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Stained Hands and Clouded Eyes

Rabbi Dr. Norman Lamm z"l (Originally delivered September 8, 1951)

This week, after a good two-month vacation, our children will return to their classrooms and again continue the development of their minds and spirits. It will be a momentous occasion, no doubt, for the children themselves. These past few days they have probably been busy purchasing school supplies, arranging programs, discussing new teachers and bubbling over with enthusiasm in anticipation of the new school year. I am sure that we all remember how we felt when we started our new terms back in elementary school. We felt as if we were setting out on a new path, full of hidden dangers and pleasant surprises, and we acted as if we expected a succession of mysteries and miracles at every step. Today's children feel the same way about it. It is a challenge and an adventure.

But while our children are going to be busy being enthusiastic about a hundred and one things, let the parents not forget to take a long look at themselves and their progeny. On the first day of the term, ask yourself what progress your child's teacher will report on the last day. Will your boy or girl forge ahead, or remain just a dull average? Will he swim, or will he just float, carried by the educational tide? How many parents wonder why their child does no more than float in school, sometimes a "dead-man's" float, he is passive in his studies, he goes through school without school going through him. They are prone to blame it on his IQ, and then discover that his IQ hits 130. They blame the school or Yeshiva, and then discover that their neighbor's little boy attends the same school, nay – the same class, and is performing miracles in his work. And they are stumped. Why, after an extensive Jewish education, such parents might ask themselves, should my child remain apathetic to anything with Jewish content? What is it that he lacks? And if the

parents are intelligent people, they will ask not "what does he lack" but "what do we lack?" "We have bought for him all the books he needs, a Jewish encyclopedia and a Britannica, we send him to the best school in the city, he gets the best nourishment, and yet he does not live up to our expectations." But these intelligent parents, who paid so much attention to his nourishment, have forgotten something of tremendous importance. They have forgotten to breathe into his lungs the life-sustaining air of courage; they have forgotten to inspire him with the feeling that the Torah he is learning is of terrific importance; they failed to impress upon his young mind that what he does and accomplishes is of exceptional significance to his parents and to everyone else. They have shipped him off to school and shoved him out of their minds. In one word, they failed to encourage him.

How remarkably profound was the Bible's understanding of the need for encouragement. In today's Sidra, we learn that if a חלל, a corpse, was found between two towns under mysterious circumstances, that is – the murderer is not known, then the courts would measure the distance to both villages. And the elders or representatives of that town or village nearest the place where the corpse was found, had to perform a very strange, if not humiliating ritual. They would take a calf upon whom a yoke had never been placed, bring it down to a brook near ground which had never been worked, and there they would decapitate the calf and wash their hands upon his carcass. And they would say as follows: ודינו לא שפכו את הדם הזה ועינינו לא ראו, "Our hands did not spill this blood and our eyes did not see." What strange words: What does "seeing" have to do with the guilt or innocence of a community and its leaders in a murder case? And if indeed "these hands did not spill this blood," then why require the elders to undergo this

strange and frightening and suspicious ritual? Our Rabbis, anticipating that question, commented on the verse ועינינו לא ראו, “and our eyes did not see,” שפטרנוהו בלא לוייה, that “we accept moral responsibility because we failed to accompany him out of town.” How wise were our Sages: With their insight into human nature, they realized that this man had not successfully resisted his attacker because he left that town demoralized. The elders of the town failed to walk that man out onto the highway, they failed to encourage him on his way, they failed to make him realize that his presence in their community was important to them, and that his leaving saddened them. They simply did not take any notice of him. And it is courage, the knowledge of a man that he is backed by his fellows, that is necessary for a man to put up a man’s fight against killers in the night who fall upon him with murder in their hearts. Without this encouragement, this knowledge that he means something to someone, a man’s resistance to his attacker is nil, whether he has eaten well or not, and he falls by the wayside dead. And when a community has thus sinned against the lonely stranger in its midst, it must accept full moral guilt for his murder. And the elders must announce in shame, לא שפכו את הדם הזה ועינינו לא ראו. Do you know how the Rabbis would translate that? – “No, we did not murder him with our very hands, but nevertheless we admit that our hands are stained with his blood, because our eyes did not see, we were blind to his existence, indifferent to him, we overlooked him, we failed to encourage him and inspire him with the dignity of being a man among men. ידינו לא שפכו את הדם הזה ועינינו לא ראו, our hands are stained because our eyes were clouded!

To those parents who will cry out against Fate at the end of this school year that their children who have IQs above 130 and attend the best schools in New York are nevertheless dead in their spirit, that their souls are corpses, the Bible gives a high warning: Keep your eyes open – and clear, not clouded. Inspire your child with the courage to take on a double program because it means so much, make him feel important and wanted. Take a long look at your son; don’t overlook him. Extend to him the courtesy of לוייה, of accompaniment, let him feel that you want his company because he wants yours. Go with him to school some day, and ask him what he expects to accomplish that day. Friday nights and Saturday afternoons when you have an opportunity to eat your meal without hurry and rush, discuss with him the problems he discussed in school; respect his arguments instead of

dismissing them or, contrariwise, acting as if all the world knew that. Keep your eyes open and clear, and your hands won’t be stained.

During the war, I received a letter from a soldier friend of mine who hit the Normandy beaches on D-Day, fought through France, and went through the horrors of the Battle of the Bulge. That boy saw more of horror than a man double his age. Yet, he wrote to me, he did not falter for one moment; despite the cold and impersonal grinding of the war machine, he did not feel lonesome or dejected. For the one thing that had helped him most during those long months of fighting was the remembrance of his father who, seeing him off from New York and unable to speak because of emotion, put his hand on his son’s shoulder and held him strongly. His father’s hand on his shoulder is what kept his spirit and body alive in that hell called Europe. It was this accompaniment which assured his son’s survival. His hand on his son’s shoulder was a life-sustaining encouragement. That father’s hand was not stained with his son’s blood. There was no necessity for him to perform the humiliating ritual of raising his hands and exclaiming, ידינו לא שפכו את הדם הזה ועינינו לא ראו, my hands did not kill him, but look at them, they are bloody – because my eyes did not see, I overlooked my boy; my hands are stained because my eyes were clouded.

My friends, the closets of the American Jewish community are full of חללים, skeletons of what once were or could have been good Jews. The words of the poet Bialik ring true: אכן חלל העם חלל כבד אין קץ, “The people are indeed a corpse, a corpse dead-heavy without end.” It was the great failure of the last generation to inspire their children with the courage of a Jewish young man getting a Jewish education that is responsible for the ghosts of Jews who clamor in the ball parks on Saturday afternoons and the corpses of Jews who will eat just anyplace, from Times Square to Chinatown, corpses whose uniquely Jewishly blood has been drained from them right down to the last drop. It is for these derelicts of the spirit, Jews whose Jewishness died a premature death because they were not properly encouraged and inspired, that the Jewish community at large must answer. Right outside this synagogue there are young Jews and middle aged Jews and old Jews walking past without the least recognition that today is Shabbos. Who is it who will raise his hands and disclaim responsibility for this situation and say ידינו לא שפכו את הדם הזה, our hands did not spill it? Look again at those very same hands. They certainly are stained red

with the blood of their Jewishness, because עינינו לא ראו, our eyes were clouded, we were blind to them when they were young and impressionable, we bought for them school supplies and filled their lunch baskets, but we failed to inspire them with our sincere interest in them; we gave them a sugar-daddy when what they wanted was a father. And then when they left their elementary schools and פטרנוהו בלא לוייה, we failed them again, ישירות קטנות, we did not accompany them onto the great highway of life, we left them to fend for themselves as we overlooked their existence. We simply were not interested in anything beyond the immediate welfare of their bodies. Writes George Bernard Shaw in his “Devil’s Disciple,” “The worst sin towards our fellow creatures is not to hate them, but to be indifferent to them; that is the essence of inhumanity.” Well, we are guilty of that inhumanity.

Before Jacob died, he blessed his son Judah saying: ולבן שיניים מחלב, “may your teeth be whiter than milk.” What a

strange blessing! Surely our Father Jacob did not mean to anticipate Colgate and Pepsodent. Explain the Rabbis of the Talmud, as they interpret this bizarre text, טוב המלבין, שיניים לחברו יותר ממשקהו חלב, that he who makes his friend show the white of his teeth, that is – he who makes him smile, does him a greater good than he who provides him with milk. This was Judah’s blessing – that his smile encouraged his brothers and friends to smile, and that was worth more to them than all the milk on Borden’s farms. The Rabbis place greater emphasis on encouragement than on nourishment.

Your son and daughter will begin their school term this week. You will have provided them with all the physical necessities, and if they’re in Ramaz, that means that you’ve provided the best for them in education. But don’t forget to smile, to make him feel proud, to encourage him, to bolster his spirit. Keep your eyes open – and your hands clean.

Read more at www.yu.edu/about/lamm-heritage.

Blinding Wise Eyes

Dr. Erica Brown

What do you do?”
“I’m in compliance.”
“That’s a very important job.”

“You’re the first person who’s said that to me. Most people see me and walk in the opposite direction.”

This was my conversation with a lovely young woman I met after giving a class recently. She laughed then shrugged as she admitted that she’s not the most popular person in her office. Instead of viewing compliance as a critical mechanism to keep an organization ethical, the people she works with may regard her as an uncomfortable, judgmental presence.

The researchers who wrote “Corruption, Fast or Slow? Ethical Leadership Interacts With Machiavellianism to Influence Intuitive Thinking and Corruption” (Frontiers in Psychology, Nov. 2020) conclude that, “Ethical leaders play a role as models, use reward and punishment to decrease unethical behavior and stimulate ethical conduct.” You cannot hope that people will behave ethically in the workplace. You have to model it and build it into systems.

In this week’s parsha, Shoftim, we find an unambiguous statement about judging others with the highest moral standards and expecting compliance: “You shall not judge unfairly: you shall show no partiality; you shall not take

bribes, for bribes blind the eyes of the wise and upset the plea of the just” (Deut. 16:19). Whereas sometimes the Torah is authoritative and didactic in its presentation of commandments, here it is explanatory. The verse tells us what taking bribes can do both to the judge and to those being judged.

Rashi here writes poignantly that at no time during the presentation of a case, should a judge “be lenient to one and harsh to the other” and gives a simple illustration. A judge asks one party to stand and the other to sit as he listens to a case. This visible display of difference may falsely and even unwittingly communicate a preference. Judges must review every one of their small actions and gestures and what they may inadvertently communicate.

Rashi, citing BT Shevuot 30a, then moves from the judge to those being judged. Should there be even the slightest hint of favoritism, the litigant who feels disrespected may be hampered in his plea. Once he thinks there is any bribery or preference in a case, he may feel defeated and lose all confidence. What’s the point of making a case if the judge has already predetermined the outcome?

Someone told me that during meetings of his senior team, the CEO regularly looked at the second most senior

person in the room for approval or rolled her eyes at that employee to show disagreement with something that was said. This gesture was slight. No speaking was involved, but pretty soon other members of the team self-censored and did not speak up about important issues. The room was not safe. They felt they would be judged unfavorably so they kept quiet. When this behavior was brought to the CEO's attention, she instantly denied it. "I don't know what you're talking about."

Rashi, on our same verse, also states that when a judge takes a bribe, no matter how much he thinks he can be impartial, he cannot: "As soon as he has accepted a bribe, it is impossible for him not to incline his heart to that one and try to find something in his favor." Rashi bases himself on a passage in the Talmud that explicates our verse, BT Ketubot 105b. There, the sages discussed what this verse adds to our understanding of Jewish justice since all the way back in Exodus 23:8, we learned, "You shall take no bribe." The Talmud concludes that even in a case where there is no concern that justice will be perverted, a judge should, nevertheless, not take anything from any litigant. In this country today, there are strict and intricate gift-giving restrictions in place for government employees lest accepting a gift – even one of nominal monetary value

Too Long to Wait

Rabbi Joshua (The Hoffer) Hoffman z"l

We have mentioned, in the past, a certain peculiar feature of the book of Devorim that does not apply to the other books of the Torah. The Talmud tells us that even Rabbi Yehuda, who does not usually try to find significance in the juxtaposition of various topics in the Torah ('ein dorshin semuchim'), does so when it comes to the book of Devorim. This feature is brought out at the beginning of this week's parsha by the many commentators who try to find a connection between the end of parshas Re'eh, which deals with the obligation of all Jews to come to the Temple three times a year, on the holidays of Sukkos, Pesach and Shavuot, and bring certain sacrifices, and the beginning of parshas Shoftim, in which the nation is told to appoint judges in every city in the Holy Land. Rabbi Avraham Ibn Ezra, in his commentary to the beginning of parshas Shoftim, explains the connection to be a notice to the nation that even though they go to Jerusalem three times a year, and

– influence judgment, even subconsciously. This is where compliance work does its heavy lifting.

The Talmud continues in its interpretation of our verse: "for bribes blind the eyes of the wise." If bribes can blind the eyes of the wise, the sages concur, then they can certainly blind the eyes of a fool. Is a fool likely to be appointed as a judge? We assume that only those who are intelligent, discerning, and knowledgeable would be selected to such positions. But this is not always the case. When a wise person takes a bribe, the Talmud states, "he will not leave this world without suffering blindness of the heart." He will become a fool.

Compliance regulations in all fields help us check our conscious and unconscious biases and prevent us from making small errors of judgments that may become larger over time if not monitored and supervised. This is true for judges and in all arenas of leadership. We carry our beliefs and our biases with us wherever we go and in whatever we do. And at times, when we find ourselves faltering, our values carry us.

When did partiality – in work or within your family – hurt you? When did you hurt others with your unfair display of preference?

can consult with the kohanim there in order to know what their Torah obligations are, that is not sufficient. Rather, they need to appoint judges in all of their cities. I believe we can expand on his remarks and explain that even though there is a high court in Jerusalem where they can bring their cases for consideration, they should not delay the process of adjudication in order to bring their cases up during their pilgrimage. Rather, they should appoint judges and set up courts of judges in the various cities in the Holy Land, so that their cases can be tried forthwith, without delay. Although there are many other approaches offered by the commentators to explain the juxtaposition of the two sections of the Torah (see Pardes Yosef by Rabbi Yosef Potzenanski for an extensive presentation of them) I would like to focus on this explanation of Ibn Ezra, and further expand upon it.

The Torah commands all males to go up to Jerusalem three times a year and appear before God at the Temple.

In addition, no one is to appear there without bringing a sacrifice to God. We explained, in Netvort to parshas Re'eh, 5759 (available at Torahheights.com), that this was a way of projecting outward the collective character of the nation. The Jewish people was charged at Mt. Sinai to serve as a kingdom of priests and a holy nation, and this character of the nation is displayed in its most intense form when it gathers three times a year at the Temple. To facilitate this process of projecting the collective character of the nation as a unified whole, the rabbis trusted the Amei Ha Aretz, or those people who were not, in general, careful about the laws of purity and impurity, to say that they had not touched holy objects while in a state of impurity. The Talmud in Chagigah (26a), explains this on the basis of a verse in the book of Shoftim (20:11) :” Then all the people of Yisroel gathered together at the city, as one man, as friends (chaverim). “ Since the entire nation gathered together during these three times of pilgrimage, they are all considered as ‘chaverim,’ literally meaning friends, but, on another level, understood to mean, having the status of ‘chaver,’ or a person who is careful about observing all aspects of Jewish law. With this aspect of the thrice-yearly pilgrimage to Jerusalem and the Temple in mind, we can understand the connection between the end of parshas Re'eh and the beginning of parshas Shoftim.

Rashi, in the beginning of parshas Shoftim, cites the Talmudic dictum that the appointment of proper judges is worthy of keeping the Jewish nation alive and settling them upon the Holy Land. It is, in fact, interesting to note that this dictum is derived from the verse, “ Righteousness,

righteousness you shall pursue” (Devorim 16:20). The word for ‘pursue’ is ‘tirdof,’ which means, literally, to run after, so that the verse is telling us that we must, literally, expedite the adjudication of disputes. This would conform with the explanation of the Ibn Ezra, that people should not wait from one holiday pilgrimage to the next to present their cases to the courts. Why, however, is it that the appointment of proper judges is connected to the establishment of the Jewish nation on its land ? In Netvort to parshas Devorim, we explained that the purpose of a judicial system is to maintain peace among the nation, and in order for the Jewish people to endure in the land, they must care for each other and work together as a unit. The rabbis tell us that it is a mitzvoh for the judges to adjudicate on the basis of peshara, or compromise, taking into consideration the special circumstances of each party to the litigation. However, in order to do so, the judges, need the consent of the litigants, as well. The spirit of unity and mutual cooperation that pervaded the nation during their time in Jerusalem for the holidays could therefore be exploited by the judges to convince the parties to the cases they were judging to agree to accept a peshara, and thereby maintain an atmosphere of unity and mutual respect during the rest of the year, as well. In this way, the larger task of serving as God’s nation, united in its quest for holiness within everyday life, could be successfully pursued. For this reason, the section of the Torah mandating the appointment of judges follows directly after the section on the thrice-yearly pilgrimage to Jerusalem and the Temple.

Battle of the Mind, Battle of the Heart

Rabbi Hershel Reichman

The parsha discusses the preparations when the Jewish people goes to war against an enemy. As they approach the battlefield, the kohen speaks to the people. He says to them, “*Shema Yisrael atem kreivim hayom al oiveychem*. Listen Israel you are approaching a battle with your enemies.” Don’t let your hearts be weak, don’t feel afraid, broken or worried by the battle you are about to enter. Hashem your God walks with you. He will help you defeat your enemies and will save you.

Rashi notes that these words, “*Shema Yisrael*,” are the first the kohen says. He comments that even if all we have is the merit of kriyas shema, it is enough for Hashem to

save us. Why is this particular mitzva of kriyas shema so special that it helps the Jewish soldiers defeat their enemies in battle?

In Maseches Brachos 14, the Gemara writes that if somebody says kriyas shema without wearing tefillin it is as if he is relating false testimony against himself. The simple way of understanding this is that the parsha of kriyas shema says we should wear tefillin. Such a person is saying, “I should wear tefillin,” but he does not do so. This is a hypocritical statement. He thus makes a false statement about himself and his commitment to Torah.

This simple interpretation of the Gemara is difficult.

The shema also contains the mitzva of placing a mezuzah on the doorpost. If a person would read shema and not have a mezuzah on his doorpost, he would also be presumably a false witness and a hypocrite. Why doesn't the Gemara also mention the mezuzah? Why does it mention specifically the mitzva of wearing tefillin?

Shema Sandwich

Shem Mishmuel cites Psachim 45b. The Gemara relates that the people of Yericho had three customs the rabbis objected to, and there were three other customs that they did against the will of the Sages but to which the Sages did not object. One of this second set of customs was that they would *korchin es shema*. This means they bundled up shema in a way the rabbis didn't like. The Gemara explains that the first sentence of shema says, "*Shema Yisrael Hashem Elokeinu Hashem echad*. Listen Israel, Hashem is our God, Hashem is one." The next pasuk is, "*V'ahavta es Hashem Elokecha*. Love Hashem your God with all your heart." These are two distinct verses. Someone who reads shema properly will pause after the word *echad*, and then continue reading the next sentence. The people of Yericho would read *echad v'ahavta*, "Hashem is one you should love Him," together without pausing.

The Gemara says that nowadays we insert the verse "*Baruch shem...*" between these first two verses. The people of Yericho didn't say that, either. What was their idea behind running these two sentences together? Since they essentially mispronounced the last word by not pausing, why didn't the chachamim stop them?

Higher Energy

Shem Mishmuel explains this in a fascinating way. As we have discussed in previous essays, every person has *sechel* and *lev*, mind and heart, intellect and emotion. The first pasuk of shema is a statement of fact, an idea that Hashem is one. There are not many gods. God is the only one. This is an intellectual concept. The next sentence, though, "*V'ahavta*, You should love Hashem," is different. This verse speaks of an emotional drive. The first two verses teach us two different things: to have an intellectual understanding of Hashem, and to make a total emotional commitment to serve Him.

This double focus on the intellectual and the emotional, is a feature of humanity that reflects the world as a whole. We have a concept that the human being is an *olam katan*, a miniature universe reflected within man and woman. Within the universe, we know that there are two levels of

reality. The first level is spiritual; though we don't perceive it with our physical senses, we know it is there, we have a spiritual feeling that heaven exists. There is also our physical world, which we do perceive with our five senses.

There is an *olam elyon* and an *olam tachton*, an upper realm and a lower realm. This parallels the idea of the mind in contrast to the heart of a person.

The mind is the higher level, controlling all that is below it. The heart is the lower level, an emotional one that does not use logic like the mind does. Just as heaven is more exalted than the physical world, within the human being the intellect is higher than the emotions. Emotions give us the energy to act, and so we consider actions to be in the realm of emotions. Intellect controls the emotions and actions.

For example, we see this pattern in the lights of the sky. The two primary objects in the sky that provide light for us on earth are the sun and the moon. The sun is the source of light. The moon receives light from the sun and thereby also produces light. Similarly, the true source of existence is in the higher worlds, which we do not see. They produce the energy of this world just as the sun produces the light of the moon. So too should the human mind direct, channel, inspire, and lead the heart and body. This is the parallel between the sun and the moon, *sechel* and *lev*, and *olam ha'elyon* and *olam tachton*.

Achieving Balance

The purpose of Torah is for a person to achieve unity of mind and emotions, the two great forces within the human being. We face the challenge of creating a unified, cohesive, balanced, and integrated system of thought and emotion, of mind and heart. Many people struggle to achieve this balance. We have seen people who have great minds, but their emotions are completely out of control.

Other people have sensitive emotions, but their mind is not developed properly. They have the wrong set of values, and as a result they misdirect their emotions.

Consider for example the idolatry phenomenon that occurred in our nation during the times of the prophets, particularly pervasive during the First Temple era. The Jews felt attached to their idols. Emotionally, they were able to channel their emotions into a strong commitment. But their minds were confused. They did not have the correct concept of Hashem.

Conversely, sometimes people know what is right, but they can't do the right things. This is the more common

problem today. We know what is right and wrong but, because our emotions are out of control, we don't get it right. We don't choose to live our lives correctly.

This is the great challenge of every human being, and especially of the Torah Jew. We must learn the Torah so we will know what is right. We must then also practically fulfill the Torah, using our Torah values by channeling them into our emotional and physical sides. We must use our emotions to guide our actions to do what we know with our minds is right.

These are the first two psukim of kriyas shema. The first verse states that we must know that everything we do should be determined by God's will, by the lessons of the Torah. Then, "*v'ahavta*" states that we must direct that knowledge into a feeling of commitment and appropriate actions. This is how we should properly combine *sechel* and *regesh*, *moach* and *lev*. This is our central obligation.

This is the fundamental idea of the kriyas shema. The first pasuk emphasizes *moach*, to know what is right and wrong. The second pasuk tells us to create a living, active emotional reality. This is the challenge of kriyas shema.

Purposeful Pause

Why, then, did the people of Yericho run the first pasuk into the second without pause? They wanted to emphasize that this exactly is our obligation. "When I learn a new idea, I instantly and automatically convert it into an emotional commitment. This commitment will express itself in actions. I don't pause between what I know and what I feel and do." This is why they did not stop at the grammatically proper end of the first pasuk. They didn't stop at *echad*, recognizing that Hashem is our guide, teacher, and leader. They ran that into *v'ahavta*. This is total commitment. "Every part of me, mind and heart, is committed to this cause."

Yet the chachamim objected. Even though the goal is proper, a person still has to realize that these are different levels. The people of Yericho aspired to this goal of unifying the different elements of their personality. The chachamim did not stop them because the idea is a correct idea.

In the mitzva of arba minim of Sukkos, we find a representation of the different elements of the human being. The lulav comes from a palm tree, which has fruits but no fragrance. This is similar to a Jew who does good things—the good deeds are the fruits that he produces—but he doesn't know that much Torah.

The hadas is a bush that has a nice fragrance, but no fruits. The fragrance represents the wisdom of the Torah; but he is without mitzvos—fruits. The esrog is a fruit with a wonderful fragrance. It represents the Jew who has learned Torah and also does mitzvos.

Sometimes these elements, Torah knowledge and good deeds, are disjointed and sometimes they are united. We have to bring all of these different types of Jews together to produce the tandem of Torah and mitzvos, of *sechel* and *regesh*, of proper knowledge and proper feeling and action.

Tefillin on the Head, Tefillin on the Heart

We also find this idea in the mitzva of tefillin. The Torah commands a Jewish man to put on two tefillin, one on his head and one on his hand. The purpose of the head tefillin is to think proper thoughts. The hand tefillin next to the heart reminds us to have proper emotions, and to act appropriately. Thus, this mitzva combines our intellectual side with our emotional-physical side.

Chazal said that someone who reads shema without tefillin is a hypocrite. Why not mezuzah? Why did Chazal emphasize that in kriyas shema one is supposed to combine the tefillin of rosh and tefillin of yad and say kriyas shema? This is not an issue of mentioning the obligation while not performing it. It is about internalizing the message of the focal point of kriyas shema. The point is the combination of *moach* and *lev*, the mind and the heart, to know what is right and to feel and do it, too. This is how a person expresses a unified Torah personality.

Many of us have a serious problem of having a split personality. We know what is right, but we don't get it done because we are emotional cripples. The Torah wants us to be emotionally healthy. Together with our healthy emotions we should feel and carry out the Torah ideas. This is the message of shema and this is the message of the pair of tefillin shel rosh and shel yad, *moach* and *lev*, *sechel* and *regesh*.

Now we understand why Chazal emphasized tefillin as the epitome of kriyas shema, to combine *moach* and *lev*. So, if someone says shema without wearing tefillin he is not carrying out the idea of kriyas shema. He is a mei'id eidus sheker. He hypocritically recites false statements about himself. This is why Chazal saw shema as specifically connected to the tefillin. The tefillin and kriyas shema share a common purpose: to combine *moach* and *lev*.

Immediate Fulfillment

There is another level to this two-part approach of *moach*

and *lev*. In the relationship between shema and tefillin, we again see this connection between mind and emotion-action. Kriyas shema is just words. We make a statement about our intellectual knowledge of God a statement of emotional commitment to Hashem.

Both, though, are mere words. But tefillin is an action. I physically tie it on my hand, and I physically place it on my head. I take the words of shema and immediately fulfill them in action with my tefillin. By saying shema and wearing tefillin, we are immediately combining the *moach* with the *lev*. Putting on the tefillin is the emotional-physical expression of the intellectual values of kriyas shema.

Thus, the tefillin repeat the ideas of kriyas shema and fulfill them at the *lev* level, turning the combination of *moach* and *lev* into reality. We combine the mind and heart in a real physical way.

Back to Battle

How does kriyas shema help soldiers win the war? It emphasizes the combination of *moach* and *lev*, mind and heart, of intellect and emotion.

The Zohar says that we experienced two great defeats. The first and second Batei Mikdash were destroyed in battle, first by the Babylonians and then by the Romans. The Zohar adds that the destruction of the Beis Hamikdash was the very goal of those wars. The Babylonians and Romans set out to accomplish this when they started the wars. There is something about the Beis Hamikdash which bothers Jewish enemies more than anything else.

Today we see that the Arab jihadists, the enemies of Israel in the Middle East, keep emphasizing that they are fighting to prevent the Jews from building the third temple. The intifada that has been going on now for twenty or thirty years is called in Arabic, “the struggle of Al Quds,” which means the Beis Hamikdash.

More than anything else the enemies of Israel focus on the city of Yerushalayim and its Beis Hamikdash. Why is the Beis Hamikdash the focus of Jewish hatred? Even our friends do not want the state of Israel to have Jerusalem as the capital. They recognize and support Israel, but do not want a Jewish Jerusalem. What is this about? Why are Yerushalayim and the Beis Hamikdash so controversial? Why is this a top-level concern of the entire world? Why are we the only country in the world whose capital is not recognized, even by our so-called friends and allies?

The Neck Connection

The Beis Hamikdash is called the tzavar, the neck of the Jewish people. When Yosef and Binyamin are finally reunited in Parshas Vayigash, the Torah says, “*Vayipol al tzavrei binyamin achiv*. Yosef and Binyamin hugged and cried on each other’s necks.” The neck of Binyamin refers to the Beis Hamikdash, while the neck of Yosef refers to Shiloh. According to Chazal, each one cried for the destruction of the holy building in his brother’s territory. We note from here that Beis Hamikdash is called tzavar, the neck.

Why is the neck the symbol of the Beis Hamikdash? The brain in the head connects through the neck to the spinal cord of the body. The head is the intellectual-spiritual level of man and the body is the physical-emotional part of the person; these two parts connect through the neck. This is the same purpose of the Beis Hamikdash, which connects heaven and earth, the higher and lower levels of reality.

When we come to the Beis Hamikdash, we receive spiritual blessings that pour as into our world from above. When we bring sacrifices there on the mizbeach, they rise up through the Mikdash into the higher world. This is the neck-like function of the Beis Hamikdash, to connect the mind and the heart of the universe.

The Deep Chasm

Shem Mishmuel expresses an interesting theory. The fundamental objection of the nations of the world against Israel is exactly this idea. They oppose the combination of heaven and earth, of spirituality and reality. The shema emphasizes a unity of mind and heart, a unity of what I know is correct and how I behave and feel.

The non-Jewish world sees a dichotomy. In all frankness, I sense this in the culture in which we live. There is a huge chasm, a split between what our society knows as true and how people behave in their daily life. Many people don’t base their behavior on what is right or wrong, but on what is advantageous and self-serving.

This is a serious flaw in our modern world. According to Shem Mishmuel, this has always been the case. To illustrate, the Christian religion claims that it is impossible to take the theory of right and wrong and make it truly happen in the real world. Christian theologians say that man is condemned to sin. He cannot take what he knows to be right and wrong and actually do it. They say he has to be saved by some higher force; a person himself cannot do it.

We know the ideas that dictate today’s government policies. Most political leaders say government and foreign

policies have nothing to do with right and wrong. The policies are based on national interests. The leaders may know right and wrong, but they expressly state that their interests dictate their policy.

There are, of course, many exceptions, but this generalization is truly on target. Most of the gentile world has split the theory of right and wrong from their practical daily living and their emotional ways of dealing with the world. They do not accept the concept of the channel of the neck. This is why symbolically they have always held the Beis Hamikdash and Yerushalayim as their target.

The Beis Hamikdash says there is unity between heaven and earth, that the heavenly idea can become an emotional and physical reality. What you know as right and wrong can become an emotional part of your being and you can implement it in real behavior. This is the *chidush* of Yerushalayim and the Beis Hamikdash.

This is where we split with our fellow human beings and their cultures. We say that it can be done. One can combine the theory of Torah-defined right and wrong with action. Christians say it is impossible. Many far east religions also say it is impossible. If you want to be a saint, they say, stay away from the real world. Go into a monastery in the Himalayas and ponder the spiritual worlds. Don't think you could ever live in the hustle and bustle of the street and be a *tzaddik*. You have to be a monk. *L'havdil*, the Torah says you should live in the hustle and bustle of the world and be a *tzaddik*.

Chassidus emphasizes this point. The real world, with all its strains and pressures, is where you can find the real *tzaddikim*, not in the monasteries. *Tzaddikim* engage in business and society, they have families. This is where the true *tzaddik* can be found. Yaakov the *tzaddik* lived in the home of Lavan and remained loyal to Torah values.

Yaakov and Eisav's Core Conflict

This is the core conflict between Yaakov and Eisav. The Torah calls Yaakov "*ish tam*," a complete person. He combined the theoretical and practical into one whole. Eisav had two personalities. In the field Eisav was a hunter and killer, driven by his self-interest. But in front of his father, Yitzchak, Eisav was a *tzaddik*, speaking beautiful words of piety and righteousness. He lived a double existence.

In the world outside he was a scoundrel, hunter, and dictator. At home he was a scholar and righteous philosopher. Yaakov had the combination of Torah and *avoda*, *moach* and *lev*. Perhaps we can now understand the

statement of Chazal that Eisav wanted to bite Yaakov on his neck. He denied Yaakov's theory of synthesis of the upper and lower parts of the human being.

Now we understand why this is the central cause of the wars of the Jewish people, especially against our brother-enemy Eisav. We may share a common ideology with Eisav. We do not, however, share a common emotional and physical reality. He sees a split in the world between good and evil. He accepts a good philosophy with an evil reality. Hashem, though, sides with Yaakov, who is *ish tam*, a complete person.

The Torah says about Amalek, grandchild of Eisav, "*ki yad al kes Ka*." The regular Name of Hashem is spelled with four letters, but in this *pasuk* the Torah uses the two-letter Name *Ka*, essentially half of Hashem's Name. Amalek split God's Name. This is the split between heaven and earth, between theory and practice, which Amalek and Eisav epitomize. When *Mashiach* comes, the Jewish idea will become the idea of the world. Theory and practice, thought and emotion, can be unified. There is no need for them to be split. The human being can develop himself as an integrated personality.

The Power of Kriyas Shema in Wartime

This is why Rashi says that if the Jewish soldiers want to aspire to victory, they must live the idea of *kriyas shema*. They must live the combination of theory and practice. They must know what is right and they must feel it and do it. Even in the battlefield they are still Jewish and must keep their *kedusha*. "*V'haya machanecha kadosh*." Even in a war we cannot turn ourselves into animals. We are still human beings. This is how Jews fight their wars—with a *kohen* leading them, the *mashuach milchama*, the assistant high priest. They say *kriyas shema* as they go into battle, living the synthesis of thought, emotion, and action.

The *halacha* states that when a person puts on *tefillin*, he is not allowed to speak between donning the *shel yad* and *shel rosh*. In *Maseches Sota*, the *Gemara* says if someone improperly speaks between putting on *tefillin shel yad* and *tefillin shel rosh*, he cannot be a Jewish soldier. He hasn't gotten the point that being a Jewish soldier means we remain holy and loyal to our values, even on the field of battle, even during this most stressful and difficult time.

The *mitzvos* of *kriyas shema* and *tefillin* are central motifs of the Jewish soldier. They are integral to the Jewish assurance of victory in battle against our physical and spiritual enemies, wherever and whenever they will come.

Preparing for War

Mrs. Michal Horowitz

Towards the end of this week's parsha, Parshas Shoftim, the Torah teaches us about the parameters and mitzvos in regard to going out to battle (Devarim chapter 20). The opening pasukim tell us: *כי-תצא למלחמה על-איבך, וראית סוס ורכב עם רב ממך--לא תירא, When you go out to war against your enemies, and you see horse and chariot, a people more numerous than you, you shall not be afraid of them, for Hashem, your G-d is with you; Who brought you up out of the land of Egypt; וגו' והיה, כקרבתם אל-המלחמה; וגו' And it will be, when you approach the battle, that the kohen shall come near, and speak to the people (Devarim 20:1-2).*

Rashi explains, who is this kohen that will come near and speak to the soldiers as they prepare to go to battle? *and the kohen shall near: he who has been anointed for that purpose; it is the one who is termed (in the Gemara) משהו מלחמה, "the priest anointed for war" (Sotah 42a).*

It was the job of the appointed kohen to encourage and bolster the morale of the soldiers as they prepared to go out to battle. *וואמר אליהם שמע ישראל אתם קרבים היום למלחמה על-איביכם אל-ירד לבבכם אל-הירא ואל-תחפזו ואל-תערצו מפניהם - And he shall say to them, "Hear, O Israel, today you are approaching the battle against your enemies. Let your hearts not be faint; you shall not be afraid, and you shall not be alarmed, and you shall not be terrified because of them; כי ה' אליהם ההלך עמכם להלחם לכם עם-איביכם להושיע אתכם - For Hashem, your G-d, is the One Who goes with you, to fight for you against your enemies, to save you (20:3-4).*

Rabbi Joseph B. Soloveitchik, the Rav zt'l, teaches, "And it will be, when you approach the battle, that the kohen shall come near, and speak to the people' (v.2). The essence of this mitzvah expresses the idea that the warrior who performs the greatest of all tasks - the defense of his country - should be given spiritual aid, encouragement and companionship at a time when he needs them the most. The formal halachic interpretation of the commandment requires that the chaplain be a priest anointed with the holy oil, and limits his role to specific situations and functions.

"Yet during the Judaic wars in the Second Commonwealth, at times when the formal provisions of the commandment concerning the anointment of a

kohen could not be satisfied, the Sanhedrin would still appoint a kohen as a mashuach milchamah (the kohen appointed over the battle), whose task it was to inspire the warriors with faith in G-d and the ultimate triumph of good over evil. As a matter of fact, Judas Maccabeus and Josephus added this duty to the purely military ones. Josephus recorded the orations he delivered before crucial battles. If this was the historical Jewish practice in times when religious observance was at its height, it is certainly incumbent upon us to provide the young perplexed Jewish soldier with as much religious counsel as possible.

"The halacha, which displays so much alertness to and understanding for all human weaknesses and frailties, has given much thought to the unique psychology of the warrior who, living in constant danger, loses the perspective of spiritual values and ethical norms, and throws himself into a wild pursuit of carnal pleasures and the gratification of desires without limit. Judaism, therefore, sought to rehabilitate the camp of the warriors and to raise it to a high level of morality and dignity. If the rabbis of today wish to continue this glorious tradition of giving their service where it is needed most, the military camp is the place" (*Chumash Mesores HaRav*, Devarim, p.161).

During Chol Ha'Moed Succos 1973 (during the ominous days of the Yom Kippur War, whose 50th anniversary is this year) the legendary R' Yitzchok Dovid Grossman shlita (b.1946, the "Disco Rabbi", Chief Rabbi of Migdal HaEmek), along with seven Chabad chassidim went to be mechazek (strengthen) the IDF soldiers before they were bused to the front lines.

"Arriving in the darkest hours of the night, at 3 o'clock in the morning, with the star-strewn sky above, the idea of singing came into his mind. Together with the seven other chassidim who accompanied him, he began to sing 'v'samachta b'chagecha' (mitzvos simchas Y"t of Succos, Devarim 16:14-15, last week's sidra) with joy and fervor. The rows of soldiers gradually came to life, smiles on their faces to greet the visitors who had gone out of their way to travel so far and come and sing for them, to share some fruit and drink in honor of the holiday. It wasn't long before some of the soldiers joined in the singing and dancing, and the mood in the camp was transformed from hopeless despair to cautious optimism, and even exultation for

some. Dawn wasn't far off as the soldiers stood at attention before boarding the buses and R' Grossman gave them a little chizuk. 'My friends,' he said, 'I want you to remember one thing as you head off into battle: The happier you are, the more successful you will be. The more simcha you feel, וְשִׂמְחָתְךָ בְּחַיֶּיךָ, the better you will fight on the battlefield!'

"It was a short speech but one that delivered the necessary inspiration. R' Grossman and the chassidim watched as the soldiers stepped onto the buses and drove off, just as the day was beginning to dawn."

Uri Sasson related that "as the bombs exploded around

us, the sounds of shelling assaulting our ears and the ever-present fear of death or capture in our hearts, those of us who heard the Rav's words before we boarded the buses yelled to one another, "Remember what R' Grossman said! 'The happier you are, the more successful you will be!' We held tightly onto those words through the coming hours and kept them in our minds as we were fighting for our people and our country" (*Living Legend*, Artsroll, p.134-135).

May HKB" H watch over all of our soldiers, who fight for our people and our Land, and grant them peace, security, strength and courage.

Keeping it Simple

Rabbi Moshe Taragin

Simplicity is one of life's great arts. As we strive for higher accomplishments and as our lives and relationships become more complex, we often abandon the ordinary and the commonplace, exchanging simple ideas and simple values for style and for sophistication.

In his final monologue Moshe was sensitive to this tendency. Cautioning us about our pending encounter with a barbaric culture in Israel, he encouraged us to keep our religious experience simple. He urged us to be 'tamim', which loosely translates as the word "simple".

In this specific context, Moshe's plea for simplicity was designed to protect us from the voodooism of the local inhabitants. The ancient world was violent, unpredictable, and frightening. Prior to the advent of science and reason, humanity couldn't decipher their world, nor could they predict its inner workings. Enveloped with fear and anxiety they fashioned convoluted systems, attempting to divine and control the future. They practiced witchcraft, necromancy, black magic, soothsaying, and sorcery. Seeking to distance us from this debased underworld, Moshe cautioned us that, as a people of Hashem and of dignity, we had no place in this dark world of death and blood rituals. He urged us to keep our faith simple and strong, without fear of the future and without the need for bizarre ceremonies designed to predict that future.

Though stated in a very specific context, the value of 'tamim' or simplicity, has much broader application.

Simple Faith

The more we investigate and study the roots of religion the more our faith matures and the more our religious

experience becomes profound. However philosophical inquiry about religion will always come up short and will, inevitably, reach an intellectual dead end. We cannot fully understand Hashem, nor can we fully comprehend His ways. Rational inquiry will never yield a comprehensive set of answers to the great mystery of Hashem or to the sweeping questions of religion. Religion is an article of faith, a product of received truths and of a courageous leap into the great unknown.

Philosophical inquiry is helpful only when it is predicated upon unshakable and simple faith. In his book entitled *Plato and Augustine*, Karl Jaspers, the 20th century philosopher, wrote "thinking is a way to both confirm and elucidate what faith has already made a certainty." Religious belief based solely upon philosophical inquiry rarely endures. It collapses under the weight of a confusing and uncertain world.

A Man of Simple Faith

The book of Genesis chronicles pioneers who faced religious trials, which severely tested their faith in Hashem. Though Avraham and Yitzhak were each fiercely tested, Ya'akov faced a dizzying array of tests throughout a lifetime of struggle. He fled a murderous brother, only to fall into the clutches of a conniving father-in-law. He returned home to, once again, face his deadly brother, surviving that peril only to watch tensions between his children and the locals erupt into a bloody massacre. Toward the end of his life, his family was badly fractured by sibling rivalry, and his life concluded in an Egyptian exile with him wondering whether he would ever be buried in Israel.

At each juncture he could have easily questioned

his faith or wondered about the divine hand in his misfortunes. Yet, his faith survived precisely because it was built solidly upon simple and ordinary belief. At a young age he was already portrayed as a resident of tents and as a “tam”, or a person of simple belief. Ultimately, his life became very complicated, and the religious tests he faced were anything but simple, but he withstood these conditions because of inner strength built upon simple and unadorned faith.

Simple Morality

Keeping things simple also provides moral clarity. Much of modern thought, influenced by authors such as Dostoevsky and Orwell, views Man as inherently evil and sinful. Left to their own devices and their own natural instincts, humanity will degenerate into violence and chaos.

Judaism flatly rejects this this pessimistic view of Man, arguing instead, that Man was created by Hashem, pure and upright. Though we possess innate moral instincts, our convoluted world strips us of our native purity and virtue. As Shlomo Hamelech comments in Kohelet (chapter 7) “Hashem made men plain, but they

have engaged in too much reasoning “. The search for higher moral reasoning or for complex ethical wisdom obfuscates the clarity of our moral instincts. In the pursuit of moral judgement, over-sophistication can confuse rather than clarify. Often, when facing moral dilemmas, we must trust our “gut” as to whether something feels right or wrong, without overthinking the “moral equation”. By looking inward to our own simple sense of right and wrong, rather than upward to a higher set of moral codes, we are better able to act with moral conviction.

Losing Simplicity

Our modern world has become extremely complex and sophisticated. To advance our world we were forced to create larger systems of human experience. We inhabit large cities, work in mammoth corporations, and live under the authority of outsized governments. Without these larger organizations human progress would stall, and modernity has greatly benefitted from these sophistications.

However, sophistication always comes at the price of simplicity, and we have surrendered simplicity for the sake of progress. The larger spaces we occupy are less personal and moving from one large and faceless system to another makes us feel lonely and alone. We are reduced to numbers, rather than names.

Additionally, all these larger “systems” require laws and regulations to assure their efficient and uniform operation. But rules and regulations create frustrating bureaucracies which often choke us. Bureaucracies are multi-layered systems and processes which oftentimes sink into dysfunction. Even when they function properly, they feel wasteful and irrelevant to our personal interests.

Finally, large systems also demand codes of conduct and conventions of behavior. In these larger systems we are forced to express ourselves in ways that aren’t completely natural. Our speech and behavior is influenced by the pervading culture of these larger systems such as cities of workplaces. Unable to freely and naturally express myself, we feel less authentic. It is no wonder that, amidst our ever-growing world of size and sophistication, we crave smaller frameworks and simpler conditions which allow more natural interactions and self-expression.

Heimish

There is a Jewish word which captures our yearning for a more simple and personalized experience. The word heimish, which is Yiddish for “homey”, distills our longing for the simple values and the common practices of the home. Drowning in an enormous world of sophistication we yearn for the straightforward everyday interactions of family and community. We crave a familiar world in which we can just be ourselves.

In religious circles this word is often employed to preserve traditional values against a threatening outside world with its powerful cultural influences. Understandably, the phrase “heimish” was, initially, very popular in Chassidic circles which are highly suspicious of the outside world and, in response, fashion highly insular societies.

Gradually, this phrase has spread to many other Jewish communities and its growing popularity reflects our general societal longing for something simpler and more authentically Jewish. Or, something more “poshete” which is the actual Yiddish word for simple.

In our attempt to preserve our simplicity, it is foolishly simplistic to reject any sophistication. As with almost everything in life, success lies in the balancing. Balancing the benefits of our sophisticated world with the simple values of life, which are often overlooked in our big and fast world. Likewise, as our religious identity matures through learning and experience, we mustn’t neglect the importance of simple values and simple truths lived elegantly, by simple people.

Moving On

Rabbi Efrem Goldberg

The Torah tells that as the army prepared for battle, the kohen especially appointed to join the military would address the troops. He would begin his speech by announcing: שמע ישראל, אתם קרבים היום למלחמה על – אויביכם, אל ירך לבבכם, אל תיראו – “Hear, O Israel, you are now going to war against your enemies, let your hearts not soften, do not be frightened...” (20:3).

Rashi, based on the Gemara, comments that the words שמע ישראל allude to the daily recitation of שמע ישראל. The kohen would tell the soldiers: אפילו אין בכם זכות אלא קריאת – שמע בלבד, כדאי אתם שיושיע אתכם – even if the only merit they had was the mitzva of shema, this merit would suffice for them to earn Hashem’s assistance. Even if a soldier felt that he did nothing else right, and feared that he might be unworthy of Hashem’s help and protection during battle, he was assured that the sole zechus of the daily shema recitation was enough for him to be saved.

Several later mefarshim noted what appears to be a contradiction between Rashi’s comments here and his comments several pesukim later. The Torah tells of several groups of people who were sent home from battle, including those who were afraid (20:8). Rashi brings the view of Rabbi Yossi Ha’gelili that this refers not to someone who was afraid of battle, but rather to a soldier who was frightened מעבירות שבידו – because of sins which he had committed. If he was guilty of misdeeds, on account of which he feared that he would not earn Hashem’s help, then he was excused from warfare.

Seemingly, these two passages in Rashi’s commentary are

contradictory. The first passage teaches that a soldier was guaranteed he was worthy of Hashem’s protection regardless of his sins, in the merit of his daily recitation of shema; the second, however, says that soldiers who were guilty of sins were sent home.

The Rebbe of Kotzk added a second question. If, indeed, a soldier who was guilty of sins was excused from battle, then who remained? Aren’t we all guilty of some form of wrongdoing? Is there anybody with a perfectly clean record? If soldiers who had committed sins were not allowed to fight, the Kotzker Rebbe asked, then who was allowed to fight?

The Kotzker Rebbe explained that the answer to this question lies in the expression עבירות שבידו – literally, “the transgressions that are in his hand.” This refers not to somebody who is guilty of wrongdoing, but rather to somebody who keeps his mistakes with him, who is constantly thinking about them and feeling troubled and bogged down by them. A person who cannot move on from failure, the Kotzker explains, cannot be allowed to participate in battle. He is too preoccupied with his mistakes, and too down on himself, to generate the kind of rigor and determination needed on the battlefield.

Teshuva should never lead us to crippling depression. The purpose of teshuva isn’t to wallow in guilt and sorrow, but to feel energized by our renewed commitment. Teshuva is about moving on, not being held back by our past mistakes. Instead of keeping our mistakes בידו, constantly on our minds, weighing us down, we must move forward with confidence and trust that we can be better.

How Important is Morale?

Rabbi Johnny Solomon

This Shabbat we read Parshat Shoftim which informs us that before Jewish soldiers go out to battle, the Kohen who was responsible to accompany the troops would inspire them with uplifting words whose purpose was to lift morale (see Devarim 20:3-4).

At the same time, the officers accompanying the troops then stated that all those men who have recently built but have yet to dedicate their home; or who have planted a vineyard but have yet to redeem its first crops; or who have

betroted a woman but have not yet married her, or who are simply afraid of going to fight, should go home rather than demoralize the rest of the troops. From here we learn how important morale is, and how various exemptions are made to ensure that morale is maintained.

Significantly, while morale is felt by individuals, most discussions relating to the maintaining of morale generally relate to groups such as armies or societies, and while not always the case, the great majority of references to morale are often made during times of tension, war or other

similar emergency situations.

As we know, the Mishna, Gemara and almost all rabbinic literature was penned in places and times when Jews did not have an independent state or army. Accordingly, morale considerations were rarely addressed. However, since the establishment of the Modern State of Israel our situation has drastically changed.

The problem is that when modern Rabbis render halachic decisions solely based on the existing rabbinic literature, they can easily overlook the critical consideration of morale which is emphasized in the Torah, but which is not significantly discussed in rabbinic sources.

A case in point are discussions relating to paying a monetary or human ransom for the release of IDF soldiers. In general, we are taught that we may not pay a significant ransom for the release of Jews who have been taken captive (see Mishna Gittin 4:6, Shulchan Aruch Yoreh Deah 252:4). And applying this to tragic circumstances where IDF soldiers have been captured, this would mean that these soldiers would be left in the hands of their terrorist captors.

However, as Rabbi Hayyim David Halevy points out (see *Asseh Lecha Rav* Vol. 7 p. 233), applying these rules without considering their impact on morale (which, significantly, is exactly what most halachic authorities do when addressing this question) is a major oversight. As he writes:

'If an IDF soldier knew that, were they to be captured, that

the entire State of Israel would stand behind them for the sake of releasing them, then that soldier would be more likely to fearlessly risk his life during battle. However, were it to be that we apply the rule of this Mishna of not redeeming captives for more than their worth, then it is reasonable to assume that every soldier would act with greater caution on the battlefield to prevent the possibility of them being captured. Given these two options, who is in a position to measure which poses the greater potential danger? The strengthening of the power of the terrorists through the release of their comrades? Or the sustaining of the morale of the IDF soldiers in future wars should they occur God forbid?'

Interestingly, this question is not limited to soldiers. For example, Rabbi Mordechai Goodman (*Tzohar Journal*, Vol. 13 pp. 29-44) analyses whether it would be permitted to transgress Shabbat to provide mental health support in order to lift the morale of civilians following a terrorist attack. Yet while Rav Re'em HaCohen (*Sh'ut Badei Ha'aron: Pikuach Nefesh* pp. 221-222) partially limits the license penned by R' Goodman, he nevertheless acknowledges that if the morale of the people will have a direct bearing on being victorious, then this may be done.

Overall, we learn from our parsha how important it is to maintain morale, and this is something that – especially since the establishment of the State of Israel – has returned to be a significant consideration, at least in the minds of some, in halachic decision-making.

Justice, Justice Shall You Pursue

Rabbi Ephraim Z. Buchwald

Parashat Shoftim—the name means “judges” or “magistrates,” deals essentially with the ethical and administrative standards that are necessary to provide the Jewish community with a suitable judicial structure.

Having such a “legalistic” name, one would expect parashat Shoftim to be replete with many rules and regulations. While Parashat Shoftim does contain 41 of the 613 mitzvot—14 positive commandments and 27 negative commandments, it does not rate among the five top parashot in terms of the number of mitzvot. Parashat Shoftim does, however, set the tone for the entire judicial structure of Israel. And what a remarkable structure that is!

Although the judicial structure of the ancient Israelites started out as a somewhat tribal system, over the centuries

it evolved into a highly developed centralized structure. As we see in parashat Shoftim, the basic rules, structure and philosophical principles that are at the core of Jewish jurisprudence today, were founded and were implemented at its very beginning.

In a revolutionary series of verses, parashat Shoftim immediately sets forth the clear mandate of the Jewish judicial system (Deuteronomy 16:18): **שִׁפְטִים וְשֹׁטְרִים תִּתֶּן לָךְ; וְשָׁפְטוּ אֶת הָעָם מִשְׁפַּט בְּכָל שְׁעָרֶיךָ אֲשֶׁר הָשָׂם אֶל־לְךָ נָתַן לָךְ, לְשֹׁבְטֶיךָ, וְשָׁפְטוּ אֶת הָעָם מִשְׁפַּט צֶדֶק.** *You shall appoint magistrates and officials for your tribes in all the settlements that the L-rd, your G-d, is giving you, and they shall govern the people with due justice.* Verses 19-20 continue: *You shall not judge unfairly; you shall show no partiality; you shall not take bribes, for bribes blind the eyes of the discerning and upset the plea of the just. Justice, justice shall you pursue,*

that you may thrive and occupy the land that the L-rd, your G-d, is giving you.

More than 3300 years ago, with these dramatic declarations, the Torah placed the ultimate judicial administrative power in the hands of the people rather than the king. In fact, (Deuteronomy 17:18-20) the king is commanded to write for himself a Torah scroll, to heed the Torah's teachings and is reminded that his decisions are to be controlled by the religious statutes. Thus, we see, that justice for the Jewish people is not a simple tribal matter, but rather an issue of national concern. It is, therefore, not at all surprising, that the Jewish judicial system, as it developed over the centuries, resulted in King Jehoshaphat, in the 9th century B.C.E., placing judges in all fortified cities of Judah and creating a main tribunal in Jerusalem (II Chronicles 19:5-11).

While Moses, with the help of G-d, (Numbers 11:16-29), chooses the 70 elders who constitute the High Court of Israel, it is in this parasha, (Deuteronomy 17:8-13), that the Torah declares that the Supreme Court is to be the final authority in both religious and civil matters.

Although the Torah provides for temporal power to be vested in the hands of a king, (Deuteronomy 17:14-20) when G-d instructed the prophet Samuel to crown Saul as the first king of Israel, Samuel himself expressed great misgivings (1 Samuel 8) because he felt that the Ultimate King of the people was G-d, not a mortal.

As previously noted, although the king had supreme authority in matters of life and death, the king's powers were also restricted. The Supreme Court of Israel, known as the Great Sanhedrin and composed of 71 sages, needed to ratify the appointments of the High Priest and the king. Similarly, the king required the High Court's permission to engage in any non-mandated wars, and if the king wished to suspend personal rights, he needed to obtain the confirmation of the Sanhedrin. In effect, the Torah establishes the first "constitutional monarchy," and introduces the unique idea of a king ruling "by the grace of G-d."

The idea of a king subservient to G-d is dramatically demonstrated by numerous examples throughout Jewish history, such as when the prophet Nathan confronted King David concerning the King's behavior with Batsheba, and as Elijah the prophet confronted the wicked King Ahab concerning the rampant presence of idolatry. In effect, in Judaism, the Torah serves as the constitution, and G-d is the King of kings.

The essence of Israel's judicial philosophy is distilled in

the rather dazzling verse in Deuteronomy 16:20, צְדָקָה צְדָקָה, תִּרְדְּדוּ, Justice, justice shall you pursue. No nation in the world has invested more effort to make certain that law was equitably administered in all parts of its society than did the Jewish people. The pursuit of justice through Jewish law became so much a part of Jewish life, that religious life itself came to be known as halacha, "the way to walk," or the way to live. By paying meticulous attention to the minutiae of Jewish law, the Jewish people fulfill G-d's will.

Perhaps the essence of Jewish law is best summed up in the edifying statement by Rabbeinu Bachya who stated that the double emphasis on the word צְדָקָה צְדָקָה—justice, justice shall you pursue, implies that justice must be pursued under all circumstance, whether the individual profits or loses, whether in word or in action, whether to a Jew or a non-Jew. In effect, it boldly declares, that no unjust means may be used to secure justice, (Rabbenu Bachya, Commentary on Deut. 16:20).

Many of the legal ideas and values expressed in Parashat Shoftim have long ago been adopted by, and incorporated, in legal systems throughout the world. It is therefore most fitting for all to appreciate the legal revolution that the Torah initiated so long ago, one that continues in our own lifetime, to the great benefit of humankind.

May you be blessed.