

חמודי שי על התורה והמועדים

Chamudei Shai on the Torah and Holidays

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Parashas Shoftim

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Parashas Shoftim

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Tamim Tihyeh: Living with faith, inspired by hindsight

Every Jew yearns for guidance before making life's major decisions. We want to know whether we are making the correct choice. We are insecure about what the future may bring. Yet the Torah prohibits us from turning to fortune tellers, astrologers, soothsayers, or sorcerers in an attempt to divine the future (Devarim 18:10-12, 14). In the midst of this prohibition in our parashah the Torah commands:

תָּמִיִּם תִּהְיֶה עִם ה' אֱלֹהֶיךָ (דברים יח, יג).

"Go before Me and be wholehearted"

As we examine the explanations of the *meforshim* (commentators) on this brief *pasuk*, we will see how many fundamental Torah principles are contained within these few words. Above all, this mitzvah reveals a profound secret of Jewish life: how to move forward despite life's doubts and uncertainties, and how to make even our most consequential decisions with simple faith and complete trust in Hashem.

Walking with complete trust in Hashem

Rashi, citing the Sifrei, explains:

התהלך עמו בתמימות ותצפה לו, ולא תחקור אחר העתידות, אלא כל מה שיבוא עליך קבל בתמימות, ואז תהיה עמו ולחלקו.

- **The Rambam's explanation**
- **The Agalos of Yosef**
- **Reflections on the Midrash**
- **Conclusion**

Walk with Hashem wholeheartedly. Place your hope in Him. Do not investigate the future. Whatever befalls you, accept it with *temimus* (wholeheartedness). Then you will be with Him and share in His portion.

Let us now review the context of the *parashah*, which explains Rashi's approach. Immediately afterward, the Torah contrasts the Jewish people with the surrounding nations:

כִּי הַגּוֹיִם הָאֵלֶּה אֲשֶׁר אַתָּה יֹרֵשׁ אוֹתָם אֵל מַעֲנֵנִים וְאֵל קַסְמִים יִשְׁמְעוּ, וְאַתָּה לֹא כֵן נָתַן לָךְ ה' אֱלֹהֶיךָ.

The other nations seek certainty through astrologers, diviners, and those who claim to reveal what tomorrow will bring. The Torah teaches that Klal Yisrael has no need for such practices. We turn directly to the Ribbono Shel Olam. Our future rests in His Hands.

A life of inner wholeness

Onkelos offers another dimension of the mitzvah. He translates:

שְׁלִים תִּהְיֶה בְּדַחֲלָתָא דֵּה' אֱלֹקֶיךָ.

"Be whole and complete in your fear of Hashem"

According to Onkelos, *tamimus* is a state of inner completeness. One who lives with *yiras Hashem* possesses an inner peace that does not depend upon knowing what tomorrow will bring.

Moving forward

This commandment of *tamimus* in our parashah recalls another command addressed to the father of our nation. Before the mitzvah of *bris milah*, Hashem appeared to Avraham Avinu and declared:

הִתְהַלֵּךְ לִפְנֵי וְהִיָּה תָמִים.

"Go before Me and be wholehearted" (Bereishis 17:1).

Throughout his life, Avraham Avinu continually moved forward without knowing where the path would ultimately lead, but with a heart filled with faith. When Hashem commanded him, וְלֵךְ... אֶל הָאָרֶץ אֲשֶׁר אֶרְאֶה, "Go forth... to the land that I will show you" (Bereishis 12:1), he left everything familiar and went forth without knowing his destination. At the *Akeidah*, he ascended Har HaMoriah without knowing how Hashem's promise כִּי בְּיִצְחָק יִקְרָא לְךָ וְרַע, "For through Yitzchak will offspring be considered yours" (Bereishis 21:12), would be fulfilled. Again and again, Avraham acted with complete trust,

"walking before Hashem," placing himself entirely in Hashem's Hands, with *temimus*.

Perhaps this is the deeper meaning of *temimus*. It is not passive resignation. It is the courage to act and move forward with faith, even when the future and the outcome remain completely hidden from us.

As Rebbe Nachman of Breslov famously taught:

כָּל הָעוֹלָם כֵּלּוֹ גֶּשֶׁר צָר מְאֹד, וְהַעֲקָר לֹא לִפְחָד כָּלֵל

"The entire world is a very narrow bridge, and the essential thing is not to be afraid at all."

To continue moving forward, always with the strength of simple faith.

Making decisions without certainty

This idea may also connect beautifully with last week's *parashah*. There Moshe Rabbeinu declared:

רְאֵה אֲנִי נֹתֵן לְפָנֶיכֶם הַיּוֹם בְּרָכָה וּקְלָלָה.

Every day of our lives presents choices. We constantly stand at crossroads, deciding between different courses of action. We seek guidance through Torah, through the counsel of *daas Torah*, through prayer, and through careful judgment. Yet, unlike a *navi*, we are not shown the future before making our decisions.

Perhaps this is what *Tamim Tihyeh* teaches. The Torah does not instruct us to wait until Heaven reveals the correct answer. Rather, after sincerely seeking Hashem's Will through Torah and wisdom, we must make the best decision we can and entrust its outcome to Him. A Jew is not expected to know the future.

He is expected to trust the One Who does. תָּמִים תִּהְיֶה עִם ה' אֱלֹהֶיךָ. "Go before Me and be wholehearted."

Clarity in retrospect

In most of the events that shape our lives, we do not perceive the hand of

Hashem's providence while we are experiencing the challenges and trials themselves. Only much later, sometimes after many years, when we look back with new perspective, do we begin to appreciate the great love and profound wisdom of Hashem's guiding Hand at every step.

I was privileged to witness this lesson in a deeply personal way.

Shortly before my mother, *a"h*, underwent what would prove to be the final procedure of her life, she asked her physician whether he truly recommended that she proceed. After carefully considering the medical advice, she decided to go forward. She then shared a remarkable thought with me.

"I was privileged to live a long life," she said. "If Hashem decides that this is my time, I accept that completely, with a whole heart. As I look back over my life, I realize how many critical decisions I had to make. During the war, many of them were literally decisions of life and death. At every point I had to choose a direction without knowing what the outcome would be. Looking back now, I see that every important decision I made was the right one. How did I know? I can only marvel at the *hashgachah* (providence) of Hashem that guided me throughout my life."

Those words left a profound and indelible impression upon me. During the Shoah, for example, my mother once had an opportunity to escape from a labor camp. Before acting, she sought the counsel of the Radoshitzer Rebbe, זצ"ל הי"ד, who instructed her not to trust the proposed escape plan. She accepted his ruling with faith. Looking back decades later, she recognized that this decision, like so many others throughout her life, had been guided by Hashem.

She did not know the future. She simply lived by the principle: תמים תהיה עם ה' אלקיך.

Living forward, understanding in hindsight

Perhaps this is the enduring lesson of the mitzvah, one that speaks to the heart of every Jew. Life can only be lived by moving forward. We must make decisions today without knowing what tomorrow will bring. We are not prophets but have a responsibility to seek Hashem's Will through heartfelt tefillah and *daas* Torah, to act with integrity and *emunah*, and then to entrust the outcome, and our very selves, to Hashem.

Only later, sometimes years later, do we look back and recognize that Hashem was guiding our steps all along. This is the promise implicit in the words of Rashi: ... ואז וזהו עמו ולחלקו and then you will be with Him and His portion." One who walks with Hashem in wholehearted faith, which is *temimus*, will ultimately recognize that Hashem has been walking with him every step of the journey.

Perhaps this is the deepest meaning of תמים תהיה עם ה' אלקיך. We are not asked to foresee the future. We are asked to walk faithfully with Hashem through the uncertainties of the present. When we do, we may one day look back upon our lives and, like my mother, *a"h*, recognize that even when we could not see Hashem's plan, His Hand was gently leading us toward its fulfillment.



II

The Mitzvah of Eglah Arufah in light of the Midrash on Yosef's Agalos

The concluding mitzvah of Parashas Shoftim is the unique ritual of *eglah Arifah* ("the Decapitated Calf"). When the body of a murder victim is found in an open field and

the murderer is unknown, the Torah commands a public ceremony involving the Sanhedrin, the elders of the nearest city, the Kohanim, and a young heifer whose neck is broken in an uncultivated valley. Why does the Torah require such a procedure, and what is its underlying message?

A Midrash cited by Rashi connects this mitzvah with the reunion of Yaakov and Yosef in Sefer Bereishis. When Yosef finally revealed himself to his brothers, he sent *agalos* (wagons) to bring Yaakov to Mitzrayim. These *agalos* alluded to the laws of *eglah arufah*, the final Torah subject that Yaakov and Yosef had studied together before Yosef disappeared. The obvious connection is the similarity between the words *agalos* (עגלות) and *eglah* (עגלה). Yet perhaps the Midrash is hinting to something deeper. Before exploring that possibility, let us first examine the mitzvah of *eglah arufah*, itself.

The mitzvah of Eglah Arufah

The Torah introduces the mitzvah as follows:

כִּי יִמָּצָא חָלָל בְּאֶדְמָה אֲשֶׁר ה' אֱלֹהֶיךָ נָתַן לְךָ לְרִשְׁתָּהּ, נָפֶל בְּשָׂדֶה, לֹא נֹדָע מִי הִכָּהוּ. וַיָּצֵאוּ זִקְנֵיהָ וּשְׂפָטֶיהָ, וַיִּמְדְּדוּ אֶל הָעָרִים אֲשֶׁר סְבִיבֹת הַחָלָל. וְהָיָה הָעִיר הָעוֹרֶכָה אֶל הַחָלָל, וְלָקְחוּ זִקְנֵי הָעִיר הַהִוא עֵגְלַת בָּקָר אֲשֶׁר לֹא עָבַד בָּהּ, אֲשֶׁר לֹא מִשְׁכָּה בָּעַל.

If a slain person is found in the land that Hashem, your G-d, gives you to possess, lying in the field, and it is not known who struck him, your elders and judges shall go out and measure to the cities surrounding the slain person. The city nearest to the slain person shall take a young heifer that has never been worked and has never drawn a yoke.

(Devarim 21:1-3)

The mitzvah applies only when the victim is found lying openly in the field. The Mishnah (*Sotah* 9:5) derives from the words נָפֶל בְּשָׂדֶה (lying in the field) that the ritual is not performed if the body was concealed, for example, if it was buried beneath a heap of stones (טמון בגל).

The representatives of the Sanhedrin measure to determine the nearest city to the victim. The elders (זקנים) of that city bring a young heifer that has never been worked to a rugged valley (*nachal eisan*), which may never again be cultivated or sown. The elders wash their hands over the heifer and declare: לֹא רָאוּ. "Our hands did not shed this blood, nor did our eyes see."

The Torah then states: וְנָגְשׁוּ הַכֹּהֲנִים בְּנֵי לֵוִי... "The Kohanim, the sons of Levi, shall approach..." The Kohanim then offer a prayer on behalf of the entire nation: כַּפֵּר לַעֲמָךְ יִשְׂרָאֵל אֲשֶׁר פָּדִיתָ ה', וְאַל תִּתֵּן דָּם נָקִי בְּקֶרֶב עַמֶּךָ יִשְׂרָאֵל. "Grant atonement to Your people, Yisrael, whom You have redeemed, Hashem, and do not place innocent blood in the midst of Your people Yisrael."

The responsibility of the elders

The declaration of the elders: "Our hands did not shed this blood, nor did our eyes see," is remarkable. Surely no one suspected that the elders of the city had committed the murder themselves. What, then, are they proclaiming?

The Mishnah in *Sotah* (9:6) explain: לֹא בֵּא לִידֵינוּ וּפִטְרֵנוּ בְּלֹא מְזֻנוֹת, וְלֹא רָאִינוּהוּ וְהִנַּחְנוּהוּ בְּלֹא לִוְיָהּ. The elders are essentially declaring that they did not allow the traveler to leave their city without food and without proper escort. In other words, the Torah is teaching us that the leaders of a community bear responsibility for those who pass through their city, ensuring that they do not depart without proper care and protection. The Maharal notes that from this passage Chazal derive the great mitzvah of לִוְיָהּ, escorting a traveler. A person should not be sent on his way with just a farewell. Accompanying him as he leaves is itself an expression of concern for his welfare and safety.

The Rambam's explanation

The Rambam (*Moreh Nevuchim* III:40) explains that the purpose of the mitzvah is to publicize the crime so that the murderer is identified. The arrival of the Sanhedrin, the

elders, and the Kohanim would inevitably attract widespread attention. As news spread throughout the surrounding communities, someone who possessed information, even a woman or a maidservant, might come forward and identify the killer. The public declaration of the elders further underscored the gravity of remaining silent if one knew the truth. The Rambam adds that the prohibition against cultivating the valley creates an additional incentive for the landowner to help identify the murderer before the ceremony becomes necessary. Otherwise, his land will become permanently forbidden for cultivation, causing him substantial financial loss.

Thus, according to the Rambam, *eglah arufah* is not merely a ritual of *kapparah*. It is the Torah's response to concealed violence, mobilizing the community to uncover the truth and bring the perpetrator to justice.

Having reviewed the principal halachos and themes of *eglah arufah*, we can now return to the Midrash connecting Yosef's *agalos* with this mitzvah.

The Agalos of Yosef

More than twenty-two years had passed since Yaakov had last seen his beloved son. After revealing himself to his brothers in Mitzrayim, Yosef instructed them to return to Eretz Yisrael and bring their father down to Mitzrayim.

The Torah relates:

וַיִּדְבְּרוּ אֵלָיו אֶת כָּל דְּבָרֵי יוֹסֵף אֲשֶׁר דִּבֶּר אֲלֵהֶם, וַיֵּרָא אֶת הָעֲגֻלוֹת אֲשֶׁר שָׁלַח יוֹסֵף לְשֵׂאת אֹתוֹ, וַתְּחִי רוּחַ יַעֲקֹב אֲבִיהֶם.

"They told him all the words that Yosef had spoken to them, and he saw the wagons that Yosef had sent to transport him, and the spirit of their father Yaakov was revived."

(Bereishis 45:27)

Rashi, citing Chazal, explains: סימן מסר. במה היה עוסק כשפירש ממנו, בפרשת עגלה ערופה. וזהו שאמר: וירא את העגלות אשר שלח יוסף, ולא נאמר אשר שלח פרעה.

Yosef transmitted a sign to Yaakov by recalling the last Torah subject they had studied together before they parted, the laws of *eglah arufah*. This explains why the Torah says, "the wagons that Yosef had sent," and not "the wagons that Pharaoh sent."

When Yaakov recognized the sign, his spirit was revived, and the Shechinah, which had departed from him during the years of mourning, returned.

Reflections on the Midrash

The Midrash associates Yosef's עגלות with the mitzvah of עגלה ערופה. While this association of the words serves as the identifying sign between Yaakov and Yosef,

one may assume that the Midrash intends to convey a deeper message as well. Perhaps the connection extends beyond the shared terminology to the ideas embodied in the mitzvah itself.

Although only a few of the *meforshei haTorah* discuss parallels between *eglah arufah* and the story of *Mechiras Yosef*, the connection established by Chazal invites further reflection.

The comparisons that follow are offered by way of *derash*, not intended as the primary understanding of the Midrash, but as a means of reviewing and appreciating the halachos and underlying themes of *eglah arufah* through the familiar narrative of Yosef.

Understanding the Mitzvah of Eglah Arufah through the Story of Yosef

The Mitzvah of Eglah Arufah	The Story of Yosef	Possible Connection
A slain person is found נפל בשדה, lying in the field.	Yosef disappears after being sent into the fields near Shechem and Dosan.	The tragedy in both narratives unfolds far from the security of home.
The elders leave the city, assume responsibility for the body found.	Yaakov, the patriarch and <i>zaken</i> of the family, sends Yosef (בן זקונים) to inquire after the welfare of his brothers.	The leader bears responsibility for those entrusted to his care.
The Mishnah explains that the elders declare they did not send the traveler away without food or escort.	The Maharal explains that Yaakov personally escorted Yosef when sending him on his journey.	The final mitzvah they studied together was immediately put into practice by Yaakov.
The victim must not be abandoned.	Yosef is stripped, cast into a pit, and abandoned by his brothers.	The brothers' conduct stands in sharp contrast to the ethic underlying <i>eglah arufah</i> .
The elders proclaim: יָדֵינוּ לֹא שָׁפְכוּ אֶת הַדָּם הַזֶּה.	Although the brothers did not actually kill Yosef, their actions caused his disappearance and led Yaakov to believe he was dead. As a result, Yaakov mourned for twenty-two years and was deprived of <i>ruach hakodesh</i> .	Responsibility extends beyond direct murder.
The murderer is unknown.	The brothers conceal the truth from Yaakov for twenty-two years.	Both narratives revolve around hidden responsibility.

The Mitzvah of Eglah Arufah	The Story of Yosef	Possible Connection
The body must be found openly, not concealed (טמון בגל).	The brothers initially propose murdering Yosef and hiding him in a pit.	The Torah distinguishes between a crime that is exposed and one deliberately concealed.
According to the Rambam, the entire ceremony publicizes the crime until the murderer is identified.	The brothers suppress the truth and preserve their deception for twenty-two years.	<i>Eglah arufah</i> becomes the Torah's answer to concealed injustice.
The Kohanim, הכהנים, פָּנִי לַיהוָה, pray for <i>kaparah</i> on behalf of all Yisrael: כָּפַר לְעַמְּךָ יִשְׂרָאֵל.	<i>Mechiras Yosef</i> became a national failing remembered throughout Jewish history, and Levi played a central role in it.	The need for <i>kaparah</i> extends beyond the immediate participants. Kohanim, Bnei Levi seek <i>kaparah</i> on behalf of all Yisrael
Goal to reveal murderer (Rambam)	Yosef reveals himself through the sign of the <i>agalos</i> , recalling <i>eglah arufah</i> ; as a result, <i>vatechi ruach Yaakov avihem</i> , Yaakov's spiritual vitality is restored.	Through the allusion to <i>eglah arufah</i> , the mystery of Yosef's supposed death is resolved. That same sign restores Yaakov's spirit, <i>ruach hakodesh</i> .

Naturally, not every comparison carries the same weight. Some emerge directly from Chazal and the classical commentators, while others are offered only as possible allusions on the level of *derash*. Whether each parallel was intended by the Midrash or not, viewing the two *parshiyos* side by side provides a meaningful way to review the mitzvah of *eglah arufah* and to reflect upon its underlying themes. The comparison highlights the Torah's emphasis on communal responsibility, concern for the welfare of others, the obligation to seek the truth, and the need for *kaparah*. At the same time, it offers another perspective through which to appreciate the story of Yosef. Perhaps this, too, is part of the message conveyed by the Midrash, that the connection between Yosef's *agalos* and the mitzvah of *eglah arufah* extends beyond a similarity of names and invites us to discover deeper lessons within both narratives.

Conclusion

The mitzvah of *eglah arufah* teaches the far-reaching responsibility borne by the leaders of Klal Yisrael. When an unidentified murder victim is found, the representatives from the Sanhedrin determine the nearest city, whose elders must publicly declare that they fulfilled their obligation toward the traveler. Chazal explain that this means they did not allow him to depart without food or proper escort. The Torah thus teaches that concern for the welfare of another Jew extends beyond the boundaries of one's city, and that communal responsibility does not end when a traveler leaves our midst. The Rambam adds another dimension. The public ceremony was intended to arouse inquiry until the murderer was identified. The Torah thus demands that innocent blood not disappear into silence.

These principles shed new light on the story of Mechiras Yosef. Yaakov, the *zaken* of his family, sent Yosef to seek the shalom of his brothers and escorted him on his journey. Yet the messenger sent to inquire after the welfare of others became the victim of betrayal, and the truth remained concealed for twenty-two years.

When that long-hidden truth was finally revealed, the Torah records: וַיֵּרָא אֶת הַעֲגֻלּוֹת אֲשֶׁר שָׁלַח יוֹסֵף... וַתְּחִי רוּחַ יַעֲקֹב אֲבִיהֶם. The *agalos* restored far more than Yaakov's joy in knowing that Yosef was alive, it revived Yaakov's spirit, as the Torah declares: וַתְּחִי רוּחַ יַעֲקֹב אֲבִיהֶם. Rashi explains that the Shechinah, which had departed from him during the

years of mourning, returned. Yaakov's *ruach hakodesh* (prophetic spirit) were restored.

Whether every parallel suggested in this essay was intended by the Midrash or not, considering these two *parshiyos* together deepens our appreciation of both. The story of Yosef provides a meaningful framework through which to review the mitzvah of *eglah arufah* and reflect upon its enduring themes: communal responsibility, concern for the welfare of others, the obligation to uncover the truth, and the restorative power of *kaparah*. Through the Midrash's association of these two *parshiyos*, our study of Parashas Shoftim is enriched, revealing fresh insight into one of the Torah's most profound and enigmatic mitzvos.

ב-י-ל-א ואמן Maharaḥ Tzintz

PEARLS FROM THE TEACHINGS OF THE GAON FROM PLOTZK

The advantage of local dayanim (judges)

The parashah opens:

שֹׁפְטִים וְשָׂרִים תִּתֵּן לָךְ בְּכֹל שְׁעָרֶיךָ... וְשָׁפְטוּ אֶת הָעָם מִשְׁפַּט צֶדֶק

"You shall appoint judges and officers for yourself in all your gates... and they shall judge the people with righteous judgment."

Rabbeinu, the Maharaḥ Tzintz, raises two questions concerning this pasuk:

(a) Why must dayanim be appointed in every city? After all, there was the Great Beis Din in Yerushalayim. Furthermore, at the end of the previous parashah, the Torah commands the people to make the pilgrimage to Yerushalayim three times a year. Why, then, could they not bring their Torah disputes before the *beis din* (rabbinical court) in Yerushalayim when they came?

(b) What is meant by the expression "*mishpat tzedek*" ("righteous judgment")? Is there such a thing as judgment that is not righteous?

Before explaining the pasuk, Rabbeinu establishes a principle: the beginning of the pasuk is connected to its conclusion. The reason judges must be appointed in every city is precisely so that the judgment will be "righteous judgment." Rabbeinu explains this in two ways.

First explanation: local dayanim prevent fraud in judgment

There are two types of litigants. The first are people of integrity whose words are truthful and who harbor no deceit. They come before the *beis din* with the true facts because they

do not know the law and wish to hear the Torah's ruling. In such cases, every judgment is a righteous judgment. Since the facts are accurate, the dayan need only determine the Torah's ruling. For a *din Torah* (court case) of this kind, the dayanim of the beis din in Yerushalayim would indeed have been sufficient.

The second type are dishonest people who come before the beis din with false claims (fabricating evidence so that it appears as though justice is on their side). A dayan who rules solely on the basis of what he sees before him may find the innocent party liable and the guilty party innocent. The Gemara calls this a "*din merumeh*," a "fraudulent case" (*Sanhedrin* 32b), and a dayan who senses that it's a *din merumeh* must avoid issuing judgment in such a case.

A dayan from another city who does not know the litigants may be unable to investigate the matter properly and recognize its true nature. If he adjudicates the case, he may render a judgment, but it will not be a "righteous judgment." The Torah therefore commands that the dayanim be members of the local community. Because they know the litigants, they can evaluate whether a case may be fraudulent. For example, a person known to be impoverished might suddenly claim that a wealthy man owes him an enormous sum, or a litigant might present some other implausible claim. In such a case, the dayanim will recognize the warning signs and refrain from issuing a ruling.

This is the meaning of וְשִׁפְטוּ אֶת הָעָם "And they shall judge the people." Because the local dayanim know "the people," the individuals involved in the case, they will render only מִשְׁפָּט צְדָקָה "righteous judgment."

Second explanation: local dayanim can provide *tzedakah* to the poor

The Midrash teaches about David HaMelech:

וַיְהִי דָוִד עֹשֶׂה מִשְׁפָּט וְצְדָקָה לְכָל עַמּוֹ "David administered *mishpat* and *tzedakah* for all his people" (*Shmuel II* 8:15).

The Midrash asks:

What is meant by "mishpat and tzedakah for all his people"? Rav Yehudah and Rav Nachman [have differing views on the matter]. One explains that David would judge a case, acquit the innocent party, and find the guilty party liable. If the guilty party did not have the means to pay, David would give him the money from his own resources. Thus, it was both *mishpat* and *tzedakah*. Rav Nachman said to him: If so, you are leading the Jewish people to fraud" (*Devarim Rabbah* 5:3).

According to Rabbi Yehudah, David HaMelech integrated *tzedakah* into the judicial process. If an impoverished person lost his case and was unable to pay, David would give him *tzedakah*. Rav Nachman objected that this leads to fraud. A poor person and a wealthy person might conspire together, with the wealthy man pretending to sue the poor man. The poor man would lose the case and receive money from David, which the two conspirators could then divide between themselves.

In summary, "mishpat and tzedakah" represents a noble and lofty form of conduct. It means combining the administration of *mishpat* with giving *tzedakah* to the poor, as David

HaMelech did. A dayan, however, might hesitate to act in this manner out of concern that the litigants would conspire to defraud him.

In this connection, the Maharsha in Sanhedrin cites the pasuk: **עֲשִׂיתִי מִשְׁפָּט וְצֶדֶק, בִּלְ תִנְחָנִי** "I have practiced justice and righteousness; do not leave me to my oppressors" (Tehillim 119:121). David HaMelech prayed that when he practiced "mishpat and tzedakah," Hashem should not allow him to fall into the hands of swindlers, the "oppressors" who might conspire to defraud him. Thus, the fear of fraud could prevent a dayan from supplementing mishpat with tzedakah.

With local dayanim, however, who know the litigants personally, there is less concern that a conspiracy will succeed, since the dayanim are likely to detect the deception. After all, **שָׁקֶר** "falsehood has no legs." A dayan who belongs to the city can therefore conduct himself according to the elevated standard of "mishpat and tzedakah." If litigants attempt to conspire against him, his familiarity with them will generally enable him to recognize their scheme. Thus, because the dayan is appointed **בְּכָל שַׁעְרֶיךָ** "in all your gates," and is himself a member of the local community, it becomes possible to render **מִשְׁפָּט צֶדֶק**, "righteous judgment," combining mishpat with tzedakah.

A city that has a beis din is a city of mishpat tzedek!



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