

PORTION	DATE	HEB DATE	TORAH	NEVIIM	RENEWED
Shoftim	18 Aug. 2018	7 Elul 5778	Deut. 16:18-21:9	Isa. 51:12-52:12	John 14:9-20

This week's Torah portion starts with the qualification of *shoftim* (judges) "in all your gates" that they are to judge the people with righteous judgment. The Torah then describes how they are to judge against the accused. The Midrash questions the eligibility of judges. The immediate family of litigants are disqualified to judge as well as they are ineligible to testify as said, "The *ahvot* (fathers) shall not be put to death for the children, neither shall the children be put to death for the *ahvot*." (Deut. 24:16) The Gemara interprets: fathers shall not be executed because of the testimony of sons, and vice versa.<sup>1</sup>

Rabban Shimon ben Gamliel (10 BCE-70 CE) said: Do not make light of justice, for it is one of the three legs of the world: justice, truth, and on peace. Therefore, we are to be mindful of not perverting justice as "you can cause the world to shake<sup>2</sup> for it (justice) is one of the legs of Hashem's Throne of Glory. "Righteousness and justice are the foundation of Your throne." (Psa 85:15)

The Proverbs 6:6-8 says, "Go to the ant, you lazy one; consider her halachot, and be wise: They have no guide, overseer, or ruler, yet she; Provides her food in the and gathers her food in the harvest." The sages teach the ants has three stories in its home. They do not store food in the upper level because rain water might sip through, and lowest level because it might spoil the food.

The ants live for six months and consumes only one grain and a half of wheat, yet it works all summer long to gather food. The Midrash explains metaphorically, "Perhaps the Holy One, blessed is He, will decree more life for me, and by collecting all these foods I will have the provisions I need to eat."<sup>3</sup> The sages use ants as an analogy to explain what we need to do in our spiritual life.

The ant avoids storing its food on the ground floor, so should we avoid people whose conversation and opinions have been tainted by social normality. Instead our focus should be about retaining the Torah and mitzvot rather than damaging the purity of our outlook and behavior. Thus, we are to associate with people of same spirit and Torah wisdom, for their inspirations will solidify our faith further and add to our previous attainments.

The ant avoids the upper story, not because of some defect, but "because of rain" that might seep in from the outside. The threat of rain represents challenges or trials which Hashem has made a part of life to stimulate, educate, and refine His creatures. As we have discussed last week, the vessel has to be prepared for the trials to exalt or pull us down and destroy those who are not prepared. Thus, we are to prepare for "rain" by fortifying ourselves in advance with courage and faith needed to face the challenges that will come to us.

We are told that "the bribery blinds the eyes of the wise." (v. 19) The "bribery" which corresponds to *kelipot* obscures our prayers from ascending as the judgment is in the eyes. In other words, a person judges in accordance with how we see an issue. By taking the "bribe", our visions (judgment) is blemished. Therefore, our vision of living in obedience to Hashem's commandments are impaired. When that happens, we are liable to be distracted by foreign thoughts during prayer.<sup>4</sup>

<sup>1</sup> BT, Sanhedrin 27b

<sup>2</sup> The Midrash, Kleinman Edition, Shoftim, 5:1

<sup>3</sup> Ibid, 5:2

<sup>4</sup> Likutey Moharan I, 2:5

We know that a person's face has seven openings: two ears, two eyes, two nostrils, and one mouth. Since *Parashat Shoftim* is read around the beginning of the month of Elul, the month of repentance (*teshuvah*), we are to carefully judge and examine our motives during this month, and rectify any wrongdoing committed through these senses. For this reason, *tzadik* (צַדִּיק, justice; righteousness) is repeated twice in verse 20.

The Hebrew word for bribery is "*shochad*" (שֹׁחַד). The Gemara<sup>5</sup> teaches *shochad* derived from "*chad*" (חַד, one). Rashi explains that when a judge accepts a bribe from a litigant he becomes "one" with him and therefore can no longer judge objectively the argument of the other litigant.

How powerful is the bribery? It is so powerful that the bribery can influence the mind of a judge even when the money was placed unknowingly by the receiver. A Din-Torah once took place before Rabbi Avraham Yehoshua Heschel of Apta (Poland). One of the parties felt he was losing, so he asked for recess. While in the hallway, he saw Rabbi Heschel's coat and placed a sum of money in the pocket.

The trial then resumed. The Rabbi, who up until now was beginning to formulate a certain opinion, suddenly began to change his line of thought. Puzzled, he called a recess to think over this matter. He prayed to Hashem that he be blessed with the proper wisdom to see the truth. A few days later, while he was putting on his coat, he felt a bundle in his pocket. When he pulled it out, it was a bundle of money one of the litigants placed in his coat without his knowledge. He exclaimed, "Now I understand what happened to me. A bribe is so powerful that even though it was given to me without my knowledge it had an effect on my thinking." Thus, the Torah is telling us that even though the judge may be righteous and would not accept a bribe, a bribe given to him, even without his knowledge, may pervert his judgment.

A bribe does not just come only in the form of money. It can be gifts to the affected, or their family members, or a promissory note, political positions, etc. It does not have to be physical bribery. It can even be words whether it is true or not can affect our thought process. That is why our Messiah, Yeshua said, "Let yes be yes, and no be no." He elaborates, "For whatever is more than these is from the evil one." (Matt. 5:37)

Therefore, a judge is compared to an idolatrous tree. (v. 21) The idol is not difficult to recognize when it is carved or chiseled image, but an idolatrous tree looks the same as all other trees. So, while a judge may look same outside, he is rotten inside.

A righteous judge is one who has a mind of his own. He is not influenced by others nor deviates from the Torah teaching. Whereas a dishonest judge is one who permits himself to be easily influenced by those around him as such he is compared to a tree since he bends and sways to all sides in the wind to further his interests.

"According to the Torah that they will teach you." (Deut. 17:11) There are two types of intellect: immanent and transcendental. Immanent means "natural part of" and "unknowable" for the latter. We understand the Torah through its study and it becomes part of us. Whereas "transcendental" is beyond our understanding at present time. Thus, we are to pray to Hashem for the understanding as it represents higher, hidden level.

So, the meaning of "right and left" is as follows: The Zohar teaches that righteous judgment corresponds to the *sefirah* of *Tiferet*, the center pillar between *Chesed* (kindness) and *Gevurah* (strength). Therefore, the righteous judge walks the middle path (*Tiferet*) which enables him to attain clear judgment.<sup>6</sup>

<sup>5</sup> BT, Ketubot 105b

<sup>6</sup> Likutey Moharan, I, 61:1

Rabbi Nachman taught that we are to avoid deviating “to the right or to the left” as it refers to the extremes a person can adopt in his spiritual devotion. Therefore, we are to avoid being overly lenient, (“right”) or overly stringent (“left”).

The Midrash relates that King Solomon kept six laws foremost in mind when he ascended to his throne of judgement. For it is said, “there were six steps to the throne.” (1 Kings 10:19) Each time King Solomon ascended to his throne, a herald would cry out each law for every step King Solomon took. These prohibitions also applied to judges or officers when they were appointed. They are:

1. You shall not pervert judgment.
2. You shall not respect someone’s presence.
3. You shall not accept a bribe. (Deut. 16:19)
4. You shall not plant for yourself a tree of idolatry. (ibid, v. 21)
5. You shall not erect for yourself a pillar. (ibid, v. 22)
6. You shall not slaughter for Hashem, your Elohim, an ox or a lamb or kid with a blemish. (17:1)

The above prohibitions are self-explanatory, except number four. “You shall not plant yourself an Asherah of any kind of tree beside the altar of YHWH your Elohim, which you shall make yourself.” (v. 21) The prohibition against planting an Asherah tree next to the altar prohibits the practice of idolatry worship. The deeper meaning: the altar represents the pure service to Hashem. The verdant and flourishing Asherah tree represents the pursuit of happiness through worldly success and material wealth.

The word “Asherah” (אֲשֵׁרָה) is related to “Osher” (אֲשֵׁר) which means “happiness, content, bliss.” One must see in his service to Hashem the sum and substance of his quest for true happiness. To place other pursuits close to Hashem’s altar is tantamount to *avodah zarah* (“foreign worship” meaning “idolatry” or “strange worship”). The word *avodah zarah* caused so much conflict with Christianity with heavy censorship. To understand why, we need to learn how the Talmud is structured. See below.<sup>7</sup>

“When you are come to the land that YHWH your Elohim gives you, and shall possess it, and shall dwell in it, and shall say, I will set a *melech* (king) over me, like all the nations that are around me.” (Deut. 17:14) We can see from this verse Hashem was not objecting to the establishment of a king. If that is the case, why was Samuel so upset when the people came to him and demanded a king? (1 Sam. 8:6-9)

Samuel realized when the people said, “make us a *melech* to judge us like all the pagan nations”, that they wanted to be ruled by secular and not Torah law. They desired to emulate the nations of the world which provoked Samuel’s anger.

Another explanation, the people came to Samuel and said, “You are old.” (1 Sam 8:5) Samuel was 52 years old when he died. So, it cannot be of his age. Rather, Samuel felt that they (the people) considered the ideas and ideals for which he stood “old”, and this angered him. Thus, Hashem said, “for they have not rejected you, but they have rejected Me, that I should not reign over them. (1 Sam. 8:7)

<sup>7</sup> [https://en.wikipedia.org/wiki/Avodah\\_Zarah](https://en.wikipedia.org/wiki/Avodah_Zarah)

The Six Orders of the Mishnah (ששה סדרי משנה)

<u>Zeraim</u> (Seeds) (זרעים)	<u>Moed</u> (Festival) (מועד)	<u>Nashim</u> (Women) (נשים)	<u>Nezikin</u> (Damages) (נזיקין)	<u>Kodashim</u> (Holies) (קדשים)	<u>Tohorot</u> (Purities) (טהרות)
<ul style="list-style-type: none"> <li><a href="#">Berakhot</a></li> <li><a href="#">Pe'ah</a></li> <li><a href="#">Demai</a></li> <li><a href="#">Kil'ayim</a></li> <li><a href="#">Shevi'it</a></li> <li><a href="#">Terumot</a></li> <li><a href="#">Ma'aserot</a></li> <li><a href="#">Ma'aser Sheni</a></li> <li><a href="#">Hallah</a></li> <li><a href="#">Orlah</a></li> <li><a href="#">Bikkurim</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Shabbat</a></li> <li><a href="#">Eruvin</a></li> <li><a href="#">Pesahim</a></li> <li><a href="#">Shekalim</a></li> <li><a href="#">Yoma</a></li> <li><a href="#">Sukkah</a></li> <li><a href="#">Beitza</a></li> <li><a href="#">Rosh Hashanah</a></li> <li><a href="#">Ta'anit</a></li> <li><a href="#">Megillah</a></li> <li><a href="#">Mo'ed Katan</a></li> <li><a href="#">Hagigah</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Yevamot</a></li> <li><a href="#">Ketubot</a></li> <li><a href="#">Nedarim</a></li> <li><a href="#">Nazir</a></li> <li><a href="#">Sotah</a></li> <li><a href="#">Gittin</a></li> <li><a href="#">Kiddushin</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Bava Kamma</a></li> <li><a href="#">Bava Metzia</a></li> <li><a href="#">Bava Batra</a></li> <li><a href="#">Sanhedrin</a></li> <li><a href="#">Makkot</a></li> <li><a href="#">Shevu'ot</a></li> <li><a href="#">Eduyot</a></li> <li><a href="#">Avodah Zarah</a></li> <li><a href="#">Avot</a></li> <li><a href="#">Horayot</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Zevahim</a></li> <li><a href="#">Menahot</a></li> <li><a href="#">Hullin</a></li> <li><a href="#">Bekhorot</a></li> <li><a href="#">Arakhin</a></li> <li><a href="#">Temurah</a></li> <li><a href="#">Keritot</a></li> <li><a href="#">Me'ilah</a></li> <li><a href="#">Tamid</a></li> <li><a href="#">Middot</a></li> <li><a href="#">Kinnim</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Keilim</a></li> <li><a href="#">Oholot</a></li> <li><a href="#">Nega'im</a></li> <li><a href="#">Parah</a></li> <li><a href="#">Tohorot</a></li> <li><a href="#">Mikva'ot</a></li> <li><a href="#">Niddah</a></li> <li><a href="#">Makhshirin</a></li> <li><a href="#">Zavim</a></li> <li><a href="#">Tevul Yom</a></li> <li><a href="#">Yadayim</a></li> <li><a href="#">Uktzim</a></li> </ul>