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DAF KESHER

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DVAR TORAH TRUE LEADERSHIP

One by one, the various leaders of the Jewish people come on to the stage of this week's parshah: the *shofeit* and *shoteir* (judge and the enforcer), the Kohen and the Levi, the prophet and the king.

But with this staff of leaders comes a list of dangers and problems:

The judges can drift into corruption and be blinded by bribery; and establishing the truth in every case that comes before them is challenging. The Kohen must be financially provided for by the rest of the nation so he can totally devote himself to spiritual leadership. The very identity of the true prophet is not easy to determine: which prophet is for real and which is a fake? And the king presents the most problems. The very power and resources needed for him to rule can bring about his downfall through misuse of power. His heart can be led astray. He can easily become arrogant. He can mislead the entire nation, leading to national disaster.

A glance at Tanach tells us how real these problems were. The system of Jewish leadership often fell far from the ideal. The justice system became corrupt, priests took advantage of their position, the nation was full of false prophets and didn't heed the warnings and teachings of the true ones – and only a handful of kings were righteous and humble.

Much of the parshah deals with the solutions to these problems. The judges are forewarned against bribery and the Torah calls out: "*Tzedek tzedek tirdof*" – "You must surely pursue justice." A system of witnesses is created to determine the truth, along with a mandate to painstakingly research and investigate each case. Gifts are given to the Kohen – *terumah*, portions of animals, and the shearings of wool – so he can be provided for. Prophets have clear-cut rules: there is a death penalty for audaciously saying something in God's Name that He did not actually say, and for prophecy in the name of false gods. The king is limited in wives, money, and horses, and is commanded to write a second Sefer Torah and constantly learn from it, to keep his heart in line and avoid haughtiness.

But the ultimate solution to the problem of human leadership is that they – and those that led by them – all have the consciousness that God is our true leader, and any human leader is an agent. The prophet brings down His word, the Kohen connects us with Him, the judge administers Divine justice, and the human king represents the King of kings. In short, God Himself is our leader.

The ultimate human leader is the Melech Hamashiach, the Messiah. Of him, the Rambam says, "He will repair the entire world to serve God together" (Mishneh Torah, Hilchot Melachim 11:4), leading us to be led by God.

**This issue is dedicated in loving memory of Stan Ducker,
Shmuel ben Mordechai, z"l**

SOURCE GUIDE THE 6 STEPS TO KING SOLOMON'S THRONE

The Midrash on this week's parshah tells of the six levels of King Solomon's unique throne:

<p>Devarim Rabbah Shoftim 5:6 ... Rav Acha said: Come and see. Shlomo (Solomon)'s throne had six steps (levels). How do we know? It says (Melachim [Kings] I 10:19), "There were six steps to the throne." In our parshah (Devarim 16:18-17:1) there are six prohibitions listed, and these are they – 1. Do not cause justice to stray. 2. Do not show favoritism [in judgment]. 3. Do not take a bribe. 4. Do not plant an <i>asheirah</i> tree. 5. Do not put up a <i>matzeivah</i>, a one-stone altar. 6. Do not offer to Hashem your God an ox or sheep [that has a blemish].</p> <p>And there was an announcer standing before Shlomo's throne. When Shlomo would go up to the first level he would announce, "Do not cause justice to stray." On the second level he would announce, "Do not show favoritism." On the third he would announce, "Do not take a bribe," on the fourth, "Do not plant an <i>asheirah</i>," on the fifth "Do not put up a <i>matzeivah</i>," and on the sixth, "Do not offer to Hashem your God ..."</p>	<p>דברים רבה שופטים ה:ו ... א"ר אחא בוא וראה שש מעלות היה לכסא של שלמה מנין שנא' (מלכים א י) שש מעלות לכסא, ובפרשה זו כתובים ששה דברים בלא תעשה ואלו הן לא תטה משפט ולא תכיר פנים ולא תקח שוחד לא תטע לך אשרה ולא תקים לך מצבה ולא תזבח לה' אלהיך שור ושה הרי ששה.</p> <p>והיה הכרוז עומד לפני כסאו של שלמה כיון שהיה עולה מעלה הראשונה היה כרוז לא תטה משפט מעלה השנייה היה כרוז לא תכיר פנים שלישי היה כרוז לא תקח שוחד רביעית לא תטע לך אשרה חמישית לא תקים לך מצבה ששית לא תזבח לה' אלהיך:</p>
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The Difficulty

There is an obvious difficulty here. What is the purpose of the last three announcements? The purpose of the first three announcements is clear: as King Solomon ascends his throne he must be reminded to judge justly. But why, as he ascends his throne, must he be reminded about not planting an idolatrous tree, making a one-stoned altar (sacrifices were only permitted on a multi-stone altar), or offering a sacrifice with a blemish?

This same difficulty presents itself in the beginning of our parshah. As the Midrash itself notes, the Torah lists these six prohibitions one after another. But what is the purpose of interjecting three verses about the rules of the Temple and sacrifices in the middle of a discussion of the legal system (Devarim 16:18-20 about justice and Devarim 17:2-7 about judging a case of idolatry)?

Solution

Commentators, both on the Midrash and on the Chumash, offer a solution:

<p>Chidushei Radal (Rabbi David Luria zt"l) on Midrash Rabbah 5:6, comment 13 Don't plant ... don't put up ... don't sacrifice ...: For all of these are explained in drashot as referring to improper judges, as the Maharik (Rabbi Yosef Cologne zt"l) explained in section 117.</p>	<p>חדושי רד"ל על מדרש רבה ה:ו, הערה יג לא תטע וכו' לא תקים וכו' לא תזבח וכו': שכל אלו נדרשים בדיינים שאינם הגונים וכמ"ש מהרי"ק בתשובה שרש קיז ע"ש.</p>
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This raises a new challenge: what do these three verses have to do with improper judges? The following Gemara is one of the sources in Chazal for the comparison, but it doesn't explain why they're connected.

<p>Sanhedrin 7b Reish Lakish said: Anyone who appoints an improper judge</p>	<p>סנהדרין ז: אמר ריש לקיש כל המעמיד דין (על הציבור)</p>
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is as if he planted an asheirah in Israel. For it first says, “Appoint judges and enforcers” and then follows with “Don’t plant an asheirah, any tree ...” Rav Ashi said: And in a place where there are Torah scholars it is as if he planted it next to the altar, for it says, “... next to the altar of Hashem your God.”

שאינו הגון כאילו נטע אשירה בישראל שנאמר שופטים ושוטרים תתן לך וסמך ליה לא תטע לך אשרה כל עץ אמר רב אשי ובמקום שיש תלמידי חכמים כאילו נטעו אצל מזבח שנאמר אצל מזבח ה' אלהיך.

The Rambam writes that appointing a judge who is not God-fearing or, despite other good qualities, lacks the necessary knowledge of Torah to judge – will lead to perverting justice. He compares appointing the judge to all three sins: planting an asheirah, putting up a matzeivah, and offering a sacrifice with a blemish. Note that his version of the Gemara seems to be slightly different than ours.

Mishneh Torah Hilchot Sanhedrin 3:8

They (our sages) also said that anyone who appoints for Israel an improper judge is as if he put up a matzeivah ... and in a place where there are Torah scholars it is as if he planted an asheirah

Mishneh Torah Hilchot Sanhedrin 4:15

One who is unfit to judge because he lacks the knowledge or because he is improper, but the exilarch gave him permission to judge, or a court mistakenly gave him permission to judge – that permission is ineffective unless he is fit. For kedushah, sanctity, does not take effect if one sanctifies a blemished animal as a sacrifice.

רמב"ם משנה תורה ה' סנהדרין ג:ח

ועוד אמרו כל המעמיד לישראל דיין שאינו הגון כאילו הקים מצבה שנאמר ולא תקים לך מצבה אשר שנה ה' אלהיך ובמקום תלמידי חכמים כאילו נטע אשירה שנאמר לא תטע לך אשירה כל עץ אצל מזבח ה' אלהיך.

רמב"ם משנה תורה ה' סנהדרין ד:טו

מי שאינו ראוי לדרון מפני שאינו יודע או מפני שאינו הגון שעבר ראש גלות ונתן לו רשות או שטעו בית דין ונתנו לו רשות אין הרשות מועלת לו כלום עד שיהא ראוי שהמקדיש בעל מום למזבח אין הקדושה חלה עליו.

The Maharik's Explanation

The Maharik devotes a responsum (117) to this topic, and is quoted by commentators on the Rambam. Here is his explanation of this Midrash, based on his readings of the Rambam's rulings in the Mishneh Torah.

A judge must possess three qualities: he must have sterling character; he must not stray after bribery and favoritism; and he must have the wisdom and knowledge to judge properly. If he has blemishes in his character he is compared to a sacrifice with a physical blemish, and unacceptable as a judge (Sanhedrin 4:15). If he is drawn after bribery he is like an asheirah tree, which is referred to as a *to'eivah*, an abomination, an expression used in conjunction with a corrupt judge. And appointing a judge that lacks the necessary knowledge is likened to putting up a matzeivah, that the Torah describes as *sanui*, “hated by Hashem your God,” an expression used for a judge who renders incorrect decisions.

Further Learning

· For other explanations of the placement of asheirah in the midst of a discussion of the justice system see the Sforno, who observes that the Torah is here listing things that superficially seem okay, but are internally problematic. See also the long Targum (referred to as Yonatan in the printed Chumashim), Chizkuni (who offers a simple solution), the Baal Haturim (!!), and the Kli Yakar, who discusses at length this passage from the Midrash about Shlomo Hamelech's throne.

BACK TO BASICS BY RABBI SHAYA KARLINSKY

“Simplify, simplify.” “Back to Basics.” “The main thing is to keep the main thing the main thing.” These ideas are not just management mantras. They express some of the foundations of our spiritual “work” as we approach the Yamim Noraim, Rosh Hashana, Yom Kippur and Sukkot.

On Rosh Hashana we stand before G-d asking to be inscribed in the Book of Life for a good year. Our request

is not accompanied by repentance, but only by the sound of the shofar blasts. Preceding the sound of the shofar, we recite the blessing “*lishmoah kol shofar*,” to hear the voice of the shofar. How does the shofar play such a central role in bringing about a favorable judgment? And what is the meaning of the blessing we recite.

Kol, voice, is the primary element of *dibbur*, speech. While speech is the expression of an intellectual process, emanating from one’s thoughts, the voice, which precedes speech, is an expression of one’s fundamental being, emanating from the life-breath. In man’s creation, it was the “breath of G-d” that infused man with life (Breishit 2:7), and the sound of the shofar, made with no more than a breath, is the declaration that the Divine life force is our essence. The blowing of the shofar is to help us identify the source of our being, and if we succeed, we are confident that G-d’s judgment will be based on this essence, leading to a year of life and prosperity.

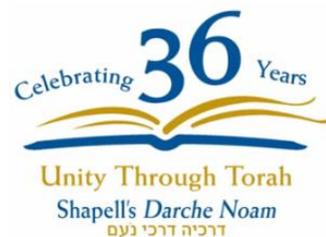
Yom Kippur is the day that we live a most simplified existence. Forgoing food and drink, the pursuit of physical and material pleasures, there is great equality and unity among all Jews. We break down the barriers that separate us from G-d, as well as from our fellow man. G-d sees that the essence of our existence is pure and holy. The repentance of Yom Kippur is a demonstration that our sins are caused by factors which are external and coincidental to our essence. Pursuit of worldly pleasures and possessions, social competition and interpersonal strife are all shown to be completely detached from our true selves. Standing before G-d in such a pure state enables Him to forgive the sins caused by these confounding forces.

While the details of simplification practiced on Yom Kippur are not sustainable in our daily lives, the process continues as we leave our permanent home to dwell in the Sukkah. The minimal protection it provides reminds us of the fragile nature of our existence in this world and our complete dependence on G-d. The Sukkah enables us to sharpen our perspective of what are our real necessities and what truly are the “main things” in our daily lives.

Binding together the *etrog*, *lulav*, *hadasim* and *aravot* symbolizes the fundamental unity of the Jewish people. Every Jew, even one lacking in Torah and mitzvot, is an inseparable part of the bond that unites all Jews. When we return to basics, every Jew is important, every Jew plays a role. Tishrei is the month in which we are judged by G-d, both individually and collectively. But it is also the month in which we judge ourselves. Throughout the month of Tishrei, our task is to return to fundamentals: to define what is truly important, create priorities, determine our goals and to realistically assess what means we have available to achieve these goals. May it be G-d’s will, that through our clarifying of the essence, we will all merit to be written and sealed in the Book of Life for a wonderful and productive year.

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We remember all of the soldiers, the kedoshim, z”l, who gave their lives defending the people of Israel and the land of Israel in operation Tzuk Eitan. יהי זכרם ברוך.
May Hashem send a speedy recovery to the wounded, יבל”ח, and בשורות טובות to all of Israel.
May He bless, protect, and bring success to all those striving to defend Israel.