

**Yad Avraham Institute**  
WEEKLY TORAH COMMENTARIES SERIES  
*The Portion of*

**Shoftim**

September 4, 2008

**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  
September 4, 2008

B"H

## Shoftim

Presented by

Rabbi Yosef Kalatsky, *Shlita*

Dean

### 1. The Ramifications of Seeing One's Fellow in a Positive Light

The Torah states, **"Judges and officers shall you appoint in all your cities...and they shall judge the people with righteous judgment."** The Torah dictates that every Jewish community establish a qualified court (*beis din*), who must judge the people with "righteous judgment." The Midrash states, "The Torah tells us that you (the court) must judge the people with righteousness. What is the meaning of this? You must attempt to find the people innocent in your judgments. You should view the people in a positive light and give them the benefit of the doubt. Reb Yehudah b'Reb Shalom says, 'You (the Sanhedrin) should present the people favorably before G'd.' From where do we learn this? It is from Gidon Ben Yoash. In his day, the Jewish people were in a state of suffering. G'd was seeking someone who would speak positively about them and be an advocate on their behalf. (One only experiences difficulties when one is in a state of prosecution.) However, G'd did not find an advocate. The generation was impoverished regarding 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 immediately, despite the fact that he was not worthy of this level of revelation. As it states, 'An angel of G'd came upon him...' The angel said to him, 'You should go with this strength.' What is the meaning of 'this strength?' G'd said, 'It is in the merit of speaking positively about My children that you will proceed with this strength and be victorious against your enemies.' Therefore, the Jewish court should do everything within their means to present the people in a positive light/find favor."

The Torah states in the Portion of Re'eh, **"You are children to Hashem, your G'd – you shall not cut yourself..."** The Jew is not permitted to lacerate himself or pull out his hair in a state of extreme grief over the

passing of a loved one. Rashi cites Chazal who explain that it is because the Jewish people are the "children of G'd" that they must not present themselves in a disheveled or hopeless state, but rather in a becoming and pleasant state. They must understand and appreciate that their relationship with G'd is that of a father and child. As the Torah states when G'd sent Moshe to Egypt to redeem the Jewish people He referred to them as **"My son, My firstborn."** G'd's love for the Jewish people is not only that of a father for his son, but rather it is the love of a father to his first born, which is the most special.

Despite the shortcomings of the Jewish people they nevertheless are valued by G'd as His firstborn son. 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 the Jewish people, G'd waits and hopes for one to present His children in a positive vein so that the Attribute of Mercy should be activated and subdue the Attribute of Justice.

The Torah tells us that there is a Positive Commandment to judge one's fellow favorably in situations where there is a reasonable doubt. If one perceives his fellow in a positive light it will activate the Attribute of Mercy. Satan is continuously poised to prosecute the Jewish people; however when they perceive one another in a favorable light, it activates the Attribute of Mercy and silences the prosecutor. However, if one judges his fellow negatively, when there is no basis to do so, it will empower satan to bring about prosecution.

Chofetz Chaim writes in the introduction to his work Chofetz Chaim, which deals with the laws of what one is permitted and not permitted to say about one's fellow, if one speaks negatively about another Jew or a segment of the Jewish people, 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. Chofetz Chaim cites Zohar which tells us that satan is referred to as the "great serpent" (who ensnared Adam and Eve in the Garden of Eden). He continuously wants to bring prosecution upon the Jewish people. However, G'd silences him by saying, "I do not want to hear anything negative about My children." However, when a Jew speaks negatively about his fellow, satan says to G'd, "You say that Your children are worthy and thus do not deserve to be punished, yet they are incriminating one another by pointing out each other's inappropriate behavior." This emboldens satan to bring prosecution upon the Jewish people without restraint. When this takes place, it brings the most tragic consequences upon the Jewish people.

The Midrash tells us the Jewish people were experiencing great suffering because they were in an impoverished state regarding mitzvos and good deeds, until Gidon Ben Yoash put them in a favorable light. Eitz Yosef, a commentator on the Midrash cites Rashi who explains what Gidon had said to G'd, "If the Jewish people in Egypt were redeemed because they were righteous, then redeem the people now in their merit. And if they were not considered to be worthy and despite that they were redeemed, You should do the same for Your children presently." By speaking in this manner he activated and empowered the Attribute of Mercy.

The Torah tells us that prior to engaging in a non-obligatory war, the Jewish people must go to the Sanhedrin for their permission. Why must they do so? Is it not sufficient for the king of Israel to make this decision? Rashi cites Chazal who explain, "It is so that they should pray on behalf of the Jewish people." As the Torah tells us the obligation of the Sanhedrin is not only to adjudicate and elucidate the laws of the Torah, but it is also their responsibility to put the Jewish people in a positive light and judge them favorably before G'd. This is to empower the Attribute of Mercy, to allow the Jewish people to be victorious in battle.

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. The Gemara in Tractate Makkos tells us that the release of the inadvertent murderer is contingent on the passing of the High Priest because this tragedy could have been averted if the High Priest had supplicated G'd sufficiently on behalf of the Jewish people. Since in fact a Jew was killed, it is an indication that the High priest had failed and thus is 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 verdict 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 Makkos asks, "If the tragedy of a Jew's life being taken had already happened prior to the installation of the new High Priest, why do we attribute any degree of culpability to him?" The Gemara answers, "Although the tragic death had already taken place, the newly installed High Priest should have prayed that the accused should have not been found guilty." Therefore, the High Priest is seen as a person who had failed in his capacity. If in fact the individual who was found guilty was truly guilty, why does G'd want the ruling of the Sanhedrin to have been "not guilty?" It is only because G'd wants His children to be perceived and seen in a favorable light.

We are currently in the month of Elul, which is referred to as the Days of Mercy. During this time, G'd is close to His people and is attentive to their prayers. Our interest at this time is to be seen favorably by G'd. When one speaks about his fellow Jew in a positive manner, this empowers the Attribute of Mercy, as was proven at the time of Gidon Ben Yoash. Although the Jewish people were spiritually impoverished, he merited victory because he spoke positively about them. If one cannot speak positively about his fellow, it is best to remain silent.

## ***2. Truth, The Binding Factor***

The Torah states, "**Judges and officers shall you appoint in all your cities...and they shall judge the people with righteous judgment.**" The Midrash states, "When the courts maintain their integrity and their judgments are righteous, they are doing kindness to creation and are protecting mankind from tragedy. As it states in Psalms, '...(When) Truth will sprout from earth then Righteousness is gazed upon from heaven.' When earthly judgment flourishes with Truth then Kindness will come from heaven. G'd will do Kindness and Righteousness to mankind and protect them from tragedy and suffering. Good will come upon the world." Why is blessing and protection from tragedy a direct outgrowth of Truth?

The Torah states, "**I (G'd) will come to you and bless you...**" This is to teach us the principle that the when G'd is associated with an individual blessing will come upon him. When one is attached to the source of life

and blessing, which is G'd Himself, he will be a beneficiary of blessing. One's degree of relevance to G'd will determine the extent of blessing. If one is dedicated to the study of Torah and lives his life by its dictates, then he will have relevance to G'd, Who is Truth. As the Gemara in Tractate Shabbos states, "The signet of G'd Truth." One who engages in Truth, which is the Torah itself, as the verse in Proverbs states, "Acquire Truth, do not sell it" then he will be connected to the source of Truth. The Mishna in Ethics of our Fathers tells us that if ten people are engaged in Torah study, the Divine Presence is among them. If five people are engaged in Torah study, the Divine Presence is among them... If one individual studies Torah, the Divine Presence is with him. This is because when one engages in Truth (the Torah Itself), G'd associates Himself with that setting. Consequently, it generates the greatest level of blessing. G'd only identifies Himself with settings within existence when they reflect His characteristic of Truth. Therefore, when Truth flourishes in the world through righteous judgment, G'd will gaze upon existence with blessing.

We read in Prophets that when the Holy Ark found itself in the orchard of a non-Jew, who lived in the Land of Israel, unlimited blessing came upon him and his family. By association alone, the Ark representing the location of G'd's Presence, caused this individual, although he was a gentile, to be the beneficiary of unlimited bounty. This is because of the proximity of G'd to this particular location.

The Gemara in Tractate Sanhedrin cites the verse from Psalms, "*Elokim netzav ba'adas keil* – G'd stands (associates Himself) with the congregation of G'd." Meaning, if the judges of the rabbinic court meet the criteria of the Torah, thus establishing them as a credible court, then G'd will associate Himself with them if they are individuals of integrity. This will allow them to assume a Divine clarity, which will enable them to render a truthful judgment that is righteous.

When one lives a life of Truth and is truthful to oneself and to others, this will cause G'd to have relevance to him. However, if one compromises in this area and is not fully truthful, this will cause G'd to distance Himself from that individual. Maharal of Prague explains that something qualifies as being truth when it is uncompromised to any degree (not even as much as an iota). It is only classified as truth if it is unadulterated truth. He points out that the letters for "Truth" in Hebrew are "*aleph, mem, tuf*." If one were to detract as much as an "aleph" from "*emmes/truth*" what remains is "*mem, tuf-mes*" which means death. It is only because G'd's Truth is absolute. One can only be worthy of a relationship with

G'd when one maintains the same standard of Truth as G'd, which is absolute. Therefore, during these days of Mercy leading up to Rosh Hashanah, the Day of Judgment, and through the Ten days of Repentance, when we beseech G'd to be attentive to our prayers, we must assume His posture of Truth to strengthen our relationship with Him. This is accomplished by being continuously cognizant that in all aspects of our lives we maintain that special standard. In addition, engaging in the ultimate Truth, which is the Torah itself, will especially secure our position with G'd.

### 3. *Sensing Who We Are*

The Torah states regarding the false prophet, "**But the prophet who willfully shall speak a word in My Name, that which I have not commanded him to speak, or who shall speak in the name of the gods of others – that prophet shall die. When you say in your heart, 'How can we know the word that Hashem has not spoken?' If the prophet will speak in the Name of Hashem and that thing will not occur and not come about – that is the word that Hashem has not spoken; with willfulness has the prophet spoken it, you should not fear him.**" Rashi cites the Gemara that explains that in order for one to be established as a true prophet he must forecast a future positive event and it must come to pass. If his forecast of the future does not come to fruition, it is an indication that he is a false prophet, who must be put to death.

The words of a prophet must be in conformance with the Torah. If his prophecy contradicts it, he is considered a false prophet. The Gemara tells us that although Eliyahu the prophet brought an offering on Mt. Carmel, which is outside of the Temple, which was normally forbidden, he was permitted to do so on a temporary basis because it was to dispel idolatry and establish it as baseless. Only he was able to do this because he had already been established as a true prophet of G'd. However, this was not permitted on a permanent basis.

The Thirteen Tenets of Jewish Belief outlines the fundamental principles of Jewish belief. The Sixth Tenet states, "I believe with absolute faith that the words of the Prophets are true." One could think that believing in G'd would be sufficient; however, this is not so. Believing in G'd as the Creator and Omnipotent Being has no relevance to our existence unless G'd had communicated His Will to Man. This is basis for the Sixth Tenet – that the words of the Prophets are true.

The Seventh Tenet of Jewish belief states, “I believe with absolute faith that the prophecy of Moshe is true and that he is the father of all of Prophets – all the Prophets that preceded him as well as those who come after him.” Why is it not sufficient to believe that the words of the Prophets are true? Why in addition to that principle must one believe that Moshe was the greatest of all the Prophets who had preceded him and who will follow him? It was only through Moshe that the Jewish people were able to witness that G’d communicates with man. Until Sinai, the prophet himself was the only one who knew that the communication from G’d was authentic. Those who heard his prophecy relied on their belief in him as being a true prophet. However, at Sinai, the entire Jewish people had witnessed G’d telling Moshe, **“Tell the them such and such.”** Thus, not only was prophecy established as fact through Moshe, but also that he was the true spokesman of G’d. Therefore, anything that was spoken by Moshe is the Word of G’d. If a prophet would say anything that is not in conformance with the word of Moshe (the Torah), he then is classified a false prophet.

The Torah was transmitted through Moshe, whose word is synonymous with the Word of G’d. In order for a Jew to advance himself spiritually and fulfill his objective in existence, he must behave in a manner that is in conformance with what Moshe had communicated to the Jewish people at Sinai. This is because the mitzvos that are contained in the Torah of Moshe are the only medium through which one can have a relationship with G’d and advance one’s spirituality. The fact that G’d exists and has relevance to every moment of our existence was established at Sinai. As the Gemara tells us that at Sinai G’d had opened all of the heavens and the depths of the earth to show the Jewish people that nothing exists outside of Him. Something only can exist if it is a manifestation of the Will of G’d.

The Jewish people were the only nation who were chosen by G’d to be His. They are the only ones to whom G’d revealed Himself and showed them that nothing exists outside of His Will. This is a privilege that every Jew must understand and appreciate. We say in the Amidah *Modim*, “We gratefully thank You, for it is You who are Hashem, our G’d...” When one gives thanks, it is usually because he is the recipient or beneficiary of something from another. However, the Jew thanks G’d because He has chosen the Jewish people to be His and therefore He is “Our G’d.” We say in the Aleinu, “It is our duty to praise the Master of all...because He has not made us like the nations of the lands...He has not assigned our portion like theirs for all their multitudes. For they bow to vanity and

emptiness...” The Jew thanks G’d not because he received something but rather he is grateful for the privileged status of being chosen to be His. It is not because G’d endows the Jewish people with blessing that we thank Him, but rather only because we merited to be the subjects of the Master of all existence, from Whom everything emanates.

A Jew must be cognizant and appreciative of the fact that he has been chosen to be the beloved child of the Omnipotent Being, the One Who Will everything. The relationship between G’d and the Jewish people is the basis for Jewish pride. When one will internalize the value of the privilege of being G’d’s subject, he will regard the mitzvos as the ultimate opportunity and will never perceive them as burdensome.

#### 4. *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 food or drink, 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 Its revelation. 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.

## 5. G'd's Relationship with the Jewish people

(From Re'eh)

The Torah states, **"You are children to Hashem, your G'd – you shall not cut yourself and you shall not make a bald spot between your eyes for a dead person."** Rashi in his commentary explains, "One is forbidden to lacerate himself or pull out his hair as an expression of grief as the Ammorites had done. Because you (the Jewish people) are G'd's children you must appear in a pleasant and proper state. You should not be lacerated or be seen with bald spots." The Torah continues **"For you are a holy people to Hashem, your G'd, and Hashem has chosen you for Himself to be a treasured people, from among all the peoples on the face of the**

**earth."** What is the second verse coming to add according to Rashi's explanation?

Sforno explains, "It is not appropriate for one to show extreme worry and pain for oneself because of the loved one who passed away because there is another relative who is of greater importance and value, who is the basis of all good (G'd). Regardless of the loss, you still have your Father, Who is the eternal G'd. As it states, **'You are G'd's Children.'** Therefore, you have no reason to grieve at an extreme level for the loss of the loved one because your closest and most important relative lives on. Perhaps you will grieve for the sake of the individual who no longer lives. Thus, the Torah states, **'For you are a holy people to Hashem...'** The one who passed on has gone to an eternal existence. Because the Jewish people are 'a holy people', they have relevance to the world to come. A moment of the world to come has greater value than all of physical existence. Therefore there is no reason to grieve for the one who no longer exists."

The Jewish people must understand and appreciate that they are **"children to Hashem."** They are the only people who have this special relationship with G'd. The fact that G'd values the Jewish people as His child, should be a basis for the Jew to feel privileged and secure. In addition, this relationship will last for eternity. The love that G'd has for the Jewish people is the equivalent of the love that one has for a firstborn child, who is the most beloved to his father. Therefore, there is no need for the Jew to feel an extreme sense of despair upon losing a loved one. If one should lacerate himself to express his extreme grief, it would be an indication of his lack of understanding of his relationship with G'd.

When the Jewish people traveled to the locations of Edom and the other nations the Torah states in the Portion of Devarim, **"Moshe said to the Jewish people, 'You shall purchase food from them for money so that you may eat; also water you shall buy from them so that you may drink. For Hashem, your G'd has blessed you..."** Rashi cites Chazal who explain, "Because G'd blessed the Jewish people they should purchase their food and drink from the nations. This is so that they should not deny His Goodness. The nations should not regard the Jewish people as impoverished beggars needing food and water." Because G'd blessed the Jewish people as His children and provided them with bounty it would be disgraceful to present themselves as needy.

The Jew must conduct himself in a manner that reflects the fact that he was chosen by G'd to be His most beloved.

Because the Jewish people are quantified by G'd as "a holy people" they must behave within that context. If they should behave otherwise it would be an indication that they do not appreciate or understand their special relationship with G'd. It would be considered a disgrace.

**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—Tractate 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: Megilah**  
Location: Sunrise Capital 641 Lexington (25<sup>th</sup> FL.)  
Enter on 54<sup>th</sup> Street

**Tuesday**

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

**Wednesday**

11:30 – 12:30 pm **Talmud: Megilah**  
Location: Sunrise Capital 641 Lexington (25<sup>th</sup> FL.)  
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1:00—2:00 pm **Daas Tevunos**  
Location: Yad Avraham

**Thursday**

11:00 –12:00pm **Duties of The Heart**  
Location: Yad Avraham  
12:30 – 1:30 pm **Talmud: Megilah** Sunrise Capital 641  
Lexington (25<sup>th</sup> FL)