

פ' שופטים תשפ"ג

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DAYONIM

"You shall make for yourself judges and officers in all your gates... you shall not plant for yourself an asherah, any tree, near the mizbeach of Hashem" (16:18, 21)

Rav Meir Shapira explained that these two phrases are juxtaposed to teach us that Jewish judges must be like a *mizbeach*: just like a *mizbeach* contains earth, but is covered on the outside with copper, so too must Jewish judges and leaders be humble on the inside, but externally act forcefully like copper, in order to stand up for Torah principles.

Unfortunately, many rabbis nowadays act in the opposite manner. Inside they think a lot of themselves, but externally they refrain from acting forcefully to ensure that Torah standards are maintained, claiming that they lack the power to do so.

KANKAN

You shall not show favoritism (Lo sakir ponim) (16:19)

This phrase may be interpreted literally as saying: do not recognize, i.e. judge, a person by his "face," i.e. by his external appearance. A person's real level depends on what goes on inside him, what his inner world consists of, and how close he is to Hashem. In this respect, it makes no difference what he looks like. For example, if he is wearing the attire of a *talmid chochom* that does not mean that he necessarily possesses all the qualities that a *talmid chochom* should have.

Moreover, a person has to examine his own internal world in order to determine how close he is to Hashem, and what he has to do to become closer to Him.

TWO TYPES OF BRIBERY

"And you shall not take a bribe, for bribery blinds the eyes of the wise and perverts the words of the righteous (ibid)

Rav Moshe Chaim Luzzatto writes in *Da'as Tevunos* that the biggest bribes are the desires of this world, because they cause a person to distort his views and make him squander his time on vanities. The Vilna Gaon explained that bribes take the form of pleasure from vain conversation in which a person wants to prove that he knows about and understands all the news.

The Vilna Gaon asked why here it says that *bribery blinds the eyes of the wise (chachomim)*, whereas in *parashas Mishpotim* it says that *bribery blinds the eyes of the clever (pikchim)*. He answered that "*chachomim*" refers to those with Torah knowledge and *pikchim* to people with the ability to discern human nature and, for example, to detect swindlers. Since a *dayan* must also be conversant with such matters the Torah warns him that bribes will cause him to distort his perception both of Torah laws and of facts he needs to know.

BRIBERY AND THE BRISKER ROV

When the Brisker Rov was staying in Switzerland, the Zionists made an appeal and in order to get chareidim to participate they agreed that 20% of the proceeds would be designated for the chareidim. They handed over the money to a committee of chareidim so that they could distribute it. The members of the committee went to see the Brisker Rov and offered him to pay the entire costs of

his yeshiva, with no strings attached. He would not be required to change anything in the Yeshiva, and he would enjoy complete independence.

The Brisker Rov responded that he understood that any demands of his would be met, but he was worried that he would not in fact make any demands, because bribery blinds everybody, and due to his self-interest and the great profit to be gained by having the entire yoke of maintaining the Yeshiva removed from him, he was worried that he would no longer see the truth, and that he would toe their line and fail to insist on whatever needed to be demanded.

BENEFITING THE PUBLIC

“Justice, justice shall you pursue” (16:20)

The *Chido* says that the double phrase teaches us that a person should not only pursue justice for himself, but also for others, by making sure that other people do not suffer from injustices. Accordingly, the *possuk* continues: “that you may live and possess the land”, because benefiting the public is a *segula* for long life.

Rav Sternbuch heard a *drosho* from Rav Elya Lopian on *Erev Rosh Hashono* in which he emphasized the importance of dedicating oneself to the public by undertaking actions to help the *klal*. If a person has students, or engages in activities for the benefit of the public, then even if he is deserving of punishment, Hashem refrains from punishing him, for the sake of those people who would be detrimentally affected were something to happen to him.

However, a Yeshiva *bochur* should not leave the yeshiva for the purpose of engaging in public activities. On the contrary, he has an easier way of obtaining the *segula* for *zikuy horabbim*: just by setting a good example which others learn from, he is considered to be acting for the sake of others, and that itself credits him with merits for the Day of Judgement.

BEWARE OF EXTERNALS

“You shall not plant for yourself an asheirah, [or] any tree, near the altar of Hashem” (16:21)

Chazal say that someone who appoints an unworthy *dayan*, it is as if he has planted an *asheirah* (*Avodo Zoro* 52b). Why is this compared to the act of planting an *asheirah*?

Other types of *avodo zoro*, such as a stone or the sun, are static, but an *asheirah* is a type of tree, which grows. Similarly, incorrect judgments issued by an unworthy *dayan* have both immediate negative consequences and also cause long-term damage, which constitute a stumbling block for the public.

Furthermore, the *asheirah*, as a tree, was planted for beauty, and may have been further embellished subsequently, like the tree used by non-Jews on their holiday. This teaches us that when it comes to appointing a *dayan* or *rav* we should not look at external trappings, such as expertise in secular knowledge or academic titles, but only at his Torah knowledge and *yiras shomayim*.

MACHLOKES IN ERETZ YISRAEL

If a matter eludes you in judgment, between blood and blood, between judgment and judgment, or between lesion and lesion, words of dispute in your cities (17:8)

The Kelmer Maggid interpreted this *possuk* as follows: “If a matter eludes you in judgment” — if the judgement of Hashem is mysterious (*yipaleh* — from the root of *peleh*) in your eyes, “between blood and blood” — why the blood of the Jews is spilled like water, why we have to endure cruel forms of death, and, by contrast, the blood of the nations is not thus slain, “between judgment and

judgment” — why our judgement is different from the judgement of the nations, and why Hashem is more particular with us than He is with them, “or between lesion and lesion” — why Hashem afflicts us and not the nations.

The answer to all this is: “words of dispute in your cities” — all this is the result of arguments and disputes among the Jewish nation, and especially disputes “in your cities” — in *Eretz Yisroel* (see *Kiddushin* 69a–b), because Hashem is most particular about disputes in *Eretz Yisroel*.

The nations also have disputes, but Hashem does not insist that they live in harmony. By contrast, the Jewish nation is expected to live in unity, and if there are disputes, this results in terrible misfortunes for the nation. *Gedolei Yisroel* in each generation endeavored to end disputes, but they did not always succeed. We are waiting for Eliyohu HaNovi to come and pave the way for *Moshiach* by making peace, as it says (*Eiduyos* 8:7), “Eliyohu HaNovi only comes to make peace.”

ZOKEN MAMRE

“And the man who acts intentionally, not obeying the kohen” (17:12)

The *zoken mamrei* was not liable to be punished if he completely abolished a *mitzvah*, but only if he wanted to change an existing one. The main danger is not from the likes of Reform Jews, who want to completely abolish the Torah, but rather from those who claim to adhere to the Torah, but only want to change something here and there.

Chazal tell us that Hashem was so particular about the deeds of the people of Sedom, because they not only committed wicked deeds, but enshrined them in mandatory legislation. Similarly, the Torah considers the phenomenon of the *zoken mamrei* to be so severe, because he was not only a member of the Sanhedrin, but also insisted that the *halocho* conform to his views. That is why he is liable to the death penalty in public.

ISH NOCHRI

“From among your brothers, you shall set a king over yourself; you shall not appoint a foreigner (ish nochri) over yourself, one who is not your brother” (17:15)

“From among your brothers” would already appear to exclude “a foreigner”. The duplication may be explained as follows. The first phrase comes to exclude the appointment of a foreigner as a king, and the second phrase the appointment to a position of power of anyone whose actions are estranged from the Torah.

Here in *Eretz Yisroel* we have to be very careful not to accept government leaders as our leaders or to honor them, knowing that their actions make them contemptible. All the more so is it forbidden to act obsequiously towards them.

ELUL

“The hands of the witnesses shall be the first upon him to put him to death... you shall remove the evil from your midst” (17:7)

The wording of the *possuk* makes it clear that the purpose of the capital punishment is not to avenge the actions of the sinner, but rather to remove evil from amongst the nation, thereby increasing the forces of good.

Rav Yerusham Levovitz noted that, similarly, repentance has the power to annul evil decrees, because if a person repents on his own initiative there is no longer any need to punish him, because he has already removed the evil inside him by himself of his own accord.

However, in order to come close to and cleave to Hashem, prayers, supplications and dedication to *avodas Hashem* are required, and the month of Elul is the appropriate time to achieve these, and to come close to Hashem.

Although, on the one hand, Elul is a month of trepidation, like any other *mitzvah*, repentance has to be performed with joy.

Elul is the propitious month of mercy in which Hashem makes it much easier to repent. This month may be compared to an end-of-season sale. Hashem wishes to cleanse us of our sins accumulated during the year and “sells” the possibility of repentance for less effort than the rest of the year. Whatever can only be attained the rest of the year through fasting and abstinence, can be attained in Elul through prayer and repentance.

Our *avoda* during Elul should be different than the rest of the year, and we cannot perform *mitzvos* by rote then. Our Torah and prayers should be accompanied by thought and devotion. The admonition to “beware lest you forget Hashem” (*Devorim* 6:12) includes a warning not to observe *mitzvos* by rote, because someone who keeps *mitzvos* only out of habit is not thinking about Hashem, but ignoring Him.

Many people shirk their obligations in Elul, in the belief that during the year they are already fulfilling what Hashem expects of them. The *baal habos* argues that throughout the year he listens to a *shiur* on a daily basis and gives *maaser kesofim* from his earnings, and the *ben Torah* argues that he keeps to his *sedorim* with a *chavrusa*. In reality, our *avoda* during Elul consists of not performing actions merely by rote and habit, but with a sense of renewal and contemplation as to what Hashem expects of us, and how we can improve our *avoda* quantitatively (more time) and qualitatively (more effort, enthusiasm and joy).

Yemei rotzon means that during this period we enjoy special divine assistance. However, without repentance on our part and efforts to come closer to Hashem, He will not come closer to us. On the other hand, through relatively little effort during Elul we can achieve things that are only possible through much greater effort during the rest of the year, and only a fool would waste the opportunity to utilize this time to the utmost.

Many people are under the delusion that just like Elul and the *yomim noro'im* the previous year elapsed without too many preparations and repentance, and nothing exceptionally unfortunate happened during the past year, this year too we can obtain a favorable judgement. The flaw with this logic is that there is a special treasure house of good deeds for which Hashem sets aside a reward in the afterlife, and if a person does not have the right to remain alive by virtue of his deeds, Hashem deducts from the reward set aside for him in the afterlife. Therefore, the fact that a person remained alive may have been to his detriment, because it may have been at the expense of his future reward. Moreover, who knows how many merits, if any, remain from the *mitzvos* whose reward has been set aside for the future. Hence, it would be wiser to repent properly instead of relying on the experience of previous years.

Although an integral component of *teshuva* is regretting the past, during *Elul* one should initially forget the past and focus on the present. Only at a more advanced stage of the *teshuva* process should one focus on regretting the past.

The truth is that for most people the *avoda* of Elul has been forgotten, and if *Rosh Hashono* itself is still observed properly, that would already be a step in the right direction. Only *bnei Torah* still retain an impression of the real Elul. This is a great pity, because we are losing a great treasure of growth in *avodas Hashem*.

In *Shema Yisroel* every Jew addresses his fellow Jew, because it is not sufficient to accept the yoke of heaven on ourselves, but we must also be concerned for all members of the nation and want them to accept this yoke on themselves too. On the other hand, in terms of everyone's private *avodas Hashem*, a person should not compare himself to others, because Hashem's expectations of him are based on his own specific capabilities. Sometimes a person thinks that so and so acts in a certain

way, so why should I be more righteous than him. Instead, he should be thinking about what Hashem expects from him specifically. That is the *avoda* of Elul: to remember that we are *avdei Hashem*.

Everybody should endeavor during Elul to be *mechadesh chiddushei Torah*, because through *chiddushim* one merits special divine love. *Chiddushim* are not necessarily completely novel ideas, but also explanations and comments on existing ideas. Rav Aharon Kotler writes that since in the month of Elul we are close to Hashem, it is a very propitious time for learning, understanding and being *mechadesh* genuine *chiddushei Torah*. Therefore, Rav Sternbuch tells the *bochurim* in his Yeshiva that they should endeavor to write down *chiddushei Torah* or summarize *shiurim* and explain them well. They will then enjoy special divine assistance and will be considered to have been *mechadesh chiddushei Torah*.

RAV YEHOShUA LEIB DISKIN'S FLIGHT FROM RUSSIA

The hands of the witnesses shall be the first upon him to put him to death . . . you shall remove the evil from your midst. (17:7)

Rav Meir Simcha of Dvinsk, author of the *Ohr Same'ach*, points out that it is specifically those who witnessed a crime who must be the ones to execute the death penalty on the transgressor, because witnessing someone committing a sin and continuing to lead an undisturbed existence is likely to desensitize that person to the enormity of the transgression. Hence, "the hand of the witnesses shall be the first upon him to put him to death" in order to reinforce the witness's fear of and aversion to the sin that he has witnessed.

This teaches us the importance of living in a place of Torah, where we are not exposed to forbidden sights and sounds, such as *chillul Shabbos*. Anyone living in a far-from-ideal environment for whatever reason, who is not thus shielded, must remove the evil from his midst by constantly eradicating it from his heart and mind in order to minimize the effect it has on him.

Just like witnessing *chillul Shabbos* desensitizes the witness to the ramifications of that cardinal sin, so does seeing the face of a wicked person create greater indifference to sin in general, and cause the person to think about the fact that it is perfectly possible to live a sinful lifestyle in this world. For this reason it is forbidden to look at the face of a wicked person (*Megillah* 28a). Strictly speaking, as Rav Akiva Eiger notes, this refers to more than a mere glance, but rather looking intently at the person. However, people on a high spiritual plane were careful about even glancing at wicked people, because they felt that even that had a damaging effect on their holy souls.

For example, when Rav Yehoshua Leib Diskin was a defendant in a trial in Brisk, he refused to look at the face of his attorney or the judge sitting on his case, since they were wicked. This courageous behavior on his part led the judge to declare that he could see that the defendant was a serious person who would not give up on his principles, and that the threat of continued imprisonment would have no effect on him. He therefore ordered that he be released and leave Russia immediately. Rav Yehoshua Leib fled to Paris and from there to *Eretz Yisroel*, where the *yishuv* was privileged to enjoy the illumination of his Torah.

DIVINE ASSISTANCE FOR THOSE WHO CLEAVE TO GEDOLIM

"You shall not divert from the word they tell you, either right or left" (17:11). Rashi: Even if this judge tells you that right is left, and that left is right.

This means that even if a person is certain that a ruling of the Sanhedrin is wrong he must still act in accordance with that ruling.

The Ran (*Droshos HaRan, Derush* 11) asks the following question. If a person eats something *treif* or *tome* his soul becomes tainted. That is a spiritual reality. That being so, why does the Torah command a person to eat something which he himself knows will cause him spiritual harm,

just because the Sanhedrin have mistakenly ruled that it will not? He answers (in his second approach to this issue) that the benefit to his soul of obeying the ruling of the Sanhedrin at all costs outweighs and overcomes any damage to his soul that would be incurred in normal circumstances as a result of eating the forbidden food. That too is the spiritual reality.

This *halocho* applies only to the Sanhedrin, whose rulings are binding everywhere and in every situation, but this Ran teaches us that only benefit and no harm can befall someone who listens to the *chachomim* with complete subservience. Although in recent generations disputes have increased and there is not one *godol* about whom it can be said that the *halocho* follows his rulings everywhere, Rav Sternbuch heard from the late Satmar Rebbe, Rav Yoel Teitelbaum, that even in these generations if someone is searching the truth and is willing to dedicate and sacrifice himself for the sake of the truth and to submit himself completely to a genuine *godol baTorah* Hashem will make sure that he will find a *rov* who will instruct him in the Path of Truth, because “He protects the feet of His holy ones”.

Especially during the *ikvesa dimeshicha* when so much confusion prevails, everything depends on the extent to which a person is willing to nullify himself before the *gedolim*, and Hashem will see to it that he who displays such self-dedication will find a *rov* tailor-made for him specifically.

LISTENING TO RABBONIM

On the topic of listening to *rabbonim*, Rav Sternbuch recalls one time when he was staying in Netanya. An announcement was made that a *rov* would be delivering a *drosho* on Shabbos at a *shul* consisting of national-religious congregants. Many people came to hear him. He started his speech with words of praise for the Jewish nation and for *Eretz Yisroel*, which found a listening ear amongst the audience, but then went on to talk about issues of family purity and similar topics, whereupon the gubbay got up in the middle of the speech and warned the speaker to stop immediately since “here we don’t interfere with people’s private lives”. This incident was the talk of the town.

DEATH OF JEWISH LIVERPOOL

“Only he shall not multiply horses for himself... for the purpose of multiplying horses (literally: "a horse")” (17:16)

The Chofetz Chaim notes that the *possuk* starts off in the plural, but ends off in the singular. In the beginning the *yetzer horo* only succeeds in convincing a person to commit a transgression if the material "reward" for it is significant. Once the *yetzer horo* has enjoyed some success, however, and the sin has become habitual, he will no longer have to hold out such large bait, and even for one single horse will the king be willing to take the nation back to Egypt. If we do not remain steadfast in our battle with the *yetzer horo* from the outset, we will eventually concede defeat even for very little in return.

Rav Sternbuch recalls how in his youth the English city of Liverpool had a thriving religious community, but there was a big *talmid chochom* there who, noticing the difficult financial situation of the population, declared that he had found a way to keep stores open on Shabbos through a sale to a non-Jew. He publicized the wording of a deed of sale and partnership with a non-Jew, and people started opening their stores on Shabbos on the basis of that *rov*’s ruling. Unfortunately, within a short period, people started cooking and writing on Shabbos too, and stopped keeping Shabbos altogether. Once the fence of Shabbos observance had been breached, people no longer distinguished between different cases, and breached Shabbos completely, and they and their descendants threw off the yoke of observance completely. A flourishing Jewish community was destroyed because of that initial breach.

TORAH INTERPRETATIONS

He shall write for himself two copies of this Torah on a scroll out of that which is before the Kohanim the Leviyim. (17:18)

The king had a *Sefer Torah* which he carried on him at all times in addition to the *Sefer Torah* which every Jew possessed, to remind him to observe all the *mitzvos* meticulously.

Many non-practicing Jews study and believe in the Torah, interpreting it at will in a way that conforms to their false views. The *possuk* warns the king that he must only accept the interpretation of the *Kohanim*, who represented the *talmidei chachamim* during the time of the *Beis HaMikdosh*, because only they, who served Hashem faithfully, knew the true interpretation of the Torah.

BEWARE OF FRAUDSTERS

“Be wholehearted with Hashem, your G-d” (18:13)

Rav Sternbuch notes that people suffering from misfortune, seeking a livelihood, or who need a *shidduch* etc. sometimes seek out supposedly holy people who call themselves "kabbalists" to ask them what the future holds in store, and to ask for amulets etc. These people are charlatans, and this *possuk* prohibits turning to them and their ilk.

In this context Rav Sternbuch quotes Rav Shach who wrote in a letter about such people that they are ignorant fraudsters who merely act for monetary gain.

We should rather act like our forefathers in previous generations who would approach a *talmid chochom* asking him to pray for him. The *talmid chochom* would show them the proper path, to increase prayers and not to despair of divine mercy (explaining that sometimes Hashem holds back salvation until more prayers are made). In addition, the *talmid chochom* might also suggest *segulos* that have been accepted for generations. He who acts in this way will succeed, and remains wholehearted with Hashem in all his actions.

KEEPING CHILDREN IN LEARNING

You shall not destroy its trees by wielding an ax against them, for you may eat from them, but you shall not cut them down; Is the tree of the field a man, to go into the siege before you? (20:19)

The Torah forbids us to destroy fruit trees. The *gemoro* says that if someone cuts down a fruit tree, his life will be shortened. Rav Tzvi Hirsch Farber noted that since a person is compared to a tree, if he has children (“fruit”) learning Torah, and cuts them off from their sustenance by depriving them of continued Torah learning, that is the equivalent of destroying a fruit tree, and the father will be held accountable for his actions.

OFF THE DERECH

If a slain person be found in the land which Hashem your G-d is giving you to possess, lying in the field, [and] it is not known who slew him (21:1)

This *possuk* may be taken as a hint to children who have left the path of Torah and been “killed off” from a life of *mitzvos*, as it says (*Brochos* 18b), “the wicked are called dead even during their lifetime”. They have been slain spiritually.

“*It is not known who slew him*”: we do not know who is to blame. We know that “he who causes others to sin is a guilty of a greater sin than he who sins himself”, and the Torah continues: “Then your elders and judges shall go forth” (21:2). The elders of the generation, the *gedolei hador* must share the blame, as Rashi says on “Our hands did not shed [this blood]” (21:7): “Would it enter one’s mind that the elders of the court are murderers? Rather, [they declare:] we ourselves did not see him and let him depart without food or escort”. This may be taken as a hint to those victims (“slain persons”) who have gone off the *derech*. The *ziknei hador* should have filled all their spiritual needs by providing them with Torah educational institutions to protect them from the calamities of the street.

In a similar vein, “the elders of that city shall bring the calf down to a rugged valley, which was neither tilled nor sown, and there in the valley, they shall decapitate the calf” (21:4), on which Rashi comments: “Hashem says: Let the calf which is in its first year and has, therefore, produced no fruits, come and be decapitated at a place which has not produced fruits, in order to atone for the murder of this man, whom they did not allow to produce fruit”. This may also be taken as a hint to those “slain persons” who have departed from the Torah path. Hashem holds us responsible not only for them but also for their “fruit” for all their future generations who could have kept Torah and *mitzvos*, and now that they have gone off the path their offspring will be far removed from Torah observance. The Attribute of Justice prosecutes us for all the descendants of this “slain person”, who will be far removed from the Torah due to our negligence.

POINTING FINGERS AT OURSELVES

“*And it will be that from the city closer to the corpse, the elders of that city shall take a calf* (21:3)

The Ibn Ezra (on 21:7) comments that the elders of the city do this because if they would not have committed a sin similar to murder, events would not have turned out in this way, with a person being murdered in their vicinity.

In a similar vein, the Brisker Rov noted that people think that the secular are more particular about observing Yom Kippur than Shabbos (even though Shabbos observance is a more severe matter than observing Yom Kippur), because it is a severe *mitzvah* in their eyes, whereas in reality they observe it because it is severe in *our* eyes. Therefore, if we would keep *Shabbos* properly with the requisite dedication and observing every detail, that would result in greater Shabbos observance amongst the non-yet observant population too.

In recent times there has unfortunately been a major increase in *chilulei Shabbos* here in *Eretz Yisroel*, to the extent that *Shabbos* almost appears to have become uprooted. Based on what the Brisker Rov said, this state of affairs must be attributed to us, because if we would be careful about observing *Shabbos* the non-observant would not be acting this way. It therefore stands to reason that in addition to our duty to protest the actions of those who desecrate *Shabbos* (and to be careful not to derive benefit from those actions) we are also obliged to increase *Shabbos* observance, for example by starting *shiurim* on *hilchos Shabbos*.

On a similar note, in America and England governments have been enacting decrees against religious education in a completely unprecedented manner. Although Gentile morality has deteriorated, and this is reflected both in their legislation and in their conduct, the real source of these decrees against our way of life is the fact that breaches have been made in our previously unadulterated forms of education. Since we were not particular to safeguard the pure education of our children, we have brought these decrees against pure education on ourselves.

Our eyes are directed towards our Father in Heaven to save us and accelerate the *geula*.