



## Rabbi Reisman – Parshas Shoftim 5783

### Topic – Elul & Eretz Yisrael

As I speak to you on this first day of Rosh Chodesh Elul as we prepare for Shabbos Parshas Shoftim. On Tuesday I was still in Eretz Yisrael, and I was talking to one of the Bochorim there. In Eretz Yisrael there is a stronger Hergish of Rosh Chodesh Elul, of the Zman of Elul beginning. I told him that in America Rosh Chodesh Elul doesn't start until Erev Rosh Hashana. He looked at me incredulously. This Bochor told me that he is in Chevron Yeshiva. He said Elul is too tense and it gets him so nervous. Every day one of the Roshei Yeshiva speaks about the meaning of Elul. I explained to him that here people because of the calendar are still vacationing, making BBQ's, wearing polo shirts and caps, and Elul just doesn't get started. But as a thinking person though, we have to start to realize that it is Elul. Elul is really a time of growth, a time of opportunity for everybody. We don't want to really be left behind.

How does a person know if his Elul is meaningful, how does a person know in life whether what he is accomplishing is meaningful? The Chovos Halevavos in the Shaar Yichud Hamaiseh, Perek Hei, writes a rule. Kol Me She'ain Lo Tosafos Ain Lo Ikkar. Someone who doesn't add to his Avodas Hashem has no root. Rooted things grow. Things that are rooted in something that gives it sustenance grow from what they are.

A wooden bench on the ground doesn't grow. A tree on the same ground which is also made of wood, grows because it is rooted. In Elul we have to look to grow, to do more, to add in a pleasant way to our Avodas Hashem.

In this week's Parsha, Parshas Shoftim, the Posuk says in 17:10 (וְעָשִׂיתָ, עַל-פִּי הַדִּבָּר אֲשֶׁר יִגִּידוּ לְךָ). This is the source for the idea of Daas Torah, of a person who is Paskening in Klal Yisrael and taking responsibility for the things that he says and Klal Yisrael being able to accept and follow the Psak of the Sanhedrin and the Batei Dinim, of those who are also responsible for Psak in Klal Yisrael. (וְעָשִׂיתָ, עַל-פִּי הַדִּבָּר אֲשֶׁר יִגִּידוּ לְךָ, מִן-הַמְּקוֹם הַהוּא, אֲשֶׁר יִבְחַר יְרֹנֵר; וְשִׁמְרָתָּ לַעֲשׂוֹת, כְּכֹל אֲשֶׁר יֹרֶדְךָ).

In the Hakdama of the Shev Shmaitza, he writes that this was the Taina of the Malachim to HKB"H. Why are You giving Torah to Bnei Adam. They knew that the Mitzvas Hatorah are connected to people. But the idea that people could issue a Psak in Halacha and that becomes Torah, to them that was an incredible Chiddush.

Zagt the Shev Shmaitza that is what we have. We have the ability to devote ourselves totally to Torah, to spending years and have the Shimush to be able to know how to deal with the Halacha L'mayseh of Torah and to be able to Pasken.

The Gemara says in Avodah Zorah 28b (11 lines from the bottom) that there was a dispute. ( רב (יהודה שרא למיכחל עינא בשבת). Rav Yehuda permitted putting certain medication into the eye on Shabbos. He said this disease is a danger, a Sakana of Pikuach Nefashos. (רב שמואל בר יהודה) said Assur. He disagreed. He said it is not a Sakana. The Gemara brings an incident where ( רב שמואל (בר יהודה) became ill with this very eye disease. He sent a message to (רב יהודה) asking can I put on this medication on Shabbos? (רב יהודה) replied to him that (שלה ליה לכ"ע שרי) for the whole world it is Muttar because I hold that you are allowed to put on this medication. (לדידך אסיר) You Paskened that it is not a Sakana, so for you it is Assur.

The question is, what are you talking about? Rav Yehuda holds that it is a Sakana because of Pikuach Nefashos. He is punishing somebody for disagreeing with him? If his Shittah is that it is Pikuach Nefashos, then he has to tell (רב שמואל בר יהודה) for you it is Muttar.

From here we see a Chiddush says the Steipler. That the Halacha is Paskened ( על-פי התורה אָפֶּר ) (יורה דעה), for everyone else it is a Sakana. You are a Posek in Klal Yisrael and you Paskened that it is not a Sakana, for you it is not a Sakana. HKB"Y runs the world according to the Psak of the individual Poskei Halacha.

It is known that Rav Chaim Volozhiner told someone with a lung disease to stay in his city and never move out. Why? Because that particular lung disease is a Machlokes in Hilchos Treifos if it is something that causes death or not. The Shaagas Aryeh Paskened that it is not a Treifa. This man lived in the city of the Shaagas Aryeh. As long as you stay there in your city the Psak is that it is not a Treifa and by a human being too it is not something that will kill. But don't move away.

Rav Chaim Kanievsky brings that he once asked the Steipler the following question and this is the most incredible application of this Yesod. He said there is a Machlokes in Rosh Hashana 16a when people are judged. The Mishna there says (בפסח על התבואה). That on Pesach the world is judged L'gabei the wheat. There are others who disagree. There are those who say (אדם נידון בכל שעה) (אדם נידון בכל יום), There are those who say that the Psak on everything is on Rosh Hashana. It is a Machlokes.

The Gemara brings in Berachos 18b (18 lines from the top) (מעשה בהסיד אחד). An individual who for whatever reason had run from someone chasing him (happened to be his wife), and hid in the (בית הקברות). While he was there, he heard the Neshama of two young girls speaking. They said, let us go up to the Kisei Hakavod and hear what the judgement is on this coming year's wheat. So we see that there is a Psak on Rosh Hashana. Especially it says over there that it was on Rosh Hashana but certainly not (אדם נידון בכל יום). We see that there is one judgment for the year on Rosh Hashana. So why don't we Pasken based on that? This is what Rav Chaim said was asked of the Steipler.

The Steipler answered that it says there in the Meforshei HaGemara that that Man D'amara held like Rav Yehuda in the version that the Chosid was himself Rav Yehuda. He held like Rav Yehuda. Therefore, Rav Yehuda held that the Psak was on that day.

Freight Rav Chaim, there is only one Psak in Shamayim, what is the difference who it is. We see the facts that this is the Psak? The Steipler told him no. Even in Shamayim, somehow it is like an alternative universe. There is a place where the Psak is once a year and there is a place where the Psak is every day. Because (על-פי התורה אֲשֶׁר יוֹרֵד) is a Psak Halacha. A Psak Halacha which you follow of a person who is Ro'i L'hora'a, then you are safe. That is the Chiddush here in Parshas Shoftim of (על-פי התורה אֲשֶׁר יוֹרֵד).

As we know from Micha 4:2 (פִּי מִצִּיּוֹן תֵּצֵא תוֹרָה). The seat of Torah from the time of the Beis Hamikdash was in Eretz Yisrael, the Poskei Hatorah are in Eretz Yisrael and it is returning to Eretz Yisrael.

I would like to share with you an insight, a Hergish that I had when I left Eretz Yisrael. I was on the plane leaving and this is the thought that came to me. It seems to me that Yerushalayim the holy city is elusive. What do I mean that it is elusive?

It is an incredible history of Yerushalayim. When Avraham Avinu is sent to Har Hamoriah he was not told the place 22:2 (וְלֹד-לְךָ, אֶל-אֶרֶץ הַמְּרִיָּה; וְהֵעֲלֵהוּ אֶשֶׁם, לְעֹלָה, עַל אֶחָד הַהָרִים, אֲשֶׁר אֹמַר אֵלֶיךָ). He wasn't sure where it was until he saw it with his own eyes. As Rashi says on --(וַיֵּרָא אֶת-הַמָּקוֹם--), (מְרַחֵק), (רָאָה עֵנָן קָשׁוּר עַל הַהָר)

When Yaakov Avinu left his father's house, he slept on Har Hamoriah, what was to be Yerushalayim. He didn't even realize it. He didn't even see an (עֵנָן קָשׁוּר עַל הַהָר). It was like Yerushalayim was hiding from people. An incredible thing.

When Klal Yisrael entered Eretz Yisrael, for the first 400 years they knew there is a place (-אֶל-אֶרֶץ-לְךָ, אֶל-אֶרֶץ הַמְּרִיָּה; וְהֵעֲלֵהוּ אֶשֶׁם, לְעֹלָה, עַל אֶחָד הַהָרִים, אֲשֶׁר אֹמַר אֵלֶיךָ). They didn't know where it was. For some reason they didn't know that Yerushalayim is the chosen city. Incredible. They had the greatest Gedolim and it was not revealed to them (עֵנָן קָשׁוּר עַל הַהָר), where the mountain is.

Finally Shlomo Hamelech builds a Beis Hamidash. Dovid and Shmuel reveal its location and a generation later 10 of the 12 Shevatim are cut away from visiting Yerushalayim. Again it is elusive to the overwhelming majority of Jews, of Klal Yisrael. It is an incredible thing. It has been that way throughout our history. Yerushalayim has been inaccessible for so much of the time that Klal Yisrael was there.

The Ramban as you know, when he arrived, said there was no Minyan in Yerushalayim. Rav Ovadia Bartenuira who visited the city in 1488, said he found 70 Jews in Yerushalayim. It is incredible that even after the Shoah, even after the Churban Europe when Yidden returned to Eretz Yisrael from 1948 – 1967 Yerushalayim was inaccessible. The Kosel was not accessible. Again, the same pattern that we see.

Even from 1967 until today, we are proud to be in Yerushalayim. However, the majority of the geography of the old city and the immediate area around the old city is still not accessible, it is not a place where Jews go. Jews can go there, but for the most part Jews don't go there. So much of Yerushalayim is cut off from us. Certainly those of us in Galus, it seems could it be that the answer to the mystery of Yerushalayim is that HKB"H wants Hishtokekus, he wants the desire.

When we Daven (וְלִירוּשָׁלַיִם עִירָהּ בְּרַחֲמִים תָּשׁוּב) we should not settle for half prizes. We shouldn't settle for compromises.

Today, Baruch Hashem we have much of Yerushalayim, but look at the map of the old city, the Arab Quarter Jews sometimes go but for the most part is not a place of Jewish habitation, not a place of Torah. It is still cut away from us, it is still not accessible, it is still not a place the majority of the old city. Are we going to take and settle to be happy with what HKB"Y has given us, we are happy with what HKB"Y has given us. But the Hishtokekus when we Daven (וְלִירוּשָׁלַיִם עִירָהּ בְּרַחֲמִים תָּשׁוּב) has to be a strong desire, bearing in mind that this is the way it has always been that the Hishtokekus, the desire for Artzeinu Hakedosha is something which is very basic to our Neshamos, basic to our desire, basic to our Ratzon to be able to be in the Makom Hakodesh. The whole Galus of Klal Yisrael, the whole exile of Klal Yisrael, it is all a desire to be there, to be Mishtokek to be there.

And so, we are not there. We aren't there for whatever reason, but the Hishtokekus has to be a strong Hishtokekus. A certain desire, a Ratzon to be there and a Ratzon to be able to feel the Kedusha of Eretz Yisrael.

There is a Malbim in the beginning of Sefer Ezra. In the beginning of Sefer Ezra it says that when Klal Yisrael returned to Eretz Yisrael they went to Yerushalayim and as it says in 2:1 (וַיָּשׁוּבוּ לִירוּשָׁלַם וַיְהוּדָה, אִישׁ לְעִירוֹ). The Jews didn't settle in Yerushalayim in the time of Ezra and Nechemiah. In Nechemiah we find that they did a Gorel to get people to live in Yerushalayim. Why? Because everyone had free land. They had the land that was their Cheilek Nachala in Eretz Yisrael. They didn't go necessarily to Yerushalayim.

But the Posuk says (וַיָּשׁוּבוּ) when they returned they went (אִישׁ לְעִירוֹ, לִירוּשָׁלַם וַיְהוּדָה). So what does it mean (לִירוּשָׁלַם וַיְהוּדָה)? Rashi has a hard time with this. Secondly, what does it mean, they went (אִישׁ לְעִירוֹ)? The Malbim says everyone who went to Eretz Yisrael went Derech Yerushalayim. Everyone understood that the Shefa of Ruchnios is in the Ir Hakodesh. When people came to Eretz Yisrael after being away for 70 years, they first went there to feel a Hishtokekus.

Getting back to that with which we began. The Chovos Halevavos said how do you know if your Avoda is a real Avoda. It says somebody who has no addition, no Hosafa in his Avodas Hashem Ain Lo Ikkar, is not rooted there. He is missing something. Somebody who comes to Yerushalayim and doesn't have a Tosafa, doesn't have some addition, Ain Lo Ikkar, something is missing.

That is our Avoda in this special Zman which is Elul and Tishrei. In our special Makom which is Artzeinu Hakedosha. In Makom and Zman we have to put it together and be able to seek, to grow in the days that come. Let's try to connect to the month of Elul. Take a moment, something special, something you didn't do until now.

If you run out of Shul in the morning, stop and learn one Mishna every day. Or come early and learn a Mishna. Or Daven Vasikin. Many people Daven at the 6 or 6:30 Minyan every day. If you Daven a quarter to six or ten to six for most of Elul you will be able to Daven Vasikin. It is worth it. But something extra. Mi She'ain Bo Hoasafos Ain Bo Ikkar.

How do you know the plant is dead maybe it is alive? If it is not blooming, it is not blossoming, it is not giving forth leaves or flowers it is dead. The same thing with people. Let's be Zoche to an extraordinary Chodesh Elul with a connection to Kedusha and a Hishtokekus, a desire to see Mekomos Hakedoshim in the Zmanim of Kedusha and to let them influence us. Wishing everybody a wonderful Shabbos!

## **Rabbi Reisman – Parshas Shoftim 5782**

### **1 – Topic – Thoughts from the Trip to Eretz Yisrael**

As we prepare for Chodesh Elul, for the Yomim Noraim, for Rosh Hashana, for Yom Kippur and of course for Shabbos Parshas Shoftim. How appropriate, Shoftim means judges, what a way to start the month of Elul. As you know, I just returned from Eretz Yisrael, it is a bit on my mind. I also know that many of you are learning Masechtas Kesubos with the Daf Yomi. Let me share with you a thought regarding Masechtas Kesubos.

I had seen that the Chasam Sofer asked his Rebbi the Hafla the following question when the Yeshiva learned Kesubos. He said to him the 5<sup>th</sup> Perek is (אף על פי). He asked, how could Chazal start a Perek with the word Af. Chazal say elsewhere that (שלשה פתחו באף), there are three times that we find that somebody started with the word Af and each of them ended up disastrous. One was the Nachash who said to Chava in Beraishis 3:1 (אף כי-אמר אֲלֵרִים, לא תאכלו מכל עץ הגן), even though Hashem said... still. The second one was Korach who also used the word Af (Ed. Note: perhaps this is Bamidbar 16:14 (אף לא אֶל-אָרְיָן זָבַת הַלֵּב וּדְבַשׁ, הִבִּיאֲתָנוּ)), however, the Medrash Lekach Tov to Berashis 3:1 seems to go with the Sar Ha'ofim in Beraishis 40:16 (אף-אֲנִי בְחִלּוּמִי, ) and the third one was Haman in Esther 5:12 (אף לא-הִבִּיאָהּ אֶסְתֵּר הַמַּלְכָּה ) (עם-הַמְּלָךְ אֶל-הַמְּשֻׁתָּה אֲשֶׁר-עָשִׂתָה). Af that Esther didn't invite anyone except for me. When you start Pesukim with the word Af it ends with Af, it ends with anger. So the Chasam Sofer asked his Rebbi the Baal Hafla why is there a Perek in Kesubos that begins with Af?

The Hafla answered him that Kesubos is of course a Masechta that talks about a man's obligation to his wife. The Ribbono Shel Olam Kavayochel looks at Klal Yisrael as Kimsos Chosson Al Kallah, He looks at Klal Yisrael like his Kallah. Masechtas Kesubos is HKB"Y's Kesuba to Klal Yisrael.

There are 13 Perakim in Kesubos and they represent the 13 Middos of (ר'. ר'. קל רחום ורחמים) Hashem Hashem Keil Rachum V'chanun which is the mainstay of our request for Rachamim during the Yomim Noraim, during Selichos and during Neilah. Those Yud Gimmel Middos are represented by the 13 Perakim of Masechtas Kesubos, and since one of the Middos is (אָרְיָן אֶפְיָם) there is a Perek Kenegdo (אף על פי) which is talking not about anger but it is talking about Erech Apaim, about HKB"Y delaying Kavayochel His anger, and therefore, there is a Perek that begins with Af. Ad Kan Divrei Ha'Hafla.

So first of all you should know that you are learning Kesubos, this is the Ribbono Shel Olam's contract with Klal Yisrael. This is what it is. But more, with this I came to understand,

Meforshim wonder, the Sugyos in Shas about Eretz Yisrael are Sugyos that are found in the last Perek of Masechtas Kesubos. What does Yishuv Eretz Yisrael have to do with Kesubos? I understand it works its way in because there is a Halacha regarding Kesubos which is mentioned there. That is not the point. The point is what is it doing in Kesubos?

According to this it is very Geshmak. First of all Kesubos is HKB"Y's gift to Klal Yisrael. Of course a Chosson has to have a place for his Kallah to come. But more, the last Midda of the 13 Middos is (וְנִקְיָה) and as it says in Devarim 32:43 (וְכִפֵּר אֶדְמָתוֹ עִמּוֹ). Eretz Yisrael brings Kapparah. That is why we bury people there. Don't think that it is only burying people there, it is also living people who have Kapparah there. Therefore, Eretz Yisrael is part of the Kesubah and it represents (וְנִקְיָה), the ability to go to Eretz Yisrael as an opportunity to be cleansed.

I must tell you that my stay in Eretz Yisrael was extraordinary. I am inspired. Yesterday I received an email from a young man who I met in Ohr Somayach. He himself just met Yiddishkeit there. A fellow who has got two Jewish last names and one not known to be Jewish first name. His name is Raino (that is his first name) Greenwald-Cohen. Very Jewish last names which means that he has got the Yichus, he comes from Klal Yisrael and Raino. What kind of name is Raino? He says it is a German name as his family comes from Germany. Incredible thing that this person who sent me a picture of the two of us in an email from there in Ohr Somayach, it is just absolutely incredible. V'nakei, Eretz Yisrael has the ability to cleanse people. People come there and they connect.

It is a shame that some of us are so busy with other things in Eretz Yisrael that we don't connect. You got to connect, you have to look to connect. Take it from Raino, you are going to see. You see his picture, he is dressed the way he came to Eretz Yisrael. A white Kippah, a red shirt. Next summer I will send you a picture of him dressed like a Ben Torah. More important than dressed like a Ben Torah, knowing like a Ben Torah. Wonderful! V'nakei, Raino taught me that Eretz Yisrael is V'nakei. You can look at him and you see it. Bein Haz'manim, looking to learn, looking to Shteig.

## **2 – Topic – A Thought on the Parsha**

Of course the Parsha begins 16:18 (שֹׁפְטִים וְשֹׁטְרִים, תִּתֶּן-לָהֶם כָּכָל-שְׁעָרֶיךָ). Put judges and officers in your gates. The word Lecha is extra. Rav Moshe brings in the Darash Moshe (first Cheilek page 154 which was also discussed in 5780 Ayin Sham) from the Baalei Hamachshava that (שֹׁפְטִים וְשֹׁטְרִים, תִּתֶּן-לָהֶם), you should also put onto yourself. A person has to judge himself, a person has to look at what he does, analyze what he does and see what he does and make sure what he does is done properly.

Zagt Rav Moshe, it is not just the Shoftim, you have to have Shotrim too. What is a Shoteir? A Shoteir is a policeman. What are the Shotrim that you have to put on yourself? Zagt Rav Moshe, you have to be Mekabeil things on yourself. The Gemara says in Nedarim 8 that the purpose of Nedarim, of a Neder is as it says in Tehillim 119:106 (נִשְׁבַּעְתִּי וְאֶקְיָמָהּ לְשִׁמּוֹר מִשְׁפָּטֵי צְדָקָה). To be Mekabeil things on yourself. In that way to be able to become close to the Borei Olam.

Zagt Rav Moshe, Shoftim V'shotrim Titein Lecha. The usual Teitch of Shoftim that you have to judge yourself, you got to look at your Ruchnios of yourself. But more than that, (שפטים ושטרים, (תתן-לך בכול-שעריך).

I will tell you an interesting Machlokes. We are afraid to make Kabbaos B'lashon Neder, we are afraid of Nedarim. Even though the Gemara says you can make Nedarim for that purpose. What happens if you make a Neder and you say Bli Neder. I am Mekabeil on myself from now until Yom Kippur not to look at any news on the internet, nothing. It is a big Batala, you all know that. It is not just one minute. You are afraid to make such a Kabbala so you say Bli Neder. What happens? Is it a Kabbala?

There is a letter in the Kovetz Teshuvos from Rav Elyashiv to Rav Chaim Kanievsky. Apparently they disagreed on this. Rav Chaim held it has a Din Kabbalah and Rav Elyashiv says I don't understand, what kind of Kabbalah is that? That is a Kabbalah? It is a Kabbalah Bli Neder. It is a Kabbalah but you are not going to keep it? Rav Chaim holds Af Al Pi Kein that it has a Din of a Kabbalah because a person is committing to keeping it.

In the Chiddushei Rav Reuven in Nedarim at the end of Siman Aleph, he is Tol'e this question in a Machlokes Rishonim. Aich She'iyeh, we are afraid to make Nedarim. A Bli Neder, Neder that we can do. We are going to try to do it.

As we approach the Yomim Noraim, what is a Kabbalah? A Kabbalah is between you and yourself. You have to know, we grow up with Bein Adam L'chaveiro, Bein Adam Lamakom. There is Bein Adam L'atzmo too. A person being honest with himself. It is a uniquely Ehrlecha Yid Middah to be honest with yourself. Shoftim V'shotrim Titein Lecha.

I remember that I was in Camp Waunakee during the Covid summer of 2020. The Mesiras Nefesh of Camp Waunakee was incredible. Camp Agudah in Waunakee there were 11 married families with 470 people, trying to run a camp. There was a tremendous Ruach and an extraordinary Siyata Dish'maya. There were Goyim there who had never seen Frum Yidden before, never. They were the people there in the camp.

One day, it was Shiva Asar B'tammuz, and I was riding the cruiser, the cruiser is the ferry boat that took us across. Half the camp was on an island and half on the mainland. The driver of the cruiser was one of these non-Jews who had never seen Frum Jews. He said to me, I hear that the boys are fasting today. They are not eating until nightfall. I said yes. He looks at me and he says do you really believe that? You really think in private that they are not going in and eating something? You don't think they close the door to the bathroom and they take a drink in the bathroom, really? You think they are fasting the whole day? To him he was incredulous, it was impossible. Why would they do it?

Then there are boys asking me in the afternoon should they break their fast because they have a headache. Go explain to him that we don't take drinks in the bathroom anyway. He won't even understand why. That is Bein Adam L'atzmo. Klal Yisrael we are honest with ourselves. It is a relationship with the Borei Olam where we control our own Middos, our own Hanhagos to become better people. That is with which we need to approach the upcoming days B'ezras

Hashem. May HKB”H give you and I Hatzlocha. Don’t wait to Neilah. Now, at the beginning of Elul take a Kabbalah Bli Neder. Take a Kabbalah and restrict from some of your pleasures, restrict some of the things that you do. Be Mekabeil. At least a Mishnah a day. Tell yourself, Maseches Yoma it would be wonderful before Yom Hakkipurim. At least a Mishnah a day. Once you start a Mishnah a day you will do a few Mishnayos. When it comes a Shabbos you will do a few more. It will come on Yom Kippur that you will be finishing it. You should have a lot of Hatzlocha. IY”H may HKB”H grant you all the wisdom, the strength to be able to approach the Yomim Noraim B’derech Aliya as Raino certainly is doing. A Gutten Shabbos to one and all!

## **Rabbi Reisman – Parshas Shoftim 5781**

### **1 – Topic – A Thought on Yerushalayim**

As we prepare for Shabbos Parshas Shoftim our first Shabbos in the month of Elul and we hope it will be a productive Elul as we prepare for Rosh Hashana. On Monday, Rosh Chodesh, I returned from Eretz Yisrael here to Chutz L’aretz and I had a thought. Here I am landing at 4 AM and Davening Shacharis shortly thereafter and saying Yaaleh V’yavo. In Yaaleh V’yavo we mention many Zichronos. Reasons that Yaaleh V’yavo ( **יַעֲלֶה וַיָּבֹא וַיִּגִּיעַ וַיִּרְאֶה וַיִּרְצֶה וַיִּשְׁמַע וַיִּפְקֹד וַיִּזְכֹּר** ) and then we mention ( **וַיִּזְכֹּרוּן אַבְוֹתֵינוּ. וַיִּזְכֹּרוּן מְשִׁים בֶּן דָּוִד** ) and of course ( **וַיִּזְכֹּרוּן יְרוּשָׁלַיִם עִיר** ) ( **קְדֻשָּׁה** ). It struck me that we seem to refer constantly to Yerushalayim and not necessarily to Eretz Yisrael with the exception of the Mussaf Tefillah which seems to mention Eretz Yisrael in general. Otherwise in Davening we talk about ( **וְלִירוּשָׁלַיִם עִירָהּ בְּרַחֲמִים תָּשׁוּב** ). We talk always about a return to Yerushalayim. ( **וּבְנֵה יְרוּשָׁלַיִם עִיר הַקֹּדֶשׁ** ). Now actually we could have said Zichroneinu V’zichron Eretz Yisrael and the Zichron Yerushalayim Ir Kodshecha is also important but it would seem to be only a small piece of Eretz Yisrael. Having just returned from Yerushalayim this struck me.

In Ezra at the beginning of Perek Beis, we find the Jewish people of that generation returning to the land of Israel after the Galus of Churban Bayis Rishon. In the first group that returned, they return there in the second Perek of Ezra and the Posuk says the following words. ( **וַיָּשׁוּבוּ לִירוּשָׁלַם** ). They returned to Yerushalayim and Yehuda each man to his city. Of course they had different cities that were their Cheilek of Eretz Yisrael. They remembered. The Churban happened 52 years earlier and they knew where they were headed. So it says ( **וַיָּשׁוּבוּ לִירוּשָׁלַם** ) ( **וַיִּהְיֶה וְיָדָה** ).

The Metzudos Dovid Teitchas as if it said ( **וַיָּשׁוּבוּ לִירוּשָׁלַם וְלִיהוּדָה** ). They returned to Yerushalayim and to Yehuda. Although it doesn’t say that. It says ( **וַיָּשׁוּבוּ לִירוּשָׁלַם וְיִהוּדָה** ). They returned to Yerushalayim and Yehuda. It doesn’t say ( **וְלִיהוּדָה** ).

The Malbim explains as follows. The Malbim explains that all Jews that returned to Eretz Yisrael after the Galus of the Churban Bayis Rishon did so by first going to Yerushalayim the Makom of Kedusha and from there traveling on to whichever city was their city that they belonged in. ( **וַיָּשׁוּבוּ לִירוּשָׁלַם** ) everybody returned to Yerushalayim and from there they returned to the cities that were their place where they would live. But everybody understood that when you come to

Eretz Yisrael the first place to come, the gateway to Eretz Yisrael was to go to Yerushalayim and absorb Kedushas Yerushalayim, the source of all types of Kedusha.

This reminded me of something that I had seen in the Sichos of Rav Shlomo Hoffman, a wonderful Sefer. Somewhere near the beginning of the Sefer he describes as a young man in Elul of 1945 the return of Rav Dessler to Eretz Yisrael. Rav Dessler was in England during the Holocaust and his family was in Eretz Yisrael. They were separated by the war and he returned in Elul 1945.

He came to speak in one of the Shuls of Tel Aviv when his boat docked near Tel Aviv and that is where he spoke. When he spoke he said the following words. He said normally if a person goes to a foreign land, a foreign city, the first thing he does is to make sure he has a place to sleep, food to eat and something to drink, that is his first order of business. He says when you return to Eretz Yisrael and you go to Eretz Yisrael that is not so. The first order of business is to find a place to learn, to sit and learn. He says that is why when Klal Yisrael crossed the Yardein their first job was to set up stones upon which the Torah was etched in numerous languages. To teach us that when a person goes to Eretz Yisrael the Ikkur is to come to a place of Kedusha.

That fits with the Malbim. The Malbim says that the first thing a Yid does when he goes to Eretz Yisrael before he goes he has the city of his forefathers, he is going to find his home. The first place you go is to Yerushalayim, a place to absorb Kedusha. This is a lesson for our time.

Now that to a great degree access to Eretz Yisrael is limited to us in our pain, we must realize that when we go there that the first place to go is to go to a place where a person can absorb Kedusha. The first place to go from the airplane is to the Kosel, is to a Bais Medrash. You deposit your suitcases wherever they go, you don't unpack, you don't do anything, you go straight to the Bais Hamedrash, you go straight to a place where you Daven, a place where you learn. That is the lesson of going to Yerushalayim.

Therefore, (וְזָכְרוֹן אֲבוֹתֵינוּ. וְזָכְרוֹן מְשִׁיחַ בֶּן דָּוִד עֲבָדָה. וְזָכְרוֹן יְרוּשָׁלַיִם עִיר קְדוֹשָׁה). It doesn't matter if you are from Sheivet Yehuda or one of the other Shevatim. The first place you go is to Yerushalayim to absorb Kedusha and from there you move on.

I hope that we should be Zoche to get back to Eretz Yisrael of course B'biyas Go'el but even before Biyas Go'el we should be Zoche to be there and absorb its Kedusha.

## **2 – Topic – A Thought on the Parsha.**

Parshas Shoftim has many lessons that are important for Tanach and I would like to mention one or two of them time permitting. In our Parsha we have the Parsha of the Nevi'a Sheker. In 18:20 (הַנְּבִיאָה אֲשֶׁר זָוֵד לְדָבָר דְּבַר בְּשֵׁמִי). The Navi that speaks falsely in my name is Chayuv Misah. Of course the Navi, there are numerous incidents of Nevi'a Sheker. Not just a kook getting up on the corner on a chair and announcing that he has messianic views or prophetic vision. But people to who it really affected the history of Klal Yisrael.

We find by Tzidkiyahu the last king of Klal Yisrael, that there were Nevi'a Sheker competing with Yirmiya. Nevi'a Sheker all over the place. It is very important to know a Yesod regarding Nevi'a Sheker it is not just an Aggadata Yesod it is a Halacha Yesod.

The Minchas Chinuch brings in Mitzvah Taf Kuf Yud Zayin in Os Ches that a Navi Sheker is not a kook. A Navi Sheker is a good person, a Talmid Chochom. It would be possible for him to be a Navi. But Stam an ordinary fellow who says that he had a vision, it is Narishket, it is silliness. A Navi means somebody who has a certain level of Kedusha, a certain level of Zehirus in Mitzvos, he is a Talmid Chochom. This idea is a concept brought in numerous places.

The Michtav Eliyahu in Cheilek Daled on page 289 explains how does it happen that someone who is Rau'i to be a Navi becomes a Navi Sheker? Why would someone do that? Somebody who is a Talmid Chochom and is Zahir B'mitzvos. The Michtav Eliyahu explains it is when people are caught up in their silliness. They want something so badly that they fool themselves into thinking that it is Nevua. The lack of intellectual honesty. People want something so badly they convince themselves of these types of things. It is a dangerous thing. We have to serve HKB"H the way He taught us to serve Him. Not the way our heart tells us to serve HKB"H.

That idea, that concept, is an important concept not only by Nevi'a Sheker but in serving HKB"H in general. We have to be sure that we don't come up with our own dreams, our own Chalomos of this or that being Ratzon Hashem, without a source. Just because we heard a story in a story book or because we heard a cute Gematriya that doesn't make a person know how to behave. It has to be clearly a behavior that is Ratzon Hashem.

Rav Hutner in the Pachad Yitzchok on Pesach says this Yesod as well and I believe that it is in Maimar Pei Bais. With this he answers a Ramban's Kasha. Listen to this. The Yesod of (פְּקֹדֵי יִפְקֹד (אֲלֵרִים אֶתְכֶם) that is found in Parshas Vayechi in 50:24. Klal Yisrael was told that the Navi who comes with the language of (פְּקֹדֵי יִפְקֹד אֶתְכֶם) a language of Pekida he is the redeemer. Freigt the Ramban it is very interesting. It is nice to have a Siman to know who is the real Go'el. But if you are going to advertise the Siman ahead of time, that the Go'el who comes with the Lashon of (פְּקֹדֵי יִפְקֹד) is the true Go'el what does it help? You want to know if he is fake or not see if he says (פְּקֹדֵי יִפְקֹד). Well you told him say (פְּקֹדֵי יִפְקֹד) is the trick so what does it help, what kind of Siman is that?

Answers the Pachad Yitzchok beautifully. He says that a kook who comes and says he is a Go'el won't fool anybody. Sometimes there are people who are indeed Talmidai Chachamim, they are Mazir people B'teshuva, they do Mitzvos, they teach and they fool themselves into thinking that they are the Moshiach. They fool themselves into thinking that they are the Go'el. So HKB"H promised Klal Yisrael that the Ruach Sheker that will come in people's minds won't be with (פְּקֹדֵי יִפְקֹד). It won't be with that language. It will be in a different way. Mimeila, we are not talking about people who are conniving to be a Navi Sheker, we are talking about people who fool themselves. So HKB"H promised that the language of (פְּקֹדֵי יִפְקֹד) won't be that Lashon. But again the Yesod is important that the Nevi'a Sheker in Tanach are just that they are Nevi'a Sheker who are good people that fool themselves. An important Yesod for Navi.

### 3 – Topic – A Netziv on the beginning of the Parsha.

One other quick Yesod is a beautiful Netziv in the beginning of Parshas Shoftim. The end of Parshas Re'eh 16:17 (אִישׁ, כְּמִתְנַת יָדוֹ, כְּבִרְכַת יְרוּרֵי אֲלֵרִיָּהּ, אֲשֶׁר נָתַן-לָהּ) ends with Bracha. The beginning of Parshas Shoftim is 16:18 (שִׁפְטִים וְשֹׁטְרִים, תִּתֶּן-לָהּ). Says the Hameik Davar, the Netziv says beautifully (דְּבִרְכָה מְצוּיָה בְּזִמְנֵן שֶׁמְכַבְּדִין אֶת הַדַּיָּיִנִים). In a society in which people show respect to Dayanim, show respect to the rule of the land, show respect to integrity of financial dealings, such a society has Bracha. A society in which it is the Wild West that people do what they want. They cheat others, they convince themselves that they are allowed to take this money without a clear Psak that it is Muttar. They go and think that they could apply for government benefits to which they are not entitled and they have no source for being allowed to take it. They go and they take money of others or cheat others and they are Melamed Heter on themselves. Such a society is not Bracha Metzuya, doesn't have a Bracha found there. So therefore, (שִׁפְטִים וְשֹׁטְרִים, ) (תִּתֶּן-לָהּ) is right next to the Bracha of (אִישׁ, כְּמִתְנַת יָדוֹ, כְּבִרְכַת יְרוּרֵי אֲלֵרִיָּהּ). And he refers back to Parshas Mishpatim (אֲלֵרִים, לֹא תִקְלַל; וְנָשִׂיא בְעַמֶּךָ, לֹא תֵאָר ) to show respect for a Nasi, for a Beis Din is right next to the Posuk of (מְלֵאֲתָהּ וְדִמְעָה, לֹא תֵאָחֵר). (מְלֵאֲתָהּ) means your good crop, your crop that is full.

A third source. The Netziv says (וַיְהִי, בְּיָמֵי שְׁפֹט הַשִּׁפְטִים, וַיְהִי רָעָב, בְּאֶרֶץ). Rus begins in the days that the judges judged, there was a hunger. Says Rashi, Dor Sheshoftim Es Shoftov. It was a generation that didn't show respect for the Dayanim. They second guessed their Dayanim. Such a place, (וַיְהִי רָעָב, בְּאֶרֶץ) there was a hunger in the land. The point again being that in order to have a society that has Birchas Hashem there must be a society that shows respect for the rule of Bais Din.

With this it explains why in Navi there was a great king Yoshiahu Hamelech – Vayikonein Yirmiyahu Al Yoshiahu when we talk about him in Kinno's. He was a great king. He became king at the age of 8. The first thing he did before getting Klal Yisrael to get rid of Avoda Zorah the first thing he did was to straighten out the Batei Dinim, straighten out the places of judgement that there should be Bracha by Klal Yisrael. There has to be integrity and honesty in financial dealings.

We should be Zoche to have that integrity and honesty and IY”H it will bring Bracha and Hatzlacha to all of us. May it be a Gebentched Elul, a Gebentched Elul where we have an Aliyah IY”H. A Gutten Shabbos to one and all!

### Rabbi Reisman - Parshas Shoftim 5780

#### 1 - Topic - A Thought on Elul Taf Shin Pei

As we observe a very different Chodesh Elul coming off a very different year and prepare for Shabbos Parshas Shoftim. Let me begin with a thought on the first Posuk and take it into a little bit of the sense, the feeling that I can't help but have as we approach the month of Elul and the upcoming Yomim Noraim that will undoubtedly be quite different than we are accustomed to.

The Parsha begins with the Posuk in 16:18 (שֹׁפְטִים וְשׁוֹטְרִים, תִּתֶּן-לָהֶם בְּכָל-שְׁעָרֶיךָ). The Mitzvah D'oraissa to have judges and police officers and enforcers in all of the cities where Jews reside. The question is that the Posuk seems to have an extra word. The word (לָהֶם) as it could have said (שֹׁפְטִים וְשׁוֹטְרִים, תִּתֶּן בְּכָל-שְׁעָרֶיךָ). Shoftim and Shotrim should be in all of your cities, in the gates of your cities. Why the word Lecha?

The popular Upteitch is something that I saw in Rav Moshe (in Darash Moshe first Cheilek page 154) although I think that there are others including the Ohr Hachaim Hakadosh that make Diyukim from this Posuk. The point that he makes is very important, certainly very important for the time that we are living in.

Later in Parshas Ki Seitzei we will have numerous Meforshim saying that (כִּי-תֵצֵא לְמִלְחָמָה, עַל-) (אֵי-יָרִיךְ) has two meanings. The meaning of going to war in the typical sense and a meaning as far as fighting the Yeitzer Hora, doing a Milchama with the truly challenging war, the war against the Yeitzer Hora.

Rav Moshe Teitches (שֹׁפְטִים וְשׁוֹטְרִים) in a similar way. It is true that you need judges and police officers wherever you go. Without judges and without courts, without those who enforce the law of course there is mayhem and it becomes the Wild West. So certainly the simple meaning is the Pshat and the Mitzva D'oraissa.

The deeper meaning of (שֹׁפְטִים וְשׁוֹטְרִים, תִּתֶּן-לָהֶם) is that every individual in his own battle with the Yeitzer Hora, in his own struggles in life, has to be careful to look at himself and judge himself properly. To understand where he is, what he is doing. (לֹא-תִטָּה מִשִּׁפְּט) and (וְלֹא-תִקַּח שֹׁחַד). You have to be careful not to fool yourself and not to bend that which is going on. You have to have (שֹׁפְטִים), you have to be able to enforce what you are doing. For example, a Bais Din sometimes obligates a Shevua. The Gemara says that Dovid Hamelech would swear as is found in Tehillim 119:106 (וְשָׁבַעְתִּי וְאֶקְיָמָהּ-- לִשְׁמֵר, מִשִּׁפְּטֵי צְדָקָה). He would take a Shevua in order to sort of force himself to keep to the Mitzvos that he has to do.

The same thing Bais Din offers a K'nas, a person has to Kan'sa himself. Sometimes you have to tell yourself that I will only have this item I enjoy after I put in 10 hours of learning. Ice Cream? No ice cream for Elul until I hit my 10 hours of learning. Then I will have an ice cream. So there has to be (שֹׁפְטִים וְשׁוֹטְרִים) in a person's life and (צְדָקָה צְדָקָה, תִּרְדֹּף). This added meaning of (צְדָקָה צְדָקָה, תִּרְדֹּף), to look at things honestly.

I want to step back and talk a little about the pandemic through which we have been suffering. It has been a very awful time. The worst time for any of us who have been born past the holocaust. A very very difficult time on many levels. We don't know where the world is going.

Boruch Hashem here in Brooklyn at least our neighborhoods in Brooklyn we know of no new people who are ill probably for 8 - 10 weeks. Even most of the reported positives Boruch Hashem on retest have proved to be negative. But we are obligated to be careful. We are obligated to keep our guard up because there is no one in the world that can say what tomorrow will bring. The danger of this coming back is certainly real. People have to be careful and they have to be sensible. Not extreme, but within reason people have to be careful.

The rule is you always have to be careful for worst case scenario. In this sense, the sense of health, the worst case scenario is that G-d forbid this will come back and those who are not careful will be guilty of making it more severe.

There is another dimension to this. This period of our life will pass. The question that we are going to be asked is what did you do with this period of time. What changed, what is different? I don't mean dramatic life altering changes which never happen. But I mean meaningful permanent changes. In a Ruchniosdika sense, we have to prepare for the worst case scenario. Meaning what happens if B'ezras Hashem this is the end of it. What happens if the reprieve that we are experiencing here in the NY/NJ area continues and it suddenly happens in other places and other cities and this wanes?

Ebola was terrible in Africa and then it just disappeared. The virus changed and it was no longer lethal to humans. At some point we are hoping that B'ezras Hashem it will happen. From a spiritual viewpoint we have to be thinking this Elul what happens if this is the end of it. What have we walked away with? What have we come away with? What has changed in our lives? Something, not gigantic, but something. At the very least a new Kavana in Modim when we say (על חיינו המסורים בידך. ועל נשמותינו הפקודות לך). An appreciation of the life that we have and the years that we have. An appreciation of the stability that is the life of a Yid. A recommitment to the constant Minyanim that we hope never to miss again. G-d forbid that we should miss Minyanim. A terrible thing.

We should be putting together a streak in the month of Elul, everybody should be conscious of going through Elul without missing a Minyan again in this year where we missed Minyanim. We have to be prepared for it. (שפטים ושטרות, תתן-לך בכל-שעריה). Get yourself going. Make yourself a chart. Get a calendar that has the month of Elul and the calendar should have three checks for Shacharis, Mincha and Maariv. A person never missing Minyan. It should work that way. A person should be able to use this time properly.

We have a morning Daf Yomi. Many people here in the morning Daf Yomi run to the train and go to work. Now they are working from home. Guess what? What they did is they keep the morning Daf Yomi going longer. It is a Covid Daf Yomi. It is a Daf Yomi which doesn't end at 10 after 8 but keeps on going. That is what should be. That should be the memory.

I know many people who have Covid Masechtos. I am proud! They have Masechtos which they are learning or have learned over Covid and have Chazered it. It is meaningful. (שפטים ושטרות, (תתן-לך בכל-שעריה)).

Let me tell you a thought from Rav Pam that is related to this. In Kesuvos which Yeshiva will be learning this year, on the top Tosafos on Daf 3a as explained by the Hafla'a, Tosafos says a Chiddush. In the Gemara's case, a man gave a Get to his wife and said if I don't return within 30 days the Get will be a Get. The Gemara at this point holds (יש אונס בגיטין). Meaning that when he comes back and he is an Ones, the bridge falls down and he can't come across the river, or the ferry sinks and he can't come across the river then the Get is not a Get. It is as if he came. (יש אונס בגיטין) means that if a person has a good excuse he is an Ones.

Says the Hafla'a what happens if on day 30 he was not planning to come. He wanted the Get to take effect. He had said if I don't come back within 30 days it is a good Get. That morning as he goes down to breakfast his friend tells him did you hear, the bridge fell down. Really? He thinks about it and he says I don't want the Get to be Chal. He runs to Bais Din and says look the bridge fell down and I was an Ones, I couldn't go, I couldn't help it. Says the Hafla'a, Bais Din will tell him no. There is no excuse of Ones if you didn't want to do it anyway. If it is not something that was important for you to do then Ones is not an excuse.

Said Rav Pam to us, the same thing is true in a person's own individual world, in things that a person does. I am an Ones. In this case, I am an Ones, I couldn't Daven with Minyan. Really? You are an Ones? But what happened after the restrictions of not Davening with Minyan were lifted? What happened when Minyanim became available? Did you go out and Daven with Minyan? If you are not careful with Minyan now that means that you have no excuse of Ones for missing Minyan until now. It is a heavy obligation.

Many people missed Minyan for many weeks, many people for a couple of months. It is a heavy obligation. You are going to say that you were an Ones, you couldn't go to Minyan. Okay. What happens when the Ones went away. Where were you then? It is a very different month of Elul. It is a month of Elul with a heavier obligation than we could imagine, and we have to really make it count. Make it count individually with an appreciation of our Shuls, in our appreciation of our Minyanim, appreciation of our learning.

Being home with family members has caused a lot of friction in the home. A lot of places where Shalom Bayis may have been not perfect and it got worse by being home all together. A lot of places where father and son may have had a little bit of friction and it got worse by people being home. It is not just you, it happened everywhere. It is time to pick up and do what you got to do, you got to fix it. Got to make it better. This Elul has brand new obligations. B'simcha Rabbah, Boruch Hashem we can go out, we can get around if we do it carefully, but we have to do it. We have to do it and make it meaningful.

## 2 - Topic - A Thought from the GR"A on the Parsha.

Let me share a quick and important thought from the GR"A quoted in the Maharitz Chiyus. In our Parsha in 17:16 and 17, the king is instructed (לֹא יִרְכָּה-לוֹ נָשִׁים) not to have many women (וְלֹא יִסּוּר לְקַבּוֹ). So that he should remain focused. He shouldn't have some wives that will distract him from his Avodas Hashem. (לֹא-יִרְכָּה-לוֹ סוּסִים). Why? (וְלֹא-יָשִׁיב אֶת-הָעַם מִצֶּרְיָמָה). Mitzrayim was the horse trading center, so don't have too many horses because you will land up in Mitzrayim.

So the Gemara says in Sanhedrin 21b (18 lines from the bottom) (מפני מה לא נתגלו טעמי תורה) why are the reasons of Mitzvos not revealed to us? (שהרי שתי מקראות נתגלו טעמן) When the king is instructed not to have too many wives and (לֹא-יִרְכָּה-לוֹ סוּסִים) the Torah gives reasons for it. (נכשל אנו ארבה ולא) (אנו ארבה ולא אסור). Shlomo Hamelech was Nichshal. He said, (אני ארבה ולא אסור) and (אני ארבה ולא אסור).

You have to know, that knowing the reason can become an excuse, an excuse to not keep the Mitzvah properly. Since knowing the reason can become an excuse, the Torah doesn't reveal the depth of the reasons for all of the Mitzvos. This is a rather famous Chazal.

What is not so well known is that the Maritz Chiyus there in Sanhedrin 21b quotes the GR"A. The GR"A says Hu Hadin by a Din D'rabbanan. The same thing is true when the Rabbanan made Gezairos. There are many layers of reasons for the Gizaira D'rabbanan. Many layers of reasons. Sometimes a person says the Rabbanan made a Gizaira, I won't have a problem with that. I won't have. This won't lead to that. Because I touch Muktzeh it won't lead me to carry. Because I touch Muktzeh it won't lead me to do Melacha. You may be right. But there are many layers. You think Muktzeh is only for the reasons that are clearly mentioned? Isn't part of the Issur Muktzeh to make Shabbos a unique day? Shelo Y'hai Asakecha Shabbos K'asekecha B'chol. There are many reasons. We don't know all of the reasons.

The Aruch Hashulchan writes this in Yor'e Dai'a in the Mitzvah of Chalav Yisrael. He says Chalav Yisrael people think if they are comfortable that there is no Treif milk they are home safe. He says this is not true. There are many Sibos, there are many reasons for the Mitzvah of Cholov Yisrael. The reason that is Nisgaleh is the reason that is known. Just like by a Mitzvah D'oraissa you cannot allow the reason to cloud your judgement, the same thing is true about Mitzvos D'rabbanan. Perhaps sometimes we are too philosophical and we need to realize the Kedusha, the depth when the Rabbanan made a Gezaira. It wasn't arbitrary. Don't do this as you might do that. There are many places where they did not make Gezairos and some places they did. There is depth to it and meaning to it.

And so, (שפטים ושטרות, תתן-לך בְּכֹל-שְׁעָרֶיךָ). Think about it. Think about the judgment, think about the enforcing of the judgment. Not from others, but you for yourself. And as you Daven Shacharis tomorrow on Rosh Chodesh Elul, in (שְׁמַע קוֹלִנוּ) say to HKB"H, Ribbono Shel Olam Bli Neder I will do such and such and say V'im Yeish Bo Zechus Yehi Ratzon that it should be a Zechus for my child to get a Shidduch, let it be a Zechus for my child to have children, let it be a Zechus for Ploni to have a Refuah. These are the real things that work. Tefillah, Torah. (נְשַׁבְּעָתִי לְשָׁמַר, מִשְׁפָּטֵי צְדָקָה).

There is somebody who couldn't find his Tefillin in camp. He said I will give a dollar (or a few dollars) to Reb Meir Baal Haneis. There is no Rav Meir Baal Haneis Pushka there. I told him be Mekabeil to learn a Mishna that has Rav Meir's name in it. That is just as good. Do you think that Rav Meir would rather have your dollar or your Mishna?

He was Mekabeil. He went over to Rav Lichtenstein asked him to learn with him a Mishna that has Rav Meir and presto he found his Tefillin. Let it be a wonderful, meaningful Elul for you and for me, for all of Klal Yisrael. Let it Takeh be that HKB"H allows this terrible Machla to pass from our midst and leave us improved and better people. HKB"H should give us all Shemira Mikol Tzar U'tzuka, Mekol Nega Umachala and give us Berachos and Yeshuos in Elul Taf Shin Pei. A Gutten Shabbos to one and all!

## Rabbi Reisman - Parshas Shoftim 5779

As we prepare for Shabbos Parshas Shoftim. It is a very appropriate time of year. It is a time of Shoftim V'shotrim, a time of year of judgement and it is a very appropriate Parsha for this time of the year. The Ohr Hachaim Hakadosh says on the Posuk found in 16:18 (שֹׁפְטִים וְשׁוֹטְרִים, תִּתֶּן-לָהֶם) Shoftim V'shotrim Titein Lecha. Why is it one Mitzvah Shoftim and Shotrim? It should be one Mitzvah about judges and one Mitzvah about policemen. He says Im Ain Shoftim Ain Shotrim, there is no use in having judges if you don't have anyone to enforce it. If you don't have people to make sure that it is done, then it is a waste of time to have judges.

It is a Mussar. There are a lot of things that are obligations and without someone to enforce it is a waste. When Yaakov went down to Mitzrayim he sent Yehuda to prepare a Yeshiva, to prepare a Bais Hatalmud. Many ask, why did he send Yehuda? The Rosh Yeshiva is Sheivet Levi or maybe Sheivet Yisacher. Yehuda is not the Rosh Yeshiva!

They answer that the Rosh Yeshiva doesn't have to go early to open the Yeshiva. The Mashgiach, the one who is the Shoter, the one who enforces it, he has to go early. He sent Yehuda to be there beforehand. The Rosh Yeshiva can prepare Shiur in the Bais Medrash wherever he is. But you need Shotrim. Without Shotrim there are no Shoftim.

Of course we have the first Mishmar tonight, the first Mishmar of the new year. The Shoftim will say that you have to do it. We need a way of enforcing it. If we had Shotrim everybody would be there not just the 100 or so that come, but all of you. IY"H looking forward to seeing you.

1 - Topic - The two types of Neviim.

In this week's Parsha as it says in 18:15 (וְנָבִיא מִקִּרְבְּךָ מֵאַחֵיךָ כְּמִנִּי, יָקִים לְךָ). You should set up a Navi. Rashi says (יָקִים לְךָ תַּחֲתַי). The Navi is in my place. The Brisker Rav in the Griz Al Hatorah asks why do you need Tachti? The Navi is in my place? A Navi is a Navi. Someone can reach Nevuah even without being in place so to speak of the previous Navi. The Brisker Rav asked this as a Kasha, what does it mean Tachti?

He brings that by Eliyahu Hanavi and Elisha Hanavi it says that the Ribbono Shel Olam told Eliyahu go to Elisha as it says in Melachim I 19:16 (תִּמְשַׁח לְנָבִיא תַּחֲתַי) Timshach L'navi Tachtecha, make him a Navi in your place. The Brisker Rav says what is going on. What is Tachtecha? A Navi is someone who is Zoche to Nevua. Not like a King that you have one king and you make another king in his place. What does it mean Navi Tachtecha? The Brisker Rav stays with a Kasha.

The Kasha is a strong Kasha because we find in Yirmiya 45 that Yirmiya's Talmid Baruch Ben Neiriya is in Tzar because he was not a Navi. He was not Zoche to Nevua. He says as is found in 45:3 (יָגַעְתִּי, בָּאֲנָחְתִּי, וּמְנוּחָהּ, לֹא מָצָאתִי). I have grown tired from my pain, from my groaning and I have found no rest. He says to his Rebbi Yirmiya. He says every Talmid of a Navi is a Navi. Elisha from Eliyahu, Yehoshua from Moshe Rabbeinu. The question is why am I not a Navi? The question is the Brisker Rav's Kasha, what does it have to do with a Talmid of a Rebbi? Tzorech Iyoun Gadol.

In the Sefer Ze'eiv Yitrof from Rav Hoberman Zatzal, he says beautifully. He says there are two types of Neviim. There is a Stam Navi, and when I say Stam I mean a regular Navi. A Navi is any Yid that is Zoche to Nevua. Then there is a Navi Tachto'i, a Navi who is Nimshach, to continue in the Avoda of his Rebbi. He brings a Raya that there are two different levels, because even though Moshe Rabbeinu passed from his Nevua to the 70 Zekainim, it says in Parshas Pinchas as is found in Bamidbar 27:18 (קח-לך את-יהושע בן-נון--איש, אשר-רום בו; וסמכת את-גדך, עליו) (עליו). When it says to give Yehoshua from the light of Moshe Rabbeinu it says to do Semicha with a Yad. By the 70 Zekainim there was no Semicha with a hand. It is a Raya that there are two levels of Navi.

There is a Stam Navi and a Stam Navi is not necessarily connected to his Rebbi and then there is a Navi who is like Yehoshua who took over from Moshe Rabbeinu and Elisha who took over from Eliyahu Hanavi who is Nimshach Tachto'i, who takes over the job of his Rebbi, two different levels of Nevua.

With this I have two Nach questions that are answered. 1. We find at the end of Melachim I, that Eliyahu Hanavi goes to Elisha and he finds him in a field and it is a very moving moment in Tanach. Elisha is plowing the field. Eliyahu walks over to him and takes off his cloak, his Aderes. Eliyahu had an Aderes with which he walked and he threw his cloak onto Elisha. Elisha understood that it meant that he would be a Navi Tachto'v. Elisha is very excited and he says let me say goodbye to my parents and I will come with you.

Eliyahu says as is found in Melachim I 19:20 (לך שוב, כי מה-עשיתי לך). Pashut Pshat is that (מה-עשיתי לך) is look what I have done to you I have made you a Navi. There are those who understand that (כי מה-עשיתי לך) why are you so excited, why are you so happy, you know what a hard job I had. Do you know how difficult my job is? Klal Yisrael doesn't appreciate Mussar. (מה-עשיתי לך). What have I done to you. (מה-עשיתי לך). The Kasha is that being a Navi is a great thing. (מה-עשיתי לך)?

The answer is, to be a Navi is a wonderful and extraordinary Darga in Ruchnios, it is great. However, to be Navi Tachto'i means to take over my job. Now (מה-עשיתי לך). Eliyahu Hanavi had a very difficult job. It was with a Klal Yisrael that was not willing to listen. (מה-עשיתי לך). Two Dargos of Nevua.

Question 2. This is a Kasha that I had for a long time and I mentioned last year in one of my Shiurim (Ed. Note: Parshas Behaloscha 5778, 3rd Vort). In Yirmiya 45 Baruch Ben Neiriya is in pain as is found in 45:3 (לא מצאתי, ומנוחה, לא מצאתי). Why am I not a Navi? Hashem says it is a time of Churban and it is not time to make you a Navi. The Kasha is what kind of answer is that? Yechezkel became a Navi during that time. What do you mean that it is not time for you to be a Navi? Why is it not time to be a Navi? What does that mean that it is not the time to be a Navi? Tzorech Iyun Gadol!

According to this it is very good. To reach a Darga of Nevua because a person is on a Darga of Nevua, that of course makes sense that a person can get at any time and the truth is that Baruch Ben Neiriya ended up getting a level of Nevua. However, he wanted to be a Navi Tachto'i, he

wanted to take over Yirmiyah's job, that HKB"H says Yirmiya's job is to avoid the Churban, the Churban is coming now and there is nobody who will take over for Yirmiya. So a Gevaldige Yesod that answers a Kasha.

2 - Topic - Rav Druk on the topic of a Melech.

Let's move on. We have talked about the Navi so let's get in a few words about the Melech as well. The Posuk says in 17:15 (שׁוֹם תְּשִׁים עָלֶיךָ מֶלֶךְ). Also everybody asks on Navi, if (שׁוֹם תְּשִׁים) (עָלֶיךָ מֶלֶךְ) why in Shmuel I Perek 8 when they ask for a Melech does it say 8:6 ( וַיִּרְעוּ הַדְּבָר, בְּעֵינַי ) (שְׁמוּאֵל) that Shmuel gets upset?

There are many Teirutzim but this year I got to see in Rav Druk's Sefer Darash Mordechai (page 186) a Pshat Teretz that is Pshat, no Pilpulim. Listen to this as it is beautiful. The Posuk says (שׁוֹם תְּשִׁים) (עָלֶיךָ) means over you. In Kesubos 17a (10 lines from the bottom) (שׁוֹם תְּשִׁים) (עָלֶיךָ) (עלֶיךָ מֶלֶךְ שֶׁתְּהֵא אִימְתוּ עֲלֶיךָ). Someone you should fear. A Melech is someone who should be feared.

It says in Pirkei Avos in Perek Gimmel Mishna Beis ( הוּי מִתְפַּלֵּל בְּשִׁלּוּמָה שֶׁל מַלְכוּת--שֶׁאֵלֵּמֵלָא מוֹרָאָה, ) (אִישׁ אֵת רִיעָהוּ חַיִּים בִּלְעוּ). The Ikkur is Yir'a of a Melech.

When Klal Yisrael comes to Shmuel and say (תִּנְהַלְנוּ מֶלֶךְ) give us a king. Not T'na Aleinu Melech, not a Melech over us but a Melech Lanu, who will serve us. This is what it says in the Posuk. (וַיִּרְעוּ הַדְּבָר, בְּעֵינַי שְׁמוּאֵל). This request was bad in the eyes of Shmuel. ( תִּנְהַלְנוּ, כְּאֲשֶׁר אָמְרוּ, ) (מֶלֶךְ). Why does it repeat (כְּאֲשֶׁר אָמְרוּ)? Poshut.

Why was Shmuel angry, because they said (כְּאֲשֶׁר אָמְרוּ, תִּנְהַלְנוּ מֶלֶךְ) and not Aleinu Melech. There is a very big difference. Beautiful Al Pi Pshat. If somebody wants a Melech, a leader, a leader has to be someone who he is going to have Yir'a from who he is going to have Mussar from.

It reminds me of something else that Rav Druk said. Rav Druk said who is the Ikkur Talmid and Rabbi in Tanach it is Yehoshua and Moshe Rabbeinu. How many times do you find in Kol Hatorah Kulo that Moshe spoke directly to Yehoshua? Two times and both were Mussar. Yehoshua says that Eldad and Meidad were saying Nevua and he complained. Moshe Rabbeinu gave him Mussar. He said Mi Yitein. What is wrong? Bamidbar 11:29 ( וַיִּמְי יִתֵּן כָּל-עַם יִרְוֹן, נְבִיאִים ) (וְיִמְי יִתֵּן כָּל-עַם יִרְוֹן, נְבִיאִים). The whole nation should be Neviim. Yehoshua was told you are wrong.

The other time when Moshe Rabbeinu comes down from Har Sinai in Ki Sisa and he says what is this Kol Bamachaneh and Yehoshua says (קוֹל עֲנוּת גְּבוּרָה) it is a wonderful sound. Moshe Rabbeinu says no you are not understanding. Rashi says you want to be a leader you have to understand what you hear. Twice Moshe Rabbeinu speaks directly to Yehoshua and you know what, both times it is Mussar. A Talmid is someone who is T'na Aleinu Melech, someone over us. Gevaldig!

Wishing one and all a meaningful Chodesh Elul, a Geshmake Mishmar Seder and a Gut Gebentched Yar, a Kesiva V'chasima Tovah and a Gutten Shabbos!

## **Rabbi Reisman - Parshas Shoftim 5778**

### **1 - Topic - A thought on a Hanhagas Hachaim of doing a Mitzvah as completely as one can.**

As we prepare for Shabbos Parshas Shoftim and we get closer and closer to the Yom Hadin. I would like to share with you first a remnant, a thought that is left from my visit to Artzeinu Hakedosha something that I wonder about every year when I go to Eretz Yisrael.

The question involves the fact that I am a Levi and in Eretz Yisrael I have the opportunity to wash the hands of the Kohanim on a regular basis because the Kohanim Duchan there every day. The Shaila that I have is the following. In Chutz L'aretz I wash the hands of the Kohanim only at Mussaf. There, there is no loss in the sense that I answer Amen to Hakeil Hakodosh, I go out and wash their hands and I am back in time to answer the next Amen which is Mekadesih Yisrael V'haz'manim.

It is not that way in Artzeinu Hakedosha, in Eretz Yisrael where they Duchan every single day. There if I walk out during Chazaras Hashatz to wash the hands of Kohanim, I lose multiple Amens of Chazaras Hashatz. Now granted in some Shuls you can hear Chazaras Hashatz from the place where you wash but not every Shul. At the Kosel you can make up the Amens from the other Minyanim but not everywhere and the Shaila is, is it K'dai. Is it K'dai to wash the hands of the Kohanim and miss the Amens? Now it would seem to be a no brainer. What is more important to answer Amen or for a Levi to wash the Kohanim's hands. Answering Amen is certainly a much bigger Zechus.

In addition, we are supposed to answer 90 Amens a day and without the two Chazaras Hashatz it is very very difficult. Even on days when I Daven a longer Shemoneh Esrei then the Tzibbur I am with, I struggle with the fact that I am missing on my count of the 90 Amens which I am supposed to have. Therefore, the question is what is more important.

I would like to share with you a Yesod that I have seen numerous times by Moreinu Rav Pam and it is an important Yesod in Hanhaga in general in life and certainly in regards to Mitzvos. I will give you an example.

I once asked Rav Pam the following question. If I am Davening Mincha and I am Davening a longer Shemoneh Esrei than the Baal Tefila is willing to wait for, and he begins Chazaras Hashatz and I realize that if I switch from Sim Shalom to Shalom Rov which after all, Ashkenazim do all the time, I will be able to get Kedusha, however, if I say Sim Shalom I will miss it. Should I switch?

Rav Pam told me no. I said what is a bigger thing to answer Kedusha or to say Sim Shalom instead of Shalom Rov? Rav Pam said no. When you are doing something do it right, do it the way you should be doing it. And if the effect of it is that you miss Kedusha then Halacha says that a person misses Kedusha and Zeh Hu. What you are doing, do right. It is a very important Hashkafas Hachaim. Do what you are doing and do it right. Don't make all kinds of Cheshbonos which end up weakening the things that you are doing. Now sometimes Halacha requires you to.

As a matter of fact, someone showed me in the Tzemach Tzedek in the Shar HaMiluim Os Yud Aleph, he has a similar question. Someone is Davening Shemoneh Esrei on Chanukah, if he says Al Hanisim in Shemoneh Esrei he will miss Kedusha. If he skips Al Hanisim which after all is not M'akeiv, he will be able to say Kedusha. Is it worth it? Again, what is more Chashuv Kedusha or Al Hanisim? He says no, say Al Hanisim and if you miss Kedusha then miss Kedusha. That is the Halacha that you miss Kedusha.

I know that you are going to ask me the following question. We skip parts of Pesukai D'zimra in order to get to Tefilla B'tzibbur, why don't you say the same thing that you should say Pesukai D'zimra and don't skip and if you miss Minyan for Shemoneh Esrei then you miss it. Farkert, the Shulchan Aruch Harav writes that the reason that we skip parts of Pesukai D'zimra in order to get Tefilla B'tzibbur, is because Pesukai D'zimra Lo Nitna Ela Li'yos Hachana L'tefilla She'y'hai Ritzu'ya. The whole purpose of Pesukai D'zimra is to make the Shemoneh Esrei Ritzu'ya, a desirable Shemoneh Esrei.

Why does he have to give a reason? Why doesn't he just say that Tefilla B'tzibbur is more important than Pesukai D'zimra? The answer is our Yesod. Our Yesod holds true except by Pesukai D'zimra where there is a reason, a Cheshbon. At any rate this is a Hanhaga, do what you are doing and do it right. Put your focus on it and it is a Hanhagas Hachaim.

## **2 - Topic - A thought regarding Hazmana Milsa Hi, preparing yourself.**

A thought on the Parsha. It is fascinating that one of the Sugyos in Shas which is very Halacha L'mayseh comes from the Parsha of Eglah Arufa in our Parsha which as you know is not so Halacha L'mayseh, certainly not Biz'man Hazeh, never in Chutz L'aretz and even during the time that the Bais Hamikdash stood who knows if they did or how often they did an Eglah Arufa.

There is a Gemara in Maseches Sanhedrin on Daf 47b - 48 where Abaye and Rava argue if Hazmana Milsa Hi. The particular case they are discussing is someone who prepared clothing for a Meis in which to bury a Niftar. Clothing of a Niftar are Assur B'hana'a. The question is if this clothing was never placed on the Niftar, they were only prepared, do we say Hazmana Milsa Hi which is Abaye's opinion that the preparation itself Assurs or do we say Hazmana Lav Milsa Hi which is Rava's opinion that preparation itself does not Assur.

A common example is someone who buys a Tefillin bag and plans to put his Tefillin in it. Once he puts the Tefillin in, the bag becomes a Tashmish Kedusha and has to be put into Sheimos and cannot be used for Devarim Shel Chol. However, if he has never used it for Tefillin, can he now designate it for something else?

The answer is that it is a Machlokes Abaye and Rava and we Pasken that Hazmana Lav Milsa Hi. Hazmana is not something that counts to give Dinnim to something that is being prepared. What does it have to do with this week's Parsha?

The Gemara explains that Abaye brings a Raya from our Parsha in 21:4 where we find by the Eglah Arufa a concept that the Eglah Arufa gets its status of Issur Hana'a (אָל-נִחַל אֵיִתָּן). Even

when it is going down the Nachal Eisan (מִיתְסָרָא) it already has a Din of Issur even though it has not yet accomplished what it had to accomplish. So Abaye says that this is enough to Assur. Rava says that it is no Raya as it is the beginning of the Mitzvah, that is the Guf Hamitzvah even though it is not complete, still. At any rate, this is the Machlokes of Hazmana Milsa or Lav Milsa.

The very first Schmooze I heard from my Rebbi Rav Pam, took place during my early years in the Bais Medrash when my Rebbi ho at the time was Rav Elya Chazzan Zichrono Livracha was not in Yeshiva on an Erev Shabbos and I went to Rav Pam's Schmooze. It was a little before Shavuos as I recall, and he gave a Schmooze which I was to hear from him again in future years.

The Schmooze had to do with Hazmana Milsa and Hazmana Lav Milsa Hi. Essentially what the Schmooze was about was the fact that we find an exception. Rava holds that Hazmana is nothing except by Guf Hakedusha. By the Klaf, by the parchment of the Kedusha itself. In other words by the Tefillin bag Hazmana Lav Milsa Hi, by shrouds of a Meis Hazmana Lav Milsa Hi. When you talk about the parchment on which the Sefer Torah itself will be written, or the Tefillin themselves will be written, there Hazmana Milsa Hi.

Rav Pam said in the name of the Bais Halevi that the same thing holds true regarding a person. A human being is the Klaf of Torah She'baal Peh and Hazmana Milsa Hi. If a person dedicates himself, devotes himself and commits himself to becoming a Talmid Chochom, it does something to the person. The person raises his stature, raises his Kedusha and Hazmana Milsa Hi on the Guf Ha'adam, on the person himself. So that there is an extraordinary Chashivus for a person being able to do that.

Rav Schwab in this week's Parsha (Sefer Mayan Bais Hashoeva page # 424 - 425) brings a similar idea regarding what Chazal call a Ben Olam Habo. Somebody who is considered even while he is in Olam Hazeh to be a Ben Olam Habo and he brings four examples. Hakovesih Yitzro, someone who is able to squash his evil inclination when he faces a Nisayon. Or somebody who is Maitiv L'acheirim, kind to others. Or someone who distances himself from Sheker. Or Ham'aneig Es Hashabbos which is Mai'ain Olam Habo. These are considered to be Mai'ain Olam Habo in this world. Why?

Says Rav Schwab something similar to what Rav Pam said. These concepts, these four ideas are all Mai'ain Olam Habo. In Olam Habo there is no Sheker it is all Emes. It is a Yom Shekulo Shabbos. It is a place where there is no Yeitzer Hora, Hakovesih Es Yitzro. It is a place of Kulo Tov and Maitiv L'acheirim.

Someone who does a Hazmana Milsa Hi, someone who prepares himself in any of these ways to be a Ben Olam Habo is Zoche already in this world, the preparation does it. The idea in all of these Nekudos is that the Hachana, the commitment, the dedication is really a tremendous opportunity to raise a person's level. That is what Elul and the Aseres Yemai Teshuva are all about. It is all about commitment, a commitment, a desire, a Ratzon. However, weak we may be in carrying it out, but there has to be that strong will and desire. Hazmana Milsa Hi. When you prepare yourself something comes from it. So two thoughts. One thought regarding Hazmana Milsa Hi, preparing yourself and one regarding doing a Mitzvah as completely as one can.

### 3 - Topic - A thought regarding an apparent Stira between two Rashis.

Let me share with you an apparent Stira between two Rashis in this week's Parsha. The Rashis are in Pesukim which follow each other, Posuk 13 and 14. The Posuk before and after Chamishi. Posuk 13 (תָּמִים תִּהְיֶה, עִם יְרֹךְ אֱלֹרִיף). One of the challenging Pesukim. (תָּמִים תִּהְיֶה). People today always want not only Segulos but even magic in order to be able to predict the future. (תָּמִים תִּהְיֶה, עִם יְרֹךְ אֱלֹרִיף). The Torah says don't. Zagt Rashi what is the Mitzva of (תָּמִים תִּהְיֶה, עִם יְרֹךְ אֱלֹרִיף)?

So Rashi says (ולא תחקור אחר העתידות) don't try to know what the future holds. (אלא כל מה שיבא). (עליך קבל בתמימות ואז תהיה עמו ולחלקו). To be part of HKB"H, connected, trust that HKB"H will lead you in a good way but don't try to know ahead of time what is coming. A beautiful message (תָּמִים תִּהְיֶה, עִם יְרֹךְ אֱלֹרִיף).

The next Posuk says that the Goyim around you (אֶל-מְעַנְנִים וְאֶל-) אֲשֶׁר אַתָּה יֹרֵשׁ אוֹתָם--אֶל-מְעַנְנִים וְאֶל-). (קִסְמִים, יִשְׁמְעוּ; וְאַתָּה--לֹא כֵן, נָתַן לָךְ יְרֹךְ אֱלֹרִיף). The nations around you look for sorcery to predict the future. They do things like hands on healing. All the magical things that are going to change things in the future. Don't do them. (לֹא כֵן, נָתַן לָךְ יְרֹךְ אֱלֹרִיף). All right. A very consistent Posuk. What about Rashi?

Rashi says why should you not go to sorcerers? Zagt Rashi in Posuk 14 on (נָתַן לָךְ יְרֹךְ) לֹא כֵן, נָתַן לָךְ יְרֹךְ) go to the Neviim (לשמוע אל מעוננים ואל קוסמים שהרי השרה שכינה על הנביאים ואורים ותומים) that (אֱלֹרִיף) and go to the Urim V'tumim. What? Rashi just said don't go to (מעוננים ואל קוסמים), why? Because trust Hashem for the future. Don't think that you have to know ahead of time. The next Rashi says don't try to learn the future because you can go to a Navi or the Urim V'tumim. Pilai Pelaim!

Someone suggested that a Yachid is (תָּמִים תִּהְיֶה) and for the Tzibbur you go to the Urim V'tumim. It is fine but it just does not fit into the two Pesukim. (תָּמִים תִּהְיֶה, עִם יְרֹךְ אֱלֹרִיף) and then (כִּי הַגּוֹיִם) (הָאֵלֶּה) is a continuation, it is one Hemshich. Certainly it needs an explanation and that I leave for your Shabbos table. Wishing one and all an absolutely wonderful Shabbos Kodesh!

### Rabbi Reisman - Parshas Shoftim 5777

#### 1 - Topic - Shana Rishona

As we prepare for Shabbos Parshas Shoftim, we begin the month of Elul. I personally have come back to Chutz L'aretz from Eretz Yisrael hoping to carry with me some of the Avir that one is Zoche to absorb when he goes to Eretz Yisrael, Halevai it should last a long time.

One Nekuda which I saw in Eretz Yisrael which I have to share with you is the idea of Mesiras Nefesh. An idea of a person giving up things that he has in order to further his learning of Torah, his Davening with Minyan, his Frumkeit in general. The Mesiras Nefesh in Eretz Yisrael doesn't begin to compare to what we have here in Chutz L'aretz.

In Eretz Yisrael you go and buy nuts, it is exactly the same nut stand as there was 40 years ago. Probably the same metal barriers around the nuts, the nuts are fresh but everything else is exactly the same. You go here and it is so painful, you go into the Yiddishe stores in the country and there are a lot of new Yiddishe supermarkets. I don't know what the Goyim think, the Goyim don't have such stores. The Goyim in the country never saw such things. The Yidden should be the main eaters, consumers of the most expensive foods! Jewish ads should have pictures of cuts of meat in full color? All kinds of cuts of meat, all this food which you don't see L'havdil by the Goyim. We should be the Zolilai Basar, it hurts so much to see the Mesiras Nefesh that they have in Eretz Yisrael and to come here and to see the excesses you have here in Gashmius.

Let me tell you about the Chosson you have mentioned here in this week's Parsha. A Chosson doesn't go to Milchama because he starts his Shana Rishona. What is so important about the Shana Rishono of a Chosson? Ok, we understand that a husband and wife begin their life together. When I was in Eretz Yisrael, I saw something extraordinary. It is well-known that a Chosson that gets married Mochlin Lo Al Kol Avonasov. It is a Yerushalmi that says that when a Chosson gets married Mochlin Lo Al Kol Avonasov. They brought a Kasha there from the Sefer Kesser Nivchar I believe that it was also quoting from the Rif and the Ein Yaakov on Yevamos 63. The Kasha that is asked is that there is a Gemara in Kiddushin which talks about someone who gets married Al Menas She'ani Tzaddik Gamur, on the condition that he is a Tzaddik, so we have a Safeik if he did Teshuva, if he is a Tzaddik or not. The Kasha is what are you talking about as once he gets married Mochlin Lo Al Kol Avonasov. So Mimela he is a Tzaddik Gamur. What is the Shaila?

He answers with an important Yesod. Nothing is given as a gift for no accomplishment in this world. If you see something available for free, it is probably worthless. There is no free, there is no Chinom, a person has to earn Olam Habo. A person has to earn Ruchnios. Zagt the Rif on the Rambam, what is the idea that a Chosson Mochlin Lo Al Kol Avonasov?

The Mechila gets put in a box. When a Chosson gets married it is incumbent upon him to start a new life, to leave behind his Narishkeit. When a Chosson gets married he has to marry with his strengths, with the things about him which are positive. Every person has things that are positive about him and things that are not so positive. Some people like to make funny jokes. They also have strengths and they also understand the obligations to Daven with Minyan every day and to have Sedorim Kevu'im. Who do they marry? A girl that likes their jokes or a girl that likes their Sedorim Kevu'im and Davening with Minyan. There are different types of Chassanim out there.

A Chosson gets married and we put his Mechila in a box and we see how is his life beginning. How is his life starting now that he is beginning a new Haschala. He leaves behind his Narishkeitin and he is Mochlin Lo Al Kol Avonasov, he is starting again. He deserves it. He has a certain Mesiras Nefesh and devotion.

On the other hand, if he doesn't leave behind his Narishkeitin, if he goes and begins and starts with the Narishkeitin further, could it be that Mochlin Lo Al Kol Avonasov. We give a Kvittel to a Chosson. What type of Chosson? If when he was Chosson Kallah he wasn't Zahir in the Halachos and he had Shailos in Abizraiho D'aroyos, he did things that were improper, someone

like that you are going to give a Kvittel to, someone like that you are going to be Mochlin Lo Al Kol Avonasov? Of course not! It is a Yerida.

A Chosson who sees in the Kedusha in going to the Chuppah, who sees the Shechina L'mayla up on the Chuppah, the Shechina is Sh'ruya Bei'neihem. Someone who sees that that is something else. The Mesiras Nefesh to begin again, that is what it is Talui in. Shana Rishona is an Avoda of a new Haschala, of a new beginning. You can't pull the Chosson out of the house. He is starting a new Haschala, him and his new wife towards the Ribbono Shel Olam, B'aliya. Going up the Sulam Shel Aliya. Going up step by step. Every Chosson who is a Yir'a Shamayim is Mekabeil new things on himself. He undertakes new parts of Avodas Hashem. He starts with Kedusha. That is what Shana Rishono is about.

## 2 - Topic - Haftorah of Shoftim

I would like to share with you a thought on the Haftorah from Rav Chaim Kanievsky and this answers the following Kasha. This Kasha is not mentioned by Rav Chaim, it is my Kasha. In Bentsching we say (הוא ישלח לנו את אליהו הנביא זכור לטוב ויבשר לנו בשורות טובות ישועות ונחמות הרחמן). Now we know, that Eliyahu will tell us that Moshiach is coming tomorrow. The Gemara says in Eiruvim 43b (top of the page) that the day before Eliyahu will tell us that Moshiach is coming tomorrow. What is (בשורות טובות ישועות ונחמות). What is the Lashon Rabbim. What are the many Besuros that Eliyahu brings? It should say it in Lashon Yachid, Besura Tova. Turn to the Haftorah.

In this week's Haftorah, which is in Yeshaya 52 we have a well-known Posuk. 52:7 (מה-באו על-) (ההרים רגלי מבשר, משמיע שלום מבשר טוב--משמיע ישועה; אמר לציון, מלך ארץ). How pleasant it is to hear coming over the mountains, the feet, the footsteps Mevasser of Eliyahu Hanavi that is going to come to give us good news. (משמיע שלום מבשר טוב--משמיע ישועה). He is going to come to tell us a piece of good, of hope. What does that mean? What are the three things (משמיע שלום, מבשר, משמיע ישועה) three things?

Zagt Rav Chaim Kanievsky, we find three Gemaras about Eliyahu coming, 1) in the Gemara in Eiruvim 43 that Eliyahu Hanavi will tell us about Moshiach's arrival being imminent, 2) in the end of Maseches Eduyos that Moshiach will come and bring peace to the world, peace between people who don't get along, peace among the nations, there will be Shalom. The third, there are numerous Gemaras, in Maseches Menachos 45, Berachos 35, that Eliyahu will tell us Halachos (from all of the Taikus). We say Tishbi Yetareitz Kushyos V'abayos. That Eliyahu Hanavi will be Megaleh to us parts of Torah that are hidden from us, that we don't understand.

So Eliyahu comes for three things. Of course to tell us about Moshiach but also to bring Shalom and also to be Megaleh to us Inyanim Shel Torah. Zagt Rav Chaim Kanievsky, those are the three Nekudos in the Parsha. (משמיע שלום) he is going to bring peace to the world, (מבשר טוב) Zagt Rav Chaim Kanievsky, Ain Tov Ela Torah, it refers to Divrei Torah and (משמיע ישועה) of course the Yeshua of Moshiach coming. Ad Kan Divrei Rav Chaim Kanievsky.

Mimeila we go back to Bentsching and we understand (ויבשר לנו בשורות טובות) Tovos Zagt Rav Chaim Kanievsky is Torah, (בשורות טובות) he is going to be Megaleh to us, Darshun for us

Inyanei Torah that we don't know. He is going to be Megaleh to us Halachos. (ישועות) is Moshiach's coming. (וְנִקְמָתוֹ) is the Shalom that will be in Klal Yisrael among Yidden. Something that we need desperately, the idea of people getting along. (וַיִּבְשָׁר לָנוּ) is a list of things that Eliyahu will bring.

Lest you think that Rav Chaim is Darshuning and of course Rav Chaim is Darshuning from a Yedia of Kol Hatorah Kula, but you will say that it is not so clear. If you look in the Piut of Eliyahu Hanavi, Eliyahu Hatishbi, Eliyahu Hagil'adi that is said by many on Motzoei Shabbos, all three are mentioned. Ish Tishbi Al Shemo Nikra. Tatzlicheinu Al Yado Batorah. It talks B'feirush that Eliyahu Hanavi is coming and will bring Hatzlacha in Torah. And what does it say, Tashi'ainu Mipiv B'sora Torah Bim'haira. When it talks about Torah it uses the Lashon Besora Tovah which is exactly what Rav Chaim said that Ain Tov Ela Torah.

Then it says Ashrei Mi Shera'a Panav Bachalom. Ashrei Mi Shenasan Lo Shalom, V'hechezir Lo Shalom. Hashem Yevareich Es Amo Bashalom. It talks about Shalom being the purview of Eliyahu's coming. Of course it says in Malachai 3:23 ( הֲגֵה אֶנְכִי שְׁלֹם לְכֶם, אֵת אֱלֹהֵי הַנְּבִיא--לְפָנַי, בּוֹא יוֹם ) (יְרֹר, הַגְדוֹל, וְהַנּוֹרָא). Of course it talks about Eliyahu coming before Moshiach's coming.

So Mimeila there are three parts of the Gilui of Eliyahu coming are all mentioned here. The Achake Lo with the Yeshuos that will come with Eliyahu Hanavi. But not just that, the Shalom which we so desperately need, there is less and less Shalom by Klal Yisrael and Mishpachos as time goes on. The Gilui in Torah, our Havanos in Torah are weakened as there is Yeridos Hadoros. Mimeila that is something that we Daven for, with a tremendous Leiv Shalom, with a tremendous heart of desire, not only for Moshiach's coming but for all of the aspects of Eliyahu coming.

### **3 - Topic - Elul**

If in fact we understand, and we have an appreciation that the Ikkur by far and away, the one single Ikkur in Klal Yisrael is Mesiras Nefesh. We see it in the Acheinu Shel Bnei Yisrael in Eretz Yisrael who are Moser Nefesh. The Baalei Teshuva who give up a whole life, a successful life with good friends, boyfriends and girlfriends and family for Torah, and the Yidden who sit and learn there with Mesiras Nefesh, we too have to be Moser Nefesh

Boruch Hashem we have what to eat, Boruch Hashem we don't have to sacrifice Mishpacha. But we have to give up something for Torah. We have to be Mekabeil something to be able to have a connection to Torah. Zi Ken Nisht Zain, it can't be that we go year to year the same people. Rav Pam always told us to make Kabbalos, to undertake things, new things. Things that we didn't do before. Where are you? You can't give up a little eating, a little drinking, something for Avodas Hashem.

Next Thursday night we start the Mishmar again. 4 Mishmars until Yom Kippur. You can't come? How are you going to explain to the Ribbono Shel Olam that you weren't Mavir Sedra, you don't have time. You were begged all the time to come to Mishmar. How are you going to explain that you fall behind in the Daf, you can come to the Mishmar.

We are learning the 5<sup>th</sup> Perek in Avoda Zora, a Geshmake Perek, Hilchos Taruvos, Gevaldig. We are learning an Amud a week, we are starting the 5<sup>th</sup> Perek next week. Why don't you join us? There are many sites of Mishmar. Our place is Avenue S and east 22<sup>nd</sup> street. If you will come regularly we will get you a parking spot. People complain that the parking is hard. It is true, the parking is hard. When Moshiach will come it will be hard to get near him also. Have a little Mesiras Nefesh. If you will come regularly we will get you a parking place too, B'kevua. But you have to commit. Mesiras Nefesh, if you are devoted to it and undertake it, if you want to have a Gut Gebenched Yar you have to do something to have a Gut Gebenched Yar. Do something to make it a sacrifice, a devotion. It is not free. Things are not free. You have to undertake a new Haschala.

As we go marching Elul, to Rosh Hashana, to Yom Kippur, let's make it meaningful, let's make it something with permanence, something with Mesiras Nefesh. A Gutten Shabbos to one and all!

### **Rabbi Reisman - Parshas Shoftim 5776**

1. This week I would like to share with you an Inyan of Machshava and an Inyan of Halacha. Let's start with the Halacha first. As you know, in this week's Parsha we have a Mitzvah for a Melech to have a Sefer Torah. In addition to the regular Sefer Torah which every Yid has a Mitzvah to write, a Melech has a Mitzvah to have an additional Sefer Torah and I think that there is a little bit of confusion as to how exactly the second Sefer Torah, the Melech's Sefer Torah which had to be with him all the time, how it was treated.

It actually says B'feirush in the Gemara in Maseches Sanhedrin 21b (12 lines from the bottom) וכדתניא וכתב לו את משנה וגו' כותב לשמו שתי תורות אחת שהיא יוצאה ונכנסת עמו ואחת שמונחת לו בבית גזיו (ומגיהין אותו מספר). (הכי איתא (דף כ"א:)) לאו דוקא דאם כן איך אמרו במשנה יוצא למלחמה בירושלמי וכ"כ הרב כ"מ כאן ובפרק שביעי מהלכות ס"ת הניחו בצ"ע. ומה שהקשה שם וכאן אמאי לא כתב רבינו דעושה כמין קמיע ותולה בזרועו דקאמר בברייתא שם (דף כ"א:)) לאו דוקא דאם כן איך אמרו במשנה יוצא למלחמה מוציאה עמה וכו' יושב בדין וכו' אלא לעולם היתה בזרועו זולת בבית המרחץ ובבית הכסא וכיון דהיא תלויה ודאי דלעולם היא עמו א"ו דמתני' הודיענו דלאו כמין קמיע ממש קאמר אלא כיון שבכל אלו המעשים היתה עמו הוה ליה (כאילו תלוי בזרועו).

The problem is that the Rambam doesn't mention this (Ed. Note: Sefer Shoftim, Hilchos Melachim, Perek Gimmel, Halacha Aleph). The Rambam mentions to have two Sifrei Torah but he doesn't mention this idea that the king went with it and wore it all of the time. This is not mentioned in the Rambam. The Lechem Mishna there in Hilchos Melachim wonders why this is not brought down. (Ed. Note: this can be found in Dibbur Hamaschil (הכי איתא (דף כ"א:)) לאו דוקא דאם כן איך אמרו במשנה יוצא למלחמה מוציאה עמה וכו' יושב בדין וכו' אלא לעולם היתה בזרועו זולת בבית המרחץ ובבית הכסא וכיון דהיא תלויה ודאי דלעולם היא עמו א"ו דמתני' הודיענו דלאו כמין קמיע ממש קאמר אלא כיון שבכל אלו המעשים היתה עמו הוה ליה (כאילו תלוי בזרועו).

I would like to share with you a Rogatchover (1858 - 1936). The Tzafnas Paneiach was famous for pulling things out of left field and finding Mekoros for things which are not anticipated and

he does that here as well. As a matter of fact, he finds the Halacha in Dinei Muktzeh which is a source for the Rambam.

As many of you know, the Gemara says in Maseches Shabbos 30b that a person who has passed away, a dead body, is Muktzah on Shabbos and it is Assur to move. It is like Eitzim and Avanim, it has no use on Shabbos so it is not allowed to be moved. What happens if the Meis is in a place where it is a Bizayon. The Meis is someone who fell and died and it is a Bizayon to leave him there. The Gemara actually brings this Shaila. Not only does it bring this Shaila but it discusses the Shaila in a specific case. The Gemara tells the story of Dovid Hamelech.

Dovid Hamelech was learning on Shabbos and was distracted. When he stopped learning the Satan caused him to fall and die. So that he died on Shabbos. The Gemara (7 lines from the top) relates that his son Shlomo Hamelech sent a Shaila to the Sanhedrin. He asked them what is the Din (אבא מת ומוטל בחמה) if there is a Meis whose body is lying in the sun and it is a Bizayon because the Meis will decompose, are we allowed to move such a Meis on Shabbos.

The Gemara brings that they answered him and we Pasken (הגה עליו ככר או תינוק). Put a non-Muktzeh thing on the Meis (ככר או תינוק), a child or a loaf of bread and then you are allowed to move the Meis Atu the Davar that is not Muktzah. You can't do that to anything that is Muktzeh but in the case of a Meis by putting a Kikar or Tinok it is Muttar to move that Meis.

The Mordechai there is Shabbos Daf Lamed says that even if the Meis is just wearing a jacket you can move the Meis Atu the jacket that he is wearing. This is what the Mordechai says and it is brought L'dina.

Freight the Magen Avraham and the Taz, in Siman Shin Yud Aleph, Taz S'if Kotton 4, the Magen Avraham is S'if Kotton 16, they ask how can the Mordechai say that, you are allowed to move a Meis if he is wearing a Beged and you don't need a Kikar or Tinok. If he is wearing something it is adequate, so why did Shlomo Hamelech send a Shaila to the Sanhedrin and then reply to put on him a Kikar or Tinok. Dovid certainly wasn't undressed when he was sitting and learning he was certainly wearing something. If so, you should be allowed to move Dovid Hamelech because of the Begadim which he was wearing.

The Taz brings an answer, that every human being who is wearing a Beged and dies that Beged is something Muttar, the jacket can be worn by others and that is Mattir moving the Meis. However, in the case of a king it is different. One of the rules of Kavod Melech is that no one else is allowed to wear his clothing. A Beged that is worn by a Melech may not be worn by an ordinary person. Zagt the Taz very Geshmak. A regular person you are allowed to move because he is wearing Begadim and therefore, you don't need a Kikar or Tinok. In the case of Dovid Hamelech, Shlomo had a very unique Shaila. He told the Sanhedrin, I know that you are allowed to move a Meis if he is wearing clothing. But in the case of my father, the king, the clothing themselves are now Muktzah because it has no use. What do I do? They said bring a Kikar or Tinok. This is a Gemara, this is a Mordechai, and a Taz which seems to have nothing to do with a Shaila of a Sefer Torah.

Comes the Rogatchover and he says brilliantly. He says if the Halacha is that the king is wearing a Sefer Torah, certainly the king's Sefer Torah after his death it was not buried and that Sefer Torah others are allowed to use. If Dovid was wearing a Sefer Torah so what was the Shaila, of course you can move him.

Zagt the Rogatchover that it is a Raya from this Gemara that this Gemara disagrees with the Gemara in Sanhedrin and holds that a king does not wear a Sefer Torah. Mimaila the Rambam who Paskens like this Gemara in Dinai Muktzeh, Paskens like this Gemara that the king does not have to wear a Sefer Torah. Ad Kan, these are the words of the Rogatchover. We see how Gedolei Yisrael for whom all of Shas was open before them could see connections from one Gemara to another Gemara, how beautiful.

This reminds me of what another one of the geniuses of Klal Yisrael once said. Rav Kreiswirth (1918 - 2001) once said something beautiful. The Gemara in Rosh Hashana 28a (8 lines from the bottom) talks about someone who eats Matzah on Pesach because a Goy forced him. Is he Yotzei? The language of the Gemara is (שכפאוהו פרסיים) a Persian forced him to eat Matzah is he Yotzei or not? That is the Gemara.

Rav Kreiswirth said why did it say a Persian forced him, a Goy forced him, why Dafka a Persian? I have no idea why a Persian why not a Chinaman, I have no idea. Rav Kreiswirth to whom Shas was on his fingertips, said Poshut. We know that if you eat Matzah you have to eat it B'haseiba, leaning over. There is a Gemara in the 7th Perek of Berachos (Ed. Note: I believe that this discussion is on 46b 19 lines from the top) that says B'inyanei Haseiba Parsiim are more Makpid than anyone else. So it has to be Kafui Parsi V'achal Matzah. Anybody else who forced him then it would be without Haseiba. Kafui Parsi then it is with Haseiba. My point is not the Haseiba point but how Gedolei Yisrael, the giants of Klal Yisrael had Shas opened before them and everything was interconnected. How beautiful!

2. Let me turn to an Inyan of Machshava. We have the Mitzvah of Hakhel. Hakhel was a Mitzvah in the time of the Bais Hamikdash the year after Shemitah where at the end of Sukkos all of Klal Yisrael gathered together. We find in Nach very often that Yidden gathered together in times of need and made a Bris, they were Mekabeil on themselves once again to keep the words of Torah. The idea of a Kabbalah is a very appropriate idea for the Elul time of the year. The idea of being Mekabeil things, be Mekabeil what, we are Mechuyav anyway. A Kabbalah is a big thing.

The Rosh Yeshiva of Torah Vodaath, Rav Yosef Savitsky who spoke at the Pesicha (of the new Elul Zman), said a beautiful Machshava. He said how do you know that a Kabbalah is a big thing? We say every morning (אֲשֶׁר יָנוּ מֵה טוֹב הַקְּלָנוּ וּמֵה נְעִים גּוֹרְלָנוּ וּמֵה יָפֵה יִרְשָׁתֵנוּ):

(אֲשֶׁר יָנוּ כְּשֶׁאָנוּ מְשֻׁבְּרִים וּמְעֻרְבִים בְּבֵתִי כְּנִסְיוֹת וּבְבֵתִי מִדְּרָשׁוֹת) how fortunate are we, how good is our lot. We get up every morning and we say together before we start Davening and we say (שְׁמַע יִשְׂרָאֵל ד') (שְׁמַע יִשְׂרָאֵל ד' אֶתְד). How fortunate we are to have the Mitzvah of Shema. Why Shema Dafka? How fortunate we are to have the Mitzvah of Tefillin, how fortunate we are to have the Mitzvah of Lulav. What is the (אֲשֶׁר יָנוּ מֵה טוֹב הַקְּלָנוּ) Dafka by Shema Yisrael?

He answered, every Mitzvah you do, you finish the Mitzvah, you put it away, you have the Mitzvah. Mitzvah D'idna D'afsik Bai Maigin Umatzil. When you do a Mitzvah you have a special Cheilek that you are doing a Mitzvah. Kriyas Shema is different in one way. Shema Yisrael and V'ahavta has Kabbalas Ol Malchus Shamayim. It is a Kabbalah. (וְהָיָה אִם שָׁמַעַ) the second section of Kriyas Shema is Kabbalas Ol Mitzvos. It is a Kabbalah, it is something that doesn't just end. Every morning and every evening we remind ourselves to be Mekabeil the (שָׁמַעַ) Ol Malchus Shamayim. It lasts. It is something that when it is done it is a preparation for the rest of our day. (אֲשַׁר יִבְנוּ מֵה טוֹב הַלְקִינוּ) is connected to being Mekabeil, to having Kabbalos. Therefore, these Mitzvos are singled out. The Mitzvah of Shema by Shacharis and Shema by Arvis is something to have a lasting effect for the day to come. A beautiful Mekor, a beautiful thought for the Gadlus of coming together and making Kabbalos.

This idea answers to me a Kasha which I had. Our Kriyas Shema is 3 Parshios, Shema, V'haya Im Shemoa, and the Parsha of Tzitzis. Why should Tzitzis be singled out to the ending of Kriyas Shema? Kabbalas Ol Malchus Shamayim and Kabbalas Mitzvos I understand. The Tzitzis is a Mitzvah it is a wonderful Mitzvah, it is one of the Taryag. Why is that connected to Kriyas Shema?

But if the whole idea of Kriyas Shema which is geared to having a lasting effect for the day, then we understand (וְיִרְאוּ אֶת הַיְהוָה אֶת כָּל מִצְוֹתָיו). The idea of wearing Tzitzis all day is that when you are at work and there is a time of Nisayon you should look at your Tzitzis. It should remind you of what you do. (וְיִזְכְּרוּ) it is supposed to also have a remaining effect for the day to come.

I know a person, I am very close with. He had a Yerida, he had a Nisayon and he fell in with things that he wasn't supposed to be doing, looking at things that he shouldn't on the internet and he fell into a terrible Yerida. When it came out he was very broken. The question was how to pick himself up again. I told him, be Mehadeir in Mitzvos Tzitzis. Tzitzis is supposed to remind you all day of (וְלֹא תִתּוּרֵי אַחֲרַי לְבַבְכֶם וְאַחֲרַי עֵינֵיכֶם). I was very gratified to meet him later and he started wearing his Tzitzis out. In Yeshiva he didn't wear his Tzitzis out. In work he goes with his Tzitzis out. It is already many years later and he still does. I am gratified to see that he took this Parsha of Tzitzis and he made it meaningful to him, something which lasts. And so, the Shema that we say, Kabbalas Ol Malchus Shamayim, Kabbalas Mitzvos, and the Mitzvah of Tzitzis (לְמַעַן תִּזְכְּרוּ) it is something that is supposed to last. (וְיִרְאוּ אֶת הַיְהוָה אֶת כָּל מִצְוֹתָיו) something which has a lasting effect.

So with these two thoughts, first a Dvar Halacha but really the Gadlus of the Gedolei Yisroel and connecting different things, different connections in Torah, all of Torah is interrelated, and the idea of the Mitzvah of (מֵה טוֹב הַלְקִינוּ וּמֵה נְעִים גּוֹרְלֵנוּ וּמֵה יָפָה יִרְשָׁתֵנוּ) and to make use of it. These are ideas which are beautiful ideas. We should make use of it as we come now closer and closer, inching towards Rosh Hashana, Yom Kippur. Hopefully Taf Shin Ayin Zayin which should be a year of Yeshua and Chizuk for all of Klal Yisrael. A Gutten Shabbos to all.

## Rabbi Reisman - Parshas Shoftim 5775

1. This week I would like to share with you a number of ideas that I believe are all Yesodosdika ideas. The first idea being something well connected to Tanach. This is an idea expressed by Rav Hutner in two places. One in the Mamarei Sukkos 116 and also in the Igros of Rav Hutner 85. There he addresses the idea that in Nach we find numerous times that different Neviim in different periods gathered all of Klal Yisrael for an Asifa, for a gathering and in the gathering they seem to be Mekabeil the Torah or are Koreis Bris. It is a very general gathering to dedicate oneself to the obligations that exist in the Torah anyhow. We find this from the days of Yehoshua, at the end of Sefer Yehoshua all the way through to the last of the Kesuvim and that is Nechemya who does it as well in Perek 9.

The explanation is based on a Posuk in this week's Parsha 18:16. The Torah refers to Kabbalas Hatorah as (בְּחֶרֶב, בְּיוֹם הַקָּהָל) the day of the gathering. Rav Hutner sees in that a Yesod to every Hakhel, every gathering, that they are all there as an extension of Kabbalas Hatorah. The Yesod he explains can be found in Sefer Shmuel where Shmuel appoints Shaul as the first King. We find in Navi that when Shaul is appointed as King the people are Mezalzeil Bo, the people don't consider him to be a significant person and they feel that he is not going to be much help. As a matter of fact, after Shmuel tells not only Shaul but the people that Shaul is King, he goes back to tend to the animals. Then there is a battle, a Milchama with Amon, and Shaul comes and saves Klal Yisrael. After that, the people are moved to appreciate Shaul. Shmuel makes a gathering. He calls it a gathering as it says in Shmuel I 11:14 (וַיִּגְדְּשׁוּ שָׁם, הַמְּלוּכָה). Let us get together and together (וַיִּגְדְּשׁוּ שָׁם, הַמְּלוּכָה) to renew our dedication to the kingdom. That idea, is the idea of a gathering of Klal Yisrael. The idea of the Mitzvah of Hakhel which as you know took place every seven years in the Bais Hamikdash and all of the gatherings that we find in Tanach. It is the idea that to be Mekabeil something, does not have to mean that you are not obligated, you are Mekabeil to be obligated. Meaning, even if you have a previous obligation to do something, there is an idea to be Mechadeish that Kabbalah. Of doing it anew and in that way being rededicated and more devoted to the cause to which a person is rededicating himself. Therefore, that is the idea of Klal Yisrael having the constant Asifos, gatherings to rededicating themselves with a feeling of Ahavah, Chibah to something that they were Mekabeil before.

I sometimes think of the holocaust survivors, the generation in which I grew up, the children of survivors when they made very elaborate Bar Mitzvahs. The Bar Mitzvahs then were like the wedding of that day. Naturally, the reason was the Simcha of the joy of being able to renew the families that had been so cruelly destroyed and being able to once again to make Bar Mitzvahs and start a chain in a person's family. To a great degree, it was an Asifa of being Mekabeil the Torah with a Chavivus, with a Chibah as Klal Yisrael did with Shaul. It was a sense that despite all of the pain and disappointment there is a renewal of Klal Yisrael. That is really what that seemed to be about.

From this we go to the Ben Yehoyada in Berachos 28. The Ben Yehoyada writes there that the idea of a person celebrating his birthday. A birthday is a day where you come to an age, a new number, the years are going by. The idea of a birthday he says is an idea of being Mechadeish one's devotion, one's dedication to the purpose of his life. The idea of celebrating a birthday is a Hischadshus. It is just one more day in your life but it is a road marker. It is like someone who

travels from NYC up to the Catskills and he gets to a certain point that he gets onto the 17, onto a highway that is more than halfway there. That mile is no different than any other mile in his trip, but as you all know when you get onto the 17 you begin a new leg, it is a Hischadshus, it is a relief to be holding at that point. The same thing when a birthday comes. It is a Hischadshus, it is an opportunity to rededicate oneself, to feel again the ideas, the values for which we live.

The Ben Yehoyada goes on. He says that Rosh Hashono is humanity's birthday. It is the birthday of all human beings. Zeh Hayom Techilas Ma'asecha. It is the day on which Adam was created. Therefore, that too is an Asifa, to rededicate oneself to the things that we have already been dedicated to, but to do so with a feeling of Hischadshus, a feeling of renewal.

In Yeshiva the new Zman begins, Elul. Everyone comes with a sense of Hischadshus. If you have elementary school children, they are starting a new year in a new grade, with a brand new briefcase, and a brand new loose leaf. There is a sense of Hischadshus. I once asked my wife why she has to buy them briefcases as last year's briefcase is perfect. Why buy them loose leafs if you already bought them a loose leaf in middle of last year. My wife correctly explained to me that you have to start the school year with a shiny new briefcase, with new pencils, with a new loose leaf. It doesn't last as new for very long. But that feeling of Hischadshus is crucial. Certainly when a Zman begins in a Bais Medrash again, there is a renewal. What about people who are not going back to Yeshiva, what about people who are working in the jobs that they have? They have to create that Hischadshus, they have to make it happen. I am talking to all of you.

It is the end of a summer, you are coming back, it is time to rededicate oneself, to take upon oneself a sense of newness, a sense of Hischadshus in serving Hashem. All those hours you spent weekly Shlepping to the country, perhaps shopping for things you had to bring to the country, those hours now have to be used to serve HKB"H. Today is Thursday, next Thursday August 27th is the first Mishmar night. If you live in Brooklyn you are welcome to join us at the Agudah of Madison on Avenue S and east 22nd street. If you live elsewhere, well I recommend you fly in or make the trip. But if there is a Shul in your neighborhood, get people together, a sense of newness, a sense of Hischadshus. There are only 3 or 4 Thursday nights, Mishmar, until Rosh Hashono, Yom Kippur. For these 4 Thursday nights you can do it. Even if you feel you can't do it all year. Go to the Bais Medrash and be there until later at night. Make something happen. Take Maseches Rosh Hashono. Take the second or third Perek, both are short Perakim, 5 Blatt or so and in 4 Mishmar nights you can learn it. You can do it. It talks about the Mitzvah of Shofar in the third Perek. Learn about it. Make something happen. An Asifa for Hischadshus.

2. I would like to move on to a second thought. In this week's Parsha we have the Arei Miklat, the 42 cities of the Leviim and the 6 special Arei Miklat which are cities that are cities of refuge for someone who kills Beshogeig. I would like to share with you a thought which I had originally heard in the name of Rav Nachman of Breslov, afterwards in the name of the Gerrer Rebbe the Pnei Menachem and then the Oheiv Yisrael, all Chassidishe sources and then to my surprise I see that Rav Schwab as well deals with this idea, this concept. That is, there are 6 Arei Miklat, designated Arei Miklat and 42 additional Arei Leviim that rescue someone who kills Beshogeig. Kriyas Shema, the Posuk (שְׁמַע יִשְׂרָאֵל ד' אֱלֹהֵינוּ ד' אֶחָד) has 6 words. The Parsha of V'ahavta has 42 words. That Parsha of Kabbalas Ol Malchus Shamayim is an Ir Miklat for somebody who wants

to help himself, someone who is not capable of serving Hashem. It is hard to do Teshuva on all the things that you have done, but if you run to the Ir Miklat, if you run to Kabbalas Ol Malchus Shamayim it is something that can help you.

What is the difference between the 6 cities and the 42? One of the differences is that in the 6 cities the person who killed Beshogeig could live rent free. There were designated Arei Miklat, someone who murdered Beshogeig got first rights to live there. The other 42 cities were designated Arei Leviim, someone who came there had to pay rent. So you could imagine, if it was a wealthy man who killed Beshogeig he would run to any of the 48 cities. If it was a poor man who killed Beshogeig he would run to one of the 6 cities where he could live rent free. So too, somebody who is strong in his Avodas Hashem can find in any part of this Parsha of this Kriyas Shema his connection to the Ribbono Shel Olam. In the Mitzvah of Mezuzah, in the Mitzva of (שָׁמַע יִשְׂרָאֵל ד' אֱלֹהֵינוּ ד' אֶחָד), wherever you want. Somebody who is weak, runs to (וְשָׁנַתְּם לְבָנוֹיָךְ). The Yesod of Yiddishkeit is the Posuk of Shema, the 6 Arei Miklat.

I saw recently in the Tanna D'vei Eliyahu that the 48 Neviim are K'negged the 48 words of the first Parsha of Kriyas Shema. I saw this in the original source in the Tanna D'vei Eliyahu and I didn't see any Meforshim who explain this. I was wondering how could you break off 6 Neviim from the 48 to make it 6 and 42? I don't know. I was thinking perhaps 6 before Mattan Torah and 42 after. But according to Rashi's calculation Avraham, Yitzchok, Yaakov, Moshe, and Aaron were the only 5 (not 6) before Mattan Torah and not 6 before Mattan Torah. Therefore, I leave that for you to work on. If you come up with a good answer or a Mar Makom I am willing to hear it. This is the idea, the meaning I guess of wherever we will find the 48 some connection to the Arei Miklat or maybe it is the Arei Miklat that have some connection to the Neviim.

3. I would like to end with a third thought. In 19:8 that even though there are 6 Arei Miklat (וְאֵם-וְאֵת-גְּבֻלָּהּ). When Hashem will make Eretz Yisrael bigger and Rashi says that this refers to the days of Moshiach when Klal Yisrael will have the lands of the (כַּאֲשֶׁר נִשְׁבַּע לְתַת לְךָ) Keini, Kenizi, and the Kadmoni. When those additional 3 lands will be conquered, 19:9 (וְיִסְכַּתְּ לָהּ עוֹד שְׁלֹשׁ עָרִים) there will be three more cities in the days of Moshiach that are Arei Miklat.

This as you understand poses many difficulties. Why will we need Arei Miklat in the times of Moshiach. The Aruch Laneir in Maseches Makkos 9b asked the Kasha (Yeshaya 25:8) (בְּלַע הַמָּוֶת) (לְנֶצַח) why will it be necessary to have Arei Miklat?

The Chasam Sofer on the Parsha asks that even though it is possible people will be killed Beshogeig during the time of Moshiach, however, the Mashal Hakadmoni says this will happen because the killed person will be a Rotzaiach B'maizid. In the time of Moshiach we understand that there will be no Yeitzer Hora. This is something which needs an explanation.

I can refer you to Rav Chaim Kanievsky's Nachal Eisan, a Sefer on Eglah Arufa in the first Perek, Os Aleph, footnote Vav where he deals with the Kasha. Because our time is short I leave that as a Mar Makom and I will share you quickly the Shla's answer in the section Toras Ha'odom I believe it was Os 167. He says something beautiful.

He says when Moshiach comes the period of Yemos Hamoshiach will also be a period of growth. Not everything will happen immediately. Not all of the Berachos will happen. People will have to work on themselves. Yemos Hamoshiach is a period of time. There may not be a Yei'tzer Hora. To have an Aliya in serving Hashem that will take time. Therefore, says the Shela in the beginning of the period of Yemos Hamoshiach there will still be people who will kill B'shogeig, there will still be things that happen to people who are not careful enough and don't have perfection. The Yemos Hamoshiach period will be a period in which one is to achieve perfection. That is an idea which I hope to elaborate upon at a future point. But a beautiful idea regarding the Avodah of Yemos Hamoshiach, the Avodah of Aliya.

With that my time is up for this Shiur and I wish everybody an absolutely wonderful Shabbos, a meaningful Shabbos, and a meaningful time of preparation for Elul which is already upon us. Coming back to the city, as the children start Yeshiva with Hischadshus, start your Sedorim with Hischadshus as well. A Gutten Shabbos!

### **Rabbi Reisman - Parshas Shoftim 5774**

1. This week I would like to share with you first a thought on the Parsha and then a thought on the month of Elul which as you know has just begun. The thought of the Parsha has to do with the fact that I am a Levi and as I have mentioned often, the Torah very often speaks highly about the Leviim but when it comes to the actual Mitzvos that are related to the Leviim, individually there seems to be very little respect for what Leviim have to do relative to the Mitzvos that apply to the Kohen.

One of the Mitzvos D'oraissa with which the Leviim are charged is the Mitzvah of Shira, the Mitzvah of singing in the Bais Hamikdash. As is found in 18:7 right after Revii ( וְשָׂרָה, בְּשֵׁם יְהוָה ) (אֶלְרִי) the Posuk says the Levi will come (וְשָׂרָה) and he will serve HKB"H (בְּשֵׁם יְהוָה אֱלֹהֵינוּ) with the name of HKB"H. Chazal Darshun from here in Maseches Arachin 11a (2nd wide line), (איזהו), (שירות שבשם), what service of HKB"H takes place using Hashem's name? (הוּא אומר זה שירה) that is the Mitzvah of singing in the Bais Hamikdash. This Mitzvah that the Leviim have to sing at the Korban is even M'akeiv in the Korban. As a matter of fact, that is learned from a Posuk in Parshas Behaloscha 8:19. In Parshas Behaloscha it says that the Leviim are given to the Kohanim (וְאֵתנָה אֶת-הַלְוִיִּם נְתַנִּים לְאַהֲרֹן וּלְבָנָיו, מִתּוֹךְ בְּנֵי יִשְׂרָאֵל, לַעֲבֹד אֶת-עֲבֹדַת בְּנֵי-יִשְׂרָאֵל בְּאֵהָל מוֹעֵד, וּלְכַפֵּר עַל-בְּנֵי יִשְׂרָאֵל). Chazal Darshun (Arachin 11a 25 lines from the top) that (מה כפרה מעכבת אף שירה מעכבת). So it is a Mitzvah to sing with the Korbanos and that is a Mitzvah which is M'akeiv, which must take place.

There is a dispute in the Gemara (Maseches Arachin 11a starting on the 8th line) as to if (עיקר) Ikkur Shirah is B'peh or if (עיקר שירה בכלי) Ikkur Shira B'kli. The main part of the singing in the Bais Hamikdash was the vocal singing or the use of instruments and we Pasken Ikkur Shirah is B'peh. (Ed. Note: this is found in the Rambam (Sefer Avodah), Hilchos Kli Hamikdash, Perek Gimmel Halacha Gimmel).

What is strange about this Mitzvah is once again we have a Levi Mitzvah which seems if I may say it this way, it seems to get little respect in the sense that it is not expressed B'feirush in the

Torah. The Torah doesn't say anywhere that there has to be singing in the Bais Hamikdash. As a matter of fact you can learn all of Chumash and go through the whole Chumash with Rashi and not even bump into the idea that the Leviim have this Mitzvah of singing in the Bais Hamikdash. Why is it this way? Why is it that this Mitzvah is sort of a hidden Mitzvah?

Rav Schwab in his Sefer Mayan Bais Hashoeva on Parshas Behaloscha (page # 313) addresses this briefly and he says rather cryptically Ikkur Shirah B'peh, the main point of singing is with one's mouth and therefore, it is part of Torah Sheba'al Peh. Of course that needs an explanation as it seems to be just a play on words of Peh and Peh. Shirah B'peh and it is part of Torah Sheba'al Peh but still it needs an explanation.

The Nikuda would seem to be that music (singing) is what you make of it. There is a certain power. One of the seven Chochmos, there are seven sciences that the Torah recognizes as wisdom, and one of them is the Chochma of music, singing. There is a certain Koach Hashira. It could be that for some people singing is a fun thing, a sport and it is not much more than that. For other people, the singing is something that brings them closer to HKB"H.

In the introduction to Pa'as Hashulchan, the author (Rav Yisroel Ben Shmuel Ashkenazi of Shklov 1770 - 1839) writes about his Rebbi the GRA and how the Vilna Gaon when he made a Siyum on his learning of Shir Hashirim and the Sefer on Shir Hashirim, he said that in the power of song there is the Koach Shel Techias Hamaisim. The power to be able to bring people back to life. Sometimes when I hear the wild music coming from cars at red lights I wonder if somehow that is symbolic of the loud music of Techias Hamaisim. Of course the GRA is not referring to that type of music but the melodious music which brings a person's Neshama closer to HKB"H.

Therefore, the idea of music is not expressed in Torah She'bichsav. That has to come down as Toras Baal Peh. You can't write a song, you have to hear a song Baal Peh. It is something that has to come to the person with the feeling, with the Hergish that is attached with it. It is not just that a person can't write a song, while I guess musical notes you can, but it is the idea. That the power of music is something you have to learn from a Rebbi, you have to learn from someone who has a connection to music.

In the early days of Chassidus there was a Machlokes between Chabad and Breslov as to whether the Ikkur power of song involves the melody itself or the words that are attached to the melody. Different people apparently have a different nature. It seems to me that the words that are connected are most meaningful. That is to say that a person can be singing and enjoying it and it can be meaningless. Or a person can be singing and being Mekayeim a Mitzvah D'oraissa.

There is a Mitzvah D'oraissa of Davening, (וּלְעֵבְדוֹ, בְּכָל-לִבְבְּכֶם). To speak to HKB"H with your heart. Now of course we have a Nussach of Davening but the Mitzvah D'oraissa doesn't involve a specific Nussach. If you are singing words and thinking of their meaning, then you are Mekayeim the Mitzvah of (וּלְעֵבְדוֹ, בְּכָל-לִבְבְּכֶם). The singing is something that is elevated. And so, (וְשָׂרָת, בְּשֵׁם יְיָ אֱלֹהֵינוּ) the Mitzvah of the singing of the Leviim is not expressed clearly, overtly. Not because it is not Chashuv, not because it is not to be respected but on the contrary because it is so respected, because it is so important. The Avodah of Shirah is what you make of it. You

can't just learn the words, you have to understand that Shira is something that can bring a person closer to HKB"H. That is a thought on the Parsha.

2. Now let's move to a thought on the month of Elul. It is interesting that the idea that the word Elul stands for (אָנִי לְדוּדֵי וְדוּדֵי לִי) Ani L'dodi V'dodi Li. The third Posuk in the 6th Perek in Shir Hashirim. I am to my beloved and my beloved is to me. The idea that the word Elul is connected to that originates in the Avudraham and it is brought in virtually every one of the Poskim in the later generations and is something very well known. Elul is a time to draw close to HKB"H. However, Tzorech Iyun, because Tosafos in Maseches Rosh Hashono 7a (מדברי קבלה למדנו) quotes the Yerushalmi who says that the names of the months that we have, Tishrei, Cheshvan, Teves... are not Jewish names at all. (אמר בירושלמי שמות החדשים עלו בידם מבבל) That these are Babylonian names and these are not Jewish names. They may be Aramaic names. You don't find in Chumash or in Navi any of these names. It is called Chodesh Harishon, Chodesh Hasheini. There is an expression of Chodesh Ziv which is a totally different name. These names appear only in Megillas Esther as well as in the Navi Zecharyah. It appears only later when the Jews returned from Bavel. Tosafos says they are not Jewish names at all. Therefore, it seems very strange that the word Elul stands for (אָנִי לְדוּדֵי וְדוּדֵי לִי). But Elul is not a Jewish name?

We would understand this better if we knew about Shir Hashirim. Shir Hashirim to most people's mind is a song of love between a young couple about to be married. It is not so. Certainly not so about the 6th Perek of Shir Hashirim. There we are talking about a couple that became estranged and are drawing together again. All of Shir Hashirim is really about the love of a couple that had a dispute and became distant from each other and are now drawing closer. In 6:1 the Posuk says (אָנֶה פָּנָה) where have you beloved gone, beautiful among the women. (אָנֶה הִלֵּךְ דוֹדְךָ, הִיפָּה בַנְּשִׁים) let's go search for your husband. Rashi says what does this refer to? It refers to a time that HKB"H said you may build the second Bais Hamikdash and they began to build. They said, where is Hashem, is he coming back? Are Klal Yisrael and the Ribbono Shel Olam going to make peace one with the other? And so, (אָנִי לְדוּדֵי וְדוּדֵי לִי) is talking specifically about the time of Binyan Bayis Sheini. It is talking about a time that a person feels distant from HKB"H and then is able to come closer to HKB"H again. Therefore, it is not a Kasha that it is the Babylonian name that came back in the Binyan Bayis Sheini. Because indeed the name Elul is a name for coming back after the Churban and after the Galus and trying to return to HKB"H. It is true for Klal Yisrael and it is true for every individual. Every individual who feels distant from HKB"H has the opportunity to draw close to HKB"H again. It is a little painful that many people look at Shir Hashirim as Pesukim which seem to be repetitious. Which say the same thing again and again but they really don't appreciate the great depth of beauty of Shir Hashirim. I advise you to learn the first Pesukim in Perek 5. Tears can come to your eyes. It is talking about a couple that has been estranged and now the husband is coming and knocking on the door. He wants to draw close. 5:1 (בָּאתִי לִגְנִי, אֶחְתִּי כִלָּה) my beloved I am returning. 5:2 (אָנִי יִשְׁנָה, וְלִבִּי עֹר) the woman says I am tired even though my heart is awake. (קוֹל דוֹדִי דוֹפֵק) and my beloved is knocking on the door and he is saying (פְּתַח־לִי אֶחְתִּי רַעֲיָתִי יוֹנָתִי תַמְתִּי) please open the door for me my beloved, with many names of love. The woman inside says 5:3 (אֶת־בְּתוּנָתִי--אֵיכָבֶה, ) (אֶלְבָּשָׁנָה) I am already dressed to go to sleep and I have taken off my clothing I am too tired to put them back on again. (רְחַצְתִּי אֶת־רַגְלִי, אֵיכָכָה אֶטְנַפֵּם) I have washed my feet and I don't want to put them on the floor and get them dirty again. 5:4 (דוֹדִי, שָׁלַח יָדוֹ מִן־הַחֹר) the beloved, the woman says, I hear the husband who is knocking has stopped (וַיִּמְעֵי, הִמּוֹ עָלָיו) and suddenly I think is he running

away? 5:5 (קמתי אני, לפתח לדודי) then she jumps up to open up the door for her beloved. (ונדי נטפו-) (מור, ואצבעתי מור עבר, על, פפות המנעול) my hands dripping with some perfume and now I am ready to open the door. 5:6 (פתחתי אני לדודי) I open the door for my beloved (ודודי תמק עבר) and he left. When he knocked she was too tired, she was in bed and now when the door is open he is not there. (נפשי, יצאה) my soul feels like leaving me. (קראתי ו לא ענני) I look for him but I could not find him, I called to him but he doesn't answer me.

This idea that HKB"H knocks and we have opportunities and when we lose them our soul mourns. We mourn where we are. They are opportunities. That is what (אני לדודי ודודי לי) is all about. If you don't say the whole Shir Hashirim on Friday and I think that most people are too busy to do it at least learn the first six Pesukim of the 5th Perek. Learn them and take them to heart. HKB"H is knocking. There are opportunities. Opportunities come your way. The summer is closing to an end and we all have opportunities around us. Opportunities to draw close to HKB"H. We are Bnei Torah. We have to connect to the Torah more and take more opportunities.

I personally can offer you three new opportunities in the coming week. First of all the Mishmar is beginning again this coming Thursday night. It is beautiful that over the summer when the Mishmar was so to speak officially not in session, there were at least 30 people every Thursday night that I was here sitting and learning until 11:30 or 11:45 at night. It was beautiful. And now B'ezras Hashem we are going to start again next week. We are looking to fill up the Bais Medrash. We need you. How beautiful would it be to have a Bais Medrash full of people learning. Please join us. IY"H there is a Maariv at 10 and a Maariv at 11:45. In between from 10:15 until 11:30 or a part thereof join us for the learning. Be part of it. From 11:30 - 11:45 I give a 15 minute Shiur. Whether you stay for my 15 minute Shiur or not is not the point. Be part of the Mishmar. There will be three Mishmar nights over Elul. Three times you got to pick yourself up. Don't say (רחצתי את-רגלי, איכה אטנפם) . Don't say I am in bed already how can I get up. Get to the door. Get there while HKB"H is knocking.

The second opportunity presents itself on Sunday mornings. If you don't already have a Seder, after the 8 pm Shacharis from about 8:50 until 9:50 I learn Yore Dai'a. We learn Yore Dai'a inside for an hour. It is a long running Shiur, well over 20 years. We are now learning Hilchos Tzedaka inside. If you own a Yore Dai'a and haven't used it adequately, bring it along. There is place that you can store it from Sunday to Sunday. If you don't, we make Photostats and you will be able to learn from the Photostat. Become part of the Seder as we learn Yore Dai'a.

There is a third opportunity. On every secular holiday we have Shiurim in our Shul. The Shiurim go from after the 8 AM Shacharis roughly 9 AM until well afternoon. People come for one Shiur or another. I speak from 9 AM until 10 AM. There are Shiurim which follow. Sometime two one hour Shiurim and sometimes three more one hour Shiurim. There are actually people who come for the Daf Yomi and then Daven and then stay for 3 or 4 hours of Shiurim. What a beautiful morning. Come for at least part of it. These are three opportunities in the coming week. The opportunity to start. (דודי דופק). (פתחי לי אחתי רעייתי יונתי תמתי). Your friend is knocking. Open the door. Let the Torah back in. Be part of it. Undertake to be part of it in the coming week and the weeks to come. Let it be the first step of growth towards Rosh Hashono and Yom Kippur. Towards a life of Avodas Hashem with great Simcha. With that I wish one and all a wonderful,

musical, Eluldik Shabbos to one and all. Looking forward to seeing once, twice, or three times in the coming week. A Gutten Shabbos to all!

### **Rabbi Reisman - Parshas Shoftim 5773**

Let me begin with a Vort B'sheim the GRA which is quoted in the Sefer Haksav V'hakabala on page # 442 - 443. (Ed Note: I found the GRA in Sefer Kol Eliyahu in Parshas Shoftim, Siman 117, page 73). We find both in Parshas Mishpatim and in this week's Parsha a Hazhara (a warning) against taking bribes in judgment. However, there is a fundamental difference in the wording of the Mitzvah here and the wording of the Issur there. Here in 16:19 we find a warning not to take bribes because (כִּי הַשֹּׁחַד יְעוֹרֵר עֵינֵי חֲכָמִים) because Shocheid blinds the eyes of wise men.

In Parshas Mishpatim it says in Shemos 23:8 (כִּי הַשֹּׁחַד יְעוֹרֵר פְּקֻחִים). Now the word Pikaiach is very similar to the word Chochom but nevertheless it is a different word. The GRA explains a fundamental difference between the two and really he is explaining the entire idea of judgment. The GRA is referring to the expression that we find many times by Chazal a Dayan Shedon Din Emes L'amito (a Dayan has to judge a judgment in truth fully) L'amito (to its truth). There is a double language of truth. The GRA says that any Psak that a Dayan issues has to be a) Emes Al Pi Din (it has to deal with the laws of the Torah) and b) Emes L'fi Inyanei Ha'olam. Sometimes somebody comes and presents an argument to Bais Din and somebody who is in tune to the ways of the world will realize that this someone is a crook and what he is saying could not be. So that it is not adequate to be Emes Al Pi Din it has to be Emes L'fi Inyanei Ha'olam as well. That is the job of the Dayan, he has to know both. Has to be a Chochom, which implies that he knows the ways of the Torah, Darchei Hatorah. He also has to be a Pikaiach, a person who understands worldly things. Therefore, these are the dual aspects of a Dayan. (שֹׁחַד) is (יְעוֹרֵר עֵינֵי חֲכָמִים) and (שֹׁחַד) is (יְעוֹרֵר פְּקֻחִים). In both aspects of Dayanus, bribery can blind the Dayan.

With this, the GRA explains other expressions as well. For example, in Maseches Sanhedrin 7b. We find in the command to a Talmid Chochom two similar expressions. One is found 11 lines from the top (אם ברור לך הדבר כאחותך שהיא אסורה לך אומרהו). If something is absolutely clear to you like the fact that your sister is prohibited to you in marriage then say it. It has to be clear before the Dayan can issue a ruling. Then the Gemara Darshuns another Posuk 8 lines from the top and comments (אם ברור לך הדבר כבקר אומרהו). If something is as clear as the morning say it. The dual expressions match the two parts of the Dayan's job. (אם ברור לך הדבר כאחותך שהיא אסורה) (לך אומרהו) the clarity has to be a clarity in the Din of the Torah and (אם ברור לך הדבר כבקר אומרהו), the physical facts have to be clear to you as well. So too, we find the expression in this week's Parsha 17:4 (אָמַת) (וְהִנֵּה אָמַת נְכוֹן הַדָּבָר). (אָמַת) means it is true Al Pi Din and (נְכוֹן) means to understand the ways of the world.

We can add to the GRA that Shlomo Hamelech in his Tefilla when he asks for wisdom says as is found in Melachim I 3:9 (וְנָתַתְּ לְעַבְדְּךָ לֵב שֹׁמֵעַ, לְשֹׁפֵט אֶת-עַמְּךָ, לְהַבִּין, בֵּין-טוֹב לְרָע). In his prayer, Shlomo Hamelech asks for a heart that understands a) (לְשֹׁפֵט אֶת-עַמְּךָ) to judge, and b) (לְהַבִּין, בֵּין-טוֹב לְרָע) to understand between good and evil. Again, this is how the Haksav V'hakabala answers the GRA that there are two aspects of a Dayan, a) to know Halacha and b) to be wise in the ways of the world. A beautiful Yesod of the Vilna Gaon.

2. Let me move on to an interesting Shaila that has to do with this week's Parsha. The Shaila begins with a story. A Maiseh took place in Eretz Yisrael. There was a couple that had been married for quite a number of years who decided to have a Get. They had already married off their own children and decided that they had enough of each other. At the writing of the Get and as you may or may not know you go to Bais Din and the Bais Din sits down and writes the Get as the couple waits. It takes time. When the Get is just about finished being written a cup of coffee spilled all over the Get and ruined it. They would have to start writing the Get all over again. The husband stood up and said I see that this is a sign from heaven that we are making a mistake and we should not have a Get. The wife agreed and said we made it this far let's stay together. The Dayan that was sitting there writes that he wasn't sure what to do. In this week's Parsha we have in Perek 18 Posuk 10 and 11 the eight prohibitions against different types of magic. ( וְלֹא-יִמְצָא בָךְ, מְעֵבִיר בְּנוּ-וּבִתּוֹ בְּאֵשׁ, קֶסֶם קְסָמִים, מְעוֹנָן וּמְנַחֵשׁ וּמְכַשֵּׁף יֵא וְהִכָּר, חֶבֶר; וְשָׂאֵל אוֹב וְיִדְעֹנִי, ) (וְדָרַשׁ אֶל-הַמַּתִּים). One of them, the (מְנַחֵשׁ) is a prohibition against as Rashi brings seeing things that happen as magical reasons. As the Gemara in Maseches Sanhedrin 65b (2 lines from the bottom says) (מְנַחֵשׁ זֶה הָאוֹמֵר פָּתוּ נִפְלָה מִפְּיּוֹ מִקְלוֹ נִפְלָה מִיָּדוֹ בְּנוּ קוֹרָא לוֹ מֵאַחֲרָיו עוֹרֵב קוֹרָא לוֹ צְבִי הַפְּסִיקוּ בַדֶּרֶךְ) (מְנַחֵשׁ). These are all signs of (מְנַחֵשׁ). If a deer passes in front of you or as Americans would say a black cat passes in front of you and they decide based on that that is an Issur. Here on the one hand it was beautiful, the couple decided not to get divorced after all and on the other hand the Dayan had his heart in his throat. He felt that he had to tell them that they are not allowed to do that. It is an Issur of (מְנַחֵשׁ) which is an Issur D'oraissa to decide something based on a so called omen of things that happened in front of you. This is a Shaila as I saw brought down in the Chashukei Chemmed on the Haggadah page 305.

Before I comment on this Nidon let me tell you that in the Ayeles Hashachar (page 125 - 126) in this week's Parsha Rav Shteinman asks a very obvious question. In Shulchan Aruch we find different things which seem to be prohibitions of (מְעוֹנָן) or (מְנַחֵשׁ). For example, we find that in Chodesh Av a person is not supposed to do a Din Torah with a Goy because of Rai'a Mazla it is not a fortuitous time. Or the Minhag of V'ain Nos'im Nashim Ela B'milui Halevana the Minhag that many have, that the custom is not to get married at the end of the Hebrew month when the moon is waning. In Shulchan Aruch Yor'e Dai'a Siman 179:2 it says She'ain Maschilim B'bais V'daled, not to start things on Mondays or Wednesdays. These seem to violate (מְעוֹנָן). The answer seems to be that there is a difference. There is a difference when something is totally superstitious it makes no sense at all, and in situations where things are put in front of a person sort of to block his way.

Rav Pam said that when he was in his 20's he was offered a job as a Rebbi in Harrisburg and he had given a model lesson here in Brooklyn that they had viewed and now he was supposed to take a bus to Harrisburg. He missed the bus. As Rav Pam told me it was highly unusual for a man of his organizational tendencies to miss a bus. He saw in that the Yad Hashem that that was not for him. It seems that we have to put a qualifying rule to the Issur of (מְעוֹנָן) and (מְנַחֵשׁ). There are times that things happen that seem to be a sign from heaven that something is being distanced from you and in that case it is not (מְעוֹנָן) and (מְנַחֵשׁ). When something is totally senseless like when a black cat runs in front of you that type of a Mashul is included in the Issur.



## Rabbi Reisman - Parshas Shoftim 5772

This week's Parsha deals with at the beginning with things related to Bais Din and Dayanim. 17:11 (לֹא תִסּוּר, מִן-הַדִּבָּר אֲשֶׁר-יִגִּידוּ לְךָ--יָמִין וְשְׂמָאל) . The idea of listening to the Psak of the Bais Din.

In the Derech Sicha here he brings a beautiful Pshat that is Noge'a to a Gemara that the Daf Yomi just passed. Let me share it with you. The Yesod is a very well-known Yesod. The idea is that when Bais Din Paskens HKB"H Kavayochel gave over the Koach of Psak Bais Din to the Bais Din down here. Whatever is the Psak Bais Din down here HKB"H Kavayochel follows that Psak. That is a well-known idea from a Gemara in Maseches Bava Metzia.

Here in Derech Sicha they bring a Kasha that Rav Chaim Kanievsky asked his father the Steipler. That relates to a Gemara in Maseches Berachos on 18b (18 lines from the top). The Gemara brings a story (מעשה בחסיד אחד שנתן דינר לעני בערב ר"ה בשני בצורת והקניטתו אשתו והלך ולן ) בבית הקברות ושמע שתי רוחות שמספרות זו לזו אמרה חזא לחברתה חברתי בואי ונשוט בעולם ונשמע מאחורי הפרגוד מה פורענות בא לעולם אמרה לה חברתה איני יכולה שאני קבורה במחצלת של קנים אלא לכי את ומה שאת שומעת אמרי לי הלכה היא ושטה ובאה ואמרה לה חברתה חברתי מה שמעת מאחורי הפרגוד אמרה לה שאת שומעת אמרי לי הלכה היא ושטה ובאה ואמרה לה חברתה חברתי מה שמעת מאחורי הפרגוד אמרה לה שאת שומעת בראשונה ברד מלקה אותו הלך הוא וזרע ברביעה שניה של כל העולם כולו לקה שלו לא לקה לשנה האחרת הלך ולן בבית הקברות ושמע אותן שתי רוחות שמספרות זו עם זו אמרה חזא לחברתה בואי ונשוט בעולם ונשמע מאחורי הפרגוד מה פורענות בא לעולם אמרה לה חברתי לא כך אמרתי לך איני יכולה שאני קבורה במחצלת של קנים אלא לכי את ומה שאת שומעת בואי ואמרי לי הלכה ושטה ובאה ואמרה לה חברתה חברתי מה שמעת מאחורי הפרגוד אמרה לה שאת שומעת שכל הזרע ברביעה שניה שדפון מלקה אותו הלך וזרע ברביעה ראשונה של כל העולם כולו נשדף ושלו לא נשדף אמרה לו אשתו מפני מה אשתקד של כל העולם כולו לקה ושלך לא לקה ועכשיו של כל העולם כולו נשדף ושלך לא נשדף סח לה כל הדברים הללו אמרו לא היו ימים מועטים עד שנפלה קטטה בין אשתו של אותו חסיד ובין אמה של אותה ריבה אמרה לה לכי ואראך בתך שהיא קבורה במחצלת של קנים לשנה האחרת הלך ולן בבית הקברות ושמע אותן רוחות שמספרות זו עם זו אמרה לה חברתי בואי ונשוט בעולם ונשמע מאחורי הפרגוד מה (פורענות בא לעולם אמרה לה חברתי הניחני דברים שביני לבינך כבר נשמעו בין החיים An unnamed Chosid whose wife berated him and he had to run away from her and he ended up sleeping in the Bais Hak'vares. (Presumably that was the only place that she would not follow him). When he slept in the Bais Hak'vares he heard spirits talking about what was going on the Bais Din Shel Mayla and it was revealed to him that in the Bais Din Shel Mayla they ruled that in the coming year the crops that were planted on time would be destroyed and only those planted late would survive. As a result he went and planted late and was successful. The second year a similar story happened and again he was successful in the planting of his crops. This is the Gemara in Maseches Berachos 18b.

Tosafos in Maseches Rosh Hashana 16a (ברכות דף יח:) גבי חסיד ) בפסח על התבואה. בפ' מי שמתו (ברכות דף יח:) שהקניטתו אשתו ערב ר"ה משמע דבר"ה שמע שתי רוחות שמספרין זו את זו ששמעו מאחורי הפרגוד שכל הזרע ברביעה ראשונה ברד מלקה אותו ושמה בשמים בר"ה היו מזכירים דין הנגזר בפסח אי נמי כר' יהודה דאמר הכל brings that that incident took place on Rosh Hashana. That is why the Neshamos that are mentioned in the Gemara were going up to hear in Shamayim what was taking place at the Kisei Hakavod.

Tosafos asks a Kasha that the Gemara in Rosh Hashana 16a (top line) says that (בפסח על התבואה), that it is on Chag of Pesach that HKB"H judges the world as to how much wheat will grow in the

coming year. If so that incident which took place on Rosh Hashana should not have been time of the Psak regarding Tevuah. A Gevaldige Kasha!

Tosafos answers in one Teretz that the Chosid Echad, that individual whose wife had berated him, held like R' Yehuda. Rav Yehuda's Shitta is that B'chol Davar Nidonim Al Rosh Hashana. That HKB"H judges everything on Rosh Hashana. Therefore, when he went there he heard the Psak in Shamayim on Rosh Hashana for Tevua.

Rav Chaim Kanievsky when he learned this Tosafos asked his father the following Kasha. If in fact in Shamayim they were Paskening Tevua on that day (on Rosh Hashana), so that should finalize the Machlokes. The Chachamim hold that (בארבעה פרקים העולם נידון בפסח על התבואה). Rav Yehuda holds that on Rosh Hashana the Din of Tevua takes place. From this story we see that in Shamayim that they follow R' Yehuda. So that incident should be a Psak like R' Yehuda.

The Steipler told him an incredible answer. He said first of all that Pshat in Tosafos is that that Chosid himself was Rav Yehuda. That was R' Yehuda who (והקניטתו אשתו) and that in Shamayim they follow the Psak of each Adom Gadol for him. So that for the rest of the world the Psak on Tevuah was not until Pesach, but for R' Yehuda Davka the Psak on Tevua was heard by him on Rosh Hashana because in Shamayim they Pasken like we Pasken down here to the extent that for R' Yehuda they Pasken like R' Yehuda. For the Chachamim they Pasken like the Chachamim. In the Bais Din Shel Maylah they actually split the Psak for R' Yehuda Loit him and for the Chachamim and all those who Pasken like the Chachamim like them.

He brings a similar story which is brought in the biography of Rav Chaim Volozhiner. There was a man who had a lung disease and Rav Chaim Volozhiner told the man not to move out of his city. Why not? They told him because your city follows the Psak of the Shagas Aryeh. The Shagas Aryeh holds that this lung disease is not a Treifus. However, everyone else Paskens that it is. As long as you stay in the city where the Psak is that it is not a Treifus you will live. But if you move elsewhere then in Shamayim they will follow the Psak that it is Treifus then you will not be able to live. An incredible idea that in Shamayim they follow the Psak of down here.

In the Nirtza section of the Haggada Shel Pesach we sing a song of Keil B'nei that attributes 22 titles to HKB"H. (בְּחֹרֵר הוּא, גְּדוּל הוּא, דָּגוּל הוּא, אֲדִיר הוּא). In the order of the Aleph Bais we attribute titles to Hashem and every one of those titles comes from a Posuk in Tanach except for the letter Lamed. By Lamed we say (לְמוֹד הוּא) that Hashem is learned. The Chasam Sofer in his Drashos writes that it is an improper title. He calls it Michareif Umigadeif. What do you mean that Hashem learns? That implies a lack of knowledge for Hashem before he learned? The Chasam Sofer says not to say (לְמוֹד הוּא). In the Haggadah of the Chasam Sofer this is brought.

He says perhaps you should say Locheim Hu as the Posuk says in Shemos 15:3 (יְרֹר, אִישׁ מִלְחָמָה) and therefore the fact that HKB"H is a Locheim, one who does battle would fit better than (לְמוֹד הוּא).

I saw in one of the Haggadahs a Teretz to answer the Chasam Sofer's complaint that (לְמוֹד הוּא), HKB"H is learned implies that there was a lack of Yidia originally which is inappropriate. His Teretz was based on the Vort that we are saying now that in Shamayim HKB"H follows the Psak

from down here. So that if down here R' Yehuda Paskens that the Tevua was Paskened on Rosh Hashana even though in Shamayim there was never such a Hava Amina because in Shamayaim it is (בפסח על התבואה). So (למוד הוא) means that HKB"H Kavayochel in his Anvisanuso (in his humility) follows the Psak from down here, (למוד הוא) as if he is learning from the Psak down here. This is one thought with a series of stories or Vertlach on this thought of HKB"H following the Psak of the Bais Din Shel Matah. Let's move on.

20:1 (כי-תצא למלחמה). When you go out to do battle... now one minute this is not Parshas Ki Seitzei that is next week. Actually the Dinim (the laws) of doing battle begins in the beginning of Perek 20 of Parshas Shoftim and there we have the Posuk of (כי-תצא למלחמה על-אִיבֹדְךָ). When you go out to do battle against your enemies. Now it is true that Parshas Ki Seitzei begins that way as well but here (כי-תצא למלחמה) talks about Milchemes Mitzvah and the second Parsha of Milchamah (כי-תצא למלחמה) in Parshas Ki Seitzei refers as Rashi in 21:10 says to (כי תצא למלחמה: ) (במלחמת הרשות הכתוב מדבר). There are two descriptions of battle, laws of battle, the Ki Seitzei of this week's Parsha, Milchemes Mitzvah and the Ki Seitzei of next week's Parsha which is (במלחמת הרשות).

In the Sefer Nesivas Shalom there is a beautiful Arichos both here and there about this general concept of going out to do battle and the idea that when the Torah gives instructions for doing battle (כי-תצא למלחמה) there are actually hidden instructions for doing battles with the Yeitzer Hora. The daily battle that a person has with his Yeitzer Hora to do things properly and to avoid doing things improperly. The Milchemes Mitzvah is the Milchama of Tov and Ra (good and evil). To do an Aveira or not to do an Aveira, to do a Mitzvah or to miss a Mitzvah. The second type of battle (כי-תצא למלחמה) is the Milchama of Kodesh V'chol. (במלחמת הרשות הכתוב מדבר). The things that a person is allowed to do but he could do in a higher way in a way of greater Kedusha that too is a battle. The lesson of the expression (כי-תצא למלחמה) in these Parshiyos as opposed to the expression of Ki Savo Milchamah B'artzechem which we find elsewhere, is that there is a lesson here in doing battle. When one does battle he should try to take the battle to the enemy. (כי-תצא למלחמה) means you go out to do battle. Don't let the enemy come to you to do battle. You go out to him. If you go out to the enemy to do battle and Chalila you lose a battle you can always fall back to your original position. Whereas if the enemy comes to us and Chalila a battle is lost then all is lost. So the instructions of fighting is to go out to do battle.

The same thing is true in doing battle against the Yeitzer Hora. We have to put up fortifications to protect where we are. If our battle is with the fundamentals of Yiddishkeit then G-d forbid when we lose we are lost, it is very difficult. We need to be able to do battle in areas that we go out to the Yeitzer Hora. Which means to say to take on Gidarim and Siyagim, to do things in a way that leaves room for error. If a person gets to Davening for Borchu and he fights his Yeitzer Hora and loses he won't be at Minyan at all. A person who strives to have his Tefillin on before Berachos, such a person will also struggle. The Yeitzer Hora will try to convince him not to make it to Shul before Berachos. If he strives to be from the Asarah Rishonim in Shul that is a good goal (to be from the first 10 people of the Minyan) then if he loses that battle he will still be Davening a great Davening a Geshmake Davening. He will be there for the whole Davening. (כי-תצא למלחמה) don't do battle over fundamentals. Put Gidarim and Siyagim, put things in your way that will allow you to have leeway. It is like doing battle when there is a no man's land. Cross to no man's land to do battle. Worse comes to worse you fall back. Don't let the battle be over the

fundamentals. If someone sees a Yeitzer Hora over fundamentals, first thing he has to do is put up a fence. He has to battle in a way which would bring him to a higher level. To take the battle there, take the battle to your enemy.

We are told in 20:5 - 20:8 that before they go to battle the Kohen Gadol would announce that certain people were exempt from the draft, exempt from going to do battle. One was exempt for reasons of having just been married, purchased a house, or planted a vineyard. Or (הַיָּרֵא נִרְדָּה הַלֵּבָב) someone who is fearful of going to do battle as Rashi explains one of the Shittos (רבי יוסי הגלילי (אומר הירא מעבירות שבידו).

Years ago I heard beautiful story which illustrates what the battle looked like in the time of the Shoftim. It was during the time of the Haskalla and in one of the Yeshivos in Europe the Maskilim put on a Purim Shpiel. People came to complain to Rav Boruch Ber. They complained to Rav Boruch Ber the Rosh Yeshiva of Kamenetz that the Maskilim had put on a Purim Shpiel that went as follows. On stage Moshiach had come. The Jews were going to the battle field to do battle of Gog Umagog the final battle in the era of Moshiach. As Gog Umagog is coming to attack the Kohen Gadol gets up and says if you built a house go home, so some people went home. Then he says if you were just married or planted a vineyard go home, so others go home. If you are fearful for an Aveira in your hand go home. On stage all the Jews went home. What remained were two Jews who were actors. One was playing the part of Chofetz Chaim and one was Rav Chaim Ozer, the two Gedolei Hador. As Gog Umagog is attacking from the distance the Chofetz Chaim turns to Rav Chaim Ozer and he says here is a bow and arrow you are the Gadol Hador you shoot first. Rav Chaim Ozer says Chas V'shalom you are a Kohen you shoot first. As Gog Umagog is coming closer and closer the Chofetz Chaim and Rav Chaim Ozer (those posing as them) are fighting over who should have the Kibbud Far Di Ershta Shus (for the first shooting of the arrow). With that the curtain went down. They complained that the Maskilim were making fun of Bnei Torah and Talmidei Chachamim. Rav Boruch Ber responded Choizek Machin Zei (they are making fun)? Azoi Vet Takeh Zain (indeed that is the way it will be). That is the way a Yid's Milchama will look in the time of Moshiach. A battle of (הַיָּרֵא נִרְדָּה הַלֵּבָב) & (הַיָּרֵא נִרְדָּה הַלֵּבָב) (שבידו) who can imagine such a thing. So three thoughts on the Parsha, one on the idea of the Derech Sicha of HKB"H following the Psak of Bais Din Shel Mata, one on going out to do battle, and one Rav Boruch Ber's thought on what the battle would look like.

The question of the week is: in this week's Parsha 18:8 we have the idea of (חֵלֶק כְּחֵלֶק, יֹאכְלוּ). That the Kohanim get a portion of the Korbanos that are brought. As you all know when it came to Eretz Yisrael and the families of the Kohanim multiplied, Takanos were made. First in the times of Shmuel and then in the times of Dovid to set up a Mishmar a 24 week cycle in which different families of the Kehuna each one would come and get its Cheilek. The idea of the Mishmar seems obvious enough, simple enough. Every Kohen is entitled to come on any given day and they made a deal I give up my right for 23 weeks and on my week the 23 families give their right to me. It seems to be a simple type of Dinei Mamanos. However, here in the Posuk (חֵלֶק כְּחֵלֶק, יֹאכְלוּ) each family gets its Cheilek (עַל-הָאֲבוֹת), besides that which is sold in previous generations. Rashi says (חֵלֶק כְּחֵלֶק, יֹאכְלוּ) חוץ ממה שמכרו האבות בימי דוד ושמואל, שנקבעו (המשמרות ומכרו זה לזה טול אתה שבתך ואני אטול שבתך). The idea of except what was sold is a Posuk which refers to Yemei Dovid V'Shmuel. The idea that the Mishmar could sell one to the other. I find this confusing. Why do I need a Posuk a Gizairas Hakasuv for what is a basic Dinei

Mamon? Had the Kohanim decided not to go this way and that any Kohen can come any time that would have been fine. It is confusing to me why we need a Posuk for what Shmuel and Dovid are going to do much later in the future. Tzorech Iyun!

I wish everyone a wonderful Shabbos and I hope the month of Elul has taken hold. I always picture when we Lain about Yonah coming 40 days before the destruction of Ninveh and saying in 40 days Ninveh will be destroyed. Had a Navi come to NYC and said in 40 days the city will be destroyed we would have said to him in typical NY fashion, 40 days why are you coming now? Go home and come back 10 days before or 5 days before and we will take care of it. Well it is within 40 days of Yom Hakipurim and each of us should be wise enough to take seriously the time that we are in. A time of great opportunity and to make something of it. To do something different during this time period. A Gutten Shabbos and a meaningful Elul to all!

### **Rabbi Reisman - Parshas Shoftim 5771**

ה וַדְּבָרוּ הַשְּׂטָרִים, אֶל-הָעָם לֵאמֹר, מִי-הָאִישׁ אֲשֶׁר בָּנָה בַּיַּת-הַקֹּדֶשׁ וְלֹא חָנְכוּ, יִלְדָּה וְיָשֵׁב לְבֵיתוֹ: פֶּן-יָמוּת, ( 20:5 - 20:7 , בַּמִּלְחָמָה, וְאִישׁ אַחֵר, יִחַנְכֵנוּ וּמִי-הָאִישׁ אֲשֶׁר-נָטַע כָּרֶם, וְלֹא חָלְלוּ--יִלְדָּה, וְיָשֵׁב לְבֵיתוֹ: פֶּן-יָמוּת, בַּמִּלְחָמָה, וְאִישׁ אַחֵר, יִחַלְלֵנוּ ז וּמִי-הָאִישׁ אֲשֶׁר-אַרְשׁ אִשָּׁה, וְלֹא לָקַחָהּ--יִלְדָּה, וְיָשֵׁב לְבֵיתוֹ: פֶּן-יָמוּת, בַּמִּלְחָמָה, וְאִישׁ אַחֵר, יִקַּחנָהּ)

The first thing that I would like to start with is the Kohen's speech when he speaks to the soldiers who are about to go to battle. As you know he explains that there are a number of exemptions of going to battle. Specifically in Posuk 5-7 in Perek 20. He mentions 3 exemptions (and the Pesukim are referenced above). It is well known that these 3 are exempt from going to battle. There is something that is very strange. In Posuk 7 the third of these Pesukim, (ז ומי-האיש אשר-), (ארש אשה, ולא לקחה--ילדה, וישב לביתו: פן-ימות, במלחמה, ואיש אחר, יקחנה). Someone who is married in the year may return home because he may die in battle and someone else will take the woman.

Rashi says on Posuk 7 (פן ימות במלחמה: ישוב פן ימות, שאם לא ישמע לדברי הכהן כדאי הוא שימות) that if he doesn't obey the command of the Kohen to return and not go to battle then it is worthy that he dies. This needs some sort of explanation. The Rashi is understandable. If he doesn't follow the rules he is deserving of death. However, there are 3 consecutive Pesukim that all have the same phrase (פן-ימות, במלחמה). The first is an exemption for a person that just built a house and if he dies in battle someone else will live in the house. The second is an exemption for someone who planted a vineyard and if he dies in battle someone else will use the fruit. Here in the third Posuk it talks about someone who just got married within the year and if he dies in battle another man will come and take his wife. The language is exactly the same (פן-ימות, במלחמה, ואיש אחר). Why is it only by the third time when this Posuk appears (פן-ימות, במלחמה) that the Kohen says that he is deserving of death? It is a very difficult question.

Rav Druk Zatzal in his Sefer Darash Mordechai pg # 194 offered the following explanation as best as I can recall. He said let's say you have a person who wants to do Lifnim Mishuras Hadin (he wants to do more than Halacha requires) which is commendable. So here you have a man who is exempt from going to battle and he says no, I am interested in joining my brethren in a battle. If he built a new house he is exempt and if he doesn't want to use the exemption then it is fine. If he planted a new vineyard he is exempt. If he doesn't want to use the exemption it is fine.

However, when it comes to being married, his decision does not only affect him it affects his wife as well. For a man like that to say I want to do Lifnim Mishuras Hadin and go to battle and risk my life, in his case this affects directly not only him. The exemption is that he is in Shana Rishona. Well so is his wife. To take on a Chumra that affects someone else too, that is Shelo K'din and inappropriate. It is a very basic Yesod that Rav Druk mentioned often, the idea that a Chumra, a Hiddur that is Lifnim Mishuras Hadin is beautiful as long as it affects only you and it doesn't affect somebody else.

He told the following story. Rav Yosef Chaim Sonnenfeld who lived in Yerushalayim in a time of terrible poverty, once found a golden Napoleon. A Napoleon was a very valuable coin. A person would be able to live on it for a year. He found a golden Napoleon that had been dropped by a non Jew. As you know Halacha does not require that it be returned. So when he found it he intended to keep it.

Another person saw that he had found it and went over to him and said that in Shulchan Aruch it says that it is Lifnim Mishuras Hadin to create a Kiddush Hashem and return it anyway. It would be a beautiful Kiddush Hashem if you returned the Napoleon. Rav Yosef Chaim Sonnenfeld replied it is true that it would be a beautiful Kiddush Hashem but I have a family and my family is starving and we don't have what to eat. I can't do a Hiddur Mitzvah on someone else's shoulders.

The man who was speaking to him pressed the issue and said no it is an extraordinary Kiddush Hashem and you should do it. Finally Rav Yosef Chaim Sonnenfeld said you know what I have an idea. It is a beautiful Kiddush Hashem indeed so I'll tell you what. I will lend you the Napoleon, you will owe me the money for the Napoleon and you will pay me back, you do the Kiddush Hashem by returning it to him and telling him that you found it. You will pay me back over the year the cost of the Napoleon. As Rav Druk told it, the man fled the scene.

That is the idea. A Chumra is a Chumra and is easy to tell others. People are quick to tell others to be Mihadeir. Hiddurim have to be done with the right sense of priorities and therefore, Rav Yosef Chaim Sonnenfeld saw that to do a Hiddur in a situation where his family would suffer was inappropriate.

19:19 (וַעֲשִׂיתֶם לוֹ, כַּאֲשֶׁר זָמַם לַעֲשׂוֹת לְאַחֵיו; וּבְעֶרְתָּ הָרָע, מִקְרָבָד) Let's move on to another one of the Mitzvos that are mentioned here in the Parsha. We have the Dinnim of Aidim Zommemim in this week's Parsha. As all of you have learned Maseches Makkos as I suppose just about everyone listening has. Some of you perhaps learned it in Torah Vodaas and maybe in the year that we were learning it together.

I would like to mention to you a Machlokes Ketzos and Nesivos. The Ketzos and Nesivos seems to be a staple of the Yeshiva world. If someone were to come over to you and say give me an example of a Machlokes between the Ketzos and Nesivos. Here there is a typical Machlokes between the Ketzos and Nesivos that has to do with the Aidim Zomemim and it is something of a Geshmake topic.

The Ketzos and Nesivos have an argument regarding the Parsha of Aidim Zomemim. To preface, Aidim Zomemim are witnesses who said testimony against someone and were later proven to be false, not because of any outside proof but because of witnesses who came and said you were with us at that time elsewhere. You cannot have seen what you claim to have seen. As you know, the punishment is Ka'sher Zomam. What they intended to do falsely to their victim is then done to them. If they wanted to put him to death they are put to death. If they wanted to cause him a financial loss they have to pay that amount of money.

The Shaila is the following. What happens if witnesses come and say about a certain person that his meat became Treif or his wine became Yayin Nesech. Something of that sort which causes him a financial loss for Yore Dai'a reasons. Then these witnesses who said Aidus that the meat was Treif or that the wine was not Kosher are proven to be false because others come and say that you cannot have seen it at the time that you say that you saw it because you were with us in a different place. Do we put into affect the Parsha of Aidim Zomemim.

The Ketzos Hachoshen in Siman 38:2 in Dibbur Hamaschil Yire Li says that yes this is included in the Parsha of Aidim Zomemim. The Nesivos right there disagrees and says no. He says an interesting rule. He says the Parsha of Aidim Zomemim applies only to something that must have a Haggadas Aidus in Bais Din, something which is a Bais Din affair. However, something which is not an affair of Bais Din such as whether someone's meat is Treif. If I know that someone's meat is Treif there is no need for me to go to Bais Din I should go to him and tell him that it is not Kosher and whatever he does is between him and Hashem. It is not an affair of Bais Din. Even if the witnesses chose to come to Bais Din the Parsha of Aidim Zomemim does not kick in, so that the Ketzos and the Nesivos have a disagreement. In an instance where it is not a Bais Din affair and they came to Bais Din anyway and said Aidus on a topic which is not something in which Bais Din would normally be involved, in such a case if someone came to Bais Din and the Aidim are proven Aidim Zomemim does that person or those people have the Parsha and the punishment of Aidim Zomemim. The Ketzos says yes and the Nesivos says no. An interesting Machlokes.

When we learned this in Maseches Makkos as I am sure you all recall, I asked a Kasha and that is the Kasha that I would like to present. The very first Mishnah in Maseches Makkos says ( כיצד העדים נעשין זוממין: מעידים אנו את איש פלוני, שהוא בן גרושה או בן חלוצה--אין אומרין יעשה זה בן גרושה ובן חלוצה תחתיו, אלא לוקה ארבעים) that two witnesses came to Bais Din and said this man is a son of a Gerusha so he is a Cholol and not an eligible Kohen. We have here a question of how to perform Kasher Zomam. Clearly the Gemara says that it is part of the Parsha.

I have a Kasha. Saying that someone is not a Kohen because he is a Ben Gerusha or Ben Chalutzah is also not an affair of Bais Din no more than saying that his meat is Treif or his wine is Nesech. Something if you go over to someone and say to him you claim to be a Kohen you get the Kohen Aliya you are not a Kohen. I know that your mother was divorced before she married your father and therefore you are not a Kohen but a Cholol.

The question from this Mishna seems to be an obvious Kasha against the Nesivos and a proof to the Ketzos. So this is something to think about on the Parsha of Aidim Zomemim.

א כִּי-יִמְצָא חָלָל, בְּאֶדְמָה אֲשֶׁר יְרוּר אֲלֵרִיף גִּתָּן לָהּ לְרִשְׁתָּהּ, גִּפְלִי, בְּשָׂדֵה: לֹא נֹדַע, מִי הִפְהוּ ב וַיִּצְאוּ ( 21:1 - 21:9 זְמַנָּה, וְשִׁטְטִיף; וּמִדְּדוּ, אֶל-הָעָרִים, אֲשֶׁר, סְבִיבַת הַחָלָל ג וְהָיָה הָעִיר, הַקְּרֹבָה אֶל-הַחָלָל--וְלִקְחוּ זִקְנֵי הָעִיר הַהִוא עֲגֹלַת בָּקָר, אֲשֶׁר לֹא-עֶבֶד בָּהּ, אֲשֶׁר לֹא-מִשְׁכָּה, בְּעַל ד וְהוֹרְדוּ זִקְנֵי הָעִיר הַהִוא אֶת-הָעֵגְלָה, אֶל-גִּתָּן אִיתָן, אֲשֶׁר לֹא-יַעֲבֹד בּוֹ, וְלֹא יִזְרַע; וְעָרְפוּ-שָׂם אֶת-הָעֵגְלָה, בְּנֶחֱלָה וְנִגְשׂוּ הַפְּהָגִים, בְּגִי לֹוי--כִּי בָם בָּחַר יְרוּר אֲלֵרִיף לְשִׁרְתוֹ, וְלִכְרֹךְ בְּשֵׁם יְרוּר; וְעַל-פִּיָּהֶם יִהְיֶה, כָּל-רִיב וְכָל-נִגְעוֹ וְכָל, זִקְנֵי הָעִיר הַהִוא, הַקְּרֹבִים, אֶל-הַחָלָל--יִרְחֲצוּ, אֶת-יְדֵיהֶם, עַל-הָעֵגְלָה, הָעָרוּפָה בְּנֶחֱלָה ז וְעָנּוּ, וְאָמְרוּ: יְדִינוּ, לֹא שִׁפְכָה (שְׁפָכוּ) אֶת-הַדָּם הַזֶּה, וְעֵינֵינוּ, לֹא רָאוּ ח פָּפֹר לְעַמֵּךְ יִשְׂרָאֵל אֲשֶׁר-פָּדִיתָ, יְרוּר, וְאֶל-תִּתֵּן דָּם נָקִי, בְּקִרְבְּ עַמֵּךְ יִשְׂרָאֵל; וְנִפְפֹּר לָהֶם, הַדָּם ט וְאָתָּה, תִּבְעֵר הַדָּם הַנָּקִי--מִקְרָבֶךָ: כִּי-תַעֲשֶׂה הַיְשָׁר, בְּעֵינֵי יְרוּר) At the end of the Parsha we have the topic of Eglah Arufa. We are told that when a murdered man is found, the city has to get together and bring a Kappara and the elders of the city say (יְדִינוּ, לֹא שִׁפְכָה (שְׁפָכוּ) אֶת-הַדָּם הַזֶּה) we are not guilty in his death. From that the Gemara in Sotah 46b (22 lines from the top) asks (שב"ד שופכין דמים אלא לא בא לידינו ופטרנוהו בלא מזונות ולא ראינוהו והנחנוהו בלא לוייה why would I think that the elders of the city are guilty in his death? The Gemara derives that a person is supposed to be Melava (walk someone) when he goes on a trip (Sotah 46b 19 lines from the bottom) (אמר רב לא בא לידינו ופטרנוהו) (יהודה אמר רב כל המלוה את חבירו ארבע אמות בעיר אינו ניזוק To accompany someone on the first steps of his trip. The elders are saying we didn't let him go without walking him) (לא בא לידינו ופטרנוהו) (בלא מזונות ולא ראינוהו והנחנוהו בלא לוייה). If we saw him we walked him, we trained the people to walk somebody when he goes on a trip. That is the Halacha. We learn from here the Parsha of being Melave someone. When someone goes on a trip from your home you are Melave him, you walk four steps to walk him out. From here we learn the Parsha of being Melave someone.

There is an interesting Maharal in his Hakdama to Sefer Nesivos Olam. There he derives a very basic Yesod from this. The question he asks which I believe is in the Maharal Al Hatorah here as well is had I walked him how would that save his life, I would have only had walked him four steps and he didn't die in the first four steps out of my home?

The Maharal says no, being Melave someone is a Shemira for people. In his Hakdama to Nesivos he explains Hashem created a world in which people need people. People need friends and people need people that they are close with. Human beings cannot be alone or else they become full of pain. People need friends. For that reason Hakadosh Baruch Hu created a world in which someone who goes alone is in a Sakana. If you are Melave someone that is a Shemira because it is a world in which people are accompanying people. It is a basic Yesod of Kiyum Haolam.

It is an important lesson. If you know someone who is going through a painful time, be it a broken engagement, Chalila a divorce, someone who lost a job, people are reluctant to call. Call him. People don't want to call and say what should I say? Don't say anything, say I heard about your problem and I feel for you. People need people. That is part of the lesson of the Maharal of the Mitzva of being Melave someone.

These are 3 lessons about 3 different Mitzvos in the Parsha, the Parsha of someone who goes to battle, the Parsha of Aidim Zomemim, and the Parsha of Eglah Arufah.

The question of the week is: The Parsha begins 16:18 (אֲשֶׁר יְרוּר) (אֲלֵרִיף גִּתָּן לָהּ, לְשִׁטְטִיף). The Mitzvah of setting up judges for your Shevatim. The Ramban is bothered and Rashi actually mentions it briefly that why does it mention to your Shevatim. We are told by Rashi (לשבטיך: מלמד שמושיבין דיינין לכל שבט ושבט ובכל עיר ועיר) that we need a Bais Din

for every Sheivet and the Ramban expounds on it and says that just like there is a big Sanhedrin for Klal Yisrael every Sheivet has to have a major Sanhedrin over the entire Sheivet and that helps the judgment of the Shevatim. This is what the Ramban says and Rashi explains briefly. I have a question.

In Parshas Yisro we read about Moshe Rabbeinu setting up the first judges of Klal Yisrael and we have an explanation of exactly what he did 18:21 ( וְשִׁמְתָה עֲלֵהֶם, שְׁרֵי אֲלָפִים שְׁרֵי מֵאוֹת, שְׁרֵי חֲמִשִּׁים, ) ( וְשִׁרְי עֲשֵׂרֶת שְׁרֵי אֲלָפִים: הֵם הָיוּ שֵׁשׁ מֵאוֹת שְׁרֵים לְשֵׁשׁ ) ( שֵׁשׁ אֲלָפִים הָיוּ שְׁרֵי חֲמִשִּׁים: שְׁנַיִם עָשָׂר אֲלָפֵי שְׁרֵי עֲשָׂרֶת: שְׁשִׁים אֲלָפֵי ). We don't find there that there is a Bais Din (court) over an entire Sheivet. We don't find it because the Bais Din with the largest jurisdiction is the Sarei Alafim. There is no Bais Din with the jurisdiction of an entire Sheivet. Tzorech Iyun Gadol, that is the right way to do it.

Why didn't Moshe Rabbeinu do it then? One may answer that the Mitzvah was first commanded here in Sefer Devarim. One minute, the Ramban himself in the Hakdamah to Sefer Devarim says that it is possible that all these Mitzvos that were told to Klal Yisrael earlier are written here. That is the gist of his Hakdama. If so it is Tzorech Iyun Gadol especially because Moshe Rabbeinu heard this Mitzvah at Har Sinai. Something of a difficulty as to why Moshe Rabbeinu did not follow himself this Mitzvah of (לְשִׁבְטֶיךָ).

### **Rabbi Reisman - Parshas Shoftim 5769**

20:8 הַיָּרֵא וְרָדָה הַלָּבָב Whoever is afraid of battle returns home. Rashi brings Rav Yosi Hagalili's Shitta that Hayarei means one who is afraid because of his transgressions. The Kasha that many ask is, everybody has some Aveira. Chazal say that Hayarei is even if someone spoke between Yishtabach and Borchu, even then when a person is only L'chatchila not supposed to speak, however, for something like that you go back. Who can actually be fit to go to Milchamah? It is a Davar Pele.

The Kotzker in the Oihel Torah on this Parsha says a Gevaldige Vort. הַיָּרֵא וְרָדָה הַלָּבָב it doesn't say someone who has Aveiros goes back from Milchamah. Of course it is understood that it is normal that people have Aveiros. A person who goes back is one who is Yarei. Which means that he has come to a certain sense of Yiush, he feels that since he has Aveiros there will be no way for him to be Matzliach. Such a person goes back home from a Milchamah. A person who doesn't have optimism and thinks he is Sanua by Hakadosh Baruch Hu, he is going to fail. By Ruchniyos there are no limitations and you can always achieve and accomplish that which you should be accomplishing. This is the lesson of the הַיָּרֵא וְרָדָה הַלָּבָב going back home from the Milchamah.

17:18 על-סֵפֶר This D'var Halacha will be discussing the Mitzva of Kesivas Sefer Torah. Years ago at a Kesivas Sefer Torah, the last letter was left out. People would be given the Kavod of filling in the last dot. Lately, the style has been that the letter is written all around and it is hollow in the center of the letter which people then fill in. The idea is that it is easier to fill in the letter this way and people will not inadvertently mess up the style of the Kesiva of the Sefer Torah. Many people have been Me'oirer that when it is done this way, the

Sefer Torah is already Kosher before the people fill in the letters, and that it is just a Kavod to the person filling in the letter and has nothing to do with the Kashrus of the Sefer Torah. This seems to be correct.

When Rebbi was at a Kesivas Sefer Torah in Eretz Yisrael, Rav Elyashiv was insistent on filling in the Yud, because when it is not filled in, it is a small Ende Mem. This means that the actual filling in of the Yud makes it a Kosher Sefer Torah. Rebbi always took the Yud, because the Minhag is to take the first letter of your name.

There is one other point to be made. For D'oiraisos you must be Bar Mitzvah. Obviously, writing a letter in the Sefer Torah is included in that. We are not Soimech that a 13 year old has Shtei Sairois. You have to wait until either he is 18 or someone can check for Shtei Sairois. It is a common error that people allow K'tanim, people who are 13, 14, 15 year olds to fill in letters of the Sefer Torah and actually they are Pasuling the Sefer Torah. You might say that it should only be a problem if they fill in a Yud and any other letter is Kosher anyhow. In a Sugya in Gittin, we learned that D'yo'i Al Gabei D'yo'i, only the top ink counts. So if someone fills in a letter it comes out that they must have covered over the outside ink and therefore if it was a person without Shtei Sairois then there is a P'sul in the Sefer Torah. You will never catch the P'sul later because it looks perfect. The Pischei Teshuva in Yorei Dei'ah writes in Hilchos Sefer Torah that someone who doesn't have Shtei Sairois or is not 18 years old should not write in a Sefer Torah.

טו שׁוֹם תְּשִׁים עֲלֶיךָ מֶלֶךְ, אֲשֶׁר יִבְחַר יְרוּרֵךְ אֱלֹהֶיךָ בּוֹ: מִקְרָב אֲחִיךָ, תְּשִׁים עֲלֶיךָ מֶלֶךְ--לֹא תִּכְבֵּל לְתַת עֲלֶיךָ אִישׁ 17:15  
נְכָרִי, אֲשֶׁר לֹא-אֲחִיךָ הוּא There is a Shittah Mikubetzes on a Gemara in Maseches Kesuvos in the Second Perek. We have a rule that Melech Shemachol Al K'voidoi Ein K'voidoi Machul. A father, Talmid Chochom, or Rebbi can be Moichel on their Kavod. Why can't a Melech be Moichel on his Kavod? It says in 17:15 "Soim Tasim Alecha Melech" It is a double Lashon which is Darshuned as even if he will Moichel on his Kavod 100 times, you must appoint him as King again. This P'shat answers a Shverer Rambam.

The Rambam says that if someone is Moired B'Malchus, Yeish Rishus L'Melech L'hargoi, the King has the option of killing a Moired B'Malchus. The question is, I thought Melech Shemachol Al K'voidoi Ein K'voidoi Machul? The King should be obligated to kill him?

According to this it is very good. You have a Mitzvah that if the King is Moichel on his Kavod that you should appoint him as a King again. The King himself can be Moichel on his Kavod which is why it is in the King's Rishus to kill someone who is Moired B'malchus.

17:15 B'inyanei Elul. The Drashas Haran explains "Soim Tasim Alecha Melech." What is the difference if Hashem is a Melech or is not a Melech? The Ran says in Klal Yisrael there are 2 types of Dinim. There is a Din of Beis Din/Sanhedrin that judges according to the letter of the law. There are rules. If someone steals, he pays Keifel. There is no difference who the person who stole is. We understand that depending on circumstances the same action might not be considered the same Aveira, and yet the Oinesh according to the Torah which is the letter of the law is exactly the same. That is the Din Hasenhedrin.

There is also something called Din Hamelech. The Din Hamelech means that the Melech can take into account other circumstances in either direction. L'mashul. We find in Nach that Dovid is told about a rich man who was too cheap to use his own animals to feed his guests that he stole the animal from a poor neighbor who had only one sheep and fed it to his guests. Dovid Paskens that he is Chayuv Misah, even though you normally wouldn't find this as the Oinesh, the Melech has the power to authorize capital punishment. We find the other way as well that there were people who were Chayuv Misah, however, Dovid didn't have them executed because they had Zechusim of helping Klal Yisrael. That is the power of a King to take other things into account.

When it comes to the Aseres Yemei Teshuva, we switch from Melech Oihev Tzedakah Umishpat to Hamelech Hamishpat. The Sefardim hold like the Bais Yosef who says if you say the regular Nusach you must repeat Shemoneh Esrei while the Rama says you don't have to repeat. Why is it important to say Hamelech Hamishpat in the first place?

R'Isaac Scher explains in line with the Drashas Haran. It comes to the Yomim Naraim and the Mitzvos are put on one side of the scale while the Aveiros are put on the other side and you see which is more. If that is the whole Din of Rosh Hashanah, it is hard to understand much of the Davening. We say in Davening, Labris Habeit V'al Teifen Layeitzer. We also say Z'chor Lanu Bris Avrohom V'akeidas Yitzchok. What in the world does that have to do with the Yamim Naraim? What does Mitzvos and Aveiros on either side of the scale have to do with the Bris Avrohom or the Akeidah? Or worse, we say Al Tavoi B'mishpat Imanu Ki Loi Yitzdak L'fanecha Kol Choi. Isn't that what Rosh Hashana is, the Day of Judgement?

The answer is, we are begging Hashem not to go with the Din of Sanhedrin, who judges according to the letter of the law, because we can't be Oimed in that type of judgment. We ask for Hamelech Hamishpat. We ask for the judgment of the King, which takes into account that we are descendents of Avrohom, Yitzchok, and Ya'akov. It takes into account the difficulty of being in Galus. It takes into account the circumstances of everything around us that is happening. How does a person become so to speak the "Friend" of the Melech to be Zoche in Hamelech Hamishpat? You have to show the Ribboinoi Shel Oilam a connection and a Ahavah. That is why Elul is Ani L'doidi V'doidi Li. What does that mean? Isn't Elul a time to prepare for judgment? Elul is the time to develop a closeness to Hashem. That is why we take on Hiddurim during this time like not eating Pas Paltur during the Aseres Yemei Teshuvah. This is done even though we know we are lacking in many ways.

Rebbi has people in the Shul who Daven Visikin during this time and Rebbi's family has the Neigel Vasser by the bed during these 40 days, just as an extra Hiddur to show the closeness to the Ribboinoi Shel Oilam. That is one of the ways to be Zoiche to Hamelech Hamishpat.

Rebbi once got a moving violation for going the wrong way down a one way street. There had been no signs, which was given as the reason to the police officer, however, he said to tell it to the judge. Rebbi mentioned in Shul that he would be going to court. Someone who heard him say this said what is the date of the hearing? When told January 13th, this person advised Rebbi to push off the case to a different day. When Rebbi told him that he now was going February 10th the person said that is great. So Rebbi goes into the courtroom and the judge is someone Rebbi knew very well from the neighborhood. The trepidation that Rebbi had from going to court

evaporated when he saw that he would get a fair hearing. That is Hamelech Hamishpat. To walk into the courtroom and know you will get a fair hearing. You have to be connected to do that. For that we have the 40 days beginning today, Rosh Choidesh Elul, to make a connection with the Borei Oilam and go that extra step.

This 15 minutes that are taken every Thursday to be Koivei'a for a little bit of learning, will be a Zchus, because it shows the extra Ahavah and dedication to the Borei Oilam that we should all be Zoiche in the upcoming Yom Hadin.

### **Rabbi Reisman - Parshas Shoftim 5768**

16:19 In the beginning of the Parsha we find the Issur of taking Shochad (bribery) which is already mentioned in Parshas Mishpatim. The Chazon Ish in his Sefer Emunah Bitachon has an incredible Chiddush in Maamor 3 Perek 30 which is not well known.

He says the warning of taking a bribe is not one of the Mishpitai Hatorah, meaning it is not one of the Dinim that are Mistaver, it is a Chok. What he is talking about is not taking a bribe to judge unfavorably, however, he is talking about taking a bribe and pledging to judge properly. Nevertheless, that is called Shochad because as the Posuk says **כִּי הִשָּׁחַד יַעֲנֶה עֵינֵי הַכֹּהֲנִים** the fact is when someone gives you something you are going to judge on his behalf. He says, Chas V'shalom. We are not suspect that the judges will impart judgment based on receiving a bribe, however, it is a Chok.

He brings 2 Rayas. The first is from Dinei Issur V'heter. A poor person is allowed to Pasken if a piece of meat is Kosher or Treif even though if it is Treif he may not have anything to eat. Nevertheless there is no Issur for a person to Pasken Dinei Issur V'heter on himself. You see from here that even though there is Negiyos that there is no Chashad that a Chochom B'yisrael will change the Din.

The second Raya is from Dinei Mamon, Avid Inish Dinei L'nafshi, a person is permitted to take the law into his own hands based on his Yediya. Now of course for a Poshite Yid we say to be careful as you may do things improperly. Nevertheless, the Shulchan Aruch says that someone who is sure that he is Paskening correctly that Avid Inish Dinei L'nafshi.

The Chazon Ish says that it is a Chok. Ai the Posuk says that **כִּי הִשָּׁחַד יַעֲנֶה עֵינֵי הַכֹּהֲנִים**? So the Chazon Ish says that just like Traifos are Metamtem Es Haleiv, it is a Chok. So the same thing here, it is in the Metziyos of the world that the Koach of Tumah of taking Shochad can end up making you Pasken incorrectly. Not because in exchange of the favor he will change the Din, Chalila, but it is Metamtem the heart and makes a person judge not properly. This is what the Chazon Ish writes. Avada it is a Chiddush Atzum and the other Sifrei Machshava do not say this way. They say that a person who accepts bribes has no control over himself and judges based on his own bias.

However, L'mayseh his Raya is a good Raya. Why by Treifos can a person Pasken and by Dinei Mamon we have Avid Inish Dinei L'nafshi. He brings good Rayas?

Rav Pam said a Vort that would answer the Kasha in Baltimore at the Chanukas Habayis of Ner Yisrael in the 1960's and he said that after saying this Machshava that Rav Ruderman came over to him and complimented him very warmly that it was Mechavein Al Ha'emes.

Rav Pam's Yesod was the following. When Gedolei Yisrael make mistakes, it is not because of a Zilzul in their Koach Hayosher, but because of the strength of Koach of Hakaras Hatov. He spoke about Yitzchok, that Yitzchok favored Eisav, (Beraishis 25:28) וַיֵּחָהֵב יִצְחָק אֶת-עֵשָׂו, כִּי-צִיד because Eisav gave Yitzchok food to eat, he liked him. Rav Pam said it wasn't because of his weakness in judging, it was because of his tremendous sense of Hakaras Hatov. Meaning Yitzchok Avinu's Hakaras Hatov was so great that he couldn't see something wrong with Eisav.

The same thing he explained about Shoichad. Why is Shoichad a problem? Because if a person has Hakaras Hatov for someone he can't help it but to feel favorably towards that person. Rav Pam brought a Raya from a Gemara in Maseches Kesubos 105b (24 lines from the top) ת"ר (שמות כג) ושוחד לא תקח אינו צריך לומר שוחד ממון אלא אפילו שוחד דברים נמי אסור מדלא כתיב בצע לא תקח היכי דמי שוחד דברים כי הא דשמואל הוה עבר במברא אתא ההוא גברא יהיב ליה ידיה אמר ליה מאי עבידתיך אמר ליה דינא אית לי א"ל פסילנא לך לדינא אממר הוה יתיב וקא דאין דינא פרח גדפא ארישיה אתא ההוא גברא שקליה ליה דינא אמר ליה מאי עבידתיך א"ל דינא אית לי אמר ליה פסילנא לך לדינא Shmuel was crossing a bridge and someone gave him a hand and Shmuel said that I can't be the judge in your case. In the next incident someone blew a feather off of Ameimar's head and Ameimar said he can't judge his case because of Shochad. Rav Pam said do you think that Shmuel and Ameimar would be influenced by these incidents, this is not Shochad? The Shulchan Aruch doesn't say that if you blow a feather off of someone's head that it is considered Shochad?

It is the Gadlus of Shmuel and Ameimar in that they were such Makirei Tov that when someone did Tov to them they would always see things in their favor. That is the Pshat in כִּי הַשְׂחָד יַעֲרֵר עֵינָי. The more Chochom he is, the more Hakaras Hatov he feels.

This answers the Chazon Ish's question of that a person may Pasken Dinei Issur V'heter by himself. The Chazon Ish is right. Of course for money a person will not be Mekalkeil Es Hadin and he will judge properly, however, when it comes to Shochad it is different in that he has the feeling of Hakaras Hadin. From that strength of feeling of Hakaras Hatov by the Chochom that will be Mekalkeil and will answer the second Kasha of Avid Inish Dinei L'nafshi, a person is allowed to Pasken for himself and we are not afraid that he will be Mekalkeil, but it is not a Stira to the fact that there is this Chashash by Shochad. This is the tremendous Yesod of the appreciation and Gadlus a person has to have of Hakaras Hatov.

16:18 יח שפטים ושטררים, תתן-לה בכל-שעריה, אשר ירור אלקיה נתן לה, לשבטיה; ושפטו את-העם, משפט- 16:18 The first Posuk of the Parsha the Rambam and Chinuch count it as one Mitzvah. In Sefer Hamitzvos 176. This is a Stira to the Klolim of the Sefer Hamitzvos. One of the Klolim of the Sefer Hamitzvos is that if there are 2 Mitzvos in one Posuk, they still count it as 2 Mitzvos. For example in Bamidbar 28:4 ואת-הקבש אקד, תעשה בכקר; ואת הקבש השני, תעשה בין הערבבים the Tamid

Shel Shacharis and a Tamid in the evening. It is 2 Mitzvos as counted by the Rambam even though it is found in one Posuk. Why is Shoftim V'Shotrim counted as one Mitzvah?

The Maram Shik in his Sefer Hamitzvos (491) answers based on a Pesikta, on a Braissa. The Braissa as is brought by the Ohr Hachaim Hakadosh is, if there are no Shotrim then there are no Shoftim, meaning if there is no one to enforce the judgment it is as if there was no judgment at all. The Mitzvah is Shoftim V'shotrim, both together. Shoftim without Shotrim is useless and is not the Mitzvah D'oraissa.

The Ohr Hachaim Hakadosh adds that today if you have someone who will be Mekabail on himself the judgment even though there are no Shotrim, for them Shoftim is a Mitzvah D'oraissa. The Shofeit is the Shoteir. The Shofeit makes it that there is a judgment that is listened to.

In the Kuntras Chachmei Leiv from Rav Weinfeld he brings a thought. The way we understand it is, that if you make rules in a Yeshiva and there is no Mashgiach to enforce the rules then it is as if there are no rules. It is just a waste of time. This is most probably a true Pshat.

So Rav Weinfeld adds that a Shofeit will Pasken one way when he knows that his judgment will be enforced because he knows that the judgment is coming from a measure of strength. When he comes from a position of weakness and he knows that it is Talui in their Ratzon, he will Mimeila look at the Din in a different way, from a position of weakness. So it is that when the judge knows that his judgment will be enforced that he will look at the Din in a different way, from a position of strength.

There is a well known Vort on the Parsha from the Shla and the Darash Moshe, that Shoftim V'Shotrim goes on a person on his own body and on his own mind. A person has to be careful to have a Seichel Hayashar when he is Dan himself, to be careful to do things properly and wherever you go judge what you are doing.

According to this there is a tremendous insight. If a person thinks about what is right he can come to a good conclusion. When a person is not committed to do what is right then his Paskening is going to be Mikulkal. The way he looks at himself is Mikulkal, it is like a judge whose judgment he is not sure if it is going to be followed. It is a Kilkul in the entire action and Maysch that has to take place.

Rebbi said over a Maysch of someone he knows who had a grandparent or great grandparent who came from Europe between the two world wars. His boat docked in NY and it was Erev Shabbos. He had money which he had brought from Europe and didn't know what he would do with it over Shabbos as he didn't have a place to stay. He found a Rav who he figured would be trustworthy to hold for him until after Shabbos. This Rav was an American Rabbi who was obviously not trustworthy. So he went over to the Rav after Shabbos and asked for his money back and the Rav said what money? So the person went berserk, what do you mean, I gave you money! The Rav was very firm with him, you are an immigrant and you are accusing a Rabbi of being a thief? Get out of here! So the person left and was very scared. Fortunately this person had a relative who was a strong person who was described as a butcher. So the butcher and this

man went back to the Rabbi and the butcher bent over the Rabbi's desk and said Rabbi, give my friend the money and when he saw that the Rabbi was hesitating, he grabbed him by the collar and said GIVE HIM THE MONEY! So the Rabbi said of course I will give him the money why didn't he just ask for it and he took out the money and gave it to him. So this person was Tzebruchen. You call yourself a Rabbi? So the Rabbi said the Gemara says that Yidden if they are Tovai'a they give. You weren't Tovai'a, you came in like a Lemechel, and so I pushed you off. This butcher, he knows how to be a Tovai'a, so I gave.

Rebbi mentioned this story in order that people should be Shoftim and Shotrim with themselves. Be Tovai'a on yourself. Elul which in America doesn't mean all that much, however, it still is a time of preparation for Rosh Hashono. Be Tovai'a on yourself and then you will see results.