**S.A.L.T. – PARASHAT SHOFTIM**

**By Rav David Silverberg**

Motzaei Shabbat

The Torah in Parashat Shoftim addresses the situation of a difficult legal or halachic question which arises that requires special scholarly expertise, and it requires bringing the question to “*ha-shofeit asher yiheyeh ba-yamim ha-heim*” – “the judge who will be at that time” (17:9). Rashi, citing the Gemara (Rosh Hashanah 25b), famously comments on this verse, “Even if he is not like the judges who preceded him – you must obey him; you have only the judge of your time.” The Torah here, as understood by the Gemara, stresses the need to consult with the scholars of the time even if their stature pales in comparison to that of earlier sages, because “you have only the judge of your time.” Somebody might consider it preferable to leave his difficult questions unanswered than to seek the advice of the generation’s leading scholars whom he considers second-rate. The Torah instructs that one should seek the counsel of the generation’s scholars regardless of how they compare to the scholars of old.

Rav Michael Peretz, in his [*Ohalei Sheim* commentary](http://hebrewbooks.org/pdfpager.aspx?req=54044&st=&pgnum=121), notes that this law would apply even if, hypothetically, one had the possibility of seeking the counsel of sages of earlier generations. He draws proof from the famous story told in Maskhet Ta’anit (23a) of Choni Ha-me’ageil, who slept for seventy years, and upon awakening, went to his yeshiva and heard the scholars reminiscing about Choni’s brilliance. They spoke longingly about the time many decades earlier when Choni would resolve even the most difficult questions that arose. Choni identified himself, but the people in the yeshiva did not believe that he was actually Choni. Rav Peretz notes that Choni did not try to convince the scholars of his identity by sharing with them brilliant Torah insights and answering their questions as he had done seventy years prior. Evidently, Choni perceived that the insights he arrived at seventy years earlier would not be accepted at that time. Every generation requires guidance and teaching from its scholars, and thus Choni’s method which he successfully utilized in the yeshiva seventy years earlier would not have worked when he returned to the yeshiva. (This point is also made by Rav Chaim Shmuelevitz, in *Sichot Mussar*.) This demonstrates that even if one could somehow access the guidance and instruction of the towering scholars of earlier generation, he should instead bring his question to the sages of his time, because each generation’s scholars are the ones best-suited to address that generation’s questions.

Rav Peretz adds that this concept is relevant not only to the question of halakhic decision-making, but to religious life generally. Some people might decide not to bother to pursue spiritual excellence, figuring that the conditions of modern-day life simply do not allow for it. Like the person foreseen by the Gemara, who prefers living in uncertainty rather than bring his questions to the “substandard” scholars of the time, people might fall into despair rather than work to achieve the most they can under their current conditions, which do not allow for the excellence achieved by our predecessors. But just as we must consult with the best scholars available even if their standards fall short of those of earlier sages, similarly, we must strive for the highest levels we can even if we feel we cannot achieve the kind of levels which could be reached under more ideal circumstances. Our goal must be to maximize our potential and do the best we can under our current conditions, as imperfect and less-than-ideal as those conditions might be.

Sunday

The Torah in Parashat Shoftim outlines the procedure that would be followed when *Benei Yisrael* went out to battle, including the address delivered before battle by the *kohen* especially assigned to the role of accompanying the soldiers (the *kohen mashuach milchama*). The *kohen* would announce exemptions from battle for certain groups of people, after first reassuring the soldiers that they had nothing to fear, as God would be assisting them in battle. He would begin his address with the words “*Shema Yisrael”* (“Hear, O Israel” – 20:3), which the Gemara in Masekhet Sota (42a), cited by Rashi, sees as an allusion to the daily *Shema* recitation. The Gemara explains that the *kohen* would tell the soldiers, in Rashi’s words, “Even if you have with you only the merit of the *Shema* recitation, you are worthy of His saving you.” The soldiers were assured that the merit of the *mitzva* of *Shema* itself made them deserving of victory.

A number of writers raised the question of whether this comment – which the Gemara cites in the name of Rabbi Shimon bar Yochai – can be reconciled with the view of Rabbi Yossi Ha-gelili cited by the Mishna later in Masekhet Sota (44a). The Mishna there discusses the exemption announced by the *kohen* for soldiers who feel frightened (20:8). Whereas Rabbi Akiva followed the simple meaning of the text, that this refers to people who are scared of battle, Rabbi Yossi Ha-gelili maintained that this refers to those who are afraid because of sins which they have committed. The implication, seemingly, is that people who are guilty of misdeeds are undeserving of God’s protection on the battlefield, and must therefore not participate in battle. At first glance, then, Rabbi Yossi Ha-gelili disputes Rabbi Shimon bar Yochai’s claim that even the daily recitation of *Shema* provides soldiers with sufficient merit to earn divine protection in battle.

In truth, however, these two passages are not at all in conflict with one another. Rabbi Yossi Ha-gelili did not say that a soldier guilty of sins does not earn God’s protection, but rather than one who is afraid that he might not earn God’s protection due to his misdeeds is sent home. Rabbi Yossi might very likely agree with Rabbi Shimon’s claim that the merit of the *Shema* recitation suffices to guarantee the soldier protection, but he requires that the soldiers be aware of this fact. They are to realize that twice each day, regardless of what mistakes they may have made, they have the opportunity to formally declare their subservience to the Almighty – “*kabbalat ol malkhut Shamayim*” – through the recitation of *Shema*, recommitting themselves to His authority and rule. The *Shema* recitation is, in a sense, a declaration of *teshuva*, in that we proclaim that although we may have violated God’s will in the past, we are now affirming our unwavering allegiance to His will. And thus the merit of the heartfelt recitation of *Shema* suffices to protect the soldiers in battle, as it constitutes a declaration of loyalty and expresses the fervent commitment to move past the mistakes of the past and live in sincere, wholehearted devotion to the Almighty’s will.

(See Rav Michael Peretz’s [*Ohalei Sheim*](http://hebrewbooks.org/pdfpager.aspx?req=54044&st=&pgnum=133))

Monday

Parashat Shoftim concludes with the command of *egla arufa*, the special ceremony that is required in the event of a murder victim that is found outside a city. The leaders of the closest city to the scene of the murder were required to kill a young calf and declare their innocence, in order to earn atonement. This section concludes, “And you shall eliminate the innocent blood from your midst when you do what is just in the eyes of the Lord” (21:9).

Rashi, based on the Gemara in Masekhet Sota (47b), explains the phrase “And you shall eliminate the innocent blood from your midst” as a command to prosecute and punish the murderer if he is found after the *egla arufa* ritual. Although the people earn atonement for the crime by conducting this ritual, it does not absolve them of the need to take strong action against the killer if and when he is identified and found. Rashi adds that the Torah concludes this verse by saying, “when you do what is just in the eyes of the Lord” to emphasize that punishing the killer even after performing the *egla arufa* ceremony is the “just” thing to do. Apparently, according to Rashi’s interpretation, one might have figured that finding and punishing the killer is unnecessary, and hence inappropriate, and so the Torah stresses that this is, in fact, the proper course of action.

Ibn Ezra, however, explains this verse differently. Invoking the famous rabbinic adage, “*Sekhar mitzva mitzva*” – the reward for a *mitzva* is another *mitzva*; meaning, one *mitzva* leads to another (Avot 4:2) – Ibn Ezra interprets the verse to mean that when we “do what is just in the eyes of the Lord” (“*ki ta’aseh ha-yashar be-einei Hashem*”),we will then succeed in “eliminating innocent blood from your midst.” By acting properly in a general sense, we will be rewarded with the elimination of murder and violent crime.

Rav Shmuel Betzalel commenting in his *Be-fi Yesharim* on Ibn Ezra’s interpretation of the verse, notes that the phrase “*ki ta’aseh ha-yashar be-einei Hashem*” most likely refers to decency in interpersonal relations. A similar phrase appears earlier in Sefer Devarim (6:18), when the Torah famously commands, “*Ve-asita ha-yashar ve-ha’tov be-einei Hashem*,” a verse that has been explained as a reference to “*li-fnim mi-shurat ha-din*” – the requirement to extend beyond the strict letter of the law and forego what one can rightfully claim, for the sake of consideration to other people. (See also the Ramban’s well-known comments on that verse.) It emerges, then, that according to Ibn Ezra’s understanding of this verse, the Torah is telling us that by acting decently and sensitively towards other people, we “eliminate innocent blood” – we help prevent violent crime. The kindness and consideration we each show one another in our ordinary, day-to-day affairs yields a ripple effect of sorts, helping to spread goodwill and sensitivity throughout our society, thus diminishing hatred and violence. According to Ibn Ezra, then, the Torah here instructs that when a crime occurs, our response and quest for atonement must include redoubling our efforts to “do what is just in the eyes of the Lord,” to live with sensitivity and consideration to our fellowman.

Tuesday

The final verses of Parashat Shoftim discuss the *egla arufa* ritual which would be performed when a murder victim was discovered outside a city, and the killer was not found. Among the more starting, and seemingly peculiar, sources relevant to the law of *egla arufa* is a comment of *Targum Yonatan ben Uziel* (21:8) describing what would happen subsequent to this ritual. *Targum Yonatan* writes that after the town’s leaders fulfilled their *egla arufa* obligations, which include the killing of a calf for atonement, a swarm of worms would emerge from the mouth of the carcass, and the worms would crawl from the site of the *egla arufa* until the home of the murderer, thereby miraculously solving the crime and identifying the criminal.

How might we explain this strange description?

*Targum Yonatan*’s comments perhaps provide a source for the controversial position of the Rambam, in his *Guide for the Perplexed* (3:40), in explaining the reason and purpose of the *egla arufa* ceremony. The Rambam writes, quite simply, that the *mitzva* is intended to help find the killer so he could be brought to justice. The entire procedure, starting with the measurements made to determine the closest town to the scene of the crime, which was performed by the nation’s leading sages (Rashi to 21:2, based on the Gemara), would, invariably, create a stir. It would cause people to start talking about the crime, thereby spreading awareness and generating discussion. This “buzz” would, in turn, generate interest in the case and trigger a flow of information which would help the authorities solve the mystery and find the killer. (The Ramban, in his commentary here in Parashat Shoftim, takes issue with the Rambam’s explanation. See Professor Nechama Leibowitz’s comprehensive discussion in her *Studies in Devarim*, pp. 201-208.)

Quite possibly, the Midrashic tradition that appears in *Targum Yonatan* graphically expresses this process. The image of the calf’s mouth spewing forth insects that lead to the killer’s home allegorically represents the desired result of the *egla arufa* ceremony – conversation and the spread of awareness, which will, gradually, lead to the uncovering of the murderer’s identity.

The question, however, remains, why did *Targum Yonatan* use such a repulsive image – worms crawling from a carcass – to illustrate this effect of the *egla arufa* ceremony? Why is the process of the spread of information and awareness depicted in such grotesque terms?

The answer, perhaps, is that indeed, talking about such matters is unpleasant and grotesque. We would much prefer keeping the public discourse free of ugly elements, and to speak only of pure, happy, uplifting and inspirational topics. Our natural tendency is to keep the “mouth” of the “carcass” closed, to remain silent about the disturbing events taking place in our communities and among the Jewish People. *Chazal* recognized that these topics are like vermin, something we instinctively detest and seek to avoid. They teach us, however, that we must, for our own good, have the “worms” flow forth, and encourage respectful and productive conversation about the distressing problems that we face and how to best confront them. The only way we will discover the “killer,” and succeed in eliminating crime and impropriety from our midst, is by having the uncomfortable conversations – in a respectful, dignified manner – in order to spread awareness and information.

Wednesday

The Torah in Parashat Shoftim commands, “Do not plant for yourself an *asheira* or any tree near the altar of the Lord your God” (16:21). Rashi explains, based on the *Sifrei*, that the Torah here introduces a prohibition against planting trees or building structures in the area of the Temple Mount. Significantly, however, although this prohibition applies to all trees and structures, the Torah makes specific mention here of the *asheira*, a tree that was served as an idolatrous object by the ancient pagans. How might we explain this formulation of the command, forbidding planting an *asheira* tree alongside the altar in the Temple courtyard?

Rav Zev Chaim Lifshitz, in his *Zachalti Va-ira* (Parashat Shoftim), suggests that the Torah is subtly warning against transforming the altar, the site where we offer sacrifices, into an *asheira* – an object of idolatrous worship. If we ascribe magical powers to our religious articles, such as the altar, then we have, essentially, turned it into an object of idolatrous worship. The altar is a place where we sacrifice, where we express our submission to God’s will and our willingness to sacrifice our own wishes for His sake. If we view the altar, or any other religious object, as a magical instrument which mystically erases our sins or helps us attain what we want, then we engage in what is, essentially, pagan worship.

Rav Lifshitz explains in a similar vein Rashi’s comments to the concluding verse of Parashat Shoftim, regarding the *egla arufa* ritual which was performed after a murder victim was found outside a city. Rashi explains the final verse as instructing that if the murderer is identified after the ceremony is performed, he must stand trial and, if found guilty, executed. Apparently, one might have otherwise figured that once the *egla arufa* ritual has been performed, the case is closed, so-to-speak, and nothing more needs to be done in response to this terrible crime. The Torah therefore clarifies that the killer must be brought to justice even after the *egla arufa* procedure. The basis for this mistaken notion, Rav Lifshitz explains, is a “magical” perspective on the Torah’s ritual laws. If we approach the *egla arufa* with this sort of mystical mindset, then we will, indeed, conclude that this ceremony magically cures the societal ill which resulted in a heinous crime, such that no further action is needed. The Torah therefore reminds us not to turn the Torah’s laws into an “*asheira*,” into a variation of pagan ritual. As vitally important as our ritual obligations are, they in no way take the place of the hard work needed to refine our characters and build an ethical, moral society.

Thursday

The Torah in Parashat Shoftim introduces the prohibition against erecting a *matzeiva* (“monument” – 16:22). Rashi explains this prohibition as referring to an altar made of just one stone, as opposed to altars made of numerous stones. Avraham, Yitzchak and Yaakov erected and sacrificed on altars made of one stone, Rashi writes, but this had since become a fixture of pagan ritual, and the Torah therefore prohibited erecting or using such altars.

The Rambam, however, explains this prohibition much differently. He writes in Hilkhot Avodat Kokhavim (6:6) that the Torah here forbids “a structure near which everybody assembles, even to serve God.” Such structures are forbidden, the Rambam writes, because this type of gathering was common among the ancient pagans. According to the Rambam, then, this prohibition refers to any structure used for religious gatherings, regardless of how many stones it is made from, and whether or not it is used for sacrifices.

A number of scholars, including Rav Kook (*Tov Ro’i*) and the Maharil Diskin (Parashat Shoftim), understood the Rambam as drawing a distinction between gatherings held inside buildings, and gatherings held alongside structures. Synagogues, quite obviously, are allowed (and, of course, required) because the religious gatherings are held inside them. A *matzeiva* which the Torah forbids is a structure around which people assemble, as opposed to a structure within which people assemble. (This point is also made by Rav Kook’s son, Rav Tzvi Yehuda Kook, in *Meorot HaRav Tzvi Yehuda*, vol. 1, p. 356.)

An interesting contemporary halakhic question that arises in this regard relates to the building of memorial monuments where gatherings are often held in honor of a deceased person or deceased persons. At first glance, it would appear that according to the Rambam’s view, such structures meet the definition of “*matzeiva*” and should thus be forbidden. Indeed, Rav Moshe Sternbuch, in his *Ta’am Va-da’at* (Parashat Shoftim) and in his *Da’at U-machashava* (Hilkhot Avodat Kokhavim), strictly forbids such monuments, asserting that they constitute an “*issur chamur*” (“grave prohibition”), and that this practice has its origins in other faiths and may not be observed according to Torah law.

Others, however, disagree. Rav Yehuda Leib Tsirelson *Hy”d*, in his *Ma’arkhei Leiv* (42), was asked by the Jewish community in Carlsberg about the permissibility of erecting a monument in memory of their fallen youth, and he ruled that this was allowed. He notes in his responsum that, first and foremost, several *Rishonim* – in addition to Rashi – disagree with the Rambam’s definition of “*matzeiva*,” and maintain that a structure is included under this prohibition only if it is made for sacrificial worship. According to their position, a memorial structure, which serves no religious purpose, is certainly allowed. Moreover, Rav Tsirelson writes, even the Rambam would forbid a structure only if it serves some form of religious purpose, which is not the case with monuments erected to memorialize the deceased.

Rav Tsirelson briefly adds also another factor, namely, that no nation today uses monuments for religious practices as was done by the ancient pagans. Rav Yitzchak Weiss, in a responsum on the subject printed in his [*Minchat Yitzchak* (1:29)](http://hebrewbooks.org/pdfpager.aspx?req=1597&st=&pgnum=77), understands Rav Tsirelson’s comment to mean that the prohibition against erecting a *matzeiva* is inherently contingent upon the concern that it might appear or be misconstrued as a site of pagan worship, such that this law does not apply when monuments are not used for foreign worship. Rav Weiss suggests drawing support for this theory from the fact that the *Shulchan Arukh* makes no mention of this prohibition (an omission noted also by Rav Sternbuch, in the sources cited earlier). The *Shulchan Arukh* evidently felt that this law does not apply nowadays, perhaps for the reason indicated by Rav Tsirelson. Rav Weiss immediately adds, however, that this consideration alone would not be sufficient to permit monuments, as the *Sefer Ha-chinukh* (493) writes explicitly that the prohibition against erecting a “*matzeiva*” applies in all historical periods.

Regardless, Rav Weiss concurs with Rav Tsirelson’s ruling and concludes that erecting memorial monuments is, in fact, permissible.

Friday

The Torah in Parashat Shoftim (19:14) introduces the prohibition of “*hasagat gevul*,” infringing upon another person’s territory, commanding, “Do not move your fellow’s boundary set by those of earlier times.” Rashi explains that although stealing a neighbor’s property falls under the general prohibition of theft, such that an additional warning might seem superfluous, the Torah here speaks of moving a boundary marker in *Eretz Yisrael*, where seizing a neighbor’s territory thus violates two Biblical transgressions.

An intriguing Chassidic reading of this verse is offered by Rav Moshe Chaim Ephraim of Sudilkov (grandson of the Ba’al Shem Tov), in his *Degel Machaneh Efrayim*. He writes that the “fellow” mentioned in this verse can actually refer to the Almighty Himself. The “*rishonim*” (“those of earlier times”), the *Degel Machaneh Efrayim* explains, are the saintly patriarchs, who extended God’s boundary, so-to-speak, by bringing the *Shekhina* down into this world. Through their piety and their efforts to spread the belief in God, they effectively brought God into our world, whereas previously He was confined, as it were, to the heavens, as people were unaware or not mindful of His existence. The Torah here warns us not the push the boundary back away from this earth through our improper conduct. Our righteous predecessors worked tirelessly to bring the *Shekhina* into our world, and it is our responsibility to ensure that it remains in our world.

The message of this Chassidic insight is that the entire world, and our entire lives, are within God’s “rightful boundaries,” so-to-speak. He belongs everywhere in our lives, and not only in specific settings or contexts. Sometimes, we might make the mistake of moving the “boundary” away from certain areas of life – such as our social lives, our family lives, our professional lives, or our recreational activities. We might think that we can restrict religion to some areas and settings but not others. The *Degel Machaneh Efrayim* teaches us that doing so infringes upon God’s territory, as though moving the boundary line into our neighbor’s property to unlawfully expand our own property. We must acknowledge God’s authority over, and the Torah’s relevance to, each and every area of our lives, whether it’s in the synagogue, the home, the workplace or a leisurely trip, and we must never try to keep the Almighty away from any piece of His rightful “territory” in our world.

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