getting angry at my wife. However, why should I get angry because my wife prevented me from serving God? It's God's will for me not to get angry!"

## **Fiddler on the Roof Judaism**

*by Sheldon Stern*

Devarim 18:13 states, "Tamim Tihyeh Im Hashem Elokecha." You shall be perfect with Hashem your G-d." it almost sounds like a throwaway line. Can anyone be perfect? Obviously not. So what is the Posuk saying? Rashi gives us an answer. He understands "Tamim" not as perfect but as wholesome, as in Yaakov Ish Tam. Our foremost commentator explained, "Put your hope in Hashem, don't try to investigate the future and accept whatever happens wholeheartedly." In Parshas Netzavim, Moshe makes a seminal statement, "The esoteric is for Hashem, while our realm is Nigleh. Rashi is basically restating this principle. Ixnay on horoscopes and ouija boards. We can't tell Hashem what to do and so we have to train ourselves to appreciate whatever He does even if it doesn't necessarily align with our aspirations. Chazal teaches that there are 70 faces to the Torah. Let's apply this concept to the verse.

Chazal also teach that we don't stray from the simple Pshat and so it would seem that our understanding of the verse must address the imperative to be perfect. If we look at the end of Rashi's comment he says that if one behaves in a Temimusdik manner then you'll be with Him. Let's analyze that statement. I had a friend on the LES named Sy Syna. He became a Baal Tshuvah in his fifties after an incredible Yad Hashem intervention. We got along contentiously but there was mutual respect and love. We went to the same shul, the Stanton Street Synagogue, and one Shabbos Dr. Syna (he was a professor of History and English literature, he taught me a lot about writing) told me, "All I need to understand the Torah is my Hertz Chumash." He declared himself a modern day Karaite, blatantly rejecting the Gemara, Midrash and all Rabbinic commentaries except Ibn Ezra who he respected because he was a rationalist. So if we look at the verse in question armed with just a Sefaria or Artscroll translation, how would we read it? How about, "You should be perfect with Hashem your G-d who's perfect." But that brings us back to our original problem to wit, humans, by definition, can't be perfect. So here's why we need Rashi's remark. The Posuk isn't telling us to be perfect. Chazal teach that the Torah wasn't given to Malachim. Hashem knows that all people will slip up on occasion. So we have to understand the verse as follows, "You will be perfect if you are with Hashem your G-d. To this Rashi explains that if one is an Ish Tam and trains himself to trust in Hashem at all times then you'll be with Hashem. So the perfection that the verse speaks of is learning how to become one with G-d. When I was a kid in the 60's there was a movie theater on Grand Street (today it's a medical center). In 1968 I went there to see Fiddler on the Roof. The scene that stood out for me was when a troop of Russian soldiers came to the shtetl seeking an audience with the Rabbi. They asked for a blessing for the Tsar and the Rabbi complied, "May the L-rd bless and keep the Tsar.... (and when the satisfied soldiers were out of earshot) as far away from us as possible." Far too many of us view Hashem as an inconvenience, Yes, He gave us these laws and we have to keep them and we do keep them but what we really want is for Hashem to stay out of our lives, because all He can do is mess up our plans. That may sound harsh, but if you think about it it's true. The Mishna in Avos tells us to make His will yours and He'll follow suit. The point is that the purpose of the Mitzvos is to bring us into sympatico with the Creator. Interestingly it was the "silent Beatle" George Harrison who was Michavin to Rashi. Hey I'm not crazy, I'm eccentric. His most famous post-Beatles song was definitely "My Sweet Lord". There was a dubious reason for its notoriety, he was sued for plagiarizing it from the Chiffons' 60's hit, "He's So Fine." The song was beautiful but I want to focus on its hook lines, "Really want to see You, really want to be with You." I can't tell you if he "really" meant what he said, but how many, even ostensibly from Jews, express this thought?"

But now let's take a deeper dive into the concept of "seventy faces to the Torah." At "face" value it means that each verse, has 70 Pshatim. That might be true, but maybe the expression can be understood differently. Last Shabbos I was in a Syrian shul in Soho, about a half hour walk from the LES. Someone approached and asked if I study Kabbalah. I told him no but I immediately understood why he asked the question. He was holding Ramchal's Path of the Just and I knew that he wanted to promote the Sefer. I beat him to the spot, "Ramchal is unbelievable, but my favorite Baal Mussar is Rabbi Dessler." The reason he mentioned Kabbalah is because Ramchal was a master Kabbalist and he wanted to push the idea that this made him the go to choice. The Gemara says that one should learn according to what he finds appealing. For some that's Kabbalah and for others it's Gemara and it's all good. Every time I attend the Siyum Hashas I'm put off by Rabbis who exhort everyone to devote themselves to the Daf. But Daf Yomi isn't for everyone, it's certainly not for me. As we head toward Rosh Hashanah we must all commit ourselves to Talmud Torah. Let's consider the sage words of the "Different Strokes" theme song. "Well the world doesn't move by the beat of just one drum, what might be right for you may not be right for some." Bet no one ever connected Torah with the late Gary Coleman. The point is that Hashem provided seventy faces to give everyone a chance to find his way to the Torah. Don't lose out on the ethereal possibilities.

**“Judges and officers shall you appoint for yourselves in all your cities - which Hashem, your G-d, gives you - for your tribes; and he shall judge the people with righteous judgment” (16:18)**

What is the connection between the commandment at the end of the previous parsha to give as much money as is within one's means to charity and the beginning of this parsha which discusses the appointment of judges? The Kli Chemda writes that the juxtaposition of these two laws is meant to teach us an important lesson. People who support judges and rabbis financially are not exempt from respecting and honoring them. Even though they may have appointed them and they may pay for their salaries, they are not immune from the rulings of these judges. Nobody is above the law. There must be fairness and justice and a rabbi or judge does not owe anything to anybody. Those who support them must not make them feel that they are indebted to them. It is important that judges not be afraid of anyone so that they can make halachic decisions properly

**“You shall be wholehearted with Hashem, your G-d” (18:13)**

Rashi explains that the posuk is describing a cause and effect. If one accepts his lot in life wholeheartedly, then he will be with Hashem and will be rewarded. The Ramban explains the connection between this posuk and the preceding pesukim regarding the prohibition against witchcraft and divination. Even if someone volunteers to tell your future for you, you should follow Hashem completely. One must believe that the future is in the hands of Hashem and is not set in stone based on these predictions. Hashem can change the alignment of the stars on which the astrologers base their forecasts. Man can write his own future. One must believe that he controls his own destiny and that what will happen to him in the future depends solely on how he serves Hashem.

**“According to all that you asked of Hashem, your G-d, in Chorev on the day of the congregation, saying: I can no longer hear the voice of Hashem, my G-d, and this great fire I can no longer see, so that I shall not die” (18:16)**

Why is the day on which the Torah was given referred to as "the day of the congregation?" Is that the most notable characteristic of Matan Torah? In truth, the unity of the Jewish people on that day is indeed the most important event of that day. That is why the section describing Matan Torah begins with the statement that the Jews camped around Har Sinai together, in complete harmony. This was a prerequisite for receiving the Torah and it is that fact that characterizes the historic event.

**“When the officers have finished speaking to the people, the leaders of the legions shall take command at the head of the people” (20:9)**

Ramban asks: If victory in battle is dependent only on mitzvah observance and a small but worthy army can miraculously defeat a much larger force, why is it necessary to appoint generals if there will be a miraculous victory? He writes that Hashem generally wants to let nature run its course and not perform open miracles. The miracles will happen, but it is better that they be done disguised as regular operations. We must do what we need to do according to the natural order of the world so that we will merit these hidden blessings from Hashem. One should not be concerned because he does not see the hand of Hashem in an open fashion. Hashem is orchestrating everything that happens in this world in a natural way, behind the guise of a natural order. The world runs on a certain normalcy, even though Hashem can alter it at any moment. Understanding this idea is an important part of emunah. We believe in Hashem and that He is guiding everything that happens around us even though we cannot see Him and are not able to clearly understand how He is behind every aspect of this world.

*By Rabbi Mayer Friedman*

## **Challenged In The Heat Of Battle**

*By Rabbi Pinchas Avruch*

The profundity of the Torah is articulated in its addressing the minutiae of everyday life in all the different potential paths of the human experience. This week's Torah portion deals with a plethora of diverse topics: establishing a just court system, blemished sacrifices, the monarchy, priestly gifts, cities of refuge for the unintentional murderer, the axed heifer for an unsolved murder, and war. Within the focus on war (Devarim/Deuteronomy 20), the Torah deals with all the relevant details: anointing of leadership, choosing appropriate warriors, offering peace before attacking a city, and being nice to the trees. Being nice to the trees? The Torah is giving the guidelines to a successful military campaign and it discusses being nice to trees!?!

Actually, the Torah is addressing the unnecessary destruction of fruit bearing trees. "When you besiege a city for many days to wage war against it to seize it, do not destroy its trees by swinging an ax against them, for from it you will eat and you shall not cut it down, for is a tree of the field a man that it should enter the siege before you? Only a tree you know is not food bearing, it you may cut down and destroy and build a bulwark against the city with which you battle..." (20:19-20).

The Sforno explains the sequence in a vein similar to many of the other commentaries of his era: When you besiege a city, do not demolish the trees for the purpose of senseless destruction, with no strategic objective other than harming the local population, because this type of wanton devastation is representative of an army that is not sure of victory and eventual population of the captured territory, but you, who are sure of success in your mission, will inhabit the land. Therefore, do not obliterate the fruit bearing trees from which you will need to eat. As long as there are non-fruit bearing trees that will facilitate your military objectives, it is improper to destroy the fruit bearing trees, unless they are old and damaged and are no longer useful for that purpose. Sforno is teaching that G-d has promised success in these military efforts, so the Jewish armies must not employ a "scorched earth" policy in lands it will eventually occupy. A very practical approach.

Sefer HaChinuch (the classic work on the 613 Torah commandments, their rationale and their regulations, assumed to be authored by Rabbi Aharon HeLevi of thirteenth century Spain) finds in this chapter a much deeper meaning. The greater purpose of this commandment is to instill in the human heart an endearment to all that is good and helpful; the outgrowth will be that good will cling to us while we distance ourselves from all that is bad and destructive. This is the way of the pious ones, those of great deeds who love peace, rejoice in the good of mankind and bring them close to Torah; those who will not ruin the smallest seed, are pained by any needless devastation and will exert all their strength to save anything from useless ruin.

Who are we discussing and in what venue? These are soldiers waging war! Yes, they are engaged in the divine charge of capturing the Land of Israel, but they are engaged in mortal combat! How can this experience possibly lead to "endearment to all that is good and helpful"? Is this really the opportunity to follow the "way of the pious ones...who love peace, rejoice in the good of the creations...who will not destroy the smallest seed"?

Sefer HaChinuch is giving us an acute insight into the incredible self-mastery and control with which we are all divinely endowed. Despite all the legitimate, practical, and purposeful acts of destruction a warrior must execute, he is able, in the heat of battle, to pause and focus, "That tree does not need to be felled: it would be detrimental to our society, it would be detrimental to my sensitivities." This absolute self-regulation is the breeding ground for the appreciation of those countless kernels of good that surround him in those nightmarish conditions.

Our day-in, day-out routine is filled with challenges to our character. Trying to finish a report that was due an hour ago, juggling two phone calls that got past the secretary who was supposed to hold all calls, and someone walks into your office with a new crisis...How do you react? Do we "cling to the good", appreciating our station in life and the successes G-d has given us, loving peace and rejoicing in the good of the creations OR do we turn that poor innocent messenger into the latest specimen of "wanton devastation"? We have that self-mastery...let us pause and contemplate our reaction: Will it be detrimental to our relationship? Will it be detrimental to my sensitivities?

## The Value of Life

by Rabbi Yehonasan Gefen

**Devarim, 21:1:** If a corpse will be found on the Land that Hashem your God, gives you to possess it, fallen in the field, it was not known who smote him. Your elders and judges shall go out and measure toward the cities that are around the corpse.

**Devarim, 21:6-7:** All the elders of that city, who are nearest to the corpse, shall wash their hands over the heifer that was axed in the valley. They shall speak up and say, "Our hands have not spilled this blood, and our eyes did not see."

Rashi, 21:7: sv. Our hands have not spilled: Would anyone believe that the elders of the Beit Din were murderers?! Rather, [they were saying] "We did not see him [the traveler] and we did not allow him to leave without food or escort".

The Torah Portion ends with the laws of the *egla arufa* (axed heifer) which apply when a person is found murdered outside a city. The Elders of that city have to declare that they had no part in this murder. Rashi, based on the Gemara,(1) explains that it was obvious that the Elders played no active part in the heinous crime, rather they must remove the suspicion that they did not provide for the visitor in the proper way by providing him with food and escorting him on his way out. The commentaries ask; how exactly does not providing for him constitute anything resembling murder?

The Darchei Mussar offers a powerful answer.(2) He explains that had indeed the Elders not provided food and escort for the traveler then that would have resembled murder for people on their level - he describes it as *avizrayhu d'retsicha* - an offshoot or accessory of murder. We have explained in the past the Rambam's argument that every sin has numerous offshoots that reflect that sin in some way. He said this in explaining why we confess for numerous sins in the *vidui* (confession) even if we haven't committed those actual sins. In this vein, murder is the most extreme expression of a lack of consideration for the value of a human life. However, the root of the cause of murder can be found in less serious sins. This includes not providing a person with the attention and care that he deserves as a being created in the Image of God. People on a high spiritual level, such as these Elders, would be viewed on some level as having played a part in the murder of this person had they not given him the proper consideration.

The Darchei Mussar continues that had the Elders been flawed in a way that faintly resembles murder, then there would have been a ripple effect to the other people in the city. This is because the behavior of the greatest people in a community filters down to everyone else. Had the elders had a minor flaw in their relating to the value of life then everyone else would also weaken in their respect for the value of life. This could affect those on the lowest level to the extent that it could even be possible that one of them stoop to the level of actually murdering a person.

This explanation teaches two vital lessons. One is that people on a higher spiritual level should be acutely aware that their actions do not take place in a vacuum. Thus, any strengthening of their spiritual level can positively affect others, and any weakening of their level can detract from the level of others. The second lesson is to remind us of how important it is to ascribe sufficient importance to our fellow man. This includes people who are visitors or who have recently joined a neighborhood. Indeed it seems that it is more important to focus on such people given their uncomfortable situation. They are in a strange place and do not know anyone there - the most comforting action would be to greet them and perhaps even offer them a place to stay or eat.

There are many stories of how people visited communities or shuls and were ignored by everyone present, with sad consequences. On one occasion the offended party wrote a strong letter of complaint to the Rabbi of the shul. Moreover, a cold welcome can prevent a person from joining a community that could help his and his family's spiritual growth. Conversely, many people were greatly encouraged by a friendly word from someone. Upon the death of a great man, numerous strangers came to mourn his death - they were often menial workers and they revealed that his warm greetings and words of concern gave them great encouragement, whilst most other people acted as if they didn't exist. Similarly a warm greeting to new members of a community can make a huge difference in helping them acclimate.

May we merit to apply this lesson and treat every person with the respect and care that he deserves.