

THE LAW AND BEYOND

by Shlomo Katz

Parshas Shoftim

The Law and Beyond

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Mr. and Mrs. Menachem Simcha Katz in honor of the birth and bris of their grandson Yochanan Eliezer Katz

Today's Learning:

Shabbat 3:4-5

O.C. 413:1-414:2

Daf Yomi (Bavli): Shabbat 131

Daf Yomi (Yerushalmi): Horiot 10

Rabbeinu Nissim z"l (14th century; Barcelona, Spain) writes that, unlike other nations, the Jews have a dual judicial system. Every nation has laws, whose purpose is to make civilized life possible, and each nation has a king or other official who appoints judges to enforce those laws. In our parashah we read that Bnei Yisrael, too, are commanded to appoint a king.

The parashah begins, however, with the command to maintain a bet din (later called a Sanhedrin) and a system of courts (apparently independent of the king, since they are mentioned before the mitzvah to appoint a king is taught). This is a reflection of the dual legal system which the Torah contemplates. The Gemara teaches that even if a defendant is not found guilty by the Sanhedrin -- which, we are taught, went to any lengths to avoid executing a criminal -- the king could apply a stricter form of justice and have the defendant killed anyway, if "law and order" so required.

The laws which the Sanhedrin is enjoined to enforce have a different purpose -- to foster the spiritual growth of the Jewish people. It is abundantly clear that such is the purpose of the chukim -- laws which we do not immediately understand -- such as Parah Adumah and kashruth. Certainly

"civilization" is not furthered by these mitzvot. It is important to realize, however, that even the "logical" mitzvot (e.g. honoring parents and not stealing) are intended to fulfill our spiritual, and not only our societal, needs. If such were not the case, their enforcement would be the sole province of the king, not the bet din. (Derashot Ha'Ran #11)

"Tzeddek, tzeddek / Righteousness, righteousness shall you pursue . . ." (16:20)

Why is the word "righteousness" repeated? R' Moshe Zuriel shlita (former mashgiach of Yeshivat Sha'alvim) explains: This verse teaches that righteousness must be pursued with righteousness. Judaism does not believe that the ends justify the means.

R' Zuriel adds: We find many instances in the Torah where a person was punished (or deserved punishment) for an action he took, even though that action was a fulfillment of G-d's Will. For example, our sages say that the bitter scream that Mordechai emitted when he heard of Haman's decree against the Jews was retribution from G-d for the scream that Haman's ancestor, Esav, emitted when he heard that Mordechai's ancestor, Yaakov, had taken the blessings. Yaakov was commanded by his mother to take the blessings, and she, in turn, had been told by a prophet that her older son (Esav) would be subservient to her younger son (Yaakov). Nevertheless, because Yaakov inadvertently caused pain to his brother, that pain had to be repaid to Yaakov (through his descendants). The ends do not justify the means.

(Otzrot Ha'Torah p.517)

R' Shimon Sofer z"l (1821-1883; rabbi of Krakow) offers a different explanation for the repetition of the word "tzeddek." G-d has promised us that one who practices tzedakah will become wealthy. "Pursue tzedakah for the sake of tzedakah," the Torah says. Give charity, not so you will become wealthy and live a life of luxury, but rather so that you will be in a position to give more charity.

(Michtav Sofer)

In this parasha we find the laws pertaining to one who kills unintentionally. Although such an accident can occur in many different ways, the Torah presents the laws in a setting of one who is felling trees and loses control of his ax.

R' Joseph Soloveitchik z"l (1903-1993) explains this choice as a warning that accidental deaths occur when man views the world as a forest to be felled. When nothing is important other than moving from one tree to the next and conquering it, i.e., moving from one material conquest to another, that is when life becomes so devalued that manslaughter is inevitable.

(Yemei Zikaron p.118)

From the Haftarah

"Anochi, Anochi / It is I, I am He, Who comforts you . . ." (Yishayah 51:12)

Why is the word "Anochi" repeated? R' Yaakov Chaim Katz shlita (Brooklyn, N.Y.) suggests: "Anochi" alludes to the Luchot that we received at Har Sinai (since that was the first word on the tablets). Lest we lose hope of ever being forgiven and of ever having the Bet Hamikdash rebuilt, Hashem tells us: Just as there was a second "Anochi," i.e., just as I gave you another chance after you sinned and caused the Luchot to be broken, so I will give you another chance to have the Bet Hamikdash.

Elul

The Midrash Shocher Tov relates that when Moshe Rabbeinu learned about the mitzvot of vidui / confession and teshuvah / repentance, he composed Psalm 100, which begins, "Mizmor le'todah." (The word "todah," usually translated "thanksgiving," shares the same root as "vidui.") Psalm 100 instructs us, "Know that Hashem is Elokim. He made us, and we are 'lo'." The mesorah / tradition regarding the spelling and pronunciation of the Bible teaches that the word "lo" is spelled lamed-aleph but is read as if it was spelled lamed-vav. In other words, the phrase in the verse means, "We are His," but it is written as if it means, "We are not."

The midrash and the mesorah are providing us with a primer for teshuvah, writes R' Menachem Simcha Katz shlita (Brooklyn, NY). The first step in repenting is, "Know!" Reflect and know why Hashem created us. "Know that Hashem is Elokim. He made us" for a reason.

The next step is to realize that if you want to be "lo" (lamed- vav), i.e., "His," you must be "lo" (lamed-aleph), i.e., "Not." In other words, humility and a broken heart are essential to repentance.

In light of the above, we can understand the teaching of the Kabbalists that a "spark" of Moshe Rabbeinu's soul is given to a ba'al teshuvah. As mentioned above, da'at / knowledge is essential for teshuvah. Moshe is connected with da'at, as we see in the fact that our Sages refer to Moshe's generation as the "Dor De'ah" / "The Generation of Knowledge."

(Simcha L'Ish p.122)

The Gemara (Berachot 28b) relates that Rabbi Yochanan ben Zakkai's students said to him: "Our teacher! Bless us."

Rabbi Yochanan ben Zakkai responded, "May it be His will that your fear of Heaven shall be as great as your fear of man."

The students asked, "Is that all?"

Rabbi Yochanan ben Zakkai answered, "If only [one's fear of Heaven were as great as his fear of man]. Know that this is not so, for when one sins, he hopes that no person sees him [yet he does not stop to think that G-d sees him]." (Thus concludes the Gemara's story.)

R' Yaakov Yisroel Beifus shlita illustrates the great divide between man's fear of man and his fear of Heaven with the following parable:

Imagine yourself walking down a Moscow street during the darkest days of Communist rule. You are an observant Jew who studies and even teaches Torah, and you know that unimaginable suffering awaits you if you are ever discovered. Suddenly, an official looking car pulls up at the curb next to you, and a man with a gruff voice orders you inside. You obey, and the car speeds away. As it does, the man in the car says, "You will soon stand in judgment."

How you would tremble and quake! You know that you are in a country where there is no justice. You have committed no crime, but you know that you are destined to spend many years in prison, perhaps even at hard labor. Or, you may be committed to a psychiatric hospital, as happened to other dissidents. Whatever will be, you know that you are in trouble.

Before reading on, pause and imagine yourself in this scene.

Suddenly, the car stops in an alley, and the driver turns to face you. What is happening now? you wonder. But before you can think any meaningful thoughts, the driver speaks. He says, "I know that you are Jewish. I, too, am Jewish. You thought that I was taking you to KGB headquarters to be judged there, but you were wrong. When I told you that you will soon stand in judgment, I meant that Rosh Hashanah is coming. I only meant to awaken you to this fact."

What would be your reaction? No doubt, you would feel relieved. The dark cloud that was hanging over you would quickly lift. "I am not facing a real judgment," you would think, "merely the judgment of Rosh Hashanah." This is the phenomenon that Rabbi Yochanan ben Zakkai described - we do not fear G-d even as much as we fear man, let alone more than we fear man, as we should. Perhaps if we reflect on this story, writes R' Beifus, we can develop an appreciation for the judgment of Rosh Hashanah.

(Yalkut Lekach Tov)

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