

DON'T BE A STRANGER

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BS"D

Volume 31, No. 43

4 Elul 5777

August 26, 2017

Sponsored by

Gil and Faith Ginsburg

on the yahrzeit of his father

Yisroel Moshe ben Yosef a"h

This week's Parashah includes the Mitzvah of appointing a king. We read (17:15), "You shall surely set over yourself a king whom Hashem, your Elokim, shall choose. From among your brethren shall you set a king over yourself; you cannot place over yourself a stranger, who is not your brother." R' Shlomo Hakohen Rabinowitz z"l (rabbi and chassidic rebbe of Radomsko, Poland; died 1866) asks: Would we have thought to appoint a stranger, a foreigner, as king? He explains: We read (Shmot 28:30), "Aharon shall bear the judgment of Bnei Yisrael on his heart constantly before Hashem." Someone who is considered the Tzaddik of a generation must have this quality of Aharon's--that he carries the burdens of his brethren on his heart and sacrifices himself for their good. This, too, is the meaning of our verse--the king must be someone who sees each Jew as his brother and is willing to sacrifice himself accordingly--not someone who behaves as a foreigner. (Tiferet Shlomo)

R' Yitzchak Menachem Weinberg shlita (Tolner Rebbe in Yerushalayim) adds: The explanation offered by the Tiferet Shlomo is the foundation of all leadership. And, every person should realize that he or she is in a leadership position. Every parent is a leader to his or her children. Every older sibling is a leader to his or her younger siblings, even if the "older" sibling has just barely reached Bar or Bat Mitzvah age. Every person must act towards the people under his influence as a "brother" who is willing to sacrifice for the other, not as a foreigner or stranger. (Chamin B'Motzai Shabbat)

"Judges and officers you shall appoint in all your cities -- which Hashem, your Elokim, gives you -- for your tribes, and they shall judge the people with righteous judgment." (16:18)

Why must the Torah tell us that judges should judge with "righteous judgment"? Even absent this verse, would we have expected any less?

R' Elazar Fleckles z"l (1754-1826; rabbi of Prague) answers: As is well known, a Bet Din for monetary disputes consists of three judges. However, the Gemara (Sanhedrin 3a) cites an opinion that, according to Torah law, one judge is sufficient, as we read (Vayikra 19:15), "With righteousness you (singular) shall judge your fellow." According to that opinion, the Sages decreed that there be three judges because of a concern that an unqualified person might sit in judgment alone if one judge were sufficient. If three people sit in judgment, the Gemara states, there surely will be one among them who has heard the relevant laws from scholars. (The Gemara continues: Since the bottom line is that three judges are required, what difference does it make if they are required by Torah law or merely because it is a good idea? The Gemara answers: If a Bet Din of two members did sit in judgment, its judgment would not be valid if the Torah requires three, but it would be valid if the Torah requires only one judge.) [Until here from the Gemara]

R' Fleckles continues: Our verse hints at the Rabbinic requirement for three judges. "Judges" is plural, which implies two judges (since no greater number is stated). But, a court cannot have an even number of judges, so a third judge is required. Lest you say: This contradicts the verse in Vayikra that requires only one judge! Therefore the Torah explains: "They shall judge the people with righteous judgment." Even though only one judge is required, when there are three judges, we can be confident that a proper judgment will be issued. (Chazon La'mo'ed: Chizayon 4)

"You shall not move a boundary of your fellow, which the early ones marked out, in your inheritance that you shall inherit, in the Land that Hashem, your Elokim, gives you to possess it." (19:14)

Rashi z"l comments: This refers to moving a boundary marker into a neighbor's field in order to enlarge one's own field. Rashi continues: Does it not already say (Vayikra 19:13), "You shall not steal"? What does this verse add? It teaches that one who moves his neighbor's boundary line transgresses two negative commands (stealing and moving the boundary). One might think that this is true even outside the Land of Israel. The verse therefore says: "In your inheritance that you shall inherit [in the Land]"--in Eretz Yisrael one who does this transgresses two negative commands, while outside the Land he transgresses only the command of "You shall not steal." [Until here from Rashi]

R' Chaim Zaitchik z"l (1906-1989; Rosh Yeshiva of Yeshivat Bet Yosef-Novardok in Buczacz, Ukraine; later in Israel) asks: Why is a second prohibition needed regarding moving boundaries in Eretz Yisrael? He answers: In Eretz Yisrael, people feel a great yearning to own land; after all, this is our land, our home! Moreover, one might rationalize that he is motivated by the holiness of the Land. In contrast, in the diaspora, every Jew feels, on some level, that he is a stranger, not at home. (Ohr Chadash: Bein Ha'mitzarim p.423)

"Your eye shall not pity--life for life, eye for eye, tooth for tooth, hand for hand, foot for foot." (19:21)

"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 Elokim, is with you, Who brought you up from the land of Egypt." (20:1)

R' Avraham Saba z"l (Spain; 1440-1508) writes: These two verses are adjacent to each other to teach that enforcing the law and punishing criminals is a merit in which our enemies will be given into our hands. (Tzror Ha'mor)

"The officers shall continue speaking to the people and say, 'Who is the man who is fearful and fainthearted? Let him go and return to his house, and let him not melt the heart of his fellows, like his heart'." (20:8)

Rashi z"l quotes the Mishnah (Sotah 44a): Rabbi Akiva says, "Take these words literally; they refer to someone who cannot stand the sight of battle and cannot look upon an unsheathed sword." Rabbi Yosé Ha'Gelili says, "It refers to someone who is afraid of the sins he has committed."

The Gemara (Sotah 44b) elaborates: According to Rabbi Yosé Ha'Gelili, the sin of speaking between putting on the Tefilin Shel Yad and putting on the Tefilin Shel Rosh is sufficient reason for a person to go home from the front.

R' Chaim Friedlander z"l (1923-1984; Mashgiach Ruchani of the Ponovezh Yeshiva) explains the importance of not talking between putting on the Tefilin Shel Yad and putting on the Tefilin Shel Rosh, as follows: We read (Devarim 4:39), "You shall know this day and take to your heart that Hashem, He is the Elokim -- in heaven above and on the earth below -- there is none other." Man's Neshamah / soul resides in his brain, the seat of knowledge, but it is supposed to extend its influence to the heart, the seat of feelings and desires, and from there, to action, as well. This is the meaning of the verse, "You shall know this day [knowledge is in the mind] and take to your heart." Tefilin Shel Rosh, which sit on the head, represent knowledge, while Tefilin Shel Yad, which sit on the arm and point toward the heart, represent feelings and actions. A person who speaks between putting on the Tefilin Shel Yad and putting on the Tefilin Shel Rosh is a person whose feelings and actions are not consistent with his knowledge of G-d. Such a person endangers himself and his fellow soldiers, and he should not go out to war.

R' Friedlander continues: Based on the foregoing, one might expect us to put on the Tefilin Shel Rosh first, and then the Tefilin Shel Yad. First, we know G-d [in our minds], and then we translate that knowledge into feelings and actions [with our hearts and arms]. But, that is not what we do; we put on the Tefilin Shel Yad first. Just as Bnei Yisrael said, "Na'aseh Ve'nishmah" / "We will do and [then] we will hear," so we bind the Tefilin on our arms, committing ourselves to action, even before we put the Tefilin on our heads--before we attain knowledge. (Derech L'Chaim Al Derech Hashem p.303)

Elul's Wake-Up Call

Rambam z"l (1135-1204; Egypt) writes: Although blowing the Shofar on Rosh Hashanah is a decree of the Torah [which we would observe even without a reason], it does contain an allusion. It says to us, "Awaken sleeping ones from your sleep, and slumbering ones arise from your slumbers! Search your deeds and return! Remember your Creator, you who forget the truth because of the mundane pursuits [that occupy] your time. . . Look into your souls and improve your ways and your actions . . ." (Hilchot Teshuvah 3:4)

R' Yaakov Moellin z"l (Maharil; Germany; 1365-1427--his writings and personal practices are the source of a significant percentage of Ashkenazic customs) writes: "When Elul enters, we increase our Teshuvah. Therefore we blow the Shofar [every day during Elul]--to awaken people's hearts and to encourage the people to repent." (Sefer Maharil: Hil. Yamim Nora'im No.5)

R' Yitzchak Yerucham Borodiansky shlita (Mashgiach Ruchani in Yeshivat Kol Torah, Yerushalayim) asks: Who are the sleeping people Rambam is addressing? Who are they who forget the truth because of mundane pursuits, who wile away their time in nothingness? Are these people not us?! Yes, we who study Torah and perform Mitzvot! The way of a student of Torah and Mussar is to point the accusing finger at himself, not at anyone else. Why must we conclude that we are "asleep"? Because Hashem desires our hearts. Though we may be studying Torah and praying, our hearts are occupied at that very moment with everything else under the heavens.

R' Borodiansky continues: If one does not work hard on himself, he has no Elul! One of the curses spoken regarding the period before the "End of Days" is (Devarim 28:28), "Hashem will strike you with madness and with blindness, and with confounding of the heart." This is the curse of being unable to see the truth, being unable to understand, of having a heart that is "blocked." Elul, on the other hand, is all about opening one's heart! (Siach Yitzchak: Elul-Tishrei p.1)