

“My father and grandfather have all baked the old way. What was good for them is good for me! There is no way I am going to accept a new – more expensive – way to bake *matzah*, just to line the rabbi’s pockets.”

Clearly, the citizens of Papunya knew how to bake *matzah*. They had been doing so for years. They could easily have told *Rav Masna* to take his teachings elsewhere. They listened and lined up the next day for his water, because they misinterpreted what he had meant. They were willing to accept or trust that *Rav Masna* knew what he was saying – that he knew more than they – even if it flew in the face of their common-sensical reasoning. That is *emunas chachamim!*

מִי הָאִישׁ אֲשֶׁר בָּנָה בַּיִת חָדָשׁ וְלֹא חִזְכּוּ יָלְךְ וַיֵּשֶׁב לְבֵיתוֹ פֶּן יָמוּת בַּמִּלְחָמָה וְאִישׁ אֲחֵר יִזְכְּכֵנּוּ

Who is the man who has built a new house and has not inaugurated it? Let him go and return to his house, lest he die in the war and another man will inaugurate it. (20:5)

An individual whose mind is not on the battle, will – due to his fear or lack of enthusiasm – erode the morale of his comrades. The Torah mentions those individuals who return home and are free from joining the army. These are men who had just initiated an endeavor: taken a wife; built a house; planted a vineyard. For practical reasons, their minds are focused elsewhere – not on the battlefield. *Rashi* remarks concerning one who has built a house and has yet to move in: He is anxious concerning the possibility that he might die and someone else might move into his un-lived property.

Imagine – a person is more concerned that someone else will move into his un-lived house than his possible death at the hands of the enemy! Does this make sense? Is this person rational? Is he more obsessed with his house than he is with his life? The *Gerrer Rebbe, zl*, explains that the issue is regarding what occupies his mind in his last moments. If he is mortally wounded, what will course through his mind: thoughts of *teshuvah*, repentance, or concern that someone else will take over his home? It sounds insane, but apparently this is human nature. The mind processes what impacts it at the immediate moment – and, at that moment, the soldier is more concerned about his house than he is about his life.

When a person confronts the most important moment of his life, in fact, his very last moment of life, his mind should be occupied with something more significant than who will live in his house. *Maayanah Shel Torah* quotes the *Pirkei D’Rabbi Eliezer* 30, who says: Death by thirst is unusual, it is the most difficult of all causes and forms of death. Why? The author explains: a person who is dying of thirst thinks that all that he

needs in order to live is a drop of water. Thus, at the very last moments of his life, what courses through his mind: “A drop of water is all that I need. One drop of water, and I will live.” His mind is preoccupied with nothing else other than his obsession with a drop of water. Obviously, a G-d-fearing Jew, regardless of his elevated spiritual status, should have something more important on his mind.

Va’ani Tefillah

וְנִרְפָּא – רַפְּאֵנוּ ד’ וְנִרְפָּא
Heal us Hashem, and we will be healed.

The *brachah, Refaeinu*, follows immediately after the *brachah, Reeh na b’anyeinu*, as physical pain and affliction follow after spiritual anxiety and ambiguity. One of the most difficult challenges of physical illness is dealing with the question, “Why?” When a person is confronted with ambiguity, when he does not know why something is happening to him, he has greater difficulty dealing with the issue and maintaining clarity of mind. Thus, the sequence of the blessings implies that, as long as we have not come to terms with our personal spiritual frustration, we cannot expect to be spiritually free – a situation which in and of itself not only leads to illness, but also undermines one’s ability to maintain the stamina he needs to battle illness. A “broken” person has one strike against him when he confronts illness. (I think it is much more than one strike; he cannot even go up to bat.) Once one has resolved his spiritual ambiguities, he has the resolution and fortitude to face the physical illness, the diagnosis and necessary route of therapy. The bottom line is: Without Hashem, we do not stand a chance. Hence, we pray *Refaeinu Hashem* – only then – *v’neirafei*.

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הענא בת בנימין מנחם ע"ה נפ' ב' אב תשע"א

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Parashas Shoftim

תשע"ז

פרשת שופטים

שופטים ושטרם תתן כך בכל שערך... ושפטו את העם משפט צדק

Judges and officers shall you appoint in all your cities... and they shall judge the people with righteous judgment. (16:18)

Titen lecha, “Shall you appoint” (Literal translation: shall you put for you/yourself). The *Kli Yakar* derives from you/yourself that, before one concerns himself with helping others, he must first judge himself. Make absolutely certain that your house is in order before you reach out to others. How true this is. There are some who occupy themselves with reaching out to others as an excuse, in order to delay addressing their own personal issues.

In a similar vein, *Horav Simcha Bunim, zl, m’Peshischa*, explains *Shoftim v’shotrim titen lecha*, “Judges and officers shall you appoint” in the following way: As long as a person constantly judges himself (assures himself of his own/personal appropriateness), if he is looking for – and acknowledges – his own failings and the positive attributes of others, then (and only then) *v’shaftu es ha’am mishpat tzedek*; “they shall judge the people with righteous judgment.” Only in that case can we be assured that they will judge others with honesty and from a fair and bipartisan perspective. One who sees only the failings of others, but glosses over his own shortcomings, will be unable (or certainly hard-pressed) to render honest judgment.

A woman once came to *Horav Tzvi Hirsch, zl, m’Dinov*, weeping uncontrollably, complaining that the *dayanim*, rabbinic judges at the *bais din*, had issued a faulty ruling against her. *Rav Tzvi Hirsch* peered into the *halachah*, and, after a few moments, he discovered that the woman had spoken the truth. The *dayanim* had, indeed, erred in the judgment they had rendered. He summoned them and showed them their error, which they immediately accepted. Afterwards, one of the judges asked the *Dinover* what had motivated him to reevaluate the judgment. (People would often claim that the judge either ruled against them or had erred. What made this case unique? What was the red flag?) The *Rebbe* replied, “*Toras Hashem temimah meshivas nefesh*; ‘The Torah of Hashem is perfect, it restores the soul’ (*Tehillim* 19:8). Had you issued a correct *psak*, judgment, the woman would not have been able to weep so incessantly. It was

only because the judgment had not been *temimah*, perfect, that her emotions were able to get the better of her.”

שופטים ושטרם תתן לך... לא תטה משפט לא תכיר פנים ולא תקח שחד

Judges and officers shall you appoint in your cities... you shall not pervert judgment, you shall not respect someone’s presence; and you shall not accept a bribe. (16:18,19)

The Torah exhorts us to appoint honest judges who will adjudicate accordingly. It then follows up with three rules (so to speak) for keeping the judges “honest”. They should not pervert judgment; they should treat everyone equally, regardless of the litigant’s financial portfolio or eminence and power; last, they should not accept a bribe – even if the bribe comes without strings attached. Once one has accepted anything from another person, he becomes predisposed to him and the judgment that he renders might in some way be biased.

The appointment of judges is obviously critical for the healthy growth of community. A community in which justice is perverted and determined by vested interest and bribery is not a community. It is a jungle. If the appointment of judges is a communal commandment, why does the Torah write *titen lecha*, which implies that this *mitzvah* is more of a personal nature? *Horav Moshe Feinstein, zl*, suggests that the command to appoint judges also has a personal connotation. While it certainly addresses the community at large, it also speaks directly to the individual. Each individual should judge himself objectively and, if he crosses the line, he should acknowledge this fact and police himself accordingly. To acknowledge that one has sinned demands maturity. Many of us seek to conjure up excuses to justify aberrant behavior, and succeed in doing so. Thus we absolve ourselves of any form of guilt. Once we have come to the realization that a sin has been committed, we must resort to self-discipline, accepting upon ourselves a realistic and effective form of penance that will, hopefully, ensure that we will not do a repeat performance.

When the Torah admonishes a judge not to pervert justice, not to countenance one person over another and not to accept a bribe, it is speaking, likewise, to the individual who must make a decision, acknowledge guilt, resolve to repent.

When it involves an individual, the greatest impediment to justice is bribery. While a person does not actively bribe himself, he does don blinders when, due to vested interests, he veers from the proper course of judgment. The problem begins when we refuse to accept our personal lack of impartiality in a given situation. This is the first *negia*, personal vulnerability, due to vested interest. The following incidents underscore this idea and demonstrate how careful our Torah giants are to distance themselves from any vestige of personal *negios*.

The *Chazon Ish*, *zl*, was walking in the accompaniment of *Horav Eliezer Palchinsky, zl*. The *Rosh Yeshivah* commented concerning a certain *Mashgiach*, ethical supervisor in a *yeshivah*, who was a prolific writer and thinker, whose discourses were a masterpiece of erudition and profound methodical thought; yet, when he would speak concerning a subject in which he had personal *negios*, he would lose his rational thought process, often making comments that were without foundation and *aforethought*.

Hearing this, the *Chazon Ish* stopped and smiled, “Had you told me that a great man blundered and sinned,” the *Chazon Ish* began, “I would tell you that his actions do not undermine his greatness. (One can be great and still fall victim to the *yetzer hora*, evil inclination. It is nothing more than a momentary lapse.) Concerning a *negia ishis*, personal interest/touch/involvement, however, it is different, for this *negia* accompanies him twenty-four hours a day. (It becomes part of him and takes him down.) No! Such a person is not great. He is a *katan she'b'ketanim*, smallest of the small!”

Negios take over a person’s life, his thoughts, actions, speech. He is controlled by these interests to the point that it diminishes his stature. *Negios* are a form of bribery. One does not have to accept money in order for his rational thought process to become impaired. Any personal interests which beclouds his judgment is a bribe – which blinds one’s perspective and perverts his sense of justice and reason.

Horav Yitzchak Zilberstein, Shlita, observes a form of bribe which eludes many, possibly because it is natural and, thus, we do not give it a second thought: tears. Weeping can cause a judge to lose his ability to be impartial. The *Avnei Nezer* was *Rav* in Sochatchov. One day, a widow came to his *bais din* and, before she was able to present her claim, broke out in spontaneous weeping. The *Avnei Nezer* rose from his seat and left the room. He said, “I am disqualified from listening to this case. Since I heard her cry, I no longer qualify to render judgment. Tears are a form of *shochad*, bribery.”

Rav Zilberstein cites a similar comment heard from *Horav Eliezer M. Shach, zl*. A *kallah*, bride-to-be-married, came to the *Rosh Yeshivah* of *Ponevez* with a personal request: Would *Rav* Shach honor her by accepting *siddur kiddushin*, to officiate at her wedding? She neither knew *Rav* Shach, nor did he owe her anything. She just wanted the *gadol hador*, preeminent Torah giant of the generation, to be her *mesader kiddushin*. The *Rosh Yeshivah* demurred, apologizing that he prepared his *shiur*, Torah lecture, on that day, and his *shiur* took precedence.

When the *kallah* heard his negative response, she immediately burst into tears. It was an instinctive reaction. She was so hoping that he would have said yes. When the *Rosh Yeshivah* saw her reaction, he said, “Do not weep. I will be *mesader kiddushin*. I only ask that the *chupah* take place on time. Every minute is precious, and I must return home to prepare my *shiur*.”

Those who were present were taken aback by his sudden change of heart. “Why did the *Rosh Yeshivah* defer to her request? We know the value and significance of every minute of preparation for the *shiur*. Furthermore, the *Rosh Yeshivah* does not even know the *kallah*,” they commented.

Rav Shach replied with a simple statement, “One cannot ignore the tears of a *bas Yisrael*.”

Reading these stories, I cannot help but wonder why tears are not a more integral part of our *tefillos*. The *Shaarei Dema’os*, Gates of Tears, never close. Hashem listens. Tears are an expression and indication of sincerity. If we want to be heard, we should ask with emotion. It can catalyze that difference for which we are waiting.

צדק צדק תרדוף

Righteousness, righteousness shall you pursue. (16:20)

The *Mishnah* in *Meseches Peah* 8 derives from the above *pasuk* that one who is healthy, but claims he is crippled or blind, for whatever reason (usually for profit), will not leave this world until he himself becomes afflicted with what he has claimed to have. *Horav Bunim, zl, m’Peshischa* questions this statement. Will this, likewise, apply to one who presents himself as a *tzaddik*, righteous person? Will he also not die before he becomes a *tzaddik*? If the *pasuk* teaches us that one must be straight, trustworthy and honorable, can we consider this man honorable? Should he be rewarded by becoming a *tzaddik* simply because he claims that he is one?

The *Peshischa* explains this with a *mashal*, parable. A wealthy man was traveling and chanced upon a *shikur*, drunk, rolling in a dung heap. Obviously, this man had lost all sensitivity and self-esteem. The wealthy man instructed his servants to remove him from the heap, scrub him down, dress him in priest’s vestments, bring him to his mansion and assign him a nice, clean room. A few hours elapsed, and our drunk woke from his stupor to see himself attired in a priest’s habit and surrounded by servants who asked him, “How can we be of assistance to his Reverence?” “What would his Reverence like to drink?” “Can we bring his Reverence to a specific destination?” etc.

Our drunk was certain that this was all a dream. He was far from wealthy and even less sober. What was going on? This could not be his home. He usually passed out in a dung heap. As the ruse continued, with the servants prepared to do anything for his Reverence, a thought entered his mind: Perhaps he was having a dream, with his poverty and alcoholism nothing but a dream. The reality was that he was a member of the cloth, a distinguished priest who was wealthy and lived in a mansion.

If this was the case, he must leave immediately and travel to the Vatican, because is that not where all priests congregate? He should at least inquire concerning the location of his church. He would have to wing the service, since he was clueless about what a priest does.

He needed to implement a test to determine the truth: Was he or was he not a priest? He obtained a Bible written in Latin, because that was the language spoken by priests. He conjectured that if he could read it fluently – then he must be a priest. If, however, it was hieroglyphics to him, it would indicate that he was actually a poor drunk and his new attire was a façade. The servants kept up with their requests to serve him. He opened up the Bible and could not read a word. This would imply that he was not a priest. If this was true, however, why were the servants still referring to him reverently, as if to a priest? Apparently, he decided, none of the priests was fluent in Latin. It was all a sham. He was as bad as they were.

The *Peshischa* concluded his story. “This is the punishment for one who attempts to beguile others that he is a *tzaddik*. He will do it long enough that he himself begins to believe and accept the ruse. When he enters the *yeshivah*, the *shul*, and removes a tome of *Talmud*, a *sefer* written by one of the commentators, and, lo and behold, he has no clue to its meaning – he will ascertain that *tzaddikim* are also not knowledgeable. He will not say that he is a sham. No! He will surmise that all the others who “claim” to be erudite are not! After all, since he knows nothing, and he is a *tzaddik*, so they must probably be as uneducated as he.

This is the greatest punishment, because now he has lost everything. He is not righteous, and he begins to slander those who are.

על פי התורה אשר ירוך ועל המשפט אשר יאמרו לך תעשה – לא תסור מן הדבר אשר יגידו לך כי ימין ושמאל

According to the teaching that they will teach you and according to the judgment that they will say to you, shall you do; you shall not deviate from the word that they will tell you, right or left. (17:11)

The decision rendered by the courts must be obeyed, even if one is convinced that it is wrong. Even if the judge/Torah scholar seems to be conveying that right is left and left is right, you must listen, accept and execute the law as told. We must maintain unswerving obedience to the directive issued by our *gedolim*, Torah leaders of the generation. Not everyone warrants the title *gadol*, Torah giant. Some may qualify as scholars, but, unless one reflects the total demeanor of *mussar*, ethics, *yiraas Shomayim*, fear of Heaven, in addition to being erudite, one does not qualify as a *gadol*. *Halachah* is a self-contained discipline which adheres to a different standard. Thus, knowledge in its own right – without the religious/spiritual accoutrements which accompany it – is an insufficient barometer for determining *gadlus*.

Rashi adds to the *lo sassur*, ““You shall not deviate”:

Even if they tell you that right is left and that left is right.” At first blush, this is a difficult concept to absorb. If the judge/*rav/rosh yeshivah* is (in my mind) clearly in error; if he says that right is left and/or vice versa – he is wrong. Nonetheless, the Torah enjoins us to listen, accept and perform – even when we know he is wrong. How can the Torah expect an intelligent human to accept a statement, an edict, that he knows is categorically false?

Horav Isser Zalmen Meltzer, zl, explains this in the most enlightening manner. Obviously, wrong is wrong – as right is correct. Yet, the Torah tells us to accept what is wrong – because, although it might be wrong in our mind, it is really right. We are wrong. The *Rosh Yeshivah* observes that *Rashi* chose the opposites of right and left as opposed to day and night, black and white. Why specifically are right and left used? Following the lead of the *pasuk*, right and left are used for practical purposes. When one person stands opposite another, Reuven’s right hand is opposite Shimon’s left hand – and vice versa. So, in reality, whether it is right or left is a question of angle, or perspective, from which position is one looking at the hand. My right hand is your left, so when I say “right,” you say “left”; yet, we are both correct!

The Torah is conveying a profound truth. At times, we might be quite certain about something, but this is only from our own perspective. The *talmid chacham*, Torah scholar, views the issue from a different vantage point, hence, representing a different perspective. The scholar’s vision has been honed by the wisdom of the Torah which he has acquired. Thus, he sees the larger picture with a clarity of vision which is inaccessible to someone who has less accumulated wisdom.

It is not always easy to accept that someone knows more than we do, but that is exactly the definition of *emunas chachamim*. Once we lose the ability to believe in our Torah leaders, I wonder what is next. *Chazal* (*Pesachim* 42) relate the story of *Rav Masna* who came to the city of *Papunya* and taught the *halachah* that *matzah* must be made with *mayim shelanu*. The next day everyone came to his house to request water from him. He then explained to the people that *mayim shelanu* does not mean “our water,” but rather, water that rests outside its source, so that it has had a chance to cool off. Why did *Chazal* bother to relate this incident? Obviously, there are better and more edifying lessons to be taught than demonstrating how simple-minded people can be.

Horav Chaim Kanievsky, Shlita, quotes *Horav Yisrael Salanter, zl*, who explains that *Chazal* are actually teaching us a lesson in *emunas chachamim*. Everyone, at one time or another, either has personally baked *matzah* or has observed its production, personally or on video. With this in mind, imagine some great *rav*, a noted Torah scholar, visits our community and informs us that what we have been doing for generations is all wrong. Furthermore, the *halachah* which he teaches is one that incurs for him considerable profit. For example, he tells us that we must use a certain flour obtainable only from him at a premium price. The probable reaction to his *halachah* would be: