

# The Parameters of Choice & G-d's Love for His Children

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# The Parameters of Choice & G-d's Love for His Children

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### Eliminating Distortion Via The Arbiters of Truth

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1. The Rabbinic courts present their query to the High Court of Israel when they have an irresolvable halachic issue.
2. Once The High Court offers clarification or rules on the issue all courts are bound to their ruling.
3. One is forbidden to deviate from the ruling.
4. Even If their ruling seems to be preposterous all are bound.
5. *Rambam* in Laws Of Repentance: As there is illness of the body there is illness of the soul.
6. The Prophet before the destruction of the First Temple says, "They refer to light as darkness and darkness as light."
7. Their understanding of truth was totally distorted.
8. The High Court of Israel is referred to as the eyes of the people.
9. *Malbim*: When G-d created Man, He situated the eyes on the highest part of the body to maximize on his ability to see.
10. The Sages of the Jewish people are likened to the eyes of the people.
11. They see and perceive what the ordinary person does not.
12. If they tell you that your left is your right, it is only due to your distortion of truth that you see it as your left.

### Unswerving, Despite Life's Vicissitudes

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1. There is a Positive Commandment to be wholly faithful with G-d.
2. The nations seek out soothsayers and other mediums to know future events.
3. *Gemara*: A Jew must bless G-d whether he experiences good fortune or the contrary.
4. *Ramchal*: G-d created man to be a beneficiary of the ultimate good.
5. If one is able to internalize this reality, one will be able to weather the storms of life.
6. One will be fully trusting, not needing to know what tomorrow will bring.
7. G-d gave us prophets to inform and guide us in our lives.
8. Today, we no longer have prophets; we are guided and directed by the Torah itself.



## Weekly Torah Commentary Series: Shoftim



### The Parameters of Choice & G-d's Love for His Children

#### Limiting One's Choice

*Torah:* "Judges and officers shall you appoint in all your cities..." The *Torah* is telling us that there is a Positive Commandment that every Jewish community must have a court of qualified judges and law enforcers to carry out their decisions.

*Mishna* in Tractate *Sanhedrin*: If a community is comprised of as few as 120 Jews it must have a rabbinical court.

*Chazal:* The Jewish court (*bais din*) to which the verse is referring is comprised of twenty-three qualified judges. This court is known as the *Sanhedrin Ketana* (Lesser Court). In order for a judge to be qualified to sit on court that can render capital punishment, lashes, and monetary penalties he must possess an ordination that could be traced through an unbroken chain back to *Moshe Rabbeinu*. Meaning, each judge was ordained by another judge who could trace his ordination back to *Moshe*.

The Lesser Court was as qualified to render judgment as the High Court of Israel which was known as the *Sanhedrin Gedolah*. In addition to establishing a *Sanhedrin*, there must be law enforcers to enforce the verdicts and decisions that were rendered by the court. The law enforcers (*shotrim*) are referred to as those individuals who are the tools for enforcing the law.

The discerning characteristic that distinguishes between the human being and an animal is the ability to make choices. The animal's function is solely based on instinct, while the human being, although functions to some degree by instinct, his primary basis for his actions are through his own choices.

*Rambam* in *Laws of Repentance*: It is because man has the ability to choose of his own free will to do right or wrong, he is deserving of reward or culpable for punishment. If one chooses to act properly, one deserves to be rewarded because it was his initiative that brought about that positive result. However, if he

chooses to transgress, one deserves to be punished because the transgression is a result of one not choosing to suppress his evil inclination.

If the primary purpose of man is to function within a context of choice, one would think that establishing an infrastructure within the Jewish people of judges and enforcers, it would greatly limit one's free choice to transgress. Understanding and appreciating the severe consequences of one's negative behavior, that can bring about corporal punishment, a rational or responsible individual would not consider for a moment to transgress.

For example, if one were to be forewarned not to eat meat that was not Kosher and he deliberately chooses to eat an amount that is minimally the volume of an olive, he is subject to thirty-nine lashes. In order for one to recover from this ordeal, one may need many years to recover from the physical effect of being lashed by the court. In addition, there are many other areas that the *Torah* does not address but are nevertheless governed by Rabbinic enactments, known as "fences", which also result in severe punishment or consequences if they should be violated. If this is the infrastructure that is set forth for every Jewish community, how can one truly exercise his free will? Seemingly, one has no choice but to follow the dictate of the *Torah*.

*Chinuch*: Regarding every revealed miracle that G-d had brought about during the Exodus, including the plagues and the splitting of the Sea, He provided a way for one to deny that it was the His. In order to maintain free choice, G-d allowed one to chose to believe that these acts were not miracles but rather acts of nature. For example, the *Torah* states regarding the splitting of the Sea, "and Hashem moved the sea with a strong east wind all the night..." If one wanted to deny that the splitting of the Sea was a miracle, one could attribute it to the strong wind that blew the entire night. If G-d wants one to retain his free choice, how do we reconcile this with the pervasive infrastructure of the judicial system and law enforcers that govern the lives of every Jew?

*Torah*: "Moshe said to the Jewish people, 'You are children of Hashem, your G-d...'" A Jew is considered to be the child of G-d. Just as a father limits the choices that are available to his son, so that he should not bring harm upon himself, so too does G-d limit the extent of choices that are available to the Jew. Thus, G-d does

not want a Jew to behave in a depraved manner or live a life that is devoid of spirituality. He wants the Jew to retain his spiritual profile which is something that has a semblance of the "image of G-d." The *Torah* does not want the Jew to have a choice to live as an intellectual animal as a result of extreme levels of transgression.

The context of choice in which G-d wants the Jew to live is as one who functions within the parameters of the *Torah*. The choices that G-d provides in this context is not if one performs the *mitzvah* or not, but rather does one choose to perform the *mitzvah* for the sake of G-d (*l'shmah*) or with an ulterior motive (*shelo l'shmah*). The parameters that were set by the *Torah* circumscribes the Jew to advance or regress. Regardless of how a Jew performs, he will retain his status as a Jew. The safeguard to maintain the Jewish people, as a spiritual people, is through the *mitzvah* of establishing judges and law enforcers in every community.

## The Qualification of a Sanhedrin

*Torah*: "Judges and officers shall you appoint in all your cities..."

*Midrash*: "A judge must be strong-armed and fortified (*baalei zeroah*) in good deeds. As it states, 'Moshe chose men (*anshei chayil*) who were strong in *Torah*, good deeds, and fortitude (*gevurah*)...' 'A judge must be beyond reproach in his personal conduct so that no one could be critical of him. His personal conduct should be consistent with his position as judge of the Jewish people.

*Midrash*: "As the *Torah* tells us, that although Moshe was selflessly dedicated to the Jewish people he did not benefit from communal assets, when he acted on their behalf. As it states, 'I did not benefit from them. I did not even take one donkey from them...' This was so that no one should have a claim that he, as leader of the Jewish people, had benefit from them. He was above reproach, so too must the judges be above reproach."

*Midrash*: Regarding the qualifications of a judge, the verse states, "Moshe chose men (*anshei chayil*) who were strong in *Torah*, good deeds, and fortitude/strength (*gevurah*)..." What is the meaning of one who has fortitude/strength (*gevurah*)?

*Mishna in Ethics of our Fathers*: "Who is the strong one? It is the one who subdues his inclination." One who has

strength (*gevurah*) because of his self-control dictates his own life. His desires and needs do not control him.

*Gemara* in Tractate *Berachos* citing a verse from *Yeshiya*: “‘Listen to me those who have strong hearts, those who are distant from charity.’ To who is this referring? (One opinion in the *Gemara* states) The entire world is sustained through G-d’s charity. But they (who have strong hearts) are sustained through their own arm/initiative.”

*Rashi*: “All the world is sustained through G-d’s charity and kindness because they do not have sufficient merit to sustain themselves. However, those who are strong armed, the devoutly righteous (*baalei zeroah*) are distant from the charity of G-d because they can sustain themselves through their own merits (*mitzvos*).”

*Midrash*: In order for one to be qualified to be a judge, he must be “strong-armed and fortified (*baalei zeroa*). Meaning, for one to be qualified to be a judge one must be devoutly righteous. Thus, he is able to sustain himself through his own initiative. One is only able to merit this ability if he is strong in *Torah* and good deeds (*anshei chayil*).

*Gemara* in Tractate *Shabbos* citing Proverbs: “‘Length of days to the right (*yaminah*) and to the left (*l’smaula*) is wealth and honor...’ ‘Length of days to the right’ is referring to those who perform *mitzvos* for their own sake (*l’shmah*). They are the ones who merit eternal longevity in the world to come. In contrast, those who perform the *mitzvos* with their left hand (*masmeelim*) in an awkward manner (similar to a right-handed person who uses his left hand), merit wealth and honor (which is material reward).”

One who is driven and motivated by his own needs and desires is one who values the material. The objective is not to do the Will of G-d, but rather it is based on self-interest. Because his performance is devoid of spirituality, his reward is manifest in the material. Thus, G-d rewards him with material success. However, the one who performs *mitzvos* selflessly, for their own sake, he merits spiritual reward which is longevity in the world to come.

The one who performs *mitzvos* for their own sake (*l’shmah*) does not allow his own self-interest to interfere with the objective in which the *mitzvah* is meant to be performed. The individual who performs the *mitzvah* for its own sake, has relevance to truth,

which is the essence and purpose of the *mitzvah*. In contrast, the one who is motivated by self-interest, his *mitzvos* are lacking in truthfulness.

*Torah*: “G-d Convenes within the congregation of G-d (*Elokeem netzav baadas Keil*).” As a human being, even one who is proficient in *Torah* is not infallible and thus subject to error. However, the court that meets all of the criteria that is set forth by the *Torah* merits a special Divine Assistance. When the judges convene and adjudicate their rulings it is with the assistance of G-d. The only court that has relevance to G-d’s Presence is a court that is rooted in truth. As it states, “the signet of G-d is truth.”

When one performs a *mitzvah* for its own sake, he is doing so for the sake of truth. He is not doing the Will of G-d for his own personal gain. Thus, in order to merit special Divine Assistance to render a truthful verdict he must be strong-armed and fortified (*baal zeroah*) to merit special Divine Assistance. He is the one who is distant from the charity of G-d. He supports himself through his own merits, which are based on his initiative.

## The Consequence of Sacrifice

*Torah*: “Judges and officers you shall appoint for yourself in all your cities.” The *Torah* could have stated, “Judges and officers shall you appoint in all your cities.” What is the significance of the words “for yourself?”

*Midrash*: “The words ‘for yourself’ teach us that the judicial system of the Jewish people identifies with *Moshe*. The judicial system (justice) is one of three areas for which *Moshe* had sacrificed. *Moshe* had sacrificed himself for the sake of *Torah*. As it states, ‘He was with G-d (in heaven) for forty days and forty nights...Bread, I did not eat and water I did not drink.’ Since he sacrificed for the acquisition of the *Torah*, It identifies with him, as it is written in *Malachi*, ‘You should remember the *Torah* of *Moshe* My servant.’

*Yalkut*: “What is the significance of *Moshe* informing the Jewish people that he did not eat bread or drink water when he was in heaven? *Moshe* was saying, ‘Just as I sacrificed my fat and blood for the sake of the acquisition of *Torah*, so too must you give up of your physicality to be qualified to acquire it.’ *Moshe* understood that because he needed to ascend to heaven it was with the intent to sacrifice for the *Torah*.



*Midrash*: "In addition, *Moshe* sacrificed (himself) for the sake of the Jewish people. As it states (after the sin of the Golden Calf), 'If You (G-d) will not carry their sin You should obliterate my name from Your book (the *Torah*).' Thus, the Jewish people identify as *Moshe's* people, as it states, 'Go down because your people have become corrupted.'"

*Sforno*: *Moshe* was willing forfeit all of his merit and spiritual accomplishments for the sake of the Jewish people. He wanted it to be transferred to the account of the Jewish people to sway the balance so that they should be classified as 'righteous' so that they should not be destroyed.

*Midrash*: "The judicial system is identified with *Moshe* because he sacrificed himself for the sake of justice. As it states, 'He had killed the Egyptian and buried him in the sand.'" When *Moshe* witnessed an Egyptian beating a Jew after the Jew had become aware that the Egyptian had defiled his wife he killed him. Witnessing the evil of this injustice, *Moshe* killed the Egyptian and buried him in the sand without considering the consequences and ramifications and of his decision. *Moshe* did not react to the situation out of anger but rather as a judge rendering a decision to put someone to death.

*Gemara* in Tractate *Sanhedrin*: It is interesting to note that *Moshe*, in his own right, was the equivalent of the High Court of Israel, which was comprised of seventy one judges. His decision was the equivalent of the *Sanhedrin* condemning him to death. As it states, "(Dasan and Aviram had said) Who appointed you as a dignitary, a ruler, and a judge over us?" It was because for of his sacrifice for justice that the appointment of judges identifies with him. As it states, "...his (*Moshe*) laws upon Israel."

We are able to draw from the words of *Chazal* that if one is willing to compromise on his existence regarding his physicality or his spirituality for the sake of doing G-d's Will, that accomplishment will identify with him for eternity. We find that King David in Psalms refers to the *Torah* as "G-d's *Torah*"; however, after one engages in its study, he refers to It as "his *Torah* (the one who had studied it)." Therefore, the *Gemara* in Tractate in *Kiddushin* explains that if a *Torah* sage wants to waive his honor, he is permitted to do so because the *Torah* is his.

Although the concept mentioned in the *Gemara* and the *Midrash* are similar, we are able to draw from *Moshe*,

something of a greater dimension of accomplishment. Regarding the study of *Torah*, it is an accomplishment that relates to the individual, on a personal level. However, in contrast, regarding what is stated in the *Midrash*, the accomplishments of *Moshe* although they have relevance to the entire Jewish people, they are identified with him.

## Perceiving Another Favorably

*Torah*: "Judges and officers shall you appoint in all your cities...and they shall judge the people with righteous judgment." The *Torah* dictates that every Jewish community establish a qualified court (*beis din*), who must judge the people with "righteous judgment."

*Midrash*: "The *Torah* tells us that you (the court) must judge the people with righteousness. What is the meaning of this? You must attempt to find the people favorably in your judgments. You should view them in a positive light and give them the benefit of the doubt."

*Gemara* in Tractate *Berachos*: After daybreak, the leaders of the Jewish people would come to King David and say, "There is great need among the people." King David replied, "Let each one support his fellow." They said, "There is not sufficient sustenance to provide for one another." King David said, "If that is so, then you must go to war." Immediately, the people summoned groups of advisors. One of the groups was the *Sanhedrin*. What was the purpose of the *Sanhedrin*?

*Rashi*: "The *Sanhedrin* was a group that would pray on behalf of the people when they go to war." It was not for the purpose to adjudicate the law.

*Midrash*: "*Reb Yehudah b'Reb Shalom* says, 'You (the *Sanhedrin*) should present the people favorably before G-d.' From where do we learn this? It is from *Gidon Ben Yoash*. In his day, the Jewish people were in a state of suffering. G-d was seeking someone who would speak positively about them and be an advocate on their behalf. (One only experiences difficulties when one is in a state of prosecution.)

However, G-d did not find an advocate. The generation was impoverished in their performance of *mitzvos* and good deeds. *Gidon* was the only one to speak positively about the Jewish people despite their spiritual failings. It is because of this that an angel of G-d appeared to him immediately, despite the fact that he was not

worthy of this level of revelation. As it states, 'An angel of G-d came upon him...' The angel said to him, 'You should go with this strength.' What is the meaning of 'this strength?' G-d said, 'It is in the merit of speaking positively about My children that you will proceed with this strength and be victorious against your enemies.' Therefore, the Jewish court should do everything within its power to present the people in a positive light/find favor." When difficulty and suffering comes upon the Jewish people, G-d seeks their merits so that He can silence prosecution.

*Chofetz Chaim* in *Chofetz Chaim* (which deals with the laws of what one is permitted and not permitted to say about one's fellow): If one speaks negatively about another Jew or a segment of the Jewish people, although no individual is identified by name, it is considered to be *lashon hara* (negative/evil speech).

*Torah*: "You are children to Hashem, Your G-d..." Just as a parent does not want anyone to speak negatively about his child, unless it has constructive value, so too does G-d not want anyone to speak negatively about His children unless it is within a constructive context.

*Chofetz Chaim* citing *Zohar*: Satan is referred to as the "great serpent". He continuously attempts to bring prosecution upon the Jewish people. G-d silences him by saying, "I do not want to hear anything negative about My children." However, when a Jew speaks negatively about his fellow, satan says to G-d, "You say that Your children are worthy and thus do not deserve to be punished, yet they are incriminating one another by pointing out each other's failings and shortcomings." This emboldens satan to bring prosecution upon the Jewish people without restraint. When this takes place, it brings the most tragic consequences upon the Jewish people.

*Torah*: There is a Positive Commandment to judge one's fellow favorably in situations where there is a reasonable doubt. We are able to draw from the *Midrash* that if one perceives his fellow in a positive light it will evoke G-d's Attribute of Mercy. Despite the shortcomings and failings of the Jewish people they nevertheless are valued by G-d as His children. Regardless of a parent's disappointment and pain due to his child's failings, he seeks and hopes to find a redeeming quality in him. Similarly, because of His unlimited love for the Jewish people, G-d waits and hopes for one to present His children in a positive vein

so that the Attribute of Mercy should be activated and subdue the Attribute of Justice.

We are currently in the month of Elul, which is referred to as the Days of Mercy. During this time, G-d is close to His people and is more attentive to their prayers. Since we are experiencing great instability in the world at every level, we need merit. Speaking favorably about our fellow Jew or segments of the Jewish people, it will empower the Attribute of Mercy, to silence the prosecution of satan.

## Truth, The Binding Factor

*Torah*: "Judges and officers shall you appoint in all your cities...and they shall judge the people with righteous judgment."

*Midrash*: "When the courts maintain their integrity and their judgments are righteous, they are doing kindness to creation and are protecting mankind from tragedy. As it states in Psalms, '...(When) Truth will sprout from earth then Righteousness is gazed upon from heaven.' When earthly judgment flourishes with Truth then Kindness will come from heaven. G-d will do Kindness and Righteousness to mankind and protect them from tragedy and suffering. Good will come upon the world." Why is blessing and protection from tragedy a direct outgrowth of Truth?

*Torah*: "I (G-d) will come to you and bless you..." This is to teach us the principle that when G-d is associated with an individual blessing will come upon him. When one is attached to the source of life and blessing, which is G-d Himself, he will be blessed. One's degree of relevance to G-d will determine the extent of blessing. If one is dedicated to the study of *Torah* and lives his life by its dictates, then he will have relevance to G-d, Who is Truth.

*Gemara* in Tractate *Shabbos*: "The signet of G-d is Truth." One who engages in Truth, which is the *Torah* itself, as the verse in Proverbs states, "Acquire Truth, and do not sell it" then he will be connected to the source of Truth.

*Mishna* in *Ethics of our Fathers*: If ten people are engaged in *Torah* study, the Divine Presence is among them. If five people are engaged in *Torah* study, the Divine Presence is among them...If one individual

studies *Torah*, the Divine Presence is with him. This is because when one engages in Truth (the *Torah* Itself), G-d associates Himself with that setting, resulting in the greatest level of blessing. G-d only identifies Himself with settings within existence when they reflect His characteristic of Truth. Therefore, when Truth flourishes in the world through righteous judgment, G-d will gaze upon existence with blessing.

**Prophets:** When the Holy Ark found itself in the orchard of a non-Jew, who lived in the Land of Israel, unlimited blessing came upon him and his family. By association alone, the Ark representing the location of G-d's Presence, caused this individual, although he was a gentile, to be the beneficiary of unlimited bounty. This is because of the proximity of G-d to this particular location.

*Gemara* in Tractate *Sanhedrin* citing Psalms, "*Elokim netzav ba'adas keil* – G-d stands (associates Himself) with the congregation of G-d." Meaning, if the judges of the rabbinic court meet the criteria of the *Torah*, thus establishing them as a credible court, then G-d will associate Himself with them if they are individuals of integrity. This will allow them to assume a Divine clarity, which will enable them to render a truthful judgment that is righteous.

When one lives a life of Truth and is truthful to oneself and to others, this will cause G-d to have relevance to him. However, if one compromises in this area and is not fully truthful, this will cause G-d to distance Himself from that individual.

*Maharal of Prague:* Something qualifies as being truth when it is uncompromised to any degree (not even as much as an iota). It is only classified as truth if it is unadulterated truth. The letters for "Truth" in Hebrew are "*aleph, mem, tuf*." If one were to detract as much as an "*aleph*" from "*emmes/truth*" what remains is "*mem tuf, mes*" which means death. It is only because G-d's Truth is absolute. One can only be worthy of a relationship with G-d when one maintains the same standard of Truth as G-d, which is uncompromised and absolute.

Therefore, during these days of Mercy leading up to *Rosh Hashanah*, the Day of Judgment, and through the Ten days of Repentance, when we supplicate G-d to be attentive to our prayers, we must assume His posture of Truth to strengthen our relationship with Him. This is accomplished by being continuously cognizant that in all aspects of our lives we must maintain that special standard. In addition, engaging in the ultimate Truth, which is the *Torah* itself, will especially secure our position with G-d.



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