



Parashas Shoftim

תשפ"ו

פרשת שופטים

שופטים ושופטים תתן לך בכל שעריך Judges and officers shall you appoint in all your cities. (16:18)

Sefer HaChinuch explains that these judges and officers are responsible for maintaining discipline among the people. Their job is to see to it that everyone adheres to the *mitzvos*, and assure that those who do not, receive their due punishment. These judges represent the highest echelon of Torah erudition, ethical and moral character refinement. It goes without saying that they are G-d-fearing and represent the spiritual elite of the nation. The root of the *mitzvah* is obvious. A nation that witnesses its leadership reflecting the highest standards of service to Hashem will themselves be inspired to follow suit. This will bring about a nation committed to goodness and uprightness, a nation that gives great pleasure and joy to Hashem.

We can encapsulate the above in two words: *emunas chachamim*, faith in the sages – spiritual leadership. It is a phenomenon which, although powerful, is an often misunderstood (especially by those who refuse to accept it) concept in Jewish thought. It is neither blind obedience, nor the abdication of one's intelligence, but rather, a deep-rooted recognition that Torah wisdom is refined through holiness and character trait refinement. Generations of *mesorah*, Torah transmission, accord certain people a greater penetrating vision into reality. *Emunas chachamim* means trusting that true Torah sages see not only facts, but also peer below the surface at the essence. The average person sees fragments, occurrences, whose "dots" need to be connected. The sage connects the dots to reveal continuity, purpose and a Divine plan. While the average person reacts in the moment, the sage measures everything through the barometer of eternity.

Chazal (*Pirkei Avos* 1:16) instruct, *Asei lecha Rav*; "Make for yourself a *rebbe*, a spiritual guide and mentor." This is not to enable us with a shortcut to spiritual decision-making, but rather, to acknowledge

that one was not meant to navigate spiritual chaos alone. The Torah sage possesses much more than accumulated wisdom. He is much more than a body of information. He embodies *daas Torah*, a Torah intelligence which is integrated --and sanctified into -- his consciousness. He is a living Torah scroll whose character, judgment and soul have become media for Divine truth.

If so, why do we misunderstand it? Why is it difficult to accept that an individual who has immersed himself/his life in Torah and *mitzvos*, who has refined himself through the crucible of *mesiras nefesh* and sanctified himself to serving Hashem with a totality of self, functions above and beyond the rest of us?

Emunas chachamim becomes a serious challenge when it is divorced from its spiritual mooring, its foundations of spiritual integrity. When belief becomes almost cult-like, it becomes a problem. *Emunas chachamim* depends upon the integrity of the sage: humility; fear of Heaven; moral refinement; the integrity of the student; sincerity, rather than seeking a crutch to depend on; and certainly no fanaticism. Last, and most important, is the acknowledgement that no human being replaces Hashem.

Human beings yearn to trust someone, to look up to someone who is clearly greater than they are. In Judaism, we revere the sage because we viewed him as subservient to something higher than himself. Our *gedolim* run from honor. This alone is proof of their authenticity.

An incident occurred involving a young man who was seriously injured in a car accident. After the first examination, the doctors immediately determined that his injuries were critical and life-threatening. They established his identity through identification found in his pocket, and they were able to locate his sister. Upon seeing her brother in such terrible condition, she began to cry bitterly. The doctors calmed her down, explaining that her brother's time was limited. He was

semi-conscious, and any weeping would frighten him and hasten his demise.

The young woman informed them that they had an elderly father who resided in an assisted living center. He himself was frail and weakened, and she feared what the shock would do to his weakened condition. Nonetheless, he must be told. They brought him to the hospital and told him not to become emotional, because it would scare his son.

The father walked into the room outwardly calm. He took one look at his son and said, "I am going home. Everything will be fine. You will recover. You have nothing to worry about. I am certain that, in the end, you will be healthy!"

The doctors were certain that the father had lost his senses. They explained to him that his son was in grave condition and that his attitude was counter intuitive. The father asked, "What condition? My son will be fine. Do not look at me as if I have lost my mind. I was given a *b'rachah* which supersedes all conditions! Let me explain.

"I am from the city of Radin, Poland, home of the illustrious *Chafetz Chaim*. When he completed his *magnum opus*, the *Mishnah Berurah*, he tested the waters to see how lay people would react to it. To this end, he gathered a group of lay people and asked them to explain to him what they read in his manuscript. I merited to read to him a number of times. He was pleased by my learning and understanding of the material. As 'reimbursement' for my time (which was an indescribable honor and privilege), he gave me two blessings. First, I would merit longevity. I am today seventy-six-years old which does not constitute longevity. Second, he blessed me that none of my children would die during my lifetime. Do you see why I am not concerned with my son's condition?"

As he finished speaking, his son slowly opened his eyes to the shock and awe of the doctors. They saw a miracle happening before their eyes. This is the power of *emunas chachamim*: both the saintliness of the *Chafetz Chaim*; and the unshakable belief of the father who had received the sage's blessing.

**והורידו זקני העיר ההיא את העגלה אל נחל
איתן ... וערפו שם את העגלה בנחל
The elders of that city shall bring the heifer down
to a harsh valley ... and they ax the back of its
neck in the valley. (21:4)**

The *halachah* of *oso v'es b'no lo sischatu b'yom echad*, "You shall not slaughter a mother (ox or sheep) and its offspring on the same day," applies to kosher,

domesticated animals, such as cows, sheep, and goats, and it refers to both the mother and its child. *Chazal* (*Yoma* 64A) discuss a situation in which the *shliach bais din*, agent of *bais din*, who performs the *se'ir l'azazel*, rite in which he pushes the goat over a cliff, is permitted to slaughter the mother that day (although it was *Yom Kippur*, for it was necessary for a critically ill person). *Chazal* rule that it does apply because pushing it off the cliff is effectively the goat's *shechitah*. The question now is: Does this *halachah* apply equally to *eglah arufah*, the axed heifer? *Chazal* (*Chullin* 82B) debate the issue, questioning whether *areifah*, axing the calf, is viewed as a *shechitah*. The consensus of opinion is that *areifah* and the *dechayah*, pushing over the cliff, of the *se'ir l'azazel* both fall under the rubric of *oso v'es b'no*.

In his *L'Frakim*, *Horav Yechiel Yaakov Weinberg*, zl, cites *Rabbeinu Tam* in his *Sefer HaYashar* (63) who distinguishes between the goat of *Yom Kippur*, which is killed as a medium to atone for *Klal Yisrael's* transgressions, and the axed heifer, who atones for the act of murder. He writes, "Although the axing of the heifer purifies it from becoming a *neveilah*, unclean/unslaughtered carcass (which is *tamei*, ritually unclean), nonetheless, it cannot be compared to the *dechayah se'ir l'azazel*, which effectively is like *shechitas kodoshim*." *Rav Weinberg* explains that the goat that is sent to *azazel* is considered as a *korban*, sacrifice, in the same vein as other *korbanos*. Thus, its death is viewed *halachically* as *shechitah*. (Indeed, two goats, perfectly identical – one being selected as a *korban*, the other thrown off the cliff – have the exact same status: *korban*.) The *eglah*, heifer, is not a *korban*. The Torah commands that, as a form of punishment for the act of murder that was committed, the heifer takes the place of the murderer who should be punished. Thus, atonement is achieved for *Klal Yisrael*. *Areifah* is not *shechitah*; it is an act of killing, taking the life of the heifer, instead of the murderer, whose identity is unknown.

To explain this further; *Bais Din* declares, "We are not guilty for this man's (the victim's) death. We accompanied him out of the city. We did not ignore him when he was here." They are basically saying, "We had nothing whatsoever to do with this tragedy. It is all on the murderer's head. This heifer will 'stand in for the murderer.' It is clearly not a *korban*. Axing it however, does bring atonement for the community. The *Yom Kippur* goat represents the collective sins of *Klal Yisrael*. It is a communal offering, and it plays the same role.

The *Rishonim* teach that the heifer played another role in its death. Some say worms would leave the carcass of the heifer and make their way to the murderer's home. *Chazal* debate whether the worms serve as the identifier or as executioner, actually killing the murderer. Clearly, the heifer is not a *korban*.

As an aside, commentators give a number of reasons for the implication that, had the victim been treated appropriately, welcomed into their midst, this tragedy would not have occurred. (Obviously, it happened despite everyone's good intentions. The Heavenly decree supersedes everything.)

Horav Meir Shapiro, zl, offers a novel, insightful explanation. I take the liberty of expanding on it and presenting it in my own words. The greatest human necessities include food, wealth, and comfort. What we need most to thrive, however, is relevance, a sense of significance. One must feel that he matters, that he has value and worthiness. When a community welcomes a person warmly into its midst, when people rise to greet him, inquire concerning his welfare and are willing to spend time with him, they are doing much more than acting courteous. They are restoring his sense of self. This message is conveyed with every smile, every word, every minute of time expended: "You are important. Your life has meaning." Such affirmation elevates a person, imbuing him with dignity (which, for some people, is as vital as oxygen), confidence and (especially) the courage to rise up and endure life's challenges.

Sadly, the converse is equally true. When a person is ignored, when no one notices his presence or values his contribution, a terrible loneliness begins to envelop him. He gradually loses his own sense of worth. Feeling insignificant in the eyes of others, he eventually becomes insignificant in his own eyes as well.

A distinguished psychologist once observed that many victims who failed to resist violent attack were not physically incapable of defending themselves. Rather, emotionally they had already surrendered long before the assault occurred. One who feels his life possesses little value often lacks the inner resolve to defend it. Thus, when an assailant confronts him, he may submit passively, feeling subconsciously that he is not worth saving.

How careful we must be with the feelings of another Jew. A warm greeting, a few moments of sincere attention, or a small act of inclusion may appear insignificant in our eyes, but, to another person, it can restore an entire world. *Batei Din* emphasize that we

make a point of addressing his needs and welfare. Our hands did not shed the innocent blood of the deceased, and we did not play a role in his tragic end.

It all boils down to thoughtfulness. Most people are nice and would never intentionally hurt anyone. When one's mind is preoccupied (usually with himself), however, he seems to forget about others. For a Jew, the "others" should be his priority. After all, Hashem did not place him on this world for "himself."

A simple smile can change a life positively, and, likewise, negative trajectories can occur because someone was ignored or made to feel irrelevant. We have no dearth of stories that underscore this. The following is a classic.

Why would *Horav Elchonon Wasserman, zl*, *Rosh Yeshivas Baranovich*, and leader of European Jewry, occupy himself with a layman to discuss the most effective way to heat a house in the winter, while ignoring a *talmid* who wanted to discuss a penetrating *shiur*? The story took place shortly after *Horav Dovid HaKohen Rappaport, zl (Mikdash Dovid)*, became senior *maggid shiur* in Baranovich. His *shiur* was unlike anything the *bachurim* had heard before. It was a new approach toward understanding the *sugya*, topic, in the *Gemora's* analytics. A student who had just attended the *shiur* made his way to the *Rosh Yeshivah* to relate and discuss some of the finer points of the *shiur*. At the time, *Rav Elchanan* was in a conversation with one of the *yeshivah's* lay supporters concerning the most effective way to heat a house. Overwhelmed with excitement, the *talmid* interrupted the *Rosh Yeshivah*. *Rav Elchanan* looked at him and said, "Not now. I am meeting with *Reb 'Ploni*.' The student was taken aback, but no one argued with the *Rosh Yeshivah*. Shortly thereafter, *Rav Elchanan* summoned the *talmid* to discuss the *shiur*. He explained, "To discuss such a profound *shiur* in front of that layman would have been disrespectful to him. It was clearly above him, and it would have made him feel bad." *Rav Elchanan* was not just a *gadol* in *lomdus*; he was also a *gadol* in *middos*.

ולא ימס את לב אחיו כלבו
And let him not melt the heart of his fellows.
(20:8)

The Torah instructs someone who is fearful or faint-hearted to remain at home. He should not go to battle, because his fear (regardless of the reason, real, or because he feels himself not spiritually worthy of surviving) would have a negative impact on the others. The *Imrei Emes* notes that if one "weak" heart can negatively destroy the positive feelings of a multitude of

soldiers, how much more so can one who possesses a powerful good heart, who is himself inspired to serve Hashem under all circumstances? When we act with enthusiasm, our feelings are infectious; when we *daven* properly, it inspires others to do the same; when we “find” time to learn Torah, it impacts the *chaburah*, group, with whom we are learning. Just as a faint heart can melt the courage and positive commitment of others, so, too, can a strong, committed heart have a positive impact on our surroundings. One person is all it takes to make a difference. He gets things underway, and, as it moves along, others join – first, out of curiosity – and, then, out of commitment.

Horav Yisrael Meir Lau, Shlita, was a young boy (seven years old) when he was deported to the Buchenwald concentration camp. Separated from family, surrounded by immeasurable suffering and death, his chances for physical survival were less than slight. Emotional and spiritual survival were, at best, a dream.

Yet, he survived and thrived. In the camp, he formed a close bond with an older prisoner who became his protector. That relationship – one human being choosing to care for another – for a child whose chances for survival were less than anyone else’s, became a defining moment in his life. Through Divine Providence he survived, and he was liberated at the end of the war.

How he rebuilt his life, received a solid Torah education, studied with extreme diligence, ultimately rising to the position of Chief Rabbi, is a story which extends far beyond these pages. His influence extends far beyond titles. He became a voice for Holocaust memory for the many who were mercilessly murdered and have no one to remember them. He advocated Jewish continuity and faith in the aftermath of destruction. Through his books, speeches and leadership, he has inspired thousands across the world.

What makes his story especially relevant is its chain reaction: one act of care in a concentration camp helped preserve a child’s life; that child grew into a leader who strengthened and inspired an entire generation of Jews rebuilding after the Holocaust.

Ketaim - קטעים

We have a practice to lay the deceased down on the ground, *Hashkavah*, before burial (and preparations for the burial). This was traditionally done as an expression of humility and equality in death, based upon the idea that man returns to the earth from which he was formed. We place straw beneath the head and recite *Tefillas Hashkavah*. During this prayer, we mention the name of the mother of the deceased, rather than the father. *Chida* (*Midbar Kadeimos* 60:2) explains that we do this to give merit to the deceased. The *z'chus*, merit of the mother, is greater than that of the father, because the mother does not have the *aveirah*, sin of *bitul Torah*, wasting time for learning, since she has no *mitzvah* of *limud haTorah*. In addition, she went through much pain when she gave birth. Likewise, when a person is unwell and people recite *Tehillim* for him, we use his mother’s name. In the *Keil Malei Rachamim*, memorial service, we use the father’s name. This is based upon the *Ramban’s* commentary to *Parshas Tazria*. He writes that the entire body of an embryo is formed from the blood of the woman/mother. The father contributes nothing to the embryo, but the force which enables matter to take form. Thus, when one prays for the *brias ha’guf*, a complete recovery to the ills plaguing the body, one mentions the individual’s mother’s name. When the body is deceased, and the person is now a soul, we pray using his father’s name.

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In memory of her parents

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