

PICK YOUR JUDGE

by Shlomo Katz

Parshas Shoftim

Pick Your Judge

Volume 26, No. 43

Our parashah opens: "Judges and officers you shall appoint in all your cities -- which Hashem, your G-d, gives you -- for your tribes; and they shall judge the people with righteous judgment." Additional laws regarding the conduct and duties of these judges also are found in our parashah.

The midrash states: "Rabbi Eliezer says, 'Where there is judgment, there is no judgment. Where there is no judgment, there is judgment.' How so? Said Rabbi Eliezer, 'If judgment is performed below, it will not have to be performed above. If judgment is not performed below, it will have to be performed above'."

On its simplest level, this midrash is informing us of the importance of setting up courts. If mankind judges and punishes wrongdoers and protects victims and the oppressed, G-d will not have to do so. However, observes R' Chaim Yaakov Goldvicht z"l (rosh yeshiva of Yeshivat Kerem B'Yavneh), there is another message here, as follows:

When Hashem judges an individual, it is not to punish or hurt him, but rather to notify him that he needs to improve. Nevertheless, these notifications from G-d can sometimes seem like "punishments," and we would prefer to avoid them. The midrash tells us how. If each person judges himself honestly and acts on his findings, he will not need to be judged above. However, if there is no judgment below, if man does not judge himself, he will have to be judged above. (Asufot Ma'arachot: Devarim p.144)

"There shall not be found among you . . . one who practices divinations, an astrologer, one who reads omens, a sorcerer; or an animal charmer, one who inquires of Ov or Yidoni, or one who consults the dead. . . You shall be wholehearted with Hashem, your Elokim." (18:10-11, 13)

R' Moshe ben Maimon z"l (Rambam / Maimonides; 1135-1204) writes: "All of these things [that our verse prohibits] are lies and hoaxes; they are deceptions that the early idolators used to ensnare followers. Thus, it is not befitting Yisrael, a wise people, to follow such nonsense or even consider for a moment that these things have utility. . . Anyone who believes in these and similar things and says that they are real, but the Torah prohibited them, is nothing but a fool. Wise men and men of full understanding, on the other hand, know with certainty that these things are not matters of wisdom, but only nonsense that those lacking in intelligence follow." (Hil. Avodah Zarah 11:16)

R' Moshe ben Nachman z"l (Ramban; 1194-1270) disagrees. He writes: Know that the Creator made the "upper" creations rulers over the "lower" creations below them, and He placed the earth under the dominion of the stars and the constellations, as is tried and true, based on the observations of astrologers. All of the stars and constellations have angels that are their "life force." However, they have no separate will; rather, they operate in accordance with G-d's design of the world. . .

Ramban continues: There are those who, in their righteousness, deny the reality of these things. However, we cannot deny what our eyes have seen and what our Sages have told us in the Gemara and midrashim. . . Rather, the Torah is teaching us here that if we do His will, we will have no need to seek our fortunes elsewhere, for example, from astrologers. If we are "wholehearted with Hashem," we will have prophets and the kohen gadol with the urim v'tumim to tell us everything we need to know about the future. (Peirush Ha'Ramban Al Ha'Torah)

R' Samson Raphael Hirsch z"l (Germany; 1808-1888) wrote in a letter: "Who dares to thrust his head between the two great mountains, the Rambam and the Ramban, whose views on this subject have split the worlds. You must admit that your suggestion - that Rambam really shares the view of Ramban and wrote what he wrote merely for the unlearned - is untenable, for he is very explicit in his abuse of those [he considers] foolish enough not to consider magic as absolute nonsense. . . It follows, therefore, that an intelligent person may have in such matters either point of view, without detracting from the other, or - and in my opinion this is the correct way - he may acknowledge ignorance in such matters.

. . . Knowledge of such things is of no help or benefit in our task on earth to heed the words of the Torah and to observe the Divine laws. Whoever does not engage in such speculations and remains ignorant of such matters is none the worse off. What practical difference does it make whether Rambam or Ramban is correct about magic and related matters? In any event, we must keep away from these practices, no matter whether they are illusory or have some substance to them. G-d has declared them abominable, and a responsible and moral person ignores them and does not allow himself to become tainted by that which G-d has declared repugnant. (Collected Writings Vol. IX p.206)

From the Haftarah . . .

"Anochi, Anochi / It is I, it is I, Who comforts you." (Yeshayah 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.

"The voice of your lookouts, they have raised a voice, together shall they sing glad song, for every eye shall see when Hashem returns to Zion." (Yeshayah 52:8)

The Gemara (Berachot 12b) teaches that the Exodus must be remembered every day and that, even after mashiach has come, we still will remember the Exodus. R' Yitzchak Isaac Chaver z"l (1789-1852; rabbi of Suvalk, Lithuania) explains: The Exodus is the foundation of our emunah, for it was then that the Chosen Nation was imbued with the spiritual attributes that are passed down from generation to generation. Even in times of exile, some "impression" from that influence can be seen.

In particular, at the time of the Exodus we became a nation with which Hashem interacts directly, outside of the laws of nature. This relationship is, for the most part, hidden now, but, at the time of the future redemption, it will be obvious; "for every eye shall see when Hashem returns to Zion." (Haggadah Shel Pesach Yad Mitzrayim: Potei'ach Yad)

Teshuvah

R' Yaakov Filber shlita (one of the leading interpreters of the writings of R' Avraham Yitzchak Hakohen Kook z"l) writes in his introduction to the latter's work on teshuvah that the chassidic rebbe, R' Zusia of Annipol z"l (died 1800), is reported to have said:

The word "Teshuvah" (תשובה) is an acronym for the following injunctions:

- "You shall be wholehearted (תמים) with Hashem, your G-d" (Devarim 18:13);
- "I have set (שית) Hashem before me always" (Tehilim 16:8);
- "You shall love (ואהבת) your fellow as yourself" (Vayikra 19:18);
- "In all (בכל) your ways, know him" (Mishlei 3:6); and
- "Walk humbly (הצנע) with your G-d" (Michah 6:8). (Be'urim U'mekorot L'orot Ha'teshuvah p.30)

"A Call to the Student"

In honor of the start of the new school year in most yeshivot and schools, we present below the inspirational opening lines from Chovat Ha'talmidim, by R' Klonimus Kalman Shapira z"l Hy"d, chassidic rebbe of Piasezno, Poland. That work is devoted to providing both encouragement and practical advice to yeshiva students and educators.

Throughout R' Shapira's career as a chassidic rebbe and rosh yeshiva, young people found in him an especially understanding figure. During the Holocaust, R' Shapira gave strength and encouragement to thousands in the Warsaw ghetto. A fragment of his teachings from that period are recorded in Eish Kodesh, a collection of derashot that he delivered in the ghetto to uplift the spirits of his brethren. He also left behind other works. R' Shapira survived the Warsaw ghetto uprising, but was killed in Treblinka on 4 Cheshvan 5704 (November 1943).

"Fortunate you are, youth of Yisrael, and praiseworthy is your lot, [for] you have merited to study the Torah, Hashem's light.

You have risen to the status of one with whom Hashem passes the time, the one whom He loves.

Angels above are envious of you; they also hold you dear. Seraphim will wonder about you [i.e., how a human can achieve such holiness], and they will honor you.

The heavens and their hosts, the earth and all that is in it, will rejoice, and they will subdue themselves before you. They ask each other, 'Who is this young man from whose lips pillars of fire burn, in whom the Master of all worlds, lofty above all lofty things, takes pride before the multitudes of His servants, and with whom He rejoices?'

The editors hope these brief 'snippets' will engender further study and discussion of Torah topics ('lehagdil Torah u'leha'adirah'), and your letters are appreciated. Web archives at [Torah.org](https://www.torah.org) start with 5758 (1997) and may be retrieved from the [Hamaayan](https://www.torah.org) page.

Hamaayan needs your support! Please consider sponsoring Hamaayan in honor of a happy occasion or in memory of a loved one. The low cost of sponsorship is \$36. Donations to HaMaayan are tax-deductible.