parshas hashavua

Checks and Balances
by Rabbi Yisroel Gottlieb

No one is above the law. There may be no single principle more vital to a democracy. Public figures, political leaders, and the rich and powerful are bound by the same standards and laws that guide the rest of us. Our soon-to-be former governor is the latest in a long list of politicians to discover that the hard way.

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what’s new

Rabbi Gottlieb will be giving his Wednesday evening Navi Shiur on Shmuel in the shul library at 6:40 p.m. It will be simultaneously streamed on Zoom, ID #590 354 028, passcode Bais, and recorded for playback from www.baistorah.org.

On August 29th at 10 a.m. Rabbi Berel Wein will join us live from Israel via Zoom to discuss his new book, “Heads & Tales, Stories, Vignettes and Life Lessons.” The Zoom ID is #590 354 028, passcode Bais. We will be offering Rabbi Wein’s book at a pre-paid special price of $20 until August 29th; checks may be made payable to Congregation Bais Torah or payment may be made via Zelle. Please contact Marilyn at marilyn.sapir@gmail.com to place your order. (See ad on page 3.)

Rabbi Gottlieb’s Daf Yomi shiurim are given in shul before the second Shacharis, streamed on Zoom, and available on our website, www.baistorah.org. To sponsor a shiur, kiddush or shalosh seudos in memory of a loved one or for any other occasion, please contact Jack Gross.

Yosef Hendler is sponsoring this week’s kiddush in honor of his aufruf. Ner lamaor for the month of Elul has been sponsored by Peter and Felise Katz and family. This week’s shiurim are being dedicated by Felise Katz in commemoration of the yahrzeit of her father, Henry Loeser, Chaim ben Leib; and by Rabbi Joel Grossman in memory of his mother, Rachel bas Tzvi Yaakov.

With Elul upon us, it’s time to plan Yomim Noraim seating. The pricing information and order form can be accessed via our link; just click here: https://forms.gle/z4uuGFC9nUNCeUdX9. If you have any questions, please contact either Miriam Frankel at 845-893-4983 or miriam.cbt.5782@gmail.com or call Sandy Lieder at 845-304-8884.

Please help us meet the challenge of food insecurity in the Jewish population of Rockland County with a suggested donation of $125 for the coming year. The Sisterhood of Congregation Bais Torah will send your donation to the Rhoda Bloom Kosher Food Pantry. Please earmark your preferred form of payment for the Sisterhood Food Pantry Fund. Thank you!

mazel tov

Rabbi Yisroel and Amy Gottlieb on the birth of a granddaughter, Atara Mriam, born to Akiva and Fayge Gottlieb. Mazel tov to great-grandparents Fred and Esther Gottlieb and Carol Ginsberg.

Yosef Hendler on his aufruf this week at Bais Torah.

Dianne Schmeltz on the birth of a great-grandson, Yair Eliezer, born to Rabbi and Mrs. Josh Lehmann.
**Checks and Balances  (continued from previous page)**

Like so many bedrock principles of democracy, accountability under the law for public figures has its roots in biblical law. As is so often the case, the original works far better than the copy.

Among the laws pertaining to the monarch in Israel in this week’s *parsha* is the requirement for the king to write and keep a *Sefer Torah* for himself, one that he will consult on a constant basis. The Talmud in Sanhedrin questions how the obligation of the king differs from that of the citizenry who are also commanded to write *Sefer Torah*. Surprisingly, the *gemara* teaches that the king must write two *Sifrei Torah*.

The first *Torah* he writes will be stored in an *aron kodesh*, no different from any other member of society. It is his second *sefer* that is intriguing. The king is instructed to write a smaller, portable *Sefer Torah* to be carried with him at all times. "Let it remain with him and let him read in it all his life, so that he may learn to revere the L-RD his G-d, to observe faithfully every word of this Teaching as well as these laws."

Surely, reverence for the L-rd and faithful observance of His laws are not values limited to the monarchy. These basic values apply to every member of the nation. But, the vast majority of the populace will not need to carry around a *Torah* scroll in order to live up to these values. Awareness of the laws combined with the *halachic* legal and judicial system will suffice to hold most people in check.

But, the Torah knows that power corrupts and absolute power corrupts absolutely. He who holds a position of power and authority is susceptible to the abuse of that power. That is a simple truth of human nature. However, the need for governance and leadership is also a truth of human nature. Human beings cannot live in a void. We organize into groups, communities, and societies and we develop a hierarchy of leadership and power. That power, though, corrupts those chosen to lead; thereby breaking down the very institutions we have created to construct society.

How to solve this endless cycle? Of course, a legal system that holds political leaders accountable to societal standards is advantageous, but it is by definition flawed. If they who compose, interpret and enforce the laws are to be subject to those same laws, the system is ripe for abuse. Checks and balances with different branches of the government keeping watch over their counterparts are helpful, although, as we have witnessed in recent political theater, political partisanship can override those checks and balances.

While no one is above the law, the sad truth is that political figures who wish to take advantage of their position are all too frequently capable of getting around the law. The only durable solution is to create a class of political leadership that answers to a Higher Authority. A king must be conscience-bound to follow a higher law, and must believe that he is charged with a Divine responsibility to uphold that law and model it for his people.

In laying out the rules for the formation of political governance in the Land of Israel, the *Torah* recognizes and accounts for the inherent flaw in that leadership model. A king may be tempted to lift his hand against others in the abuse of his power, but it will be much harder for him to do so if there is a *Sefer Torah* hanging from the arm attached to that hand. Perhaps the incoming governor would like a copy of the Bible to carry around.

Good Shabbos.
Our parashah opens with Moshe Rabbeinu instructing the People of Israel how to implement a just society once they arrive in Eretz Yisroel: “Judges and officers shall you appoint within all of your gates, which HaShem your G-d is going to give you, for your tribes; and they shall judge the people with righteous judgment.” (Devarim 16:18).

Moshe continues on the theme of a righteous society, “You shall not pervert judgment, you shall not overly respect any of the litigants’ presence; and you shall not accept a bribe, for a bribe will blind the eyes of the wise and make just words crooked. Righteousness, righteousness shall you pursue, so that you will live and possess the Land that HaShem, your G-d, gives you.” (Devarim 16:20)

In the Torah’s discussion of the case of the idolatrous man or woman, we find, “…and it will be told to you, and you will hear; then you shall investigate well, and behold! It is true, the testimony is correct – this abomination was done in Israel … By the testimony of two witnesses or three witnesses shall the condemned person die, he shall not die by the testimony of a single witness.” (Devarim 17:6)

The use of a “כת” a pair of witnesses, is the chief means, both in capital cases and cases involving only monetary disputes, of establishing the truth, in a Jewish court of Law. The members of the pair must undergo a rigorous process of ”דרישה וחקירה” questions of differing levels of detail, to eliminate cases of self-contradiction or ignorance. Confession is accepted only in cases involving “mammon”, money, where we employ the principle “the confession by a litigant is equivalent to the testimony of one hundred witnesses,” but in ‘nefashos’, capital cases, we say “a person cannot declare himself a ‘rasha’, a wicked person.”

Regarding judges, a court, a group of individuals is always required. To determine guilt or innocence, a vote is taken and a majority of two is needed to determine the verdict, and every effort is made to establish a verdict of “innocent” in capital cases. Rabbi Yishmael the son of Rabbi Yosi, says in Pirkei Avos (4:10) “Do not be a solitary judge, for there is only one such Judge (namely, the Almighty).” The principle regarding the quality of judges is, “Yiftach (an inferior judge) in his generation, commands the same respect and level of obedience as does Shmuel (a superior judge) in his generation.”

When the Torah (the Written Law) mentions a punishment of “an eye for an eye”, the Oral law explains that this refers to a monetary punishment, for the monetary payment, extremely high, accomplishes atonement for the perpetrator. The only case where money cannot accomplish atonement is the case of murder, where the Torah says, regarding the taking of a priceless human life, “a life for a life.”

On the other hand, the Rabbis were very loath to impose the death penalty. One opinion is that a Sanhedrin which imposed the death penalty once in seven years (another opinion is that the number of years is not seven, but seventy) is called a “bloody Sanhedrin”. Another is that he would ask such difficult questions to the witnesses that he would always disqualify them; thus, effectively reducing the death penalty to a theoretical law. An opposing opinion is that being so loath to impose the death penalty would increase the number of murders in Jewish society. While yet another opinion is that when the number of murders was very high, the death penalty was completely abandoned as a measure of control.

"Righteousness, Righteousness Shall You Pursue" (Devarim 16:20)

L’Iluy Nishmas beni, Aharon Baruch Mordechai ben Pinchas Menachem

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**Heads & Tales**

*Stories, Vignettes and Life Lessons*

**Book Event with Rabbi Berel Wein**

Sunday, August 29th at 10 a.m. on Zoom

ID #590 354 028, passcode Bais

Rabbi Wein’s new book is being offered at a special price of $20 pre-paid when ordered from Bais Torah by August 29th.

Contact Marilyn at marilyn.sapir@gmail.com 

to place your order. Books will be available for pickup in Monsey.