

Yad Avraham Institute
WEEKLY TORAH COMMENTARIES SERIES
Parshas Shoftim
August 17, 2007

Presented By: Rabbi Yosef Kalatsky, Shlita

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About the Yad Avraham Institute

The Yad Avraham is a Torah learning institute located in midtown Manhattan. Classes are offered every day during the week starting at 5:50am and throughout the day. Classes in Chumash, Halacha, Hashkofa, Gemara, and general topics are well attended by businessmen, professionals, and students. The Yad Avraham invites you to participate in our extensive offerings of classes and events.

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Yad Avraham Institute
New York
August 17, 2007

B"H

Parshas Shoftim

Presented by

Rabbi Yosef Kalatsky, *Shlita*

Dean

1. *The Fruits of Sacrifice*

The Torah states, “**Judges and officers shall you appoint for yourself.**” The Torah could have stated, “Judges and officers shall you appoint...” Why does the Torah identify the judicial system with Moshe by stating “**for yourself?**” One would think that the Torah would have identified the judicial system with Yisro, who was the one who had initially suggested it to Moshe and had presented its infrastructure. Despite this fact, the Torah identifies the judicial system with Moshe.

The Midrash explains, “There are three areas that are identified with Moshe because he had selflessly sacrificed for them. Moshe had sacrificed himself for the sake of Torah. As it states, ‘He was with G’d (in heaven) for forty days and forty nights...Bread, I (Moshe) did not eat and water I did not drink.’ Since he sacrificed for the Torah, the Torah is identified with Moshe - as it is written, ‘**You should remember the Torah of Moshe my servant.**’” Although it was a miracle that Moshe was sustained in heaven for forty days and forty nights without eating or drinking, it nevertheless diminished his physically. As it states in the Midrash, “I (Moshe) sacrificed my blood and my fat for it (Torah).”

The Torah tells us at the beginning of the Book of Devarim that Moshe had rebuked the Jewish people for their many failings of the past. He had recounted that at the time that Yisro had suggested that Moshe establish a hierarchical system of judges, they had responded, “**It is good that Moshe should appoint other judges.**” Rashi cites Chazal who explain, “...Moshe had said, ‘From who is it better to study – from the teacher or his student? Is it not better to study from me, who suffered for the sake of the Torah?...’” . It was only because Moshe had sacrificed for the sake of the Torah that he merited the revelation that he had. The dimension and manifestation of Torah to this existence was commensurate with Moshe’s unique level of sacrifice for it.

The Midrash continues, “We see that Moshe sacrificed himself for the sake of the Jewish people. As it states (after the sin of the Golden Calf), ‘**If You (G’d) will not carry their sin (of the Jewish people) You should obliterate my name from Your book (the Torah).**’ Thus, the Jewish people identify with Moshe – as it states, ‘**Go down because your people have become corrupted.**’” Sforno explains that Moshe was willing to forgo all of his merit to the Jewish people- thus swaying the balance so that the decree should be annulled. It was because of his sacrifice for them that the Jewish people are identified as his.

The Midrash continues, “ In addition, the judicial system is identified with Moshe because he sacrificed himself for the sake of judging another in truth...” When Moshe had come out of the palace in Egypt he had witnessed an Egyptian beating a Jew. He killed the Egyptian and buried him in the sand. The following day Moshe had interceded between two Jews quarreling and reprimanded them. One of them responded angrily saying, “Since when have you become a minister and judge over us?” This was an allusion to Moshe’s killing the Egyptian the previous day. When Moshe had chosen to kill the Egyptian he understood the possible consequence of his action. He would need to flee Egypt and cut off his ties with his family and people not knowing what the outcome would be. Nevertheless, Moshe acted because justice had demanded this response. He therefore merited that the system that metes out and guarantees justice should identify with him.

2. *Seeing the Silver Lining in the Dark Cloud*

The Torah states regarding the High Court of Israel (Sanhedrin), “**You shall judge the people with a righteous judgment...**” The Midrash explains, “You (the court) should view the people in a positive light and give them the benefit of the doubt... When you stand before G’d in prayer, you should supplicate to see the Jewish people

in a meritorious state. From who do we learn this? It is from Gidon Ben Yoash. In his day, the Jewish people were experiencing many serious difficulties. G'd was seeking someone who would speak positively about the Jewish people and be an advocate on their behalf. The generation was failing in their performance of mitzvos and good deeds. Gidon was the only one to speak positively about the Jewish people despite their spiritual failings. It is because of this that an angel of G'd appeared to him, although he was not worthy of this level of revelation. Since he had spoken about the Jewish people in a positive manner, an angel appeared to him and said, 'You should go with the strength of this.' What is the meaning of 'the strength of this?' G'd said, 'It is in the merit of speaking positively about My children that you will proceed with this strength.' Therefore one should see My children in a positive vein." Despite the shortcomings of the Jewish people they nevertheless are valued by G'd as His children. Regardless of a parent's disappointment and pain because of his child's failings, he seeks and hopes to find a redeeming quality in him. Similarly, because of His unlimited love for His children, G'd waits and hopes for one to put the Jewish people in a positive light in His eyes, despite their shortcomings.

Chofetz Chaim writes in the Laws of Lashon Hara that if one speaks negatively about the Jewish people or a particular segment of Jews, although no one is identified by name, it is considered to be lashon hara (negative/evil speech). Just as a parent does not want anyone to speak negatively about his child, unless it has constructive value, so too does G'd not want anyone to speak negatively about His children unless it is within a constructive context.

The Torah states, "**Do not execute the innocent or the righteous, for I shall not exonerate the wicked.**" The Gemara in Tractate Sanhedrin explains that this verse is addressing one of two situations. The first scenario is when the court finds an individual guilty and subsequently new evidence arises that can vindicate the defendant by substantiating his innocence, the court must admit the new evidence and overturn the guilty verdict. The second situation is when the court rules that the individual is innocent and subsequently new evidence is presented that can prove his guilt. The court is not permitted to retract its verdict of "innocent" and he is thus not punished.

The Torah tells us that if the court finds an individual guilty of inadvertently killing an individual, he must flee to a city of refuge and remain there until the passing of the High Priest (Kohen Gadol). The release of the inadvertent murderer is contingent on the passing of the High Priest because this tragedy could have only

befallen the Jewish people because he did not sufficiently supplicate G'd on their behalf. He is thus viewed as culpable.

It is interesting to note that if a new High Priest was installed after the inadvertent murder had taken place but before the guilty ruling of the Sanhedrin was rendered, the release of the inadvertent murderer is still contingent on the passing of the High Priest. The Gemara in Tractate Makos asks, "If the tragedy of a Jew's life being taken inadvertently had already occurred before the installation of the new High Priest, how do we attribute any degree of culpability to him?" The Gemara answers, "Although the tragedy had already taken place, the newly installed High Priest should have prayed that the accused should have been found not guilty." Therefore, the High Priest is seen as a person who has failed in his capacity and the inadvertent murderer must remain in the city of refuge until his passing.

The Torah demands that a Jew must see his fellow in a positive light and thus give him the benefit of the doubt in a questionable situation. This is considered to be a positive commandment. Seemingly the rationale behind this mitzvah is that if it is possible to see a Jew in a positive light, one must, as a parent would want his child to be seen as a proper individual. If one observes a Torah scholar in a questionable situation, even if what is seen leans more strongly to the negative, the Torah demands that the Torah scholar be given the benefit of the doubt. The reason for this is that the Torah Scholar is seen by G'd as a more beloved child.

Our generation, as Jews and the world at large, are experiencing many serious difficulties and challenges. Although the Jewish people have regressed spiritually in recent times, whether it be the catastrophic level of assimilation or the abandonment of Judaism, nevertheless if we attempt to find merit with the Jewish people as a whole (or the Jew as an individual) it will evoke G'd's greatest level of Mercy upon them. This is because a father has great pleasure when his child is seen in a favorable light.

3. The Signet of G'd is Truth

The Midrash states regarding just courts and proper judges, "You find that the leaders of the Jewish people are praiseworthy because they instituted justice (din). As it states regarding Shmuel, '...he judged the Jewish people...' Regarding King David it is stated, 'He is praiseworthy because of justice...he performed kindness and judgment for his people.' Regarding Yehoshafat (king

of Yehudah) when his kingdom became secure, he was no longer involved in the duties of a king, nor was he involved in accumulating wealth or honor, or any other pursuit; but rather, he was fully dedicated to adjudicating justice. As it states, 'When Yehoshafat was king, he imposed himself upon the Jewish people. How did he impose himself? He established a proper judicial system. His heart was lifted (prided himself) in the ways of Hashem...' Was this an indication of arrogance? Rather, it means he had the ability to discern, evaluate, and appoint proper judges...He said to the judges, 'Your ability to render a proper judgment is not based upon your intellect but rather it is an endowment from G'd.' The judges that were appointed conducted themselves as those who walk in the ways of G'd...Jerusalem itself is praiseworthy because of its judicial system. As it states in Yechezkel, 'Your (Jerusalem) renown will go out among the nations with your beauty....' What is the meaning of 'beauty'? It is referring to the justice that is instituted within Jerusalem." Why is instituting justice held in such great esteem?

The Gemara in Tractate Yomah tells us that after the destruction of the First Temple, the Jewish people returned to Jerusalem to rebuild the Temple. At that time the Men of the Great Assembly said to G'd that the evil inclination for idolatry was so overwhelming that it had ravaged the Jewish people for many generations and ultimately caused the destruction of the First Temple. Although, in its original context the reward for overcoming the inclination for idolatry would have been greater, the Men of the Great Assembly concluded that it was not worthwhile. Therefore, the inclination needed to be eliminated. The Gemara states, "A note had fallen from heaven with the word 'Truth' written upon it (emmes). From here it is indicated that the Signet of G'd is Truth" Meaning, G'd concurred with them that the inclination for idolatry should be destroyed.

Prior to the sin of Adam (partaking of the fruit of the Tree of Knowledge) G'd's location in existence was on the terrestrial level. His Sanctuary was the physical world, which at that time was pristine and untainted by sin. However, after Adam had sinned, existence became putrefied with spiritual impurity, G'd thus ascended from the physical world. G'd only associates Himself with existence if it reflects His characteristic of Truth. The basis for Adam's failure was his own delusion and distortion of truth. If the world is tainted with falseness, then it no longer qualifies to be His dwelling place/Sanctuary. Therefore any leader who establishes an infrastructure for truth and justice is considered praiseworthy. It is within

this context of justice that G'd's Presence will dwell among the Jewish people.

The Gemara in Tractate Berachos states, "From the time of the destruction of the Temple, G'd only has in His world, the four cubits of halacha (definitive Jewish law). Meaning, G'd dwells in the location in which Jewish law is being studied and elucidated. Normative Jewish Law, which is derived from G'd's Torah, is an expression of truth and therefore has relevance to Him.

We see the importance of establishing truth and justice in the world, because it is only in this way that we can have a relationship with G'd. How does one seek out and assume a posture of truth? The Mishna in Pirkei Avos states, "Make for yourself a rav (teacher/mentor) and acquire for yourself a friend..." It is by studying the Torah and having a relationship with a Torah sage, who can guide and direct the individual to the truth, that one will establish a relationship with G'd.

4. The Potential of the Jew, Transcending Physical Limitation

The Torah states, "**There shall not be found among you one...who practices divinations, ... one who reads omens, a sorcerer, ...one who consults the dead...**" The Jew is not permitted to seek the counsel of soothsayers. The Midrash states, "G'd took Avraham out of his tent and brought him above the heavens and said to him, 'Please gaze down upon the heavens. You are concerned that the administrator of your household (Eliezer) will be your heir. This will not be. The one who will come from your loins will be your heir.' Avraham said to G'd, 'Will I indeed have a child?' G'd responded, 'Remove yourself from this perspective. It is written in the stars that Avram has no child. However, Avraham will have a child. Similarly it is written, Sarai has no child; however, Sarah will have a child. You are above the zodiac (mazel). What do you think is greater you or the zodiac? It is you who transcends the stars..."

The Gemara in Tractate Shabbos states, "There is no mazal for the Jewish people." Meaning, they are not subject to what is written in the stars because they are able to transcend the zodiac. Tosafos explains that through tefillah (intense supplication prayer) and great merit, the Jew is able to supersede the astrological statement of the zodiac.

In the portion of Bereishis, the Torah states regarding creation, "**B'heebaram – When they were created...**" The Midrash tells us that the letters contained

in the name Avraham are the same as those in the word “B’heebaram.” Maharal of Prague explains that when G’d changed Avram’s name to Avraham by adding the letter “hey”, he was the equivalent of a new creation. He was the beginning of a new existence that had no relevance to what had existed prior to him. Although Avraham was a physical being, his essence was spiritual and thus he was not bound by the constraints of nature as the rest of humanity. Avraham merited this spiritual metamorphosis because it was he who had come upon G’d as the Omnipotent Being. He had selflessly sacrificed for Him in order to espouse his belief to the entire world. Since the Jewish people are his descendents, they too are not subject and limited to the laws of nature- unlike the nations of the world who are under the dominance and restraints of physical existence.

The Gemara in Tractate Berachos cites an argument between Reb Yishmael and Reb Shimon Bar Yochai regarding the Torah’s perspective on how one should live his life. Reb Shimon Bar Yochai is of the opinion that one must be fully invested in his spirituality (Torah and mitzvos) because if one would engage in the mundane, it would be an obstacle and interference with his spiritual growth. He states, “If one would plow in the plowing season and sow in the sowing season and harvest in the harvest season..., then what will happen to Torah?” According to Reb Shimon Bar Yochai, one should be continuously engaged in Torah study without interruption. It is in this context that G’d will provide for his needs through the labor of others. On the other hand, Reb Yishmael is of the opinion that one must live according to the ways of the world. It is understood that the Jew must be engaged in Torah study; however, in order to earn a livelihood, one must involve himself in the material to the extent that is necessary to provide for his own needs. The Gemara concludes, “Many people followed the prescription of life suggested by Reb Shimon Bar Yochai and they did not succeed.”

Reb Chaim of Volozhin explains that one can infer from this statement that while “many” people failed, some did succeed. If one has the capacity to be fully invested in spirituality, then he does not need to be engaged in the mundane for his sustenance. If the Jew lives as prescribed by Reb Shimon Bar Yochai, although he is a physical being, he is not subject to the norms of physical existence because he is a descendent of Avraham, our Patriarch. He is able to transcend the laws of natural existence.

The Torah states regarding Yitzchak’s quantification of his children Yaakov and Esav, “**The voice is the voice of Yaakov and the hands are the**

hands of Esav...” The power of the Jew emanates from his spiritual essence, which is manifested through his expression of speech (prayer and Torah study). In contrast, the power of the nations of the world, is rooted in their physicality (the hands are the hands of Esav). Reb Chaim of Volozhin explains that although the essence of the Jew is spiritual, in order for his prayers to be effective, there needs to be a minimal degree of physical initiative. One must articulate the words because meditation alone has no value. This is the extent to which the Jew needs to be engaged in the physical. On the other hand, since the essence of the nations of the world is physical (the hands are the hands of Esav), unless they are totally invested in their physical pursuits they will not reap any benefits. Thus, if the Jew is able to dedicate himself to spirituality and meet the standard of Reb Shimon Bar Yochai, then he will not need to engage in the material.

The Torah tells us that the Tribe of Levy did not receive a portion in the Land or in the spoils of war, because they were set aside to serve G’d, Who is their portion. G’d provided for the Tribe of Levy. Rambam at the end of the Laws of Shmitta and Yovel writes, “Not only the tribe of Levy (was chosen to be G’d’s portion) but any individual who dedicates his spirit for Him and is willing to separate himself and stand before G’d to serve and worship Him- to know G’d and walk a straight path as G’d had made him. If this individual chooses to throw-off the yoke of the concerns of the masses, which humanity seeks out, he has sanctified himself to be the equivalent of the Holy of Holies. G’d will be his portion and his lot forever. G’d will provide for him in this world with his needs as He provided for the tribe of Levy.” Again we see that if the Jew dedicates himself in his spirituality, he will ascend to the level of the Tribe of Levy and is provided for by G’d Himself. In contrast if the Jew does not sufficiently invest himself in the spiritual, he will be subject to the laws of natural existence – requiring him to take the initiative to bring about the material. It is then that his destiny and predicament will be governed by the zodiac.

5. The Innate Holiness of the Words of the Torah

The Torah states, “**When you come into the Land...and settle in it...you will say, ‘I will set a king over myself...’ You shall surely set over yourself a king...**” The Gemara explains that the reason the Torah reiterates the word that refers to the installation of the king (*som ta’sim – you shall surely set*) is to teach us that the king must assume the throne in a manner where his position as king is secure. Meaning, that the king is not

permitted to waive his honor. Consequently, he would be revered and feared by every echelon of the Jewish people. However, if a Torah sage or even a prince of Israel chooses to waive his honor, he is permitted to do so.

The Torah continues, “...It shall be that when he sits on the throne of his kingdom, he shall write for himself two copies of his Torah in a book... 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...” Every Jewish male has a Torah obligation to write a Torah Scroll for himself. The Torah obligates the king to write an additional Sefer Torah so that it should accompany him wherever he may go. He is to read from it continuously so that he should learn to fear G’d. Because the king is the monarch with absolute power, he is subject and vulnerable to arrogance and haughtiness. Therefore it is an imperative for him to read the Torah to create a continuous sense of reverence for G’d. Seemingly, no other pursuit will lead to this result. The only way the king can internalize G’d as a reality in his life is through the study of His Torah.

Ramban writes in his introduction to the Torah that the words of the Torah are Divine because they are the words of G’d. Moshe was only a scribe who recorded His words. Therefore the words of the Torah themselves are innately holy, having the ability to touch the spirituality of the individual who studies them. Consequently, he will have a sense of G’d’s Omnipotence.

Chofetz Chaim writes in the introduction to his work, *Chofetz Chaim*, that one must understand that he did not record the laws pertaining to forbidden and permitted speech in a haphazard manner. But rather, many of the laws that are stated were discussed and deliberated upon for many days with the leading sages of his generation. He writes that although many of the laws could have been stated in a more abbreviated form/concise manner, he chose to record the words of the earlier commentators verbatim as they had stated them. The reason for this was because the earlier commentators were uniquely meticulous and deliberate in their own personal manner of expression. They were in total conformance with what is permitted and what is forbidden regarding proper speech. Therefore, the words that they chose to express themselves within a halchic or any other context have a greater effect and impact upon the one who reads and studies them. By studying the exact words of these commentators (Rambam, Rabbeinu Yonah, etc.) one will be impacted to a greater degree than if he had studied the same concepts paraphrased through another’s written expression.

We see that there is something innate in the words of the earlier commentators that goes beyond the intellectual communication of information. They have the ability to impact upon and affect an individual in a profound manner. These individuals, who are quoted are the equivalent of the “angels of G’d.” If the words of the earlier commentators are so powerful and penetrating, how much more so are the words of the Torah, which are the words of G’d Himself.

In order for one to revere G’d it is not sufficient to intellectually contemplate and reflect upon His ways or Being. One must engage in His words. One must study the Written and Oral law because the text itself has the ability to activate untold forces and influences that will impact upon the spirituality of the individual. As Reb Chaim of Volozhin explains regarding the Amidah (Silent Prayer), which was authored by the Men of the Great Assembly, who had among them prophets. The words that they had chosen were not merely to express a request, but rather, to touch upon many levels of spiritual and material needs- activating many spiritual forces throughout all the realms of existence. Identically, the Written and Oral Law, that is studied, touch upon the spirituality of the individual who studies them to create a sense and reality of G’d’s Presence within that individual’s life. He will be taught how to revere G’d.

YAD AVRAHAM DAILY CLASS SCHEDULE

Monday Through Friday

5:50- 6:00 am	Chumash with Rashi
6:00- 6:15 am	Pirkei Avos (Maharal)
6:15- 6:30 am	Mishna Berurah
6:30 -6:45 am	Mussar – Derech Hashem
6:45 -7:25 am	Talmud—Chulin
7:25 - 8:20 am	Davening Followed by Breakfast
8:20 - 8:45 am	Mishna - Rabbi Rovner
9:00 -10:00 am	Daf Yomi
2:00pm	Mincha

Special Weekday Classes

Monday

11:30 – 12:30pm	Talmud: Taanis Location: Sunrise Capital 641 Lexington (25 th FL.) Enter on 54 th Street
12:30 – 1:30pm	Talmud: Pesachim Location: Shandholt 488 Madison Avenue Between E.51 st and E.52 st

Tuesday

12:10 - 1:10pm	Torah Insight Based on the Parsha Location: Yad Avraham
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Wednesday

11:30 – 12:30 pm	Talmud: Taanis Location: Sunrise Capital 641 Lexington (25 th FL.) Enter on 54 th Street
1:00—2:00 pm	Daas Tevunos Location: Yad Avraham

Thursday

10:30 –11:30am	Duties of the Heart Location: Yad Avraham
12:00 – 1:00 pm	Talmud: Taanis Sunrise Capital 641 Lexington (25 th FL)