



Parashat Shoftim

מתוך "ליקוטי שמואל"

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Krias Shema Protects / Talking While Donning Tefillin Endangers – Which Is It?

Parshas [Shoftim](#)

By Rabbi Yissocher Frand

Towards the end of Parshas Shoftim, *Klal Yisrael* goes to war. The "*kohen mashuach milchama*" (anointed for war) gives them a *schmooze* ("charge") to emotionally and spiritually strengthen them: "When you go out to the battle against your enemy, and you see horse and chariot — a people more numerous than you, you

shall not fear them, for Hashem your G-d is with you, who brought you up from the land of Egypt. It shall be that when you draw near to the war, the *kohen shall* approach and speak to the people. He shall say to them, "*Shema Yisrael* (Hear, O Israel), you are coming near to the battle against your enemies; let your heart not be faint; do not be afraid, do not panic, and do not be broken before them." (Devorim 20:1-3).

The *pasuk* here curiously uses the expression "*Shema Yisrael*." Rashi, quoting the Sifrei and a Gemara (Sotah 42a) adds: "Even if you have no merit other than the *mitzva* of reciting *Krias Shema* alone, you are worthy enough that He shall save you."

I saw a question cited in the name of the Gerer Rebbe, *zt"l*, (the Beis Yisrael) which seems to be obvious: The Torah specified certain exemptions from battlefield combat. One of those exemptions is "...who is the man who is fearful and of soft heart, he shall go and return home and not melt the heart of his brethren like his heart." (Devorim 20:8). There is a *machlokes Tanaim* (Sotah 44a) regarding what this expression "of soft heart" is referring. One opinion is that it is to be interpreted literally to mean he is afraid of battle. Rav Yosi HaGlili, however, argues and says it refers to someone afraid of the *aveiros* (sins) he has committed. According to Rav Yosi HaGlili, a soldier who is afraid of the *aveiros* that he has hidden in his closet is exempt from war. As an example of an *aveira* (sin) that a person needs to be worried about at the time of battle, the Gemara cites someone who speaks between the time he put on his *Tefillin shel Yad* (hand Tefillin) and his *Tefillin shel Rosh* (head Tefillin). (Speech interruption at that time is forbidden by *halacha*.)

If you think about it, these two Gemaras contradict one another. On the one hand, the Gemara says that any soldier that merely has the basic *mitzva* of *Krias Shema* to his credit is guaranteed safety.

On the other hand, the Gemara says that even violation of the relatively minor *aveira* of speaking between putting on the *Tefillin shel Yad* and *Tefillin shel Rosh* is enough to justify fear of falling in battle. How are these two Gemaras to be reconciled?

Before going further, I want to present a very important psychological insight that will help answer our question.

The Gemara (Nedarim 40a) says, “whoever does not visit the sick, it is as if he has murdered the person.” What does that mean? The simple understanding is that someone who is not *mevaker choleh*, and therefore does not *daven* for the person, causes the death of the sick person. “Had you *davened* for him, you could have perhaps invoked the mercy of Heaven and caused the person’s life to be spared.” However, the Netziv in the Meromei Sadeh quotes a mind-boggling Sheiltos in Maseches Nedarim, with a different understanding of this Gemara. Namely, whoever does not visit a sick person in the hospital, it is as if he *davened* that the sick person should die!

Why would someone be motivated to *daven* that the fellow should die? The answer is that he is embarrassed that should the sick person get well, he may meet him in *shul* and need to explain why he didn’t visit him in the hospital. It will be uncomfortable and even embarrassing to meet the sick person after his recovery, with no good excuse for not having come to visit him during his illness. Therefore, psychologically, the person is *davening that* the sick person not get better, but rather expire, so that he can avoid meeting him again.

We see from this Sheiltos that people hate to own up to their mistakes. It is too painful for them to admit to the fact that they were wrong or negligent. Rather than going up to the fellow and apologizing for not visiting him during his illness, rather than

needing to say “I’m sorry,” a person *davens* that the *choleh* should die so that he will never need to see him again!

Now listen to another Sifrei. The Sifrei says on the *pasuk* “For a bribe will blind the eyes of the wise...” (Shemos 23:8) that a judge who takes a bribe does not leave this world until he argues “*tzedek*” regarding his ruling.” Rabbi Buchspan brings a *dayan* from Pressburg who gives a phenomenal interpretation of this Sifre: Someone who takes a bribe to *pasken* incorrectly will, for the rest of his life, create “*lomdus*” to justify his incorrect ruling. In other words, when two fellows come before a *dayan* and present their arguments, the *dayan* knows the *halacha*. He knows that Reuven is *chayav* (obligated) and Shimon is *patur* (exempt). But when Reuven slips the *dayan* \$100, the *dayan* is able to come up with some bogus Talmudic logic to conclude that Reuven is *patur* and Shimon is *chayav*.

He did something wrong. He took the money. He should go to the person he cheated, apologize, and make restitution for the loss. At the very least, he should *klap al chet* on Yom Kippur to confess his *aveira* for taking the bribe. But that is not what he does. Rather, for the rest of his life he carefully goes through the Talmudic details of the case he ruled upon and comes up with phony interpretations of the *sugya* to justify his erroneous *psak*. He does all this because he refuses to say “I was bought.” Rather than come to grips with that, he convinces himself and tries to convince others of a false interpretation of the underlying *halachic* source material.

As we see, then, (1) a person would rather his friend die than face the humiliation of not having visited him, and (2) a person is willing to rationalize his corrupt *psak* to allow him to sleep at night despite having illegally ruled in favor of a guilty party, rather than owning up and confessing that he took a bribe.

Based on this, the Beis Yisrael interprets Rav Yosi HaGlili's opinion (that a soldier returns due to the fear of his *aveiros*) as follows: The soldier returns from battle due to the "*aveiros she'b'yado*" (*aveiros* he has in his hand). This means that the person committed an *aveira*, but that *aveira* is still "**in his hands**" i.e. – he refuses yet to admit that it is an *aveira*! The Beis Yisrael equates this with the famous Gemara that states that if someone is "*tovel v'sheretz b'yado*" (immerses with a dead creature in his hand), such immersion does not help because while going to the *mikva*, he is still holding on to the very item which has contaminated him. The answer to the aforementioned contradiction is that if a person has repented from the *aveiros* he has committed, then even if he only has the *zechus* (merit) of reciting *Krias Shema*, he will be saved in battle. However, if he persists in justifying his previous misdeeds without remorse – without confessing his shortcomings – that is still "*aveira she'b'yado*." The *aveira* is still present in his hand. For such *aveiros* that are still in his hand, the *zechus* of *Krias Shema* is not enough to save him, even from a supposedly relatively minor *aveira*, so he indeed has reason to fear his fate in war, which justifies returning from battle, according to Rav Yosi HaGlili.

Pursuing Truth and Justice

Parshas [Shoftim](#)

Rabbi Yissocher Frand

The beginning of this week's parsha contains the laws that apply to judges. They are warned not to show favoritism. They are warned not to accept bribes. They are commanded to pursue justice. All this is commanded: "so that you will live and inherit the land."
[Devorim 16:20]

The commandment in this pasuk [verse] to pursue justice is stated redundantly: Tzedek, Tzedek tirdof. (Literally, “Justice, Justice shall you pursue.”) Many homiletic explanations have been given for this redundancy.

In a previous year, we mentioned the teaching of Rabbi Elya Meir Bloch that even when pursuing justice as an “end”, the “means” also needs to be just: Pursue Tzedek with Tzedek.

This year, I would like to share an insight from the Sefas Emes. The Sefas Emes emphasizes the word “Tirdof” [pursue]. The idea is that we need not only to SEEK justice, but we need to PURSUE it. A ‘rodef’ is a pursuer. It is a word with a very harsh connotation. In the context of justice, the term ‘rodef’ seems like a rather strange word to use. Ironically, there is one other place where we find a parallel usage: “Seek out peace, and pursue it.”

(Bakesh shalom, v’radfehu.) [Tehillim 34:15]

Normally, the word ‘rodef’ has a negative connotation. We speak of someone being a ‘rodef’ after honor. Someone who is an aggressor or persecutor is termed a ‘rodef.’ Is it not strange then to find the Torah using the term in connection with Justice, and the Tanach using it in connection with peace?

The Sefas Emes cites the Medrash that before the Almighty created man, he consulted with the Heavenly Court, asking the various ‘forces’ in Heaven whether they felt it would be a good idea to bring man into existence. “Emes” [Truth] advised, “Don’t create man for he is full of lies.” “Shalom” [Peace] advised, “Don’t create man for he is totally argumentative.” The consensus among the ‘forces’ in Heaven was that man should not be created.

The Sefas Emes states that we see clearly from this Medrash that humanity does not have a proclivity for Emes, nor do they have a proclivity for Tzedek [Righteousness], nor do they have a natural innate tendency towards Shalom. Consequently, if man is to

achieve Righteousness and Peacefulness, he must be 'rodef' after them. Man must pursue them with all his might, with all his heart, with all his soul, if he is to have any chance of overcoming his natural tendencies and achieving them. If man does not 'pursue' them, they will escape him. They are inconsistent with the inclination of man.

Peace is not attained casually or incidentally. Neither is Justice. They must be pursued with all our might.

Kohen Gadol's Election Dependent On The Unintentional Murderer

This week's parsha contains — for at least the third time in the Torah — the mitzvah of the city of refuge (arei miklat). We are commanded to set aside three cities in the inheritance that we will be granted from the Almighty. If a person kills inadvertently, he is not put to death because his action was not intentional, but on the other hand he does not get off totally free either. He is sentenced to live in a city of refuge (either one of the three Cities of Refuge in Trans-Jordan or in one of the three Cities of Refuge in Eretz Yisrael proper).

How long must he reside there? In Parshas Massai [Bamidbar 35:25] the Torah teaches that he needs to stay there until "the death of the High Priest that he anointed with the holy oil." If the reigning Kohen Gadol dies six months later, the unintentional murderer leaves the City of Refuge after six months. If the Kohen Gadol lives another sixty years, he will have to remain in the City of Refuge for sixty years.

The Gemara [Makkos 11b] questions the peculiar language "that he anointed with the holy oil." A simple reading of the pasuk seems to indicate that the subject is the murderer.

The Gemara asks, "Did the murderer anoint the Kohen Gadol?"

The Gemara explains that the expression intends to ensure that the Kohen was anointed in the “time of the murderer” — meaning the Kohen Gadol was already serving at the time the murderer was sentenced by the court to go to the City of Refuge. If one Kohen Gadol was in office at the time of the unintentional murder and a second Kohen Gadol is in office at the time of the sentencing, it is the death of the second Kohen Gadol that sets the murderer free.

Rav Meir Simcha points out a beautiful insight. Suppose the Almighty wants a certain individual to only remain in the City of Refuge for one month. The Almighty knows that this was really an unintentional crime and that 1 month of exile fully atones for this crime. What will have to happen, then, is for Divine Providence to arrange for the anointing of a High Priest who has only one more month to live. This Kohen will be appointed Kohen Gadol so that Reuvain, the unintentional murderer, will be able to go home after one month. On the other hand, if the Almighty decides that Shimeon should be in a City of Refuge for 20 years, He will arrange for a Kohen Gadol who has 20 more years to live.

This, Rav Meir Simcha says, gives new insight into the expression “whom he anointed with the oil of anointing”. In a sense, the murderer anointed the Kohen Gadol, because the length of the murderer’s deserved stay is what prompted Divine Providence to anoint one person as the Kohen Gadol over another.

Given the fact that numerous people may be in the Cities of Refuge simultaneously, this becomes a very complex calculation.

However, that is exactly the point. The degree of precision of Divine Providence is something that is far beyond mortal comprehension. This is what we mean when we say HaTzur Tamim P’aolo [The Rock; Perfect are His Actions] [Devorim 32:4].

The wheels of history grind ever so slowly, but ever so finely. So too, the wheels of Divine Providence may grind ever so slowly, but there is no greater precision in the world than the personal Divine Providence (Hashgacha Pratis) that the Almighty executes in His control of the universe.

Court in the act

Written by Rabbi Daniel Leeman

We have been instructed to “appoint judges for yourselves in all of your gates” [1], indicating that there should be a court in every city [2]. Why then does the verse mention the somewhat misleading “gates” (if the city has more than one “gate”) rather than cities? [3] Furthermore, the verse seems to imply that properly judging the nation is contingent upon having courts in every city – but why should this be the case?

One day a man complained to the Rabbi of the community of a certain wrong that his neighbor had done to him. The Rabbi heard the congregant’s story and said to him, “You are right.”

Soon the man’s neighbor came in and made a counter-complaint to the Rabbi, stating his side of the story. When he concluded, the Rabbi said to him: “You are right.”

After the man left, the Rabbi’s wife, who had heard the proceedings, could not restrain herself any longer, and exclaimed with astonishment, “How in the world can they both be right? One of them surely must be wrong!”

And so, the Rabbi turned to her and replied, “Yes, yes: you are also right!”

Perhaps “all your gates” teaches us to listen carefully to all sides before reaching a firm conclusion. Indeed, the phrase “bechol sha’arecha” (“all of your gates”) can also be translated as ‘all of your evaluations’. To reach a correct conclusion, all sides must first be heard and properly evaluated.

Until then, everyone must be right and not left out.

Have a really great Shabbos,

Dan.

Additional sources:

[1] Devarim 16:18

[2] Medrash Tanchuma, Shoftim 6

[3] Although we do learn tangentially from the word “gates” [Sifri, Reeh 71], nonetheless, in its simple context it is somewhat misleading.

The Decapitated Calf – Eglah Arufah

Written by B Rose

At the end of the parsha, we have the chapter of the Eglah Arufa (decapitated calf). [Devorim 21: 1-9] The law, simply stated, is that if one finds a dead body in an open field and they do not know who the murderer is, the elders of the nearest city have to go out and say “we have done our duty; we were not derelict in treating this person wrongly; our hands did not spill this innocent blood; we were not aware of it”. They have to bring an atonement, a special offering, known as the Eglah Arufa.

When someone is murdered by an unknown assailant between two cities, an entire proceeding takes place. Measurements to find the closest city are done. The Sanhedrin must come down in person to the crime scene and say “we have done our duty; we were not derelict in treating this person wrongly; our hands did not spill this innocent blood; we were not aware of it”. They have to bring an atonement, a special offering, known as the Eglah Arufa. A calf is decapitated. The Netziv says the reason for this extravagant show is that all the people should get together and start asking lots of questions and demanding answers to how a tragedy like this can happen in their midst. Being Jewish, everybody, of course, has their own opinion. Through this massive lively dialogue, Hashem will help guide them to take steps in order to prevent another tragedy in the future.

The Rambam in Moreh Nevuchim says that the reason for the public proceeding is to get the people from the nearby cities to start talking. Since

the murderer probably came from one of those cities, his identity may be revealed.

Temimus – Completion

Written by D Fine

There is a ‘strange’ Targum onkelus in this week's sedra which can be missed if blinking during shnayim mikra (or laining for the Yemenites out there!). The pasuk says (18;13) ‘you should be “tamim” [lit. pure/unblemished] with HaShem.’ Onkelus translates the word “tamim” as ‘shalem,’ meaning complete. What is the depth of this new translation? The introduction to sefer Chovas Halevavos explains that there are 2 types of mitzvos; mitzvos which are physical acts, eg shaking a lulav, and mitzvos which are rooted in the brain/lev so to speak eg Emunah, ahavas HaShem, etc. And even within

each mitzvah there are parts of each – one’s kavana during physical mitzvos is a brain thing, and ahavas HaShem should manifest itself in one’s ways. It is this combination of physical acts of mitzvos (maaseh) and the appropriate mind/lev -set (da’as) which is the ultimate goal, and once these are utilised properly one can become ‘shalem’ (complete).

This is perhaps what the Targum means when he translates the word ‘tamim’ [unblemished] as ‘complete,’ for the way to remove neshama stains and blemishes is to become a shalem by using the facets of daas and maaseh together and at their strongest. However, it should be noted that the rest of the Targum onkelus says the pasuk refers to fear of HaShem; and so this could alter the above explanation of the pasuk – but the principle of what ‘completeness’ is remains very much true and intact.

THE MORAL.... THINK WHEN DOING A MITZVAH; IT’S NOT JUST A ROUTINE!

Humor

A woman and her little girl were visiting the grave of the little girl's grandmother. On their way through the cemetery back to the car, the little girl asked, "Mommy, do they ever bury two people in the same grave?" "Of course not, dear," replied the mother, "Why would you think that?" "The tombstone back there said, 'Here lies a lawyer and an honest man.'"

[The Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, of blessed memory, used to celebrate his birthday with great joy and merriment, using the following rationale. When a person is in great danger one day and is saved miraculously, he is obligated to thank G-d for performing that miracle for him each year as that day comes around, and to make what is known as a seudas hoda'ah, a party of thanks. And, said the Rebbe, what greater miracle is there than the miracle of childbirth? So each year, as that day comes around, he would make a big birthday party to thank G-d for the miracle of his own birth!]

When parents' divorce and there is acrimony, one parent may "kidnap" a child or even flee with a child, inciting the child against the other parent. Sometimes the child is filled with such venom and hate that he might actually come to curse or strike that parent. The Torah therefore places the verse about kidnapping in between the laws of striking or cursing one's parents to warn against this.

These two answers share a common theme: We have to be aware of the repercussions of our actions, especially when it comes to our children.

A Jewish man and a Chinese man walk into a bar. A couple drinks in, they start arguing, and the Jewish man says, "You know, I never really liked your kind." The Chinese man asks him why. The Jew replies, "Because you bombed Pearl Harbor." The Chinese man scoffs. "That was the Japanese!" "Chinese, Japanese, Taiwanese--it's all the same to me," says the Jew.

"Well, I don't like your kind either," counters the Chinese man. "What, why?" asks the Jew. "Because you sunk the Titanic!" The Jewish man rolls his eyes. "That was an iceberg!" "Oh, iceberg, Goldberg, Rosenberg--it's all the same to me!"