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Jewish Times

Volume VIII, No. 31...Aug. 21, 2009

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Weekly Parsha

Shoftim

RABBI BERNIE FOX

**A Judge Must Accurately
Apply the Law and Effectively
Evaluate the Credibility
of the Evidence**

*Do not pervert judgment. Do not
show favoritism. And do not accept
a bribe – for a bribe blinds the eyes*

(continued on next page)

Truth

Tarnished Judaism

RABBI MOSHE BEN-CHAIM

As two of our readers write in this week's issue, when we act in accord with Torah principles and laws, we will evoke this response from other nations: "What a wise and understanding people is this great nation". The entire context follows:

"And you shall guard the commands and perform them for they will be your wisdom and understanding in the eyes of other nations. For when they hear all these statutes they will say, "What a wise and understanding people is this great nation". For what great nation has God close to them, as the Lord our God whenever we call upon Him. And what great nation possesses statutes and laws so righteous as this Torah that I place before you today?" (Deut. 4:6-8)

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(Shoftim cont. from pg. 1)

Weekly Parsha

JewishTimes

Weekly Journal on Jewish Thought



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of the wise and perverts the words of the righteous.
(Devarim 16:19)

Moshe instructs the nation to appoint judges. He instructs these judges to be equitable. They must not show any favoritism. Moshe warns the judges that they cannot accept any gratuity from the litigants. Accepting such a gift will inevitably affect their objectivity.

The Torah previously – in Parshat Mishpatim – discussed the impact of such gratuities. Moshe is reviewing this prohibition. However, Moshe slightly alters the phrasing of the admonition from the previous presentation. Moshe states that the bribe “blinds the eyes of the wise and perverts the words of the righteous”. In Parshat Mishpatim the Torah states that, “the bribe blinds the clear-sighted person and perverts the words of the righteous”.^[1] Moshe substitutes a reference to the wise in place of the term “clear-sighted”. Why does Moshe make this change?

In order to answer this question, we must consider a related problem. The Talmud in Tractate Shabbat discusses the importance of the judicial system. The Talmud explains that a judge who decides a case justly is a partner of Hashem in the creation of the universe.^[2] The simple meaning of this statement is that society cannot exist without justice. The universe was created to foster humanity. Therefore, the judge's role is fundamental to the mission of the universe. Without upright jurisprudence society degenerates and humanity cannot develop. The universe and creation are rendered meaningless.

However, there is a difficulty in the specific wording of the Talmudic text. The Talmud does not merely state that the judge must render a just decision. The Talmud uses a very unusual phrase. It can best be translated to mean that the decision must be accurate and consistent with truth. The commentaries observe that this phrase seems redundant. If the judgment is accurate, certainly it is consistent with truth! accurate, certainly it is consistent with truth!

Tosefot respond to this problem. They explain that there are two factors that determine the quality of a judge's decision. First, the judge must accurately interpret and apply the law. Second, the judge must appraise the truth of the competing claims and evidence. This requires that he assess the validity of the evidence. An example will help illustrate these two considerations. Assume Reuven borrows money from Shimon. Shimon

claims he was never repaid. Reuven insists that he repaid the debt. Reuven and Shimon present their respective claims to a judge. One issue the judge must determine is the specific standard of evidence Reuven or Shimon must provide in order to release establish their claims. This requires that the judge know the law and properly apply it to this case. Now, assume that Reuven produces witnesses who testify on his behalf. The judge must assess the credibility of the witnesses and the truth of their testimony. If the judge questions the truthfulness of the witnesses, he cannot decide the case on behalf of Reuven. This is the message of the Talmud. Only when the judge combines accurate interpretation of the law with effective evaluation of the credibility of the evidence is his decision consistent with the truth.^[3]

Based on Tosefot's comments, Rav Eliyahu of Vilna, offers an additional insight into the Talmud's statement. He observes that in order for this judge to be Hashem's partner in creation, the judgment must be both accurate and truthful. Concord is essential for the effective function of society. He explains that society relies on the courts to foster peace and harmony within society. This peace and harmony only emerge from decisions that are both accurate and true. If a litigant loses a case but feels the matter was judged accurately and with the objective of discovering the truth, he can reconcile himself to the court's decision. However,

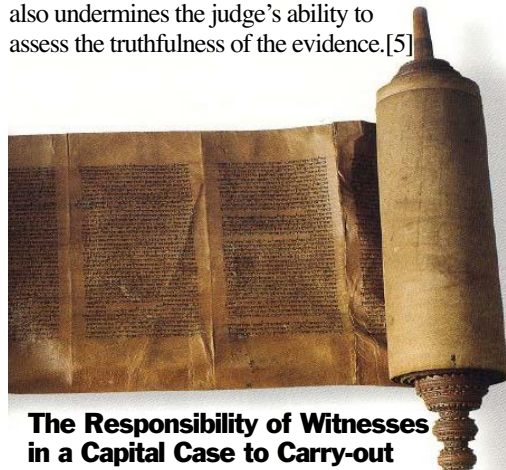
if he feels the decision was accurate but did not reflect a earnest search for truth, he will resent the judgment. He will be frustrated and disappointed. Ultimately, he may become estranged. Therefore, the judge only fosters harmony through decisions that are accurate and seek truth.^[4]

Rav Eliyahu of Vilna concludes that a judge must be more than a master of the law. He must also be an excellent judge of character and possess keen insight into human behavior. The judge needs this insight to assure that his decisions are not just accurate but also truthful. T

This resolves our original problem. The Torah in Parshat Mishpatim refers to the judge as clear-sighted. Moshe refers to the judge as wise. Both of these descriptions are appropriate. The judge must have both of these qualities. The judge must be wise. This term represents the ability to interpret and apply the law. The judge must also be clear-sighted. This means he must have the ability to find the truth through evaluating the veracity of the evidence.

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The two passages explain that a bribe undermines both of these qualities. It interferes with the judge's ability to interpret and apply the law. It also undermines the judge's ability to assess the truthfulness of the evidence.[5]



The Responsibility of Witnesses in a Capital Case to Carry-out the Execution

The hand of the witness shall be against his first to put him to death, and only afterwards the hand of the other people. And you should destroy the evil from your midst. (Devarim 17:7)

The Torah is not only a code of ritual law. It also includes an elaborate system of civil ordinances. The various laws are interpreted, applied, and enforced by a system of courts and officers. Our parasha discusses the appointment of judges in the Land of Israel. The parasha describes some of the guidelines followed by the courts. For example, the courts cannot execute a person based on the testimony of a single witness. The Torah requires a minimum of two witnesses in such cases.

Our parasha also briefly describes one of the four basic forms of execution. This is s'kilah – stoning. Our parasha does not describe all aspects of this execution. Our Sages provide the essential details. The person to be stoned is pushed from a height. If the convicted person dies from the fall, the execution is completed. If the condemned survives, then a large stone is pushed from the height upon the person. If this, too, is survived, the person is stoned until dead.[6]

Our pasuk explains that the witnesses must participate in the execution. Our Sages explain the details of this requirement. One of the witnesses pushes the condemned from the height. The second witness is responsible for pushing the large stone from the height upon the convicted person.[7]

It is interesting that Maimonides does not count this requirement as a mitzvah. In other words, there is no separate mitzvah that requires witnesses to participate in the execution of the condemned. Instead, Maimonides indicates that this requirement is part of the mitzvah of performing executions. The courts are charged with the

responsibility of carrying out executions. The Torah specifies the means of execution in detail. Each form of execution is embodied in a specific mitzvah that enjoins and authorizes the courts. Within this mitzvah is the requirement that the witnesses participate in the execution.[8]

Why must witnesses assume a leadership role in the execution of the condemned? Maimonides discusses this issue in his Commentary on the Mishne. He explains that the witnesses have first-hand knowledge of the crime. The court bases its judgment solely upon the testimony of these witnesses. The judges have no direct knowledge of the crime; their knowledge is second-hand and based upon the testimony of the witnesses. It is reasonable that those parties who are the primary source of all knowledge of the crime perform the execution. These are the witnesses.[9]

Gershonides offers an alternative explanation. He explains that witnesses must be aware of the impact of their testimony. This awareness encourages the witnesses to carefully consider the evidence they will provide. This is especially true in the case of a sin punishable by death. We do not want the witnesses to view their testimony lightly. A life is at stake. How can the Torah help assure that the witnesses fully appreciate the significance of their testimony? The witnesses are made responsible for the execution. The witnesses must be sure of their testimony to the extent that they are prepared to personally execute the person that will be condemned.[10]

There is a significant difference between these interpretations. As explained above, Maimonides interprets the requirement for the witnesses to participate in the execution as a detail within the mitzvah for the courts to carry out executions. His suggestion regarding the rationale for the requirement is consistent with this interpretation. The most appropriate person should perform the execution. Who is most appropriate? The witnesses – they have first-hand knowledge of the crime.

Gershonides seems to disagree with Maimonides' basic assumption. He does not regard this requirement as an aspect of the mitzvah to perform executions. In other words, the participation of the witnesses is not required in order to render the execution more fitting or appropriate. Instead, Gershonides regards this requirement as an element of the laws of testimony. The testimony in a case that could result in the death penalty must meet the highest standard of credibility. The Torah creates a test of this credibility. The witness must offer the testimony with the knowledge that, if it is accepted, he will personally carry out the execution.



The Commandment to Appoint a King

When you come to the land that Hashem your G-d is giving to you and you occupy it and settle it and you will say, "Appoint upon us a king like all the nations that surround us", you will place upon you a king that Hashem your G-d chooses. You will appoint a king from among your brothers. You are not permitted to appoint a stranger that is not your brother.

(Devarim 17:14-15)

Moshe relates to Bnai Yisrael the commandment of appointing a king. The simple interpretation of Moshe's words is that the nation is commanded to appoint a king over itself. At all times the nation must have a leader. This interpretation is supported by an earlier incident in the Torah. Hashem tells Moshe that the time has come for his death. Moshe asks Hashem to appoint a new leader. Moshe contends that it is imperative for Bnai Yisrael to have strong leadership. Hashem responds by appointing Yehoshua. In this incident, the Torah clearly acknowledges the importance of strong political leadership. Therefore, it is reasonable to assume that our passage is addressing this need and creating the institution of kingship. Maimonides accepts this interpretation of our pesukim. In his Mishne Torah, he writes that Bnai Yisrael became obligated in three commandments when they entered the Land of Israel. One of these mitzvot is to appoint a king. Maimonides quotes our passage as the source for this commandment.[11]

However, there is a problem with this interpretation of our passages. After the death of Moshe, the nation was led by a series of judges and prophets. The last of this series was the prophet Shemuel. The nation approached Shemuel and asked him to appoint a king. They explained that they wished to be led in a manner similar to the surrounding nations. These nations were ruled by kings. Bnai Yisrael wished to also be ruled by a king. The Navi explains that Shemuel felt that the request was evil and inappropriate.[12] This reaction seems to contradict our passage. The Torah apparently requires the appointment of a king. How can Shemuel contest the appropriateness of Bnai Yisrael's request?

Don Issac Abrabanel suggests that our passages do not actually require the nation to appoint a king. In fact, the nation is not required to establish an institution of kingship. It is preferable to be led by prophets and judges. However, the Torah also recognizes that Bnai Yisrael may succumb to the desire to emulate other nations. Bnai Yisrael may ask for a king. Our pesukim respond to this issue. If the request is made, it is permitted to appoint a

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king. However, the above passages outline specific perimeters. For, example, the king must be a member of Bnai Yisrael. Abrabanel is acknowledging that our passages are a mitzvah. However, he argues that this does not create any absolute obligation. Instead, the mitzvah deals with a contingency. It provides the response, should the nation seek a king.[13]

Rabbaynu Ovadia Sforno supports Abrabanel's interpretation of our passages. He adds that it is essential for the nation to have political leadership. The prophets and judges provided this guidance. In some ways these leaders were kings. However, they differed from kings in one fundamental area. They could not pass their authority to their children. The prophets and judges were not royalty. The institution of kingship creates royalty. The king passes his authority to his son.[14] This is not an ideal arrangement. The king's son may not be fit to assume his father's position. Yet, inevitably he views himself as vested with the right to be king.

Maimonides suggests an alternative solution. He insists that our passages are an absolute command. Bnai Yisrael was obligated to appoint a king. Nonetheless, the nation sinned in approaching Shemuel. Their request conformed to the mitzvah. However, their motivation was corrupt. They did not ask for a king out of a desire to fulfill the Torah's commandment. Instead, they wished to escape Shemuel's leadership. Rather than wishing to observe the Torah, they sought to escape the influence of a true Torah leader.[15]

We are Required to Choose Knowledge over Superstition

You shall follow Hashem your G-d wholeheartedly. (Devarim 18:13)

Moshe instructs the people to reject all forms of superstition and methods of magically divining the future. He completes his admonition by telling the people to be whole-hearted in their commitment to Hashem. The commentaries provide various explanation of this pasuk. According to Rashi, Moshe is telling the nation to rely on Hashem and accept His judgments and design.[16] Rabbaynu Ovadia Sforno explains that Moshe is instructing the people to reject all superstitious means of ascertaining the future. Instead, the nation should turn to its prophets.[17]

Nachmanides takes the same approach as Sforno. However, he adds two important points. First, he explains the specific meaning of "whole-hearted". He comments that this term denotes completeness and perfection. It describes a commitment free of any qualification or reservation. Second, he adds that this whole-heartedness is a positive command.[18]

Nachmanides is teaching us that there is no

room for compromise on this issue. One cannot accept the Torah and simultaneously retain belief in superstition and magic. Superstition and belief in magical predictions are inconsistent with complete commitment to the Torah. The Torah teaches us that these practices are nonsensical. We are required to guide our lives with wisdom. These superstitious practices are, therefore, antithetical to the Torah life.

The command concerning whole-heartedness requires that we make a choice between these two opposing perspectives. One who chooses the Torah outlook can no longer accept superstition. Wisdom and superstition are mutually exclusive. Conversely, belief in superstition implies doubt regarding the basic outlook of the Torah.

The Role of the Sages in Establishing Customs

According to law that they will teach you and the judgment that they will tell you, you should behave. You should not deviate from that which they tell you to the right or left. (Devarim 17:11)

This passage describes the authority of the Sages. The Sages are empowered to interpret the Torah and create new prohibitions. We are obligated to adhere to these instructions. It should be noted that this pasuk includes a positive and a negative command. The positive command is to obey the Sages. The negative command is to not deviate from their instructions.

Maimonides discusses the authority of the Sages in detail. He explains that this authority is manifested in the High Court in Jerusalem. This court is sanctioned to interpret the Torah. The High Court can also institute new decrees, prohibitions and customs.[19]

Before analyzing Maimonides comments we must recognize an important point. Many individuals believe that customs are somewhat less binding than other laws and Torah practices. Maimonides is clearly correcting this misconception. He is explaining that we are commanded to obey all instructions of the court. He includes customs. Maimonides makes no distinction between our obligation to observe a Rabbinical decree and a custom sanctioned by the court.

Let us now analyze Maimonides' position. We can understand the function of the High Court in the interpretation of the Torah, and in the establishment of decrees and prohibitions. However, what is the role of the Sages in establishing customs? A custom is an accepted practice or convention. It emerges from the behaviors of the people. How can the court create a custom? Furthermore, if customs do emerge from the action of the court, how do they differ from decrees and new prohibitions? Finally, we know that customs continued to emerge within Bnai

Yisrael after the destruction of the Temple and the dissolution of High Court. If the court's sanction is required to establish customs, it should be impossible for customs to develop without the authorization of the court!

In order to resolve these questions we must better understand the concept of minhag – custom. It is often assumed that any religious behavior adopted by a Jewish community is a valid custom. This is not completely true. A valid custom must be consistent with the laws of the Torah. Therefore, a minhag that lacks basis in Torah law is not valid and is not binding. In other words, a custom is a hybrid phenomenon. It emerges from the behavior of the community but it must also be consistent with the laws of the Torah.

An example will help illustrate this issue. The exact text for the Selichot prayer service surrounding Rosh HaShannah and Yom Kippur varies among communities. In many communities, the conclusion of the service includes the prayer Machnesai Rachamim. In this short prayer we beseech certain divine messenger or angels to bring our prayers before Hashem.

Maimonides explains that we must only worship and pray to Hashem. Serving any creation is a form of idolatry. This prohibition includes petitioning the ministering angels.[20] The prayer of Machnesai Rachamim seems to violate this principle. Rav Aryeh Lev Gordon Zt"l explains that numerous Sages prohibited recitation of this prayer or altered its language to remove the problematical phrases.[21] In this example, we encounter a behavior prevalent within a community. Nonetheless, various Sages judged this behavior to be inconsistent with Torah law. Therefore, they insisted that this was not a valid minhag and took strong measures to halt the practice.

We can now appreciate the role of the Sages and specifically the High Court in the establishment of customs. The minhag can emerge from the behaviors of the community. However, in order for the custom to become binding it must be evaluated for its consistency with Torah law. This is the role of the court. Both the community and the court have a role in the creation of the custom.

We can now answer our questions. The court has a clear role in the creation of customs. The action of this body is required to establish the validity of the practice within the framework of halachah. It is clear that custom is very different from decrees and new prohibition. Decrees and prohibitions do not emerge from the practices of the community. They are created solely through the action of the court. In contrast, minhag need not be created by the court. However, the court

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must determine the legal validity of the practice.

We can now explain the emergence of customs after the dissolution of the High Court. The action of the High Court is not required to create a custom. However, this Court is the ultimate authority in halachah. Therefore, only these Sages can judge the validity of a custom. With the

dissolution of this Court, the authority to judge the validity of a community practice passed to the Sages of the time. These Sages now have the sanction to judge the consistency of a practice with Torah law. ■

[1] Sefer Shemot 23:8.

[2] Mesechet Shabbat 10a.

[3] Tosefot Baba Batra 8b.

[4] Rav Eliyahu of Vilna (Gra), Kol Eliyahu, Parshat Shoftim.

[5] Rav Eliyahu of Vilna (Gra), Kol Eliyahu, Parshat Shoftim.

[6] Mesechet Sanhedrin 45a.

[7] Mesechet Sanhedrin 45a.

[8] Rabbaynu Moshe ben Maimon (Rambam/Maimonides) Mishne Torah, Hilchot Sanhedrin, 15:1.

[9] Rabbaynu Moshe ben Maimon (Rambam/Maimonides) Commentary on the Mishne, Mesechet Sanhedrin 7:3.

[10] Rabbaynu Levi ben Gershon (Ralbag/Gershonides), Commentary on the Torah, p 223b.

[11] Rabbaynu Moshe ben Maimon (Rambam/Maimonides) Mishne Torah, Hilchot Melachim 1:1.

[12] Sefer Shemuel I, 8:4-6.

[13] Don Yitzchak Abravanel, Commentary on Sefer Devarim, pp. 166-167.

[14] Rabbaynu Ovadia Sforno, Commentary on Sefer Devarim 18:14.

[15] Rabbaynu Moshe ben Maimon (Rambam/Maimonides) Mishne Torah, Hilchot Melachim 1:2.

[16] Rabbaynu Shlomo ben Yitzchak (Rashi), Commentary on Sefer Devarim 18:22.

[17] Rabbaynu Ovadia Sforno, Commentary on Sefer Devarim, 18:22.

[18] Rabbaynu Moshe ben Nachman (Ramban/Nachmanides), Commentary on Sefer Devarim 18:22.

[19] Rabbaynu Moshe ben Maimon (Rambam/Maimonides) Mishne Torah, Hilchot Mamrim 1:2.

[20] Rabbaynu Moshe ben Maimon (Rambam/Maimonides) Mishne Torah, Hilchot Avodat Kochavim 2:1

[21] Rav Aryeh Lev Gorden, Siddur Avodas HaLev, Introduction, part 3.

(Tarnished cont. from page 1)

Truth

At the end of his life, Moses reminds the nation to carefully adhere to the Torah. In Deut. 4:2 Moses warns us that we must not add or subtract anything in Torah. He goes on (ibid 4:9) to ensure we do not forget "what our eyes saw" referring to Sinai. These two messages of not adding to the Torah – God's perfect system – and not forgetting what we witnessed, is Moses' warning that we follow reason.

Reason teaches that God's instructions are best not tampered with, just like a doctor's prescription. Both produce lethal results when altered. Man is foolish to add or subtract to God's words. Reason also demands we not ignore our senses. Recalling Revelation at Sinai, Moses teaches a Torah fundamental: we must follow only that which we perceive. Idolaters on the other hand follow what they 'imagine', not what they encounter on Earth. So when they pray for food and shelter from lifeless, stone gods...it is no surprise they receive no answer, go hungry and are left to the elements. Any reasonable person today rejects praying to idols.

Not Judaism

That being said, we are embarrassed by the recent voodoo acts performed by a number of Jews who believed God desired them to encircle a flight path in the sky; that this circle will correspond to a circled area on the ground surrounding an infected portion of Israel, and this will heal those Jews. Clearly, such actions are idolatrous as they are not based on any medical/natural laws, and do not form any part of Judaism. True Judaism evokes the marvel and admiration from other nations. Instead, this group of Jews brought shame upon us, and God's name. News depicts us as witch doctors.

We must therefore be clear to other nations and Jews: these Jews did not practice Judaism with such primitive acts.

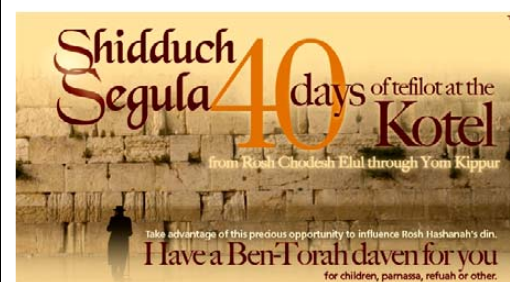
But one might ask, "Who today is to say what true Judaism really is?"

You see, that very question contains the answer. "Who today is to say", is a wrong approach. There is no "who" that determines Judaism today. Herein lies the very problem. The world – Jew and Gentile alike – tend to determine Judaism based on "Jews". However, man didn't create Judaism: God created it. Viewing the acts of Jews will not offer an accurate picture of Judaism. Judaism must be defined solely on God's words found in His Torah.

Another example why Judaism has a tarnished reputation is due to Kabbalistic mystics offering promises of health, happiness and success...if you simply pay them. But we know of countless cases where people paid these mystics, only to have their hopes dashed, and their cash robbed. Yet, Jews and Gentiles continue to stand in awe of man, and not God. And then there's the myriads who flock to the graves of the righteous, praying to them. Year after year.

They too do not ask themselves way their prayers to dead men go unanswered. Two groups Tefilot.org and WesternWallPrayers.org sell prayers to lonely single Jews, guaranteeing an end to their single-hood...since the prayers were offered at the Wall. God, on the other hand, disagrees with these organizations, as He says "Any place you mention my name I will come to you and bless you". (Exod. 20:21)

Desperate Jews follow these lies, and then literally pay the price. Again we hear complaints from those robbed, regretting they fell for such baseless promises...promises no human can deliver on. Unfortunately, many clever, greedy Jews prey on the desperation of others. They also display their lack of concern for others, since they don't pray for others unless they receive money for doing so. Shouldn't one Jew pray for another...without pay?



Two organizations that rob desperate Jews in the name of Torah

What is telling, is that this organization offers varying levels of prayers, depending on how much you want to spend...up to \$1800! So what do they mean: that some prayers are more effective if you pay more? In that case, they take money from others for admittedly less-effective prayers. This whole business is crooked, makes Judaism out to be a sham, and is not part of Torah. In fact, Jacob told Rachel that she was the one that held her future in her hands. Not him. These groups violate Torah, as do websites like Frumster.com who display these ads. We wrote Frumster twice asking they remove these ads, but as of yet, they have not.

The prayers of others are not more effective than one's own prayers. For it is through prayer that one realizes he or she has not received what was asked. Then, one must ponder the lack of a response, determine if what is sought is in fact good or harmful. That person can then perfect him or herself, and thereby redefine what they seek from God. Once they refine their requests to be aligned with Torah values, God will respond. Prayer is a means to our inner perfection...someone else cannot perfect you. So one should not seek the prayers of others.

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Truth

Determining True Torah Ideals

As concerned Jews, we are obligated to remove these lies and clean up our soiled image of Judaism. God promises that when we live Torah properly, the truths and underlying ideas will impress all other nations, as cited above. But to impress others, we must first ensure we act in an impressive way, achieved only through increased Torah study, purifying our practice so it matches the commandments without alteration, thereby returning Judaism to its pristine nature, as God gave it. What are God's undiluted words on these issues?

God taught us in many ways; one being the recorded acts of our patriarchs and matriarchs. When Rachel and Chana desired children, prayer and introspection were the correct responses. Not voodoo practices. Not flying in circles. Our wise matriarchs understood that God only withheld children until one would perfect herself. This explains why Rebecca sought out God's prophets when her pregnancy became overbearing. Sickness and misfortune are results of either our poor choices, where we self-inflict ourselves, or where God punishes us. In both scenarios, the remedy is introspection and change...not performing ridiculous, unrelated actions. Do you not recall Joseph's brothers' response when accused of spying on Egypt? They immediately recalled their acts and detected their still un-atoned sin of selling Joseph. "We are sinners" they all vocalized in unison. No primitive act would improve their fate. Why then did this group of Jews act so primitively, flying a plane in circles around Israel? How shameful this makes Judaism appear in the eyes of the nations. Their acts are not Jewish.

We find our prophets prayed to God, from whatever town they lived. No Western Wall was required. No mystical, crooked, Kabbalistic liars can assist you if you are barren, sick, single, or poor. We just read Lamentations. In it, we read the following (Eicha 3:40), "Let us search our ways and examine, and return to God." Man can not help us – we must approach God directly. King David taught that we rely on God, not man (Psalms 146, 147).

We must act intelligently in all ways. King David did so and was successful (Sam. I, 18:14): "And it was that David was wise in all his ways, and God was with him." Precisely because King David adhered to intelligent choices, God was with him. This is the very lesson of the two parts in that verse. When we abandon a reasonable approach to life, God will abandon us.

And not only is our faith in God a reasonable lifestyle, but all God's commands follow reason...whether you have arrived at an understanding of them or not. Sabbath

observance spreads the truth of a Creator who rested. As we mimic His rest, we call attention to ourselves, and questions from others help teach the world about a Creator who desired His laws be followed, for mankind's good. Prohibitions against idolatry help mature man from his infantile and primitive wishes, growing him into a thinking and reasoning being who rejects a life of fantasies. Idolatrous prohibitions restrict a life of fantasy...forcing man to live in reality, and arrive at the truth of a Source for reality and all its harmonious laws. Ritual slaughter, feeding animals before ourselves, charity, and kindness trains man away from cruelty and egotism. And thus in turn creates the backdrop for a peaceful society where all members might obtain all their needs, in serenity. Kosher and sexual laws tame our base instincts, rendering each person in control of his desires so his mind might lead him, not his impulses. And laws prohibiting Lashon Hara (character assassination) teach man of his need to feel superior, and to obliterate it. We are equals. All Jews. All mankind. We must be equal...we all descend from the first couple.

The bottom line: Judaism is equally a creation as are the cosmos. Both systems reflect the deep wisdom of the same, one and only Creator. In both, we find a satisfaction in that wisdom. As Jews, we are bound to preserve this wisdom by rejecting the primitive actions witnessed this week, and for so many years. Preserving God's impressive wisdom in our actions is for our good, and for all other nations of the world, who God equally desires exist, and benefit. To preserve God's intelligent system, we must teach truths, and reject fallacy. We must follow reason, as taught by Moses.

We read Parshas Shoftim this Shabbos. This is a beckon call to leaders to act as you must. Rabbis, teachers and leaders must not remain silent. When you witness such primitive practices in the name (shame) of Judaism, your silence will be counted as sin, while you allow others to harm themselves, and allow God's name to be tarnished. "Do not fear man" (Deut. 1:17) so speak up, and do so often. Identify those practices and notions in the Jewish community that violate Torah ideals. You have proofs, reason and intelligence on your side, so you will have an easier time eliminating falsehoods, than those wishing to perpetuate nonsense.

We know what Torah is: God's words. But what we hear notions not found in God's words, we know such notions are not at all part Judaism...certainly when such notions violate laws against superstitions, voodoo, and praying to the dead. Do not be impressed with man, what he says or what he does; whether his title is "Rabbi", his position, or his far-reaching reputation. Do not care at all or be even slightly impressed by how many others follow him, or if he wrote books. For many Rabbis have written books, many have large followings...and all have made mistakes. Some greater than others. Care only about what you know determines absolute truth: care about what God has written in His Torah over all else.

God's Torah contains the punishment of death for certain violations. This is intended to insulate the Torah system from continued deviation. We must ensure that Judaism is preserved for all mankind. We must ensure that Judaism is presented as God intended.

This requires us to openly condemn corruption, and corrupt Jews, as Maimonides teaches. ■



Jewish voodoo...no surprise it didn't work. Had these Jews read this week's Parshas Shoftim, they would have learned that God deplores and prohibits all such superstitions.

Letters



Letters

from our

READERS



Letters

Mesora invites your questions, letters in response to articles, your own thoughts, or your suggestions for the JewishTimes.

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Flying Rabbis

Reader: Recently, there was an attempt by some "Rabbis and Jewish mystics" to eradicate the swine flu from Israel by chartering an airplane and flying over Israel. On the plane, they blew shofar and trumpets and recited Tehillim. A video of this spectacle was aired on Fox news.

There are many bothersome things about this event.

God and our sages have instructed us on the appropriate methods to beseech God in times of distress. These include repentance, prayer, acts of charity, and fasting. Any practice outside of these is artificial and is not part of the Torah system. Why did these Rabbis feel it necessary to do something different from what Jews have been doing for thousands of years? How does flying around in an airplane over Israel help the situation? Even more, if they claim that this method will bring about healing, why limit their flight to Israel's airspace alone? They should have flown over every country to rid the planet of swine flu! And what a waste of money spent chartering this flight, which could have gone to worthwhile charities, or even to help those suffering from swine flu! These shenanigans are just another example of man's attempt to feel in control of his environment. People invent their own ways to fix a bad situation, which are devoid of any reality principle (such as cause and effect). It is a temporary fix, since the emotions are momentarily satisfied that all will be well after I perform "such and such" activity. But because these activities lack reality in the physical and metaphysical world, they do not fix the situation. If anything, they might increase the suffering, because the people have strayed from God's will by engaging in such nonsense.

Watching this video is saddening. What has the Jewish nation come to? We have sullied ourselves with heretical acts that are foreign to the ideas outlined in Torah. This most certainly removes the title of a "wise and understanding nation." (Deut. 4:6)

As we approach the High Holidays, let us adhere to the true methods that can change an evil decree. Teshuva, tefilla, u'tzedaka ma'avirin et roa hagezera, "Repentance, prayer and charity avert the evil decree". These three require real personal courage and strength. They are not quick fixes. Rather, they bring a person to an awareness of the Creator.

This method alone is truly worthy, through which we earn God's mercy. ■

Did God Do It?

Steve: Hope all is well. This question is really a continuation of a question I asked a while back regarding "Duties of the Heart." and bitochan...it concerns hashgacha (God's Providence). Maybe my confusion regarding this area has to do with my definition of hashgacha Klalyos (nature) and hashgacha Pratyos (an individual's Providence). It is my understanding of the Rambam, that hashgacha Pratyos is dependent on the level of the person: the higher the level, the greater the extension of hashgacha Pratyos. Conversely, one who is not on a certain level, God may determine that he/she is not under hashgacha Pratyos (or could be and not be at varying times).

If my understanding on the above is correct, then this is where my confusion comes in.

Here's a perfect example of my non-clarity. Yesterday, I was listening to a lecture on Tefilla, Rabbi Chait has given. In it he says, that the first two brachot of shemoneh esrei deal with God and his relationship with the Avot (the mention of the avot means Gods hashgacha). My understanding from the lecture is that one of the benefits of tefilla is that it brings the person back to a rational state of mind, where he realizes that he must ask God that certain chance factors go his/her way so that they will have success. Because the shemoneh esrei, reiterates the proper perspective, that without hashgacha man could have no success....is that correct?

If the above is correct, then this is my confusion. Because the Rambam states that not everyone is under hashgacha Pratyos, in fact, very few people are, so actually, with that thinking, the tzaddik, who is under hashgacha Pratyos, is rational to rely on God and have bitochon, and should take no credit for his successes, but the lesser person, who may or may not be under hashgacha Pratyos, may be rational in taking pride in his successes, and it is irrational to have bitochon and rely on God, since I am not under hashgacha Pratyos. (I do know this cannot be correct, but am I making it clear why I am confused?)

Now, as I said in the beginning, maybe I am unclear of what is meant by hashgacha Klalyos and hashgacha Pratyos and that is the root of the issue. I think it is safe to say that God is aware of every action/thought of man (that is spoken of frequently in the liturgy) even the

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Letters

non-tzaddik, and God may produce meetings, circumstances, and things we may call "chance" factors--is this correct? Is this hashgacha Klalyos? This awareness and involvement in the life of man? If so, am I thinking correctly to assume that hashgacha Pratyos is really a kind of "protection" that God extends, not necessarily awareness/involvement. So if I am in the wrong place at the wrong time, then God, if He chooses, can extend hashgacha Pratyos and "protect" me, or He may choose not to extend hashgacha Pratyos, and I will face the natural consequences.

I realize that this is not very cogent, but I am hoping that I was clear enough for you to spot my dilemma.

Rabbi: Hashgacha Pratyos refers to Divine intervention, either the suspension of natural law (Noah's Flood), or the introduction of factors which nature would not have introduced, like boulders falling from the sky on the Jew's enemies in Joshua's time.

One not under Hashgacha Pratyos is not necessarily correct to take credit for his success since many factors outside of his own actions contribute to his success, as Rabbi Chait taught. Conversely, this very person may also suffer from Tsunamis since he has no protection...or he may escape, by chance.

God's orchestration of meetings, circumstances, and things we may call "chance" is not Hashgacha Klalyos (nature), but Hashgacha Pratyos, since He is altering what would have occurred, for the benefit of this high-level person.

Steve: I am still confused. The Rabbi's purpose for creating tefilla was not only for a tzaddik, correct?

Rabbi: Correct.

Steve: If what Rabbi Chait is saying that one of the purposes of tefilla is to bring man back a rational state, in which he realizes that his successes are not due to him, but due to hashgacha, and we are asking God to make chance factors go our way, then I think you are saying that if God involves himself and initiates these chance factors to "go our way," then we are under Hashgacha Pratyos.

Rabbi: Correct.

Steve: But what if we are not on the level to

receive/be under Hashgacha Pratyos, then how can we have bitochon or trust in God? That seems irrational. It seems that we could be totally on our own against the forces of nature, and if we succeed, then it has to do with our actions and maybe the laws of nature...but not God's intervention or help (or maybe, since we have no way of knowing).

Rabbi: We never know for sure of God created a change to help us...unless it is an overt miracle. Yet, Tefila makes senses, as we do pray, because we understand we need God's help in large and small ways.

Steve: We said that we can never really know what comes from God and what doesn't. However, wouldn't it be wrong if we did not thank God for everything both "good" and "bad," neither, which we know with our limited perspective and sometimes distorted value systems? It is easy to see that if tomorrow I won the lottery for 10M dollars...I'd probably throw a gala kiddush in shul giving thanks to God for his good graces (BTW, we know from Koheles that this windfall could be a punishment, which could bring me away from the correct and worthwhile path, and we have all read stories of ruined lives and relationships that come after someone wins the lottery). Now, something "bad" is harder to thank God for and see as hashgacha, but what if a person loses his fortune...ultimately, this may lead to humility and a re-prioritizing of value, which may be for the ultimate good.

If we didn't thank God for the "bad" we maybe very shortsighted and this "bad" could be hashgacha and the supposed "good" could be chance or hashgacha in the form of a punishment.

Wouldn't it be wrong to benefit from something that came from God without giving him credit and thanking Him? If so, and we can never know if something came from God or not, maybe we must assume that it did and give thanks...thoughts?

Rabbi: We can thank God for the "possibility" that He did in fact cause a specific good in our lives: whether we win a lottery or obtain good health. And we should also thank God for punishments intended to correct us. But without an outright miracle, we cannot say for certain that God in fact performed any act. However, we can thank God for the universal laws that contribute to our success...for He created these.



But we must be careful not to cross the line where we say "all is Bashert"...wrongly assuming God is running every moment of our lives. In such a case, we forfeit responsibility, when we can in fact correct our errors. Baselessly assuming God delivered some evil in our lives, we attribute it to Him and not our own doings. This prevents us from seeking out our errors that could have prevented those very problems in the first place. For if God does all, and not us, then there is no free will, and no reward and punishment. But we know that God's system is in fact one of free will and reward and punishment. Hence, we must fully agree that all of our actions are determined by ourselves alone. We cause most of our pain as Maimonides teaches. (The "Guide", book III, chap. XI, XII) God is not micromanaging every act in our lives...also as Maimonides teaches (ibid, book III, chap. XVII) . But God does intervene with man, whether we grasp it or not...and this all depends on our perfection...as Maimonides taught. (ibid, book III, chap. XVIII) ■

Torah Perspective

The Current Political Environment; *a Call for Action*

Mordy Oberstein



We live in one of the most politically tumultuous times in recent history, though many of us don't even know it. Contrary to many previous political climates the environment today is not aloof or uninvolved from people at the individual level. As is apparent regarding the current administration's relationship to Israel, our government has taken bold new steps to move the country in a vastly different direction. I feel that it is our duty to understand the maneuvers that are going on, not only as citizens of the United States, but also as Jews who have a long and struggled relationship with governments throughout history. That is, there is no other people who truly understand the dangers and tragedies of indulging governmental interference in the every day lives of its

citizens. I sincerely believe we are obligated to understand the current political issues, the ever growing role of government and its moral effects, so that we can stand up to corruption in the name of justice. The promotion of social justice is part in parcel of who we are as a nation of God.

There are essentially two approaches to government, involved vs. uninvolved, limited vs. unlimited. That is, there are forms of government that take a very hands-on approach to managing and running the people it governs. Conversely, there are those forms of government that take a more laissez faire approach to governing its people. It is not surprising that, like most things of this nature, there is a deep philosophical debate between these two positions. The machlokes essentially centers around two different views of man. Supporters of active government see man as omniscient knower of reality, and subsequently, society. The other side has a more humble concept of man and his ability to have such a large breadth of understanding. Thomas Jefferson, in his 1st inaugural address said, "A wise and frugal government, which shall leave men free to regulate their own pursuits of industry and improvement...this is the sum of good government". The founding fathers of this country held that man is not capable of supreme knowledge or the ultimate state in which man should exist. While they did recognize mankind has a certain nature that must be allowed to take its natural course, it is not within man's realm to conceive of an ultimate system in which man must reside (or force upon another). To the contrary, the country was established on the middle path that each individual is responsible to find the correct way of living, but it is not the place of government to make such a determination as it inherently lacks such a capability. "When the people fear their government, there is tyranny; when the government fears the people, there is liberty" (Thomas Jefferson). This statement reveals a deeper message (whether intentional or not), that a regulatory system which obliges man to perform in a very specified decorum (i.e. Halacha) must be of divine origin, and any such attempt by man to act as the Creator is tyranny.

With this, I wish to analyze the current political environment in order to reveal in which of the two above directions the country is moving. If we observe the current way our politicians conduct their business as legislators and executives, it is obvious that we have become a system of intense regulation and

government involvement on a micro level. Such involvement implies that those who create the laws (forcing us to conduct our lives in a specific manner) are of an elite status who partake of a superior knowledge, which justifies their micromanaging others' lives. Rep. Eric Massa said on Aug 18 regarding health care reform, "I will vote adamantly against the interest of my district if I actually think what I'm doing is going to help."

If this were not the case, and government left the people free to use their own intelligence and bechira in their daily activities, then such intricate regulation would not only be unnecessary, but counter productive.

I believe from this point, the creation of laws and policy that highly regulate and dictate our lives, we can glean some insight into how our government views us. Rabbi Soloveitchik (see Halachick Man) has often talked about man as a "creator of worlds", who has the power to mold the clay that is his life and personality into a product that befits his status as a human being. It is man's responsibility to grab hold of his life and shape it into something that has substance. The overly exertive force of obsessive regulation via law, policy and social programs, is a complete denial of man in this capacity. It is a position that shirks the responsibility of each person to mold his or her own self into a dignified life and has placed it under the thumb of governmental authority. Here we can see the inherent corruption that comes about when man acts as God in the creating of an ultimate system by which man must live. It is only within a divine system, such as Torah, that the balance between guiding man towards the development of the self and leaving it to his own bechirah can be achieved. Once man enters this framework, of creating his own system, corruption of that line is imminent.

The egotism in governmental control of the individual's life, due to an overestimation of the self, is in fact the cause of the current social welfare (of the people as a whole not just the needy) type policy. It is an attempt by man to thwart the natural system of justice and consequences by re-determining who is deserving of what goods based on the whim of lawmakers. God has created a natural system in which, if effort is put in, results are achieved, "By the sweat of your brow you will eat bread." If effort is put into the pursuit, then results in the pursuit will be evident and proportionate to such efforts. Further, it again removes responsibility from each person to ensure the welfare of his neighbor. No longer are individuals

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Politics

charged with a moral duty to have concern for their fellow people, or to act on their own volition in a charitable manner. The government has determined to whom we must be charitable and to what degree, via the collection of taxes and the rate at which they are collected.

Such a system can only result in the people of the State becoming alarmingly dependent on its government for guidance on how to act and for sustenance in regards to their basic needs. If we combine this factor with our understanding that government intervention on a large scale results from the over estimation of their position in reality, it is clear what goal is sought after. The State that shows itself to act in an omniscient manner, and additionally that wants to be depended upon for basic needs, is the State that wishes to replace God. No longer is the individual forced to rely on the Creator for sustaining their existence, be it reliance on the obtainment of goods per se, or reliance on the qualities to succeed that have been embedded into our nature. In its stead is the development of the same exact reliance, but upon the government. Such a corruption is of the highest magnitude and it is ironic that this country was established to prevent such an occurrence.

With the above, it is evident that the policies propagated by Washington are not just practical inconveniences etc. Programs such as government mandated healthcare and policies such as cap and trade (limiting how much energy we consume via a hike in taxation of energy services) are not isolated bureaucratic nonsense emanating from Washington. They are the particulars of a lively and dangerous philosophy that yields tremendous power into the hands of those who are most known for their corruption. They are a manifestation of the corruption and injustice that has become our current form of government. It is again no accident that our President has a clear agenda against Israel; the administration has made a move on to the territory of God. Is it any surprise that God and his nation should be under attack? It is our responsibility as a wise and discerning nation of God to oppose such a move towards the system of government mentioned here. We should pursue the struggle in the name of truth and justice, and do all that is within our power to oppose the audacity of our current government's plans. Let us show the world that the Jewish nation is ready to stand up and speak out for truth and justice, let us show the world it is we who love justice. ■

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The Universe: God's Footprints

The question was asked: if a scientist studied the universe but didn't know of any God, does he possess true knowledge and enjoy the afterlife?

The answer is no to both questions. This is because the most primary feature of anything is its existence. Now, if one errs about this most primary feature, believing its existence is essential (that it was always existing) and denies a Creator that caused it to exist, the person lacks the most basic truth of what ever he studies. He has no true knowledge, and he cannot partake in the afterlife, which is enjoyment of the Creator's knowledge.

God does not need the universe, or anything. God created all that exists for intelligent beings to study, and stand in awe of Him, for their own satisfaction and fulfillment. Created things (all matter) has as its goal the reflection of the Creator. If one ignores the Creator's signature in matter, and merely studies to understand how things operate, he misses the purpose of the object, and his life.

This process of studying the universe is a most pleasurable pursuit that surpasses all others, offering intelligent beings the greatest existence as they draw nearer to God with each new truth. ■

God Help Us

Talmud Yoma 38b quotes a verse in Proverbs (3:34) "To the scoffers He scoffs; but to the humble He shows grace". This teaches that if one wishes to sin, Heaven does not interfere; he is scoffed at since he scoffed at God's laws. But if one wishes to repent, he is divinely assisted by God's grace. The Talmud also teaches that sin numbs a person to the evil of sin, that each sin allows him to sin more easily next time, and even allows him to affect his reward in the next life.

We wondered 1) if God helps us repent, why won't God prevent one from sinning; 2) why do we even need help repenting; and 3) what connection is there with the following statement that sin numbs man to its evil?

We concluded that God acts only to assist man, so when man sins; he veers from cases in which God intervenes for man. He is left alone. We also realized that the second statement that sin numbs us, explains why God must step in to assist man when we desire to repent. For after we have sinned, we are more steeped in the instinctual drives, and we are not the same person we were prior to sinning. We have become more attracted to sin. Thus, we need assistance to repent, as we are not strong enough to extricate ourselves alone.

We learn that just as God created mankind for mankind's good, God continually guides us when we wish to realign ourselves with His wishes for us. Now as Elul has begun, may this be the case that we hear the ram's horn Shofar, recalling the ram Abraham offered in place of Isaac, reminding us of the perfection of both Abraham and Isaac. May their righteousness inspire us all to carefully follow the Torah, and reject all idolatrous and superstitious beliefs and practices that Abraham rejected. ■

