

Candles (earliest)	Shoftim	Havdala	Next week
6:49pm (6:02)	Yerushalayim	8:03pm	6:42 (5:56) 7:55
7:06pm (6:04)	S'derot	8:05pm	6:59 (5:58) 7:57
7:05pm (6:02)	Gush Etzion	8:03pm	6:57 (5:56) 7:55
7:06pm (6:04)	Raanana	8:05pm	6:59 (5:57) 7:57
7:05pm (6:03)	Beit Shemesh	8:04pm	6:58 (5:56) 7:56
7:06pm (6:04)	Rehovot	8:05pm	6:59 (5:57) 7:57
7:07pm (6:04)	Netanya	8:05pm	6:59 (5:58) 7:57
7:03pm (6:03)	Be'er Sheva	8:04pm	6:56 (5:57) 7:56
7:05pm (6:03)	Modi'in	8:04pm	6:58 (5:57) 7:56
6:49pm (6:03)	Petach Tikva	8:05pm	6:42 (5:57) 7:57
6:49pm (6:01)	Maale Adumim	8:03pm	6:42 (5:55) 7:54
7:06pm (6:03)	Ginot Shomron	8:04pm	6:58 (5:57) 7:56
7:04pm (6:02)	Gush Shiloh	8:03pm	6:57 (5:56) 7:55
7:04pm (6:02)	K4 & Hevron	8:03pm	6:57 (5:56) 7:55
7:05pm (6:02)	Giv'at Ze'ev	8:03pm	6:57 (5:56) 7:55
7:06pm (6:03)	Yad Binyamin	8:05pm	6:59 (5:57) 7:56
7:07pm (6:04)	Ashkelon	8:05pm	6:59 (5:58) 7:57
6:55pm (6:02)	Tzfat	8:04pm	6:47 (5:56) 7:56
7:07pm (6:04)	Zichron Yaakov	8:06pm	6:59 (5:57) 7:57

Rabbeinu Tam havdala - Parshat Sho-f'tim - 8:42pm

**Ranges are 10 days. WED-FRI
1-10 Elul (Aug 11-20)**

Earliest Talit & T'filin	5:07-5:14am
Sunrise	6:02-6:08am
Sof Z'man K' Sh'ma (Magen Avraham: 8:33-8:36am)	9:22-9:24am
Sof Z'man T'fila (Magen Avraham: 9:56-9:58am)	10:29-10:30am
Chatzot (halachic noon)	12:44¼-12:42½pm
Mincha Gedola (earliest Mincha)	1:18-1:16pm
Plag Mincha	6:03-5:55pm
Sunset (based on sea level: 7:26-7:17pm)	7:31-7:22pm

Home of the Blue Devils

Parsha Points to Ponder

SHO-F'TIM

1) Why does the first verse command that there should be judges FOR YOU (LECHA) but then shift and say AND THEY WILL JUDGE THE NATION RIGHT-EOUSLY (V'SHAFTU ET HA'AM) instead of AND THEY WILL JUDGE YOU RIGHTEOUSLY (V'SHAFTU OTCHA)?

2) Why does the Torah say that based on two witnesses we KILL THE DEAD (17:6)? The murderer is not dead when we take him to court to kill him?

3) Why does the Torah say AND IT WILL BE GOOD FOR YOU (V'TOV LACH) specifically regarding the mitzva to kill a murderer (19:13)? Isn't every mitzva in the Torah GOOD FOR YOU?

☞ Some are so taken with "Better late than never" that they seem to forget "Better early than late".

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by Rabbi Shraga Silverstein

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LEAD TIDBIT cont. from front page

There are some details we do not have to get into now. How to identify a true prophet. How to test him. Not to over test him. For this Lead Tidbit we are interested in the NAVI's statement of KO AMAR HASHEM, thus says G-d, and our requirement to listen to him.

Also in Sho-f'tim, we find the other kind of KO AMAR HASHEM - different but remarkably similar. The Sage. The Torah Scholar. The Rabbi. The Teacher - those people who transmit the Oral Torah to us.

May one cook beef in goat's milk, where the goat from which the milk came isn't even the same kind of animal as the source of the beef, let alone being its mother.

The answer is found in halacha. The answer is part of the Oral Law. The answer is No, it is forbidden to cook beef in goat's milk and this prohibition is D'Oraita, from the Torah. Says who?

Well, Moshe received the Torah - including this law - from G-d. Moshe transmitted it to the next generation, the generation of Yehoshua. Yehoshua transmitted it to the Z'keinim to the Nevi'im, and they to the Men of the Great Assembly. And they to the generations of the Tana'im, and they to the Amora'im... And so many et ceteras from generation to generation.

The earlier part of the Chain of Tradition contained many prophets. But the bulk of the chain, the majority of the links were - and are - not

prophets. Yet each of our teachers, and each of their teachers said the equivalent of KO AMAR HASHEM.

Yes, when Moshe Rabeinu said it the first time to Aharon, and then to Elazar and Itamar, and then to the 70 Elders, and then to the people at large, he was transmitting G-d's word to them with the power of prophecy behind his words. He said - or could have said - KO AMAR HASHEM. According to Rambam (for example), During the first 40-day period that followed Revelation at Sinai (Matan Torah), G-d said to Moshe that the Torah which he will be writing from His (G-d's) dictation, will contain the words, LO TVASHEIL G'DI BACHALEIV IMO, and that Moshe was to explain to the people all the details of G-d's explanation of the Laws of Meat in Milk.

But the Rambam was not a prophet. He was a Torah scholar who transmitted the Words of G-d to many generations after him - including our own. But when we study the portion of Rambam in his introduction to his Mishna commentary, the part paraphrased above, about the transmission of the Oral Law, and - perhaps more significantly, the halachic ramifications of his teachings, we can hear him saying KO AMAR HASHEM. And we "hear" those same words echoed by our own Torah teachers, from early childhood through our formative years and hopefully for the rest of our lives. This is a major aspect of our Torah lives.

Sho-f'tim stats

48th of the 54 sedras;
5th of 11 in D'varim

Written on 191.6 lines in a Torah (rank: 27)

18 Parshiyot; 3 open, 15 closed

97 p'sukim - ranks 36th - 7th in D'varim
(tied with Tzav, but larger)

1523 words - ranks 28th - 7th in D'varim

5590 letters - ranks 31st - 7th in D'varim

Relatively large p'sukim, like most of D'varim
but an average-sized sedra

MITZVOT

41 mitzvot - 14 positive, 27 prohibitions;
ranks 6th in mitzvot among the sedras

The top 6 mitzva-sedras contain 55% of the
Torah's mitzvot. (the 48 other sedras have the
other 45%)

Aliya-by-Aliya Sedra Summary

Numbers in [square brackets] are the
Mitzva-count of Sefer HaChinuch AND
Rambam's Sefer HaMitzvot. A=ASEI
(positive mitzva); L=LAV (prohibition). X:Y
is the perek and pasuk from which the
mitzva comes.

[P> X:Y (Z)] and [S> X:Y (Z)] indicate start
of a parsha p'tucha or s'tuma respectively.
X:Y is Perek:Pasuk of the beginning of the
parsha; (Z) is the number of p'sukim in the
parsha.

Kohen - First Aliya 18 p'sukim - 16:18-17:13

[S> 16:18 (3)] Judges to clarify
the law (and try cases) and agents
of the court to enforce the law are
to be appointed throughout the
Land [491,A176 16:18], and they
are to carry out their duties fairly.
They must not slant the law, nor
show favoritism, nor take bribes
which blind and pervert even the
fairest and most righteous of
people. Justice is to be ardently
pursued so that we will be worthy
of living and flourishing in Eretz
Yisrael.

What if a judge was going to vote in
favor of the briber, even without the
bribe. Justice is still being served. Is
the bribe any less a serious offense?
The answer is NO. A bribe is a bribe.
One leads to another, and justice will
be perverted.

SDT: TZEDEK TZEDEK TIRDOF -
Justice you shall surely pursue. The
doubling of the word TZEDEK is usually
considered a form of emphasis. But here,
one commentator suggests that it can be
seen as a reminder that not only shall
justice be pursued, but the means
employed in the pursuit of justice shall
also be just. We should not subscribe to
the concept that the end justifies the
means. Perpetrating a mockery of justice
and claiming that it is justice, is the
greatest offense of all. TZEDEK
(B')TZEDEK, justice with justice (you
shall pursue)...

[S> 16:21 (2)] Planting trees in

the courtyard of the Mikdash (or
near the Mizbei'ach) is forbidden
[492,L13 16:21] - it is an idola-
trous practice. (This prohibition
still applies today.)

Erecting monuments (as is done
in idol worship) to G-d (even with
"proper" motives) is forbidden
[493,L11 16:22]

SDT: Perversion of justice is juxtaposed
to idolatry to emphasize how serious is
the former sin. Pirkei Avot states that "the
sword comes to the world because of
perversion of justice... exile comes
because of idolatry." Both sins cause us
to lose our hold on Eretz Yisrael. And
conversely, remaining faithful to G-d and
dealing with each other with honesty and
justice will secure us our hold on our
Land. The Gemara states that
"appointing inappropriate judges is
tantamount to planting a tree near the
Altar". Planting a tree in an attempt to
beautify the Temple, is a completely
misguided act. The beauty of the Beit
HaMikdash flows from itself and its
spiritual essence. To think that external
decoration can contribute to the beauty is
to lack understanding of what the Beit
HaMikdash is. So too, to appoint a judge
because of personal appearance, wealth,
stature, etc. (and not because of
scholarship and worthiness to judge) is
equally "missing the point".

[S> 17:1 (1)] Sacrificing blem-
ished animals is forbidden [494,
L95 17:1]. (Elsewhere the Torah
enumerated types of blemishes,
but the mitzva is counted here in
Shoftim; the Gemara deals with
the details.)

[S> 17:2 (6)] The Torah next
stresses that idolatry is a most
serious sin. If we find among us a
fellow Jew who worships anyone
(or thing) other than G-d, we must
most scrupulously investigate the
case against him (or her). If the
person is convicted by the court,
the punishment is death by
stoning, thereby uprooting evil
from our midst.

It is the eye-witness testimony of
a minimum of two that shall be
necessary to convict. No one can
be sentenced to die (or be
otherwise punished) by the testi-
mony of only a solitary witness.
The witnesses themselves are
often to be involved in the
carrying out of the sentence.

[P> 17:8 (6)] The Torah next
establishes the mechanism for the
perpetuation of Judaism through-
out the generations (by empha-
sizing, among other things, that if
disputes arise or a halachic point
needs clarification, that we are to
consult the judges IN OUR TIME)
and the dynamic applicability of
Halacha for all times (by giving
the Sages the mechanism to enact
laws for the protection of the
Torah and its proper observance).

We are required to do all that the
Sanhedrin (the Supreme Halachic
Authority) teaches and commands
[495,A174 17:10]. We must not
veer from their rulings "neither to
the right nor to the left" [496,
L312 17:11].

MitzvaWatch

Rambam's Book of Mitzvot contains 14 "rules" by which Rambam counts the Torah's 613 mitzvot. Rule #1 states that rabbinic mitzvot such as Chanuka and Purim shall not be counted among the Taryag. This might seem obvious, but Rambam feels compelled to state this rule in opposition to mitzva-counters who DID include some "rabbinic mitzvot" among Taryag.

Why would someone consider the post-biblical mitzvot of Chanuka and Purim as Torah law? Similarly, why is it that the bracha for mitzvot, which states "...Who has sanctified with his mitzvot and commanded us..." is also recited for 6 rabbinic commandments? (Shabbat & Yom Tov candles, Chanuka candles, Megilat Esther and the other Megilot, Netilat Yadayim, Hallel, and the three types of Eiruv.)

The answer to both questions is based on the p'sukim in the beginning of this week's sedra which speak about the authority of the Sanhedrin - mitzvot 495 & 496 above. In essence, the Torah commands us to observe rabbinic law. Therefore, it can be argued that rabbinic law IS Torah Law. It follows that one might consider counting Chanuka and Purim among the 613, and it makes sense to use the mitzva-bracha formula for Rabbinic mitzvot. Rambam does not argue against this. He insists, however, that we cannot possibly count Rabbinic mitzvot separately among the 613.

This could lead to the untenable situation of having to re-adjust the mitzva count each time a Sanhedrin would make a new rabbinic mitzva. (Clarification: there are many, many Rabbinic laws - positives and prohibitions. Only these six - and one other - however, are accorded the status of Rabbinic Mitzvot. What's the seventh Rabbinic Mitzva? Making B'rachot. Why was not B'rachot mentioned earlier? Because we don't make a mitzva-bracha for brachot.)

A Torah scholar with authority to render Halachic decisions who defies the Sanhedrin and encourages others to disregard their ruling, can (under certain circumstances) be put to death. Such an individual is known as ZAKEN MAMREI and is ultimately judged by the Great Sanhedrin. This shall serve as a deterrent to the People not to behave similarly. The average Jew is not similarly subject to possible execution, but still is warned of the seriousness of flouting Rabbinic authority. [It is likely that there never actually was an individual who was executed as a Zaken Mamrei, yet the idea adds tremendous weight to the seriousness of Rabbinic Law.] We might say that G-d's Plan and his Torah included Rabbinic Law in the total picture of what He wants of us.

**Same as Tzav,
but admits to it.**

THIS SHABBAT, TWO PREVIEWS

Levi - Second Aliya 7 p'sukim - 17:14-20

[S> 17:14 (7)] When the People will enter the Land, conquer it, and settle down, and they will ask for a king (like the nations around them - this phrase contains an implicit warning against asking for the wrong reasons), it is a mitzva to "place over us" a king (of G-d's choosing) from among the Jewish People [497,A173 17:15]; we may not choose a non-Jew as king [498,L362 17:15]. The king must not possess too many horses [499, L363 17:16] (i.e. in excess of those necessary for his army, etc.) nor may he lead the People back to Egypt - it is forbidden for us to dwell in Egypt [500,L46 17:16]. (Visits are permitted.) A king may not have an excessive number of wives (more than 18) [501,L364 17:17], nor may he amass excessive wealth [502, L365 17:17]. (referring to wealth for its own sake; funds necessary for running the kingdom are excluded from the prohibition.)

A king must write a Sefer Torah for himself [503,A17 17:18] (in addition to the one he is commanded to write as a Jew - mitzva #613). This Torah is to be copied from THE Sefer Torah of the Beit HaMikdash.

A king of Israel has awesome powers over his subjects. He therefore requires the "humbling

force" and moral restraints of the Torah constantly before him. The Torah is his guide for proper rule. A king who is guided by Torah law and values is a great asset to the People of Israel. A king who isn't, is our worst liability.

Shlishi - Third Aliya 5 p'sukim - 18:1-5

[S> 18:1 (2)] Kohanim-Leviyim are not to receive land in Eretz Yisrael [504,L169 18:1] (other than the cities which are given to them by the Tribes) nor share in the spoils of war [505,L170 18:1] - their holy service in the Mikdash is considered their share.

[S> 18:3 (3)] (Among other gifts to the kohen,) the kohen is to receive specific parts of every animal slaughtered for food - the forelimb, tongue and surrounding cheeks, stomach and surrounding fat [506,A143 18:3], T'ruma from produce [507,A126 18:4], and the first-shearing of the sheep [508, A144 18:4]. These gifts are due the kohen because of his sacred service.

Note: Whereas T'ruma and other gifts which are sacred, cannot be given at the present time because of issues of ritual impurity, both "gifts" [506] and Reishit HaGeiz [508] apply today and can be given. If this is practical issue for you, consult a Rav for details.

First shearing applies only in Eretz Yisrael, even though it is not related

to the Land. This is learned from its partner in the pasuk, T'RUMA, and by the use of the word REISHIT.

R'VI' - Fourth Aliya **8 p'sukim - 18:6-13**

[S> 18:6 (3)] Kohanim and Leviyim are supposed to distribute their workloads at Holiday time equally among the different family units **[509,A36 18:6]**.

[S> 18:9 (14)] Another warning follows, to be on guard against learning from and adopting any of the abominable practices of the nations that we will encounter in Eretz Yisrael. The implication here is that we must not "learn to do" the terrible things, but we may learn about them in order to understand their ways and to better instruct our fellow Jews in this area. (Tur Shulchan Aruch, based on the Gemara)

On the practical side of this ruling, one should be very well established in his own Judaism before reading and learning about other world religions and pagan practices. Such a study should be done under the supervision of a proper mentor.

Shun the practices of passing one's children through fire (a vivid example of a reprehensible pagan practice, counted elsewhere), divination and certain types of meditations meant to "read the future" **[510,L3 18:10]**, astrological predictions (counted elsewhere; some other aspects of astrology are not

halachically objectionable, but one must be careful), reliance on omens [counted elsewhere], conjuring & witchcraft **[511,L34 18:10]**, incantations **[512,L35 18:10]**, mediums **[513,L36 18:11]**, oracles **[514,L37 18:11]**, and necromancy (seances, contacting the dead) **[515,L38 18:11]**. All the abovementioned practices - and there are different opinions as to exactly what each Torah-term refers to - pull a Jew away from his straightforward, "pure" relationship with G-d. We must strive for that direct, honest relationship.

The practice of these Black Arts can be seen as an alternative to prophecy, yet they are "unkosher" and must be shunned. How much more so when they are attempts to bypass or defy the divine intention.

Chamishi 5th Aliya **22 p'sukim - 18:14-19:13**

It is the other nations who listen to the practitioners of the occult arts. G-d did not make us so. We have prophets (like Moshe) who arise from our midst, and it is their prophecies to which we must hearken **[516,A172 18:15]**.

This was part of the "deal" made with G-d at Sinai, when we asked that we not hear G-d's "voice" directly. G-d agreed with our request on the condition that we would listen to true prophets who would communicate to us what G-d asks of us. Anyone who does

not listen to the Word of G-d through the prophet will be "answerable to Him". But a prophet dares not speak in G-d's name under false pretenses **[517,L27 18:20]**, or speak in the name of an idolatry **[518,L26 18:20]**. How are we to know what is and what isn't G-d's word? A prophet must have a 100% "track record" - anything less is an indication of a false prophet. (Prophecies of bad things to befall the People can be reversed through sincere repentance and therefore do not cast doubt upon the prophet who "predicted" those events that ended up not happening.)

We must not be afraid to defy a false prophet and bring him to justice **[519,L29 18:22]**.

Of course, we are not supposed to be afraid to do any mitzva in the Torah. In the case of a false prophet, we are often dealing with a charismatic individual who might have a very large following. Defying him might be a very unpopular thing to do (or even dangerous). The Torah is bolstering our resolve to rid ourselves of false prophets by commanding us not to be afraid.

Perhaps we can draw from this mitzva a lesson to apply to all mitzvot. Do not be afraid to keep the Shabbat, be kosher, daven Mincha, avoid Lashon HaRa, etc. etc. even when doing so will meet with the scoffing of others. Adhere to halacha and don't be afraid or embarrassed to do so.

Sometimes the Torah has to tell us something once and we can learn to apply the same idea - where it fits well - to other situation.

[S> 19:1 (10)] When matters are settled in Eretz Yisrael, we are required to designate another three cities of refuge **[520,A182 19:3]**. Roads to the cities are to be prepared and identified so that the killer can easily find refuge. The cities will protect the inadvertent killer from the blood-avenging relative of the the victim. If (when) we will merit expansion of our Land, another three cities will be selected. This is to avoid unnecessary bloodshed.

[P> 19:11 (3)] An intentional murderer also flees to a city of refuge, but is removed therefrom to stand trial. We must not ignore these situations - and those concerning assault **[521,L279 19:13]**, so that we will thereby eliminate the shedding of innocent blood and merit a good life.

Rashi raises an interesting argument against capital punishment, which he rejects. On the words, Do not have pity on him (the killer), Rashi says, don't say that the victim is dead anyway, why should we take another life and there will be two people dead. The implication is clear that despite that argument, capital punishment stands.

(One can be opposed to capital punishment in today's society with-

out it being considered clashing with the Torah. We don't, at the moment, have a Sanhedrin, we don't have a complete Torah society, we don't have the same rules of evidence that might give us the confidence in a death sentence. And then there is the statement about a Beit Din that executes a person once in seven years - some say, once in 70 years, that it is a "murderous Beit Din". The Torah, so to speak, commands capital punishment but expects it to be meted out exceedingly sparingly.)

Shishi - Sixth Aliya 17 p'sukim - 19:14-20:9

[S> 19:14 (1)] One may not encroach upon another's territory [522,L246 19:14]. This literally refers to the prohibition of moving a boundary-marker between your land and your neighbor's thereby stealing some of his property. Although stealing is already forbidden (and counted among the 613), this prohibition comes to emphasize the seriousness of stealing land, specifically in Eretz Yisrael.

This prohibition extends to other forms of encroachment, e.g. unfair competition that steals someone's business. There is often a fine line between "healthy" competition and one encroaching on the other's boundary. Each situation needs to be examined on its own merits.

[S> 19:15 (7)] It is forbidden to render judgments (in most cases)

based on the testimony of a single witness [523,L288 19:15]; a minimum of two witnesses are required. (Sometimes, what only one person says will point the judges in a certain direction, but not as formal testimony. So too, what someone who is invalid as an official witness says, can point the judges in the direction of the truth.)

If false witnesses shall plot to victimize the accused (and their plot is uncovered in a specific way and at a specific point in the trial) they are to be punished in the manner that they plotted against their fellow [524, A180 19:19].

This topic is known as EIDIM ZOM'MIM - plotting witnesses. It is a subset of false witnesses that differs from "regular" false witnesses in several interesting and sometimes enigmatic ways. For example, if witnesses plot to falsify their testimony PLANNING that their victim will be executed, then their punishment is execution. However, if their plot succeeds and the one whom they testified against is executed, then they are not. Only if their plot is revealed in one specific way before it "succeeds", can they be put to death.

Remember that G-d is the backup Judge whenever something "slips by" our application of justice. So even when something seems unfair or illogical, remember that before Him all is fair and all is logical.

[S> 20:1 (9)] When we go out to

battle our enemies and see their horses and vehicles, armaments, etc. and we might tend to panic... we are forbidden to be afraid, because G-d is on our side [525, L58 20:1,3].

A kohein is anointed as chaplain (sort of) and delivers the pre-battle speech to the potential army [526, A191 20:3] He and the Sho-rim speak to the people and send home those that have recently built a house, become engaged to marry, and/or planted a vineyard. (In all three cases, the point is that each pursuit is as yet "unfinished". Such a person faces serious distraction from the goals of battle.) They also dismiss from service someone who fears that he has insufficient merit to survive battle. (This is one of several ways of looking at this topic.)

It is important to point out that these "exemptions" from army service apply to Milchemet R'shut, an optional war - not to Milchemet Mitzva. For the obligatory war, a Chatan is taken from his Chupa (and the yeshiva boy from the Beit Midrash). It is reasonable to argue that in the situation that Israel finds itself today, surrounded by sworn enemies (and being pressured by its friends), that we are in a state of Milchemet Mitzva. Draw your own implications.

Sh'VII - Seventh Aliya 20 p'sukim - 20:10-21:19

[S> 20:10 (9)] Before attacking an enemy city, an offer of peace must be sent [527,A190 20:10]. (This applies to all enemies including Amalek! - but excluding Amon and Moav.) This offer is conditional upon the acceptance of the 7 Noahide Laws and other restrictions. If these terms are not met, we attack and destroy the male population. Female captives and spoils of war may be taken, except for the "7 nations" [528,L49 20:16]. These nations are to be totally eradicated at G-d's command, in order to eliminate their evil influence.

[S> 20:19 (2)] When laying siege to a city, care must be taken not to destroy fruit trees [529,L57 20:19]. Only shade trees may be cut down so that siege equipment may be built. This prohibition of BAL TASHCHIT is expanded by Chazal to include many types of wanton wastefulness.

[P> 21:1 (9)] If a corpse is found in a field, and it is not known who has committed the murder, measurements are made to determine the nearest town. The elders of that town perform a ceremony which includes killing a calf [530, A181 21:1] to emphasize the senselessness of bloodshed. The area where the ceremony is performed may never be planted

nor worked [531, L309 21:4]. The elders proclaim that they are not responsible for the loss of life. The whole procedure has a sobering effect on all involved, and hopefully there is sincere mending of ways and atonement granted by G-d because all the People now take "life" more seriously.

The last 3 p'sukim are read for the Maftir.

Haftara 24 p'sukim Yeshayahu 51:12-52:12

4th of the 7 haftarot of consolation. The predominant message of the haftara is that G-d has a special relationship with the People of Israel (an appropriate reminder for the beginning of Elul) and that we have nothing to be afraid of, because the end to difficult times is coming. This can be summed up by the end of the famous saying (song) of Rabbi Nachman - "And the essential thing is not to be afraid at all".

Widespread custom to blow Shofar at the end of Shacharit each weekday morning during Elul, with the exception of Erev Rosh HaShana. A simple T'KI'A / SH'VARIM-T'RU'A / T'KI'A is blown, as a wake-up call to introspection and T'shuva. It also commemorates the sound of the shofar that accompanied Moshe Rabeinu (on Rosh Chodesh Elul) on his return ascent of Har Sinai.

Divrei Menachem

Parshat Shoftim, as its name indicates, informs us of the necessity of keeping law and order in society through a system of judges (and officers). Needless to say the Torah qualifies this command by insisting that these very judges judge the people with righteous judgment.

When we contemplate this injunction perhaps what comes to mind is the void created when there is no court or when the court itself is crooked. We might even conjure up pictures of cowboys running wildly through the West taking the law into their own hands or of states, so-called national-socialist, or of empires, so-called holy and Roman, that were nothing but perversions of what they purported to be.

Of course, in addition to protecting the dry law, courts are set up to resolve disputes. We often tend to view disputes as a necessary evil in a world where differences among people naturally produce tension and conflict.

However, as R. Shlomo Aviner remarks, debate and disputation are at the core of creativity and change; argument is the anchor that induces logical reasoning and clarification. Indeed for centuries until the 2nd century BCE, the Talmud resolved all of the multifarious examples of "Machloket" found in its thousands of pages. O that we could replicate that feat today!

VEBBE REBBE

QUESTION: *In a market with a very limited number of stores, is one store allowed to prevent all competition by renting and keeping empty a store that became available, thus allowing him to charge higher prices?*

ANSWER: If we had to guess, we would assume that this question is not an actual case but an inquiry into the halachic view on issues of monopoly (if not, we will need more details). This is not the forum to write a complete learned treatise on the Jewish approach to monopoly law. The matter also depends on local laws, as on a matter of public welfare like this, halacha accepts the law of the land as binding (see Shut Chatam Sofer, Choshen Mishpat 44, regarding the opposite question of too much competition). However, we will provide a reasonable picture based on classical rabbinic sources to help understand how a Torah-based society would handle such issues.

This specific question's most basic problem is the matter of mispricing. If the proprietor raises prices 20% above an item's going rate, he violates the Torah prohibition of ONA'A (Vayikra 25:14; see Shulchan Aruch, CM 227:1). While the price can depend on different factors and change, one cannot create a monopoly, artificially changing the supply and demand equilibrium and then say that his price

is the local going rate. (One may mildly affect the prices by deciding how much of his own produce to put on the market – see Bava Batra 90b and Rashi, Bava Metzia 60a).

The gemara (Bava Batra 90b) forbids charging artificially high prices, most especially for staple goods in Israel (so rule the Rambam, Mechira 14:6 and Shulchan Aruch, CM 231:25). The question is how this is different from the laws of ONA'A. The Aruch Hashulchan (CM 231:25; see also Pitchei Choshen, Ona'ah 14:(31)) understands that this is referring to market manipulation to alter the price. The gemara (ibid.) also forbids creating a scarcity of staple produce, irrespective of the pricing issue. Historically, there have been many ordinances approved by leading rabbis to root out market abuses, including monopolistic practices.

So much for the public impact upon the consumer. Is there a problem in regard to unfairness to competitors? The most acute issue of competition is when an "outsider" sets up shop where a local is selling (hasagat g'vul - Bava Batra 21b). Other than that, it is permitted to do promotions or charge lower prices in order to gain more customers at the expense of others. The gemara (Bava Metz'a 60a) explains that, regarding promotions, competitors can also do promotions, and regarding prices, one cannot outlaw it because of the benefit to consumers.

One can make the claim that here he is

leaving no room for anyone else, so that the person who would have wanted to open a business will be totally unable to do so. When one person's business makes another's untenable, we have the concept of PASIK L'CHIYUTEI (Bava Batra 21b) which in some cases requires him to stop his activities. However, that is when one already has a business and is financially pressured to give it up. If one just arranges things so that another decides it is not advantageous to open a store as he was contemplating, we find no prohibition (see Pitchei Choshen, IV, 9:(9)). It is even possible that the monopolist had reason to fear that planned competition would have made his business untenable or otherwise have used unfair practices, in which case preventing such competition would not be halachically or morally objectionable.

There is an approach that even an ostensibly good practice such as lowering prices can be wrong. The Aruch Hashulchan (CM 228:14) says that lowering prices to an unsustainable price is unfair to other proprietors who cannot follow suit. After all, Bava Metzia 60a agreed to special incentives to the consumer because it was possible for the others to do likewise. Whether this would hold someone back when the competition does not exist yet and therefore no one is having his existing livelihood taken away is very questionable.

The Cottonera Lines surround theirs

idiom for losing one's temper

THE CHALLENGE OF MONEY: WAGES AND LABOR; EMPLOYER AND EMPLOYEE [part 4]

by **Dr. Meir Tamari**

Perhaps the greatest economic fear for humans is the uncertainty of material well-being in their old age or in ill-health. Throughout history there have been many and varied attempts to insure against this uncertainty. In modern times, Socialism, Social Security, life-long employment, or insurance schemes - or a mixture of them, were all prompted by this need to provide economic security. All these attempts to provide security, however, have costs, either to the employer or the employee or the society-community-state.

Is there in Judaism any understanding that the employer-employee relationship imposes an obligation on the employer beyond the contractual conditions or those of custom, for the employee's tenure or his old age? Halakhically, there is no obligation to continue to employ anyone, even where the employer simply wants to cease operation for personal or non-economic reasons. However, what about the employee's financial future after being retrenched or no longer gainfully employed? Over and above this material question there are spiritual and psychological effects of being redundant, no longer of any worth to society.

There are two negatives to guaranteed

lifelong employment notwithstanding the security it provides:

It weakens the moral link between productive efficient work and employment and wages for the job done, promoting laziness, fraud and disguised unemployment.

All attempts to provide security inevitably lead to a loss of the freedom of movement, expression, property and even of human personal rights; the degree and scope of loss correlated closely to the extent of the security provided.

In contrast, halakha insists that a Jewish worker is not a slave: "A worker has the right to stop work whenever he likes [remaining liable for damages suffered thereby by the employer]; this right flows from the verse 'for they are slaves to Me'; and not slaves to other slaves [the Jewish employer] (Torat Kohanim, Vayikra 25:42)" (Choshen Mishpat 333:3). The Rama adds, "Even a teacher or a Torah scribe may not hire themselves out to be in a householder's house for more than three years". Such rulings question the whole institution of tenured employment.

Severance pay as a form of security, has long been practiced by Jewish communities, conceptually based on the grant made to an Eved Ivri at the end of his service (D'varim 15:14). The Sefer HaChinuch writes that, "He who has employed a fellow Jew will upon termination of the work, grant him some of the wealth that G-d has blessed him with" (Mitzva 482).

Another form of protection granted to the aged or infirm employee by our sources is that of the pension: "Since Rabbi Zusshinder has served faithfully as a dayan for many years and now, due to old age, is unable to fulfill this task, it is fitting that the community provide for him in an honorable fashion" (Pinkas Kehillat Poznan, enactment 189). Similarly, Rambam's ruling that all communal appointments are hereditary, is inter-alai a means for providing for the widow and other dependents, through employment of the son.

Alternatively, security could take the form of assistance in the job for an aged or infirm employee: "The Chazan of Huesca after serving faithfully for 38 years, now wishes to have his son substitute for some of the duties that he can no longer do. Surely, the congregation did not believe that a man can maintain his strength and ability all his life without sickness or other difficulties suffered by all normal people. Therefore the Chazan is entitled to have his son assist him [at their expense] since this was tacitly understood by all parties" (T'shuvot HaRashba 1:300).

The underlying rationale of all these forms of protection seems to be, "and your brother shall live with you" (Vayikra 25:36). "It is customary for every court in Jewry to force the rich to perform all those acts that are worthy and just even if these are not his legal obligations" (Mordechai, Bava Metzia 24b). Nevertheless, unless the Torah's balance between

Tzedek and Tzedaka is maintained, we face social, economic and moral ills which make a travesty of all the well-meaning attempts.

Post 2008 calls for halakhic scholarship to re-examine tzedaka of long-term protection, in view of the uncertainty of the individual firm to meet these obligations in open markets and globalization. Even the state-community considered in Judaism an entity which is never poor, faces a problem as the ultimate financier of such protection, given the increased number of people to be supported through a declining pool of productive supporters. □

Rabbi Weinreb's Weekly Column:

SHO-F'TIM

Tree-like

I love metaphors. An apt metaphor can help stimulate boundless creativity and can lead to a deeper and richer understanding of the concept being studied.

Take, for example, the metaphor of a tree as representing a human being. We find this metaphor in this week's Torah portion, Shoftim, in the following verse:

"When you besiege a city for many days to wage war against it, to seize it; do not destroy its tree, by swinging an ax against it; for from it you will eat, and you shall not cut it down; because man is a tree of the field, to come against you in a

siege." (D'varim 20:19)

I am aware that there are alternative translations of the phrase under consideration, and that some render it as a question, "Is a tree of the field like a man?" But the literal meaning of the phrase is declarative. Man is like a tree of the field.

How? Let us count the ways.

For starters, King David himself in the very first chapter of Psalms compares the righteous person to a tree. "He is like a tree planted beside streams of water, which yields its fruit in season, whose foliage never fades, and whatever he does prospers." Of all the metaphors available to the psalmist to paint the picture of the good man, the tree is the one he finds most fitting.

The rabbis also use the metaphor of the tree to capture the essence of one aspect of humanity. Thus, Rabbi Elazar ben Azariah would say, "He whose wisdom exceeds his deeds, to what can he be compared? To a tree whose branches are many but whose roots are few, so that any wind can come and uproot it and turn it over on its face... But he whose deeds exceed his wisdom, to what can he be compared? To a tree whose branches are few but whose roots are many, so that even if all the winds of the worlds beset him, they cannot move him from his place..." (Avot 3:22)

The righteous person is like a tree beside a stream. The ethical man of action who puts his wisdom into

practice has deep roots which give him confidence and security.

There are so many other ways in which we resemble the tree. The tree regenerates, and the wind carries its seeds to great distances. So too, mankind is perpetuated over the generations, and sometimes our descendants take root in corners of the earth that are far removed from us.

When I close my eyes and try to imagine the tree, two different images compete for my mind's attention. One is the tree standing alone in the field, with long and drooping overhanging branches, providing shade for those who sit under it. So too, I can imagine human beings in my own life and in the history of humanity who stood apart and were misunderstood, yet provided physical or spiritual shelter to so many others.

The other image I have is of one tree, not alone, but together with many others constituting an impenetrable and mysterious forest. And so too, human beings band together into social groups which contain their own idiosyncrasies, which seem impenetrable to the outsider.

There is a lesson in the metaphor of the tree for that most important human process: education. This lesson is so well-expressed in the lines of the poet, Alexander Pope:

*'Tis education forms the common mind:
Just as the twig is bent, the tree's inclin'd.*

Trees left to their own devices grow wildly. Proper cultivation can direct their growth positively and productively. So too, humans benefit from proper "bending", discipline and training.

And then there is the sad, but ultimate, connection between the tree and the human being. Trees wither, and trees die. They are subject to the forces of nature: fire, wind, deterioration and decay. Yes, we know of trees that have endured for centuries, but even those lengthy life spans eventually come to an end.

I would like to end this brief contemplation of the many analogies between mankind and the trees with a passage from the ancient Greek poet, Aristophanes, which is so reminiscent of more than one passage in our High Holiday liturgy:

"Mankind, fleet of life, like tree leaves, weak creatures of clay, unsubstantial as shadows, wingless, ephemeral, wretched, mortal and dreamlike."

But there is a happier connection between people and trees, and that is through the Torah, which is itself compared to a tree, the tree of life; EITZ CHAYIM HI...

Indeed, "Man is like the tree of the field," withering or able to thrive, depending on one's own life circumstances. □

Bible for \$200: What's the first word of each?

Medical Secrets

BRCA Mutation

Over the past few months we have been discussing different scenarios concerning the need to reveal medical secrets when considering a shidduch. Today we will discuss the issue of a woman who is found to be a carrier of the BRCA mutation.

An introduction: The body naturally has human tumor-suppressor genes that repair damaged DNA which might cause tumors. All of us have small tumors in our bodies which do not necessarily make us ill, and the task of the suppressor genes is to make sure that these tumors do not get out of hand and become dangerous. If these genes cannot fix the damaged DNA, they simply destroy it.

In certain cases these suppressor genes are damaged due to a mutation and are then incapable of performing their task: they can neither fix nor destroy the damaged DNA. The damaged DNA then may duplicate itself, and this unchecked growth can cause cancerous tumors. This mutation is called 'Breast Cancer 1' - or BRCA - and is carried by 0.3% of the general population. Amongst Jewish Ashkenazi families the statistic is 8.5 times higher: 2.5% of the population are carriers.

This fact is very significant when we considered the ramifications of this mutation as it relates to the incidence of certain types of cancer. It has been published that 56% of ovarian cancer and 19% of breast cancer are related to BRCA mutations. Women with BRCA mutations are at a 35-80% risk of developing breast cancer, and a 27-50% risk for ovarian cancer - depending on which mutation they carry. These women are at a much greater risk for contracting these cancers than the general population of women, where the risk is 12% for breast cancer and 1.5% for ovarian cancer.

Today the medical community recommends that women with the BRCA mutation undergo a gynecological check-up, an ultrasound examination and relevant blood tests twice yearly. Unfortunately it is still unclear medically as to whether this significantly prolongs life expectancy. There have been studies that have examined the efficacy of other possible medical interventions, but so far nothing has proven to be conclusive.

The best medical advice for such a woman is to bear children when she is as young as possible, and then to remove her ovaries; the medical recommendation is that she undergo an oophorectomy (removal of the ovaries) by age 40 or 45. This has been shown to reduce the incidence of ovarian cancer by 95% and the risk of

breast cancer by 50%.

The above obviously raises many questions - we will deal with some of the halachic questions in our next column.

Praying with Passion

**Giving more meaning to our T'fillah
One Week at a Time**

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Birchot HaShachar (part four)

בְּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךְ הַעוֹלָם
רוֹקֵעַ הָאָרֶץ עַל הַמַּיִם.

Translation:

Blessed are You, HaShem our God,
King of the Universe, Who spreads the
earth above the waters.

Theme:

An essential concept of the prayer

Revealing Hashem's Goodness

One of the purposes of making brachot is to request that Hashem's goodness and blessing be revealed to the world.

Insight: Deeper meanings...

Recognizing the Source

ROKA HAARETZ AL HAMAYIM

The nature of water is that it tends to spread and flood everything in its path. In His great compassion, G-d overrode water's nature, confining it to its designated place and leaving dry land for man, plants and animals to inhabit.

One need only view images of the devastation brought by a tidal wave or tsunami to understand what happens when, for just a few hours, G-d releases His hold on the waters (so to speak).

Birchot HaShachar are not analogous to the blessings recited before deriving a benefit such as food. Therefore, they are recited even by those who are not deriving the benefit (i.e. a blind person and the blessing for sight). But if the primary reason to make blessings, as the Gemara teaches, is to receive permission from G-d before deriving benefit, why must one recite the Birchot HaShachar even when no benefit is derived?

Rav Chaim Friedlander, Mashgiach of the Ponevezh Yeshiva, explains, citing the words of Rabbeinu Bachaya:

"... Everyone who [makes a] blessing ... is testifying to [G-d's] supervision, Who supplies sustenance enabling us to survive. And in that merit (if one recites a blessing before consuming food) the grain and fruit are blessed and are plentiful."

Every blessing includes two aspects: (a) we request that Hashem's goodness and blessing be revealed; (b) we acknowledge that everything is His and that He is the source of everything. The result of that recognition is that Hashem infuses His supervision of the world with goodness and blessing.

Sefer HaChinuch explains that reciting a blessing enables us to fulfill G-d's desire to do good for His creation. By stirring one's awareness of G-d as the Source of all good, the act of reciting a blessing

generates the merit for the world to continue receiving G-d's bounty.

Visualize:

Images that bring the prayer to life

A Limitless, Gushing Spring

Many years ago in a remote area, there was a farm, and on the farm grew peppers, tomatoes, potatoes and corn. The corn fed the chickens, which laid eggs and provided poultry. A few goats gave the family ample milk. The farmer and his family lived well from the produce of their successful farm, feeding themselves and selling the rest to cover their other expenses.

The entire enterprise depended on a spring which flowed underground. The water from that spring enabled the crops to grow and the family and animals to live. Were the spring to dry up, the farm and all that thrived there would be completely unsustainable. In just a few weeks, it would be dust and decay. But this spring was a rushing, gushing, seemingly endless supply of life-giving water, and therefore, the family felt its future was secure.

Like this underground spring, G-d is a boundless, overflowing source of sustenance for us. Everything we rely upon draws its existence from Him. When we recite the words in the blessings, we trace our sustenance back to its Source and acknowledge that there would be nothing if G-d did not provide it.

Try this:

When you say the words in any blessing, imagine the clear, gushing waters of

the Source of the blessing - our Creator. Imagine the crops thirstily drinking in the water, growing strong and lush. Imagine the bounty spawned by that rushing spring, and feel the sense of fullness, satiation and abundance.

Focus on a word:

ELOKEINU - Our G-d.

Our G-d is Omnipotent and Almighty, a powerful Master Who monitors and oversees each and every one of us on a personal basis. We accept upon ourselves Hashem's dominion and render ourselves as insignificant before Him. We announce that we are ready to serve Him (according to our individual capabilities). (Shulchan Aruch, Orech Chayim 5:1, Nefesh HaChaim 3:11, Michtav M'Eliyahu, vol. 4, p. 63)

Editor's 2¢:

For native English speakers, it is a good idea to use a Siddur with a good English translation when davening. Even if you have a good Hebrew, there are always words you would like to check.

Some people find it distracting to keep looking between the Hebrew and English sides of a Siddur with both. In that case, it is probably a good idea to spend some time with the translation (good footnotes help immensely too) in between davenings.

This week's two shows

Portion from the Portion Needless Tragedy

The nation was shocked last week by the horrible crash between a minibus and a train where three generations met their death. We make a big fuss about terrorists and Iran but unfortunately, in reality, we may be our worst enemy. It seems that a Jewish driver that was not as careful as he should have been wiped out a whole family of good and kind people - instantaneously. As we all walk around trying to comprehend such a loss, we ask ourselves if there isn't anything we can do to prevent such incidences of useless loss of life from happening again in the future?

Maybe verses from this week's portion can give us some guidance. The portion begins "SHOFTIM V'SHOTRIM TITEN LECHA" - we are instructed to appoint Judges to enact the law and Shotrim, officers - to enforce the laws of the Torah. The laws of the Torah are not sufficient; we need a system of law enforcement as well.

There are many Torah laws related to not causing damages to other people including not causing bodily harm and death. People might know the laws but how many of us follow them meticulously - as our G-d given obligations to our fellow Jews? How many of us drive way over the speed limit, talk on our cell phones when driving and don't slow down at

crosswalks? We don't seem to take road safety laws seriously enough. We must need a stronger system of SHOTRIM to enforce these laws and make sure we abide by them. How could it be that a person who has had numerous serious driving offences against them still be allowed the responsibility for driving others? Something must be done about this phenomenon.

People might not like me saying so, but maybe the punishment for these offences is not harsh enough to act as a deterrent for irresponsible behavior. If I knew that I would sit in jail if I was caught talking on my cell phone while driving, would I do such a thing?

When we had a true Jewish legal system, a murderer was executed for his crime. A verse in our portion explains why this is so important - "LO TACHOS EIN'CHA ALAV, UVIARTA DAM HANAKI MIYISRAEL, V'TOV LACH - Do not have pity on the killer. If you rid Israel of those who have shed innocent blood, things will go well for you" (19:13). The Sforno explains that it is important to punish the murderer - so he won't continue to harm any one else and L'MAAN YISHMA'U V'YIRA'U - as an educational device so others will know better how to behave. So it helps society both by prevention and by being a deterrent. This is the TOV LACH of the verse.

But there is also the beginning of the verse. There it states "L'VA-EIR DAM NAKI MIYISRAEL - innocent blood". This seems to be saying that

the reason a person who kills someone else should be punished appropriately is for justice - ZEDEK - the death of the murderer acts as a KAPARA for the murdered person's spilt blood.

We must try to run our society in a just way; ZEDEK ZEDEK TIRDOF - pursue justice with all your might. We must have laws taught by the SHOFTIM and enforced by the SHOTRIM, but the true justice - though we might not always understand it, comes from The One Above as we will be saying numerous times in about a month on Rosh Hashana - VAYIGBAH HASHEM TZ'VAKOT BAMISHPAT, V'HAKEL HAKADOSH NIKDASH BITZDAKA...

May the Torah learned from this column be a zechut for the neshamot who were killed in the crash and may we all drive just a bit more carefully.

JUDGES CHOICE PEACH PIE

For the filling:

5-7 peaches, (or other fruit of your choice)

1/8 tsp cinnamon

1-2 tsp lemon juice plus a pinch of lemon zest. (depends on sweetness of fruit)

1/2 cup sugar

3 Tbsp flour

1/2 tsp finely chopped fresh rosemary

2 Tbsp butter (or substitute) for dotting on the pie

Optional : whipped cream

Directions:

Peel and chop peaches into 1.5" pieces. Mix the peaches, cinnamon, lemon juice, lemon zest, fresh rosemary, sugar and flour in a bowl. Slowly roll out half of the pie crust dough, sprinkling 1/2 tsp fresh rosemary in the last few rolls. Place the bottom crust in a 9" pie plate with the rosemary side up.

Spoon the filling into the pie crust. Dot the pie with 2 Tbsp butter.

Roll top pie crust and sprinkle rosemary again. Place this on top of the pie, rosemary side up. Trim the dough with kitchen shears, roll up the edges so that the filling won't escape, and cut 5 slits in the top.

Bake at 425°F for 20 minutes, and at 375°F for 35-40 minutes more. Bake until crust is a deep golden brown. Seeing the filling bubbling is another sign that it's done. It's a good idea to place tin foil sheets at the bottom of the oven to catch any juices that spill over.

Let cool on wire racks before cutting.

PATE BRISE CRUST RECIPE

2²/₃ cups all-purpose flour

1/2 pound unsalted butter, very cold and cut into pieces

3 tsps kosher salt


3 ounces cold (iced) water

1 Tbsp sugar


Combine flour, salt, and sugar. (This can be done in a processor.) Add butter and mix or (pulse) until ingredients look and feel like coarse meal. Now add water and mix until a ball of dough is formed. Do not over mix. Turn dough out onto plastic wrap, cover, and refrigerate for at least 1 hour before rolling out.


Top with whipped cream or ice cream.


ParshaPix explanations


 Upper-left are the symbols of SHO-F'TIM (gavel)


 and SHO-T'RIM (sheriff's star)


 Negation circle over the planting of a sappling = prohibition of planting trees in the Mikdash or Mizbei'ach area.


 Tilted scales = perversion of justice - a recurring theme in the sedra


 Crown is for the mitzva of appointing a king


 He must write a special Torah (quill & parchment)


 He may not own an excessive number of horses (3 chess knights are too many, defined as more than necessary)


 Gift-wrapped present represents MATANOT, the gifts to a kohein, specifically the parts of a slaughtered animal


 Negation of veering to the right or left times 2 because all are commanded so, and the king is additionally commanded the same thing


 Rabbit in hat stands for magic (but is not the same kind that the Torah forbids - That's why it is not in a negation circle)


 Ax handle detached from head (kills someone) - classic SHOGEK situation

 Bulldozer is to prepare the roads to IR MIKLAT for better access to the cities of refuge


 Bottom, from left. Three military deferments: Building new house, engagement to marry, and vineyard


 Tree with funny face features is KI HA'ADAM EITZ HASADEH, for man is the tree of the field


 Home Sweet Home picture with the pyramids is negated because we are not allowed to return to Egypt to live there


 There is an eye with the letter I in it, which is a play on AYIN B'AYIN. The phrase appears only three times in all of Tanach. Two of those times are Parshat Sho-f'tim and the haftara for


Parshat Sho-f'tim! (The other one is in Parshat Sh'lach)


* The dice are double-4, which is for the 4 double words in the haftara - check them out


* The peace symbol in a speech bubble stands for the mitzva to offer peace to an enemy before engaging it in battle


* The recycling symbol reminds us to avoid the prohibition of BAL TASHCHIT (wasting)


* The negation of the snake is for the prohibition of NICHUSH (play on words).

* The snake is a KING cobra, so it also refers to the prohibition of choosing a king from another nation (Cobra isn't a Jewish name)


* The king of hearts is lying down since the king's heart must not be raised above his brothers

* The hand of five queens stands for the prohibition of the king marrying an excessive number of wives. On the other hand, there is a card game called Five Crowns which does have 5 queens, so maybe we do not have a violation here.

* The setup chessboard and the question under it form an Unexplained and a challenge to you to solve it neatly.

* The wagon is for the portion of EGLA ARUFA, which, we are

taught, was the topic that Yaakov and Yosef were studying, when Yosef was taken from him. Years later, Yosef sends AGALOT, wagons, to his father Yaakov, to facilitate the family's descent into Mitzrayim.

* The two alarm clocks are for HIT-O-R'RI, HIT-O-R'RI, awaken, awaken... This phrase can be found in this week's haftara (as well as in L'CHA DODI).

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WISDOM & WIT
by Shmuel Himelstein

R' Yosef of Tomashov was violently opposed to the Chassidim of Kotzk, who often delayed their prayer time beyond the time specified by halacha. So opposed was he that when he heard that the son-in-law of the innkeeper where he was staying had become a Chassid of the Kotzker, he moved out of that inn and into another inn.

Later, when R' Yosef met the son-in-law, the son-in-law asked him why he was so opposed to Kotzk. "It's because they do not adhere to the prayer times," he replied.

"Yes, but you embarrassed me publicly by leaving the inn," said the son-in-law, "and in that you violated a Torah law, while the fixed times for prayer were only ordained rabbinically."

"You are right," said R' Yosef, "and I

am hereby doing T'shuva for my actions."

"But how can one possibly do T'shuva in an instant like that?" asked the young man.

"This matter is addressed in the Talmud," said R' Yosef, "for we are told that if a man wishes to betroth a woman 'on the condition that he is a perfect tzaddik', this is considered as a possible betrothal which would need a get to release the woman, 'as he might - at the time he made the declaration - have done T'shuva.' Thus we see that T'shuva can even come in an instant."

Later, the young man told this episode to the Kotzker, who told him: "The argument of R' Yosef is a weak one. The halacha is that when a person marries, all his sins are forgiven. Thus, even thinking about T'shuva is enough to make him a full tzadik. That, though, is not true in any other case, and in other cases there is no such thing as 'instant T'shuva.'"

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The Maggid of Mezeritch remarked, "When a person is entrusted to guard another person's possessions, there are two ways he can protect them: either he can guard them carefully, or he can actively go out to catch any burglars before they have even had a chance to enter the home he is guarding. While the first may be a good guard, the second is by far superior. And the same is true with the Yetzer Hara - our Evil Inclination. A person may take all types of

measures to prevent the yetzer hara from influencing him, but to really conquer the yetzer hara one must go out on the attack, before it even has a chance to gain even a toehold. This is what is meant in the Mishna in Avot 4:1, 'Who is mighty? One who conquers his Evil Inclination' before it has a chance to begin to take root."

THE JERUSALEM INSTITUTE OF JEWISH LAW

Rabbi Emanuel Quint, Dean

Lesson # 530

APPOINT JUDGES

This lesson is scheduled to appear in the week of SHOFTIM. This begins with the admonition to appoint judges. What kind of a court system does the Torah contemplate?

I thought that I would dedicate this lesson and the next few lessons to try to explain in simple non-legal language some of the highlights of the Torah judicial/legal system.

Since, with one possible exception, the Torah judicial system contemplates that all of the judges will be ordained, a few words about ordination. Ordination or S'MICHA (lit. the laying of the hands) is the title given to a person who is authorized to adjudicate cases. The Talmud in T. Sanhedrin 13b describes the procedure of ordination and traces its origin from the ordination of Yehoshua by his teacher Moshe. The Divine instruction found in Bamidbar

27:18 - "Take thee Joshua the son of Nun, a man in whom is spirit, and lay thy hands upon him" was carried out. "and he laid his hands upon him and gave him a charge" (27:23).

This was the only time that the ordination process actually involved the laying on of the hands. Thereafter the procedure was for an ordained person to designate the designee by the title of "Rabbi" and the person so designated was considered ordained. Ordination may be conferred only in the Land of Israel, but its authorization is universal. Many persons may be ordained at one time. Thus it is reported in the Jerusalem Talmud in the last chapter of Sanhedrin, that King David ordained 90,000 men in one day (It appears from Rambam that the correct reading is 30,000 in one day.) Even for the Beit Din, there were three standards of ordination. Some judges were given authority to adjudicate only monetary cases. Other judges were given authority to adjudicate only in matters of ritual, while others were given authority to declare first-born animals as blemished and thus acceptable for nonsacrificial slaughter. Some judges were authorized to act in two of these areas and some were given authority to act in all three areas. The entire command of ordaining judges lapsed in the fourth century CE. An unsuccessful attempt was made in the middle of the sixteenth century to reinstitute the command based on a statement of Rambam both in his commentary to the Mishna and in his code. Thus since the middle of the fourth century, there has not been any ordination. (This is not to be confused with the current practice of

ordaining Rabbis, which is not the type of ordination referred to in halacha.)

As a result of various Rabbinic decrees, the non-ordained judges have jurisdiction over matters that both occur frequently and entail a loss of money for the injured party who could not sue if there had been no Beit Din available. Matters over which non-ordained judges do not exercise jurisdiction are in halacha designated as penalties. In the next lessons there shall IYH be discussed the matters over which the current non-ordained judges do exercise jurisdiction.

CHIZUK AND IDUD
*Divrei Torah from the weekly sedra
 with a focus on living in Eretz Yisrael -
 Chizuk for Olim & Idud for not-yet-Olim*

"Judges and executive officers shall you appoint for yourselves in all the gates which HaShem your God gives you for your tribes and they shall judge the people with just judgment."

D'varim 16:18

The Parsha presents several of the institutions necessary for nationhood. The opening verse, quoted above, presents the mitzva of appointing judges and enforcers of the judicial decisions. Later (17:15), the Torah presents the mitzva of appointing a king:

"You shall surely set a king over you, whom HaShem your God will choose, from among your brethren shall you set a king over you, you may not place a foreigner over you who is not your

brother."

The institutions of nationhood are directly related to the Land of Israel and to the city of Jerusalem.

Midrash Sifrei notes that the wording of the verse precludes the possibility of appointing a king who is not a resident of the Holy Land. The leader of the People of Israel must come from the Land of Israel.

As far as judges, the Torah instructs that "the man who intentionally does not listen to... the judge, that man shall die and you shall eradicate the evil from Israel" (17:12). The Halacha teaches that ignoring the dictates of the Sanhedrin [the supreme religious court] is a capital crime only when the court sat in Jerusalem. The authority of the Sanhedrin can be fully realized only when the court is headquartered in Jerusalem.

mujeragaubayo

[Ed. note: Although capital punishment is possible only for a ZAKEN MAMREI - a Torah scholar who is authorized to render halachic decisions - who flouts the Great Sanhedrin) and has undergone a series of trials in various courts on the way to the Sanhedrin of 71, and although there might never have been an actual case of execution for this violation - the fact that the language of the Torah is so sharp for the offence of intentionally challenging a pronouncement of the Sanhedrin, indicates the severity of such an offence.]

Clearly, the Torah teaches that the nationhood of Israel can be achieved only in the Land of Israel and with Jerusalem as its capital. No other possibility is conceivable.

David Magence, Jerusalem

TOWARDS BETTER DAVENING AND TORAH READING

D'varim 16:18, first pasuk in Sho-f'tim:

לְשֵׁבֹטֶיךָ וְשִׁפְטוּ...
 לְשֵׁבֹטֶיךָ וְשִׁפְטוּ...

This is tricky. The VET in LISH-VA-TECHA is often pronounced as a FEI, LISH-FA-TECHA (which is wrong - it means "to your judges", not "to your tribes", as it is supposed to mean). The reason it might come out wrong is that the SHIN is a voiceless letter and it is more natural that the following letter also be voiceless (like a FEI, rather than a VET). Also, the next word, V'SHA-F'TU has the SHIN FEI sequence, which is more natural.

- In D'varim 20:19, we have an example of a word with a MAPID HEI that if it is not properly voiced, the meaning of the word changes. EITZAH עֵצָה (her - the city's - trees). EITZA, advice.
- SHO-F'TIM revisited.

There are many words that fit this topic, but we choose SHO-F'TIM and SHO-T'RIM as the examples, for the obvious reason.

Many people will break these words into syllables, like this: SHOF and TIM

and SHOT (rhymes with boat) and RIM. Wrong. Doesn't change the meaning of the words, but still.

SHIN/CHOLOM is the first syllable of each of these two words. The next letter with a SH'VA begins the second syllable and the SH'VA is NA. F'TIM and T'RIM. Siddurim that mark SH'VA NA are helpful for this kind of word.

TRIDDLES

Last issue's (R'EI) TTriddles:

[1] President Shimon R?

Parshat R'ei and Parshat Sh'mini each present the animals we may and may not eat. There are differences between the two versions - most notable is the list of animals (mammals) we may eat, which is found in R'ei, but not in Sh'mini. Irrelevant to this TTriddle. What is relevant is the list of non-kosher birds. Specifically, the pasuk, V'ZEH ASHER LO TOCHLU MEIHEM, and these shall not be eaten among them (the birds), HANESHER V'HAPERES V'HA-OZNIYA. This is the first of seven p'sukim that list the 21 types of birds (animals with wings might be a better translation because of the inclusion of BATs on the list) that we may not eat. The identity of the birds is the subject of debate; some translators refuse to translate the names at all. Rav Aryeh Kaplan z"l in The Living Torah renders NESHER as eagle, but challenges that in a footnote where the griffin vulture

(largest carnivorous bird in Israel) is suggested as the NESHER. Still irrelevant for this TTriddle, but the background is educational. Now we come to the PERES (not irrelevant). Again, from The Living Torah: Ossifrage, Peres in Hebrew... Latin for bone breaker... largest European bird of prey... resembling both the eagle and the vulture. However, the Torah is not naming exact species, but broad categories... Some identify it with the bearded vulture that lives in the Holy Land. Most importantly for this TTriddle is Targum Onkeles. The three birds of this pasuk are rendered as NISHRA, AR, and OZYA. Hence, President Shimon R?

[2] When more or less is less

With adding to the Torah and subtracting from it both prohibited - BAL TOSIF and BAL TIGRA - we would be justified in saying that more or less are both less, since each violates the Torah.

[3] The "preferred" drink for this week's sedra

Many years ago, the tea industry came together with an ad campaign hoping to win over some of the millions of coffee drinkers. Their slogan was Take Tea and See. Hence the connection to Parshat R'ei (see). The Tea Council of the USA wrote: "How simple and refreshing! Let's not try to sell a specific brand of tea, instead, let's just concentrate on selling the idea of tea..." One of their ads read: "When you find yourself going around in circles, have a cup of tea; most cheer-

ful stuff in the world. Try drinking tea with your evening meal for a week; see if the world doesn't look a little brighter. Tea psyches you up."

[4] The ear of the kosher animals

Sneaky Hebrew-English play on words. EAR here means the Hebrew word for city, IR. The city among the list of kosher mammals is AKKO. The akko is the ibex, a wild goat, a.k.a. YA'EL - which is both the modern Hebrew for the ibex as well as a Biblical name for the animal, which can be found in Shmuel Alef, T'hilim, and the book of Iyov. It can also be found at Ein Gedi.

[5] The two says...

Another sneaky Hebrew-English play. This time, we took advantage of the fact that when an S is added to the verb SAY, the result doesn't rhyme with rays and days, but rather with fez. If you read the word says as if it did rhyme with days, then you would be closer to the solution of the TTriddle. SAY=SEI as in SEI CH'VASIM and SEI IZIM, sheep and goats - two of the three kosher domestic animals.

[6] first R'ei doesn't match sense

The word R'EI occurs 52 times in the Tanach. The first time it appears is when Yitzchak is talking to Yaakov, thinking that he is Eisav. He asks his son approach him and kiss him. B'reishit 27:27 - And he came near, and kissed him; and he smelled the smell of his garment, and blessed him, and said, See, the smell of my son is like the smell of a field which G-d has

blessed. Since Yitzchak was blind at the time, his use of the word see related to smell is understandable.

[7] the sedra-appropriate bird

[8] Sounds a bit like Heckle and Jeckle

We can handle these two TTriddles as one, since their solutions lie in the same pasuk. Another of the p'sukim listing the non-kosher birds. V'HARAA, V'ET HA-AYA V'HA-DAYA, the white vulture, the black vulture, the kite (with variations from different sources). RAA is spelled the same as R'EI, making it the sedra-appropriate bird. AYA and DAYA rhyme, as do Heckle and Jeckle, two cartoon magpies. Since magpies are in the crow and raven family, they are probably included in another of the p'sukim - V'EIT KOL OREIV L'MINO. Interesting that raven is the one bird on the list that has its own pasuk and has the word KOL, all ravens, possibly indicating that the category includes many other types of birds, all related to the crow family, of course.

[9] MazalPic

The mazal of Elul is the BETULA. VIRGO, the virgin. The planet associated with Virgo is Mercury. The planet Mercury is named for the Roman mythology character who was known for being a speedy messenger. The planet Mercury speeds around the Sun in only 88 days, earning its name. The only metal that is liquid at room temperature is mercury. It is known as quicksilver because of how

fast it moves (being a liquid). The symbol for this mercury - the metallic element, not the planet - is Hg, which is the MazalPic this month.

[10] Unexplained

The right triangle with the right angle marked C represents the first two words of the sedra. C = see = R'EI. This we've used a few times in different ways. The right angle is formed by the two perpendicular legs of the triangle. The Hebrew word for perpendicular or right-angled (also vertical) is ANACHI, spelled the same as, and sounding similar to ANOCHI, as in R'EI ANOCHI...

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The Gemara teaches us that First Shearings (REISHIT HAGEIZ) is required if one has a minimum of 5 sheep. Although there is no amount specified in the Torah, our Sages have set the amount at 1/60. The 5 sheep minimum is to see to it that the kohein is given a gift of significant value, so the mitzva is "real", not token.

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Widespread custom to recite Psalm 27, L'DAVID: HASHEM ORI V'YISH'... each morning from the second day of Rosh Chodesh Elul (i.e. from Alef Elul) until and including Hoshana Rabba. Nusach Ashkenaz also says it at the end of Maariv and Nusach S'fard says it at the end of Mincha. Interesting to note that it is said exactly 100 times during this period. That's 29 days of Elul + 21 days of Tishrei, twice daily.

Widespread custom to exchange greetings during Elul, wishing each other a K'TIVA VACHATIMA TOVA or words to that effect.

Most importantly, what should be a widespread practice is a serious review of one's behavior - religious, social, personal - as a Jew and as a human being. The review should help us onto the pathway of T'shuva in a wide variety of directions.

T'shuva is always in season, so to speak, but Elul and the Yamim Nora'im are especially propitious for T'shuva, for increasing our commitment to Torah and Mitzvot, to Chesed and kindness, to helping each other.

We should be encouraged by the fact that G-d has promised to help us in our spiritual return to Him. Without that help, it is a daunting task. With His promise, it is a challenge we can undertake with feelings of love of G-d, our fellows... and ourselves.

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The 3rd of Elul (Friday, August 13th, this year) is the 75th yearzeit of HaRav Avraham Yitzchak HaKohein Kook, זצ"ל. Born in Latvia in 1865, came to Eretz Yisrael in 1904. Chief Rabbi of Yafo, Jerusalem, Eretz Yisrael.

Parsha Points to Ponder

Suggested answers

1) The Kli Yakar explains that the command to appoint judges FOR YOU (LECHA) means that the people who have the power to appoint the judges should make sure that the judges also have power over them and not bend judgements in their favor. The Torah then teaches that once that is in place, the judges will certainly judge the rest of the nation with honesty as well.

2) The Ohr HaChayim answers that the person is symbolically dead since, even if there were no witnesses to his murder, he would be liable to death from heaven. So, we take this person who is destined to death from heaven and kill him.

3) The Ramban teaches that a person can easily justify not killing a murderer by saying that it is good to spare his life and bad to kill anyone. Thus, the Torah specifically states that it is GOOD to kill him because sparing the lives of murderers out of compassion will lead to more killing and death.

WALRUS

The Torah prohibits a king from having an excessive number of horses. It probably does not include the SUS-YAM סוס־יָם a.k.a. נִיבְתָן

Nor does it include the seahorse in the prohibition. Seahorse in Hebrew is סוּסוֹן הָיָם, SUSON being a pony.

Despite the Hebrew names, walruses and seahorses are not related.