

Parshas Shoftim

Presented By Rabbi Yosef Kalatsky Shlita, Dean

1. The Value of Accountability

The Torah tells us that every community must establish a court - a Sanhedrin Ketana. A Sanhedrin Ketana is comprised of twenty-three judges (Shoftim) who have been determined by individuals whose ordination can be traced through an unbroken chain going back to Moshe Rabbeinu. These judges were proficient in every aspect of halacha (Jewish Law) and able to adjudicate any dispute. They were also qualified to render decisions that carried the death penalty. Additionally, the community must have *Shoatrim*, a body of law enforcement individuals who were responsible for enforcing the decisions of the court.

In the Book of Bereishis (Genesis) we are told that Man was created in “the image and form of G-d”. As we know, G-d is infinite and has no form or image. The Sforno in his commentary explains that “in G-d’s form” means that just as G-d has the power to choose as He wishes (which is always Good) so too does Man have the power of choice. As Rambam explains in *Hilchos Teshuvah*, it is only because man has free choice that he is culpable for his failings and rewarded for his good deeds.

If the context of man is to function within a setting of being able to continuously choose between right and wrong, then one would think that establishing such a pervasive judicial and law enforcement system of Shoftim and Shoatrim, would greatly limit free choice. With such effective systems, one would not consider transgressing because of the obvious consequences. The Gemara in Tractate Berachos states that everything is predestined, except for the fear of heaven. This means that the only aspect of our lives that we can exercise control over is our fear of Hashem. So if free choice is the fundamental principle of existence, seemingly the dictate to establish a legal and enforcement system seriously curtails our ability to choose. How do we understand do this?

In order for us to fully appreciate the meaning of “free choice” we must first understand the parameters in which G-d wants us to choose. The option to be a heathen or an angel exists within the boundaries however G-d wants to create a setting where this choice is not even a consideration because of its consequences. G-d does not want us to choose between abiding by and violating the Torah, but between performing mitzvos to a greater or lesser degree. In other words, G-d wants to establish a setting for us to always do the right thing. The choice is only within the context of qualitative performance. Do I behave on a more advanced level or on a deficient level? Therefore establishing a judicial and law enforcement system in every community, as prescribed by the Torah, creates a setting for one to do the right thing and the issue of choice is only to operate in a more perfect manner.

Rabbi Moshe Chaim Luzzato z’tl in his work *Mesillas Yesharim* explains a passage in the Gemara (Tractate Eruvin) where it addresses the issue of how one must approach life. Choice in life is similar to identifying whether something is made of fabric and then determining its quality. For example, if one chooses to act in a certain manner – he must first determine whether the action is appropriate or not and then how he can perform within that context to the best of his ability.

We read in *Pirkei Avos* (the Ethics of Our Fathers) that one should pray for the welfare of government because if it were not for the fear of government (law and order), people would swallow one another alive. Things would deteriorate to such a point, that people would not even take the time out to first kill the other individual but rather would swallow each other alive. The state of anarchy would bring about a level of savagery that would be so great that people would literally lose every trace of their humanity.

Are our Rabbis teaching us that the only reason why cultured, educated, sophisticated, and civilized people behave as they do is because of their fear of punishment resulting from their actions? Of course that is not the case. If there is an understanding of accountability in society, then a person is able to recognize and appreciate the worth of proper behavior and values. However, if a person loses that sense, (meaning there is no law and order) then he will lose his clarity and will resort to uncivilized behavior. He will become a predator, as described by Pirkei Avos.

Therefore the Torah prescribes a Sanhedrin Ketana and a law enforcement system even for a community of 120 individuals. In the midst of such a presence one would not consider violating the Shabbos or any of the laws of the Torah. Within such a setting, one will do the right thing; however, the quality of one's actions is left to choice.

The Gemara in Tractate Yomah tells us that after passing away we will be asked by the heavenly court, "Did you set aside time to study Torah?" The rich man will answer, "How could I have had time to study Torah when you endowed me with so much wealth which carries with it so much responsibility?" The heavenly court will answer, "Were you wealthier than Elazar Ben Charsum who was one of the wealthiest people and owned a thousand cities on land and a thousand ships at sea and still found time to study Torah?" The poor man will respond to the heavenly court by saying, "How could I have had time to study when I was so poor? I was busy trying just to make ends meet." To this the heavenly court will respond, "Were you poorer than Hillel the Elder? Hillel was able to study while earning only two cents a day."

The Gemara explains that Hillel, as a young man, earned his livelihood as a woodcutter and every day he would cut two cents worth of wood. One cent was given to his wife to support the family and the other cent was used to pay the entry fee to be admitted into the Bais Ha'Medrash (Study Hall). The question is why did Hillel only chop two cents worth of wood every day when he could have chopped enough wood on one day to support his needs for the entire week? The answer is – that Hillel's material needs were only so minimal because at no time did he have more than what was needed to maintain his existence. Hillel understood that if he had more than he needed at that particular moment, then his interests and needs would expand to meet what he could afford. The moment a person has greater freedom and flexibility, he will see his choices within the parameters of that degree of freedom. When one understands that he has limited possibilities, then his choices are limited to the context of those possibilities.

With this we understand that the importance of establishing a court and a law enforcement system in every community is to create a setting where man's considerations occur within a limited context and for man to choose to do mitzvos in a more perfect manner, rather than struggle with the question of whether to do right or wrong.

2. Seeing G-d's Imprint in Creation

Every Jewish male has the obligation to write a Sefer Torah for himself. In addition to this obligation, the Torah tells us that the Melech Yisroel (King of Israel) is obligated to write for himself an additional Sefer Torah when he is installed as King. The Torah states, "**It shall be that when he sits on the throne of his kingdom, he shall write for himself two copies of this Torah in a book, from before the Kohanim, the Levites. It shall be with him, and he shall read from it all the days of his life, so that he will learn to fear Hashem, his G-d, to observe all the words of this Torah and these Statutes, to perform them...**" The Torah tells us that by reading the Torah on a continuous basis, the King of Israel will "learn" to fear Hashem. How do we understand that by reading the Torah itself would be sufficient to cause the King to fear Hashem?

The Sforno explains in his commentary that when the Torah states that the King of Israel should

“read,” it means that if the King delves into the study of the Torah he will have depth of understanding. Through this advanced level of comprehension he will perceive and see Hashem in every aspect of existence. As a result, he will come to fear Hashem. It is important to note that the Sforno is emphasizing that the King delves into the depth and breadth of Torah and does not just study it in a cursory manner. It is only through this level of study that one can come to appreciate the profundity of Hashem’s Wisdom and thus see His ongoing involvement in existence.

Dovid HaMelech (King David) states in Tehillim (Psalms), “Ma Rabu maasecha Hashem Kulim Be’Chachma aasisah - How many are your works – they are all made with Chochmah (Wisdom).” Rabbi Moshe Cordovero in his work *Tamar Devorah* (Chapter 2) explains that this verse from Tehillim is communicating to us that every aspect of existence has the imprint of Hashem, the Master of the Universe. All existence reflects the Chochmah of Hashem. If one is able to see Hashem’s imprint on all creation, he will be awestruck by G-d’s Infinite Genius, thus, causing him to fear/ revere Hashem.

The type of fear that we are discussing is not a “fear” of harm, but rather an awe and appreciation of something that is greater than oneself. For example, a person with a doctorate in physics, although he believes he has a grasp of his subject matter, will nevertheless tremble in the presence of Einstein. The question is why? A person’s sense of self is determined by his feelings of accomplishment and worth. If however he were to meet a person whose level of accomplishment dwarfs his own, then (in this context) he would experience fear. The reason for this is since one’s sense of self and worth gives him confidence and security, if this is lost, one feels insecure – thus causing fear/ awe.

When a person understands and appreciates the depth and pervasiveness of Hashem’s Chochmah (Wisdom), which is evident in all existence, then he will realize his own insignificance. Comparing oneself to Hashem, one’s self worth and accomplishment is reduced to a non-existent level. The question is how does one come to this level of understanding which will cause him to be in awe of Hashem?

The answer is – only through the in-depth understanding of the Torah can one appreciate the Infinite Wisdom of Hashem. One must understand the truth, cogency and intellectualism of the Torah in order to begin to appreciate who he is not and who Hashem is.

The Torah tells us that the King of Israel, who is the monarch of the Jewish people and who has within his power to grant life or at times to pronounce death over his subjects, will learn to fear Hashem through the study of Torah. Through his in-depth study of Torah, the king, despite his own power, will come to understand his own insignificance. As a result of this understanding, the King will learn to fear Hashem, thus causing him to observe all the mitzvos of the Torah.

The only way one can have a proper perspective and appreciation of the Wisdom of Hashem, is through the in-depth study of Torah.

3. The Vulnerability of the Mind

The Torah tells us that there are certain prohibitions which pertain only to the Melech Yisroel (King of Israel). The Torah states, **“Only he shall not have too many horses for himself, so that he will not return the people to Egypt in order to increase horses....And he shall not have too many wives, so that his heart not turn astray; and he shall not greatly increase silver and gold for himself.”**

The Gemara in Tractate Sanhedrin tells us that Shlomo HaMelech (King Solomon), who was the wisest man who ever lived, raised sables of horses despite its prohibition. Also, he had more than the allowed number of wives despite its explicit prohibition. How could King Solomon, who was a tzaddik, so blatantly violate an explicit Negative Commandment in the Torah?

Shlomo HaMelech understood that he was the wisest man to ever live and therefore believed that

because of his wisdom these particular prohibitions set forth by the Torah for the King of Israel do not pertain to him. Shlomo HaMelech understood that the prohibitions of raising stables of horses or having more than the permitted number of wives was based on the concern that we may return to Egypt in the first case or that the wives of the King may turn his heart astray. However, he believed (because of his level of understanding and wisdom) that these occurrences were no possibilities and therefore had no relevance to him. However, as it is stated in Prophets, Shlomo HaMelech did fail because his wife influenced his heart and he did return to Egypt.

When the Torah states prohibitions it does not provide any rationale for them. It only says do not do such and such. It is evident that the basis to observe these Negative Commandments is because Hashem has commanded us to do so. However regarding the Negative Commandments pertaining to the King, the Torah does provide the rationale. It is interesting to note that Shlomo HaMelech the wisest man to ever live, only failed in areas in which the Torah does provide a rationale for the prohibition. It is only because the Torah did provide the reasons that Shlomo HaMelech failed. He believed that because of his level of understanding these prohibitions were of no consequence to him.

People usually fail in areas in which they believe they understand the basis for mitzvah (Positive and Negative Commandments). If one understood that the basis for observing the Commandments is beyond the human grasp, and it is solely based on doing the Will of Hashem, then there is no basis to justify the transgression of the mitzvah.

The Torah tells us that the wife of Potiphar (the master of Yosef) attempted to seduce him. He rejected her advances by saying, how could he betray his master after all that he had done for him. Potiphar had given Yosef full reign over all that he possessed and the only thing that was withheld from Yosef was his wife. In other words betraying his master would be considered an act of ingratitude. However Yosef concluded by saying to her, "I cannot do it because I will sin to G-d." Meaning, Yosef understood that it is not sufficient to withstand temptation by using the rationale of being ungrateful to his master. He saw that when one has a conflict of interest one is able to justify what he wants to do, despite the rationale. Therefore Yosef concluded by saying "I will sin to G-d" because in that context there is no room for justification or rationalization.

The Torah empowered the Chachamim (The Rabbis) to promulgate fences to protect the Torah. All Rabbinic fences are to be adhered to as if they were decreed by the Torah itself. The Gemara in Tractate Shabbos relates a situation in which the Rabbis legislated a fence and would not reveal the reason for the legislation. The reason for this given by the Gemara is because of the caliber of the members of the community, they would feel that the concerns of the Rabbis had no relevance to them and therefore they would reject the Rabbinic fence. Whenever the Torah or the Rabbis reveal to us the rationale behind a prohibition, then we are susceptible to conflict of interest. When one has an understanding of the rationale behind the prohibition then he is able to reject it by saying that the concern has no relevance to his situation.

Since the Torah does not reveal the rationale for any of the mitzvos (Positive or Negative Commandments), one should not validate the mitzvos based on his own understanding of their purpose. Rather one should only see the Commandments of the Torah as doing the Will of Hashem. The moment one applies his own understanding to the value of mitzvos it is only a matter of time before he will fail.

4. The Precariousness of Power

The Torah tells us that upon entering the land of Israel, the Jewish people have an obligation to install a king who will be the absolute monarch to reign over them. As we mentioned earlier, the King of Israel has the obligation to write a second Sefer Torah that must be at his side at all times. He must study from this Sefer Torah so that he will learn to fear Hashem and not become arrogant as a result of his elevated and powerful position

Regarding the obligation of establishing a King of Israel, the Torah states, "*Soam tasim alecha*

melech (You shall surely set over yourself a king ...)” At first glance, the reiteration of the word “Soam (set)” seems to be superfluous. However the Gemara tells us that it is to teach us that the King of Israel is not permitted to waive his honor. He must always conduct himself in a manner where he does not allow it to be breached. However, regarding the Torah Sage, the Talmud tells us that although there is a Torah obligation to honor and acknowledge him, if he chooses to waive his honor he is permitted to do so. The same is true regarding the prince of Israel - if he chooses to waive his honor, he can do it. The reiteration of “*Soam tasim*” in the verse is an indication that one must always have a sense of the King’s authority and power; therefore, he is not permitted to forgo his honor. Why are a Torah Sage and a Prince of Israel able to waive their honor and not the King of Israel?

The Gemara tells us that after one studies the Torah it is considered as if “it is his” (based on a verse). Therefore a Torah Sage is permitted to waive his honor because the Torah for which he is being honored is in actuality “his Torah” and therefore he is allowed to forgo that which is “his”. However, the honor of the King of Israel is not based on something which he possesses, but rather that of the Jewish people. Therefore it is something he is not able to waive.

The Torah tells us that the King has the right to pass through a person’s field, breach walls, and widen roadways in order to accommodate his need. There is nothing that interferes with his monarchy. He also (in certain circumstances) has the right to put a person to death if he chooses to. One would think that a King who is given this level of power and is able to determine (in certain instances) life and death, would be permitted to waive his honor. Nevertheless the Torah does not allow him to do so. The reason being that he might think that the laws pertaining to honoring the King are based on his own personal worthiness. Therefore by not permitting him, the Torah clearly indicates that all the glory which is accorded to him is unrelated to who he is as an individual. In order to prevent the King from becoming pompous and arrogant and believing that this honor is his own, the Torah reminds him that it is actually unrelated to him personally and only bestowed on him by Hashem.

If the Torah prohibits a King from waiving his honor because of the concern that he may become arrogant and believe that his status as the monarch is his own, then why is a Torah Sage permitted to do so? Is there no concern that this ultimately will cause him to become arrogant? The answer is that since the Sage’s honor stems from the Torah which he possesses, there is a level of clarity and focus afforded him which makes him less susceptible to becoming arrogant. As Shlomo HaMelech tells us in Mishlei (Proverbs) “*Ner mitzvah v’Torah ohr*” – the Torah itself is the illuminator.

The Gemara in Tractate Nidarim tells us that Shimon Ha’Tzadik who was the Kohen Gadol (High Priest) would not partake of the offering of a Nazerite that became contaminated, with the exception of one incident that is cited in the Beraisa. There was a Nazerite who came from the south who was unusually handsome. He had beautiful long locks of hair. Shimon Ha’Tzadik asked him, “why are you destroying your beauty by cutting your hair?” The nazir answered, “I was a shepherd for the flocks of my father. One day I went to draw water from the well and I saw my reflection in the water. Seeing this I noticed my beauty and I was overcome with my Evil Inclination who wanted to destroy me by sinning. I chastised myself by saying, “How could you pride yourself in a world that is not your own? The world is not yours and your beauty does not belong to you. I am a person who will eventually become food for the maggots and worms. I swear that I will cut off my hair for the sake of Hashem.” (a Nazerite after allowing his hair to grow for thirty days must remove all the hair of his head) Shimon Ha’Tzadik kissed him on the forehead and said, “May there be increasing numbers of Nazerites as yourself in Israel!” Shimon Ha’Tzadik recognized the specialness of this person because this young man was cognizant that all that he was endowed with (the beauty of his face and his hair) is unrelated to himself, but is only a gift of Hashem.

The Gemara in Tractate Berachos discusses a contradiction between two verses. One states, “The world in its entirety belongs to Hashem” and the other says, “The heavens belong to Hashem, and the earth has been given to man.” The Gemara reconciles the two by saying that the first “The world in its entirety belongs to Hashem” is referring to the condition that exists before one recites

a blessing; Before one acknowledges that the world in its entirety belongs to Hashem he is not permitted to partake of it. However, after one recites the blessing and acknowledges that it is Hashem's world, then he is permitted to partake of it. This is the meaning of the second verse, "the Earth has been given to man".

Therefore we are only in a position to succeed when we recognize and acknowledge that the world is Hashem's and it is only given to us in order to recognize His Glory.