



## Shoftim

On Tuesday evening at 8pm the Yavneh Foundation will host a discussion between myself and Mark Leibler AC, following the recent publication of his unauthorised biography, "The Power Broker". Among other topics, I look forward to discussing comments made by former Prime Minister Kevin Rudd in an op-ed in last week's Jewish News, which are disputed in this week's Jewish News in letters from Mark and the author, Michael Gawenda.

Part of the disagreement centres around Mark's notes following the event in question, which make no mention of the "menacing" words Rudd claims were said.

As part of his research, the author was granted full access to Mark's extensive collection of notes from key discussions and events throughout his career. The very fact that Mark wrote so many notes and kept them for so long is something which struck me throughout the book. While I understand Mark puts it down to a personality trait, I believe it reflects an understanding of the importance of details, recording those details and maintaining those records.

Whether or not we have made such notes, or can recall every event ourselves, as we commence the month of Elul and approach Rosh HaShana, we are reminded of the daunting reality that Hashem has full access to the detailed notes of every single part of our lives. What would we want to be on record if a biography was ever to be written of our lives?

The good news is that it is not too late to improve those notes. It might appear to be a major task, but it all starts with an appreciation of the importance of the smaller details of our lives.

Chodesh Tov and Shabbat Shalom.

A graphic with a dark blue background and a white, stylized shape. The words "FROM THE" are in white on a teal background, and "PRESIDENT" is in white on a dark blue background.

Rosh Chodesh Elul is upon us, reminding us for the imminence of Rosh Hashanah, the preparation for Teshuva, Tefilla and Tzedaka.

In the run up to Rosh Hashana, Rabbi Mirvis, Rav Mark Steiner, Rav Yehoshua Asulin and Dr Michal Kaufman have worked on Elul programs which you will see in Mizrahi Matters over the coming weeks.

During this pre-Rosh Hashana period many pause to think of their future. We all hope for a healthy life and in fact are commanded **ונשמרתם מאד לנפשותיכם** - to care for our health, so Mizrachi has joined with Rambam's Circle of Health program for the important goal of helping improve health in our own Mizrachi community. We partnered with the Australian Friends of RAMBAM hospital to present the opening lecture of a series of three on "Prostate Cancer, latest developments and treatments" on Thursday night. The series will continue this Thursday night at 7pm, prior to Rav Mirvis' parsha shiur at 8pm. I encourage your participation for your physical (RAMBAM lecture) and spiritual health (Rabbi Mirvis).

On another tack, the Stage 4 lockdown challenged our access to check the Eruv and I'm grateful for the assistance of Josh Burns MP in assisting us to receive the necessary exemptions for our mashgichim.

Wishing you all a Chodesh tov and a Shabbat Shalom

Dr. Danny Lamm AM



### Rabbi Mirvis

"You shall place judges and officers for you in all your gates which Hashem your Go-d gives to you, according to your tribes, and they shall judge the people with righteous judgment. You shall not pervert justice, you shall not recognize faces (i.e. you shall be impartial) and you shall not take a bribe, for the bribe will blind the eyes of the wise and confuse the words of the righteous" (Devarim 16:18-19). In the opening verses of this week's Parsha, we are commanded to establish a fair and equitable system of justice. However, these verses provide us with a grammatical challenge.

In the first verse, we are commanded to appoint judges and officers and told that they should judge righteously. The next verse includes guidelines of how to judge. Assuming these rules are aimed at the judges, one would expect this verse to be written in the third person, i.e. "THEY shall not pervert justice, THEY shall be impartial, and THEY shall not accept a bribe...". If we have just been commanded to appoint judges and told that they should be the ones who judge fairly, why are these laws written in the second person?

I believe that while these laws are directed at judges in a formal legal setting, they apply to every single one of us as well. Whilst it is easy and noble to say that people should not judge others, the reality is that we all naturally reach conclusions about the people, places and events around us. Whilst we may think our attributions are accurate and impartial, the Torah commands us to be extra careful in our judgment and to avoid jumping to conclusions or being swayed by self-serving considerations. The following verse stresses how far we should go for the sake of justice:

"You shall surely pursue justice, in order that you shall live, and you shall inherit the land that Hashem your Go-d gives you" (Devarim 16:20).

It is not enough to prefer justice, seek justice, or even fight injustice. "You shall surely pursue justice" – we must surely pursue justice in every area of our lives.

As we commence the month of Elul and our build up to the Day of Judgment, these are important messages to keep in mind. By judging others fairly and giving them the benefit of the doubt, may Hashem only judge our actions in a positive light as well.



**Reb Leor Broh**

**Riddle for Shoftim:**

I am described both in the feminine gender and the masculine gender. What am I?

**Answer to Last Week's Riddle (Re'eh):**

Find a common theme in the following 3 topics that appear in Parshat Re'eh: The Navi Sheker (false prophet), The Meisit (one who incites others to do idolatry), Maaser Sheni (the Second Tithe which had to be eaten in Yerushalayim).

Yirah – Fear (of Hashem) appears in all 3 topics. See verses 13:5; 13:12; 14:23

Whilst it is easy to understand how the execution of the Navi Sheker and the Meisit would lead to Yirat Hashem, it is more difficult to understand how the eating of Maaser Sheni would do so.

The Ramban explains that having to eat the Maaser Sheni in Yerushalayim meant that the farmer and his family would be able to witness the Kohanim and the judges who stand there before Hashem. These teachers of the Torah would be equipped to teach the visitors the fear of Hashem and instruct in the Torah and the Mitzvot. The very sight of holiness in the city would imbue the visitors with Yirat Hashem.



**Dr Michal Kaufman, Rosh Midrasha**

Learning in the Midrasha – Monday Night Shiur

In this week's Parsha we are told that "when (the king) is established on his royal throne, he must write a copy of this Torah on a scroll (literally a book) edited by the Levitical priests. This scroll must always be with him, and he shall read from it all the days of his life". (Devarim 17:18-19)

יח וְהִיא כְּשִׁבְתּוֹ, עַל פֶּסַח מִמְּלַכְתּוֹ--וְכָתַב לוֹ אֶת-מִשְׁנֵה הַתּוֹרָה הַזֹּאת, עַל-סֵפֶר, מִלְּפָנָי, הַכֹּהֲנִים הַלְוִיִּם. יֵט וְהִיא עִמּוֹ, וְקָרָא בּוֹ כָּל-יָמֵי חַיָּו--לְמַעַן יִלְמַד, לְיִרְאַה אֶת-יְהוָה אֱלֹהָיו, לְשָׁמֵר אֶת-כָּל-דְּבָרֵי הַתּוֹרָה הַזֹּאת וְאֶת-הַחֻקִּים הָאֵלֶּה, לַעֲשׂוֹתָם. (דברים יז : יח-יט)

From here we learn that leaders should never stop learning. That is how they grow and teach others to grow with them.

Earlier in sefer Devraim Moshe tells Bnei Yisrael that they too should learn and teach their children

וְלַמְדֵתֶם אֹתָם אֶת בְּנֵיכֶם לְדַבֵּר בָּם בְּשִׁבְתְּךָ בְּבֵיתְךָ וּבְלֶכְתְּךָ בַדֶּרֶךְ וּבְשֹׁכְבְּךָ וּבְקוּמְךָ. (דברים יא, יט)

Teach your children to speak of them, when you are at home, when traveling on the road, when you lie down and get up.

Covid 19 has changed the way we live our lives. Stage 4 lockdown regulations have made our world smaller. We can only leave our home for an hour, to shop and exercise and then, only within a 5km radius of our home. With the Bet Kneset and Bet Midrash closed, I wondered if we would be able to adequately fulfil the mitzvah of teaching and learning Torah.

The women who attend the Monday night shiur have taught me that learning Torah can take place anywhere and at any time. Moving onto zoom have enabled people who are not in Melbourne to join the shiur. Last week Leah Trebish, who made Aliyah last year re-joined the shiur from Israel. Both Debbie Nossbaum and Naomi Bloch who are celebrating smachot abroad joined from the United States. Earlier this week Agi Anaf together with Leon made Aliyah, and we look to have Agi join the shiur from her home in Jerusalem. What is most gratifying for me, is to see some of the senior members of our community aptly using their phones or computers to join our zoom shiurim.

I am thrilled that we have been able to continue learning through this crisis, while at the same time sharing our joys and semachot together wherever we are in the world!

Shabbat shalom!



**Rabbi Kennard**

The parasha of Shoftim details many judicial institutions and practices that the Jewish people are commanded to establish on entering the land of Israel, including local and national courts, interrogating witnesses and responding to unsolved murders. At the top of the legal system sits the king, whom the people are commanded to appoint.

The Jewish king is not an autocrat. Although he has extensive powers (see Shmuel II, chapter 8) his personal conduct is constrained by the Torah. There is a limit prescribed on the number of horses he can

acquire, the number of wives he can marry and riches that he can amass. And his judgements and behaviour must be guided at all times by the Torah - so much so that the Sefer Torah that everyone is commanded to write (Devarim 31:19) is not sufficient for him.

(יח) וְהָיָה כְּשִׁבְתּוֹ עַל כִּסֵּא מַמְלַכְתּוֹ וְכָתַב לוֹ אֶת מִשְׁנֵה הַתּוֹרָה הַזֹּאת עַל סֵפֶר מַלְפָּנֵי הַכֹּהֲנִים הַלְוִיִּם.  
(יט) וְהָיְתָה עִמּוֹ וְקָרָא בוּ כָּל יְמֵי חַיָּיו לְמַעַן יִלְמַד לְיִרְאָה אֶת ה' אֱלֹהָיו לְשֹׁמֵר אֶת כָּל דְּבָרֵי הַתּוֹרָה הַזֹּאת וְאֶת הַחֻקִּים הָאֵלֶּה לַעֲשׂוֹתָם.

(18) It shall be, when he sits on the throne of his kingdom, that he shall write him a copy of this law ("מִשְׁנֵה הַתּוֹרָה הַזֹּאת") in a book, out of that which is before the priests the Levites:

(19) and it shall be with him, and he shall read therein all the days of his life; that he may learn to fear Hashem his God, to keep all the words of this law and these statutes, to do them;

(Devarim 17)

The commentators are divided as to the meaning of הַתּוֹרָה הַזֹּאת, and what exactly was the nature of the extra sefer that the king had to write.

**Rashi** (11th century France) understands מִשְׁנֵה in line with the Gemara (Sanhedrin 21b), as related to שני, meaning a second (as in לחם משנה - doubled bread). Thus in addition to the Torah which all must write, he must write another (which is why, according to the Mizrachi's commentary on Rashi, the Torah says מִשְׁנֵה - "second" - rather than "two"). The king needs two sifrei Torah so that, as the Gemara says, one is placed in his treasury and the other accompanies him wherever he goes.

The **Rambam** (12th century Egypt) follows the same opinion and codifies this law as

בעת שישב המלך על כסא מלכותו כותב לו ספר תורה לעצמו יתר על הספר שהניחו לו אבותיו

When the king sits on his throne he writes for himself a Sefer Torah, in addition to the one bequeathed by his ancestors. (Hilchot Melachim 3:1)

But this interpretation is questioned by many. The **Rashash** (Rav Shmuel Strashun, 19th century Lithuania) asks how could it be possible that the king write an entire Sefer Torah, given that the Gemara says that the "hung from his arm like an amulet", which is hard to imagine if the מִשְׁנֵה תּוֹרָה were a Sefer Torah. Even the smallest possible Sefer would be too big and too heavy for one to imagine it being carried in such a way, not to mention that being suspended from an arm is normally considered a disgrace for a Sefer Torah.

Therefore, says the Rashash, (introduced with the rabbinic phrase of modesty: "if I were not afraid, I would say...") this מִשְׁנֵה הַתּוֹרָה is an "abbreviated book of mitzvot" rather than the entire Pentateuch. After all, the Gemara (Bava Batra 14a) refers to the verse "תורה צוה לנו משה" (Moshe commanded us the Torah) as a "Sefer Torah". (This idea also explains how the "entire Torah" could be written on stones on Har Eval - Devarim 27:3.

The Rashash says that he finds support for the position that the מִשְׁנֵה הַתּוֹרָה הַזֹּאת is not an entire copy of the Torah in a highly authoritative source. The classical Aramaic translation by **Onkelos** (1st century Israel) offers "פְּתִישְׁגִּין אֲוִרִיתָא הִדָּא" as the translation of מִשְׁנֵה הַתּוֹרָה הַזֹּאת. Rashi quotes Onkelos in his own commentary, and says that the Aramaic word פְּתִישְׁגִּין means "learning and saying", suggesting that מִשְׁנֵה is related to שינון - learning (as in לְבַנִּיךְ - וְשִׁנְנֶתָם לְבַנִּיךְ).

The word פְּתִישְׁגִּין appears in Megillat Esther (3:14) and there Rashi explains it as "ספור הכתב" - "the account of the text" - and compares it to the Old French *disreinement*, meaning "account". Thus

interpretation of Onkelos (whose antiquity affords him Mishnaic status) is that the king wrote not a Sefer Torah, but a synopsis of the Torah to accompany him.

In a similar vein, the **Daat Zekanim MiBa'alei HaTosfot** (published in 18th century Italy, but ascribed to the medieval authors of the Tosfot) suggests that the king's "Sefer Torah" was simply the Aseret Hadibrot, which contains 613 letters, one for each mitzvah of the Torah.

Yet another approach in the same direction is brought by the **Ktav VeKabbalah** (19th century Germany) in the name of Rav Naftali Herz Wessely (18th century Germany). The latter's suggestion is that "מִשְׁנָה" means "explanation". For this reason, the book of Devarim is called by the Talmudic sages "מִשְׁנָה תוֹרָה" because of the many mitzvot that are repeated and given further detail in Devarim. The Rambam gave his magnum opus the same name, because it was a re-statement of all the mitzvot of the Torah. Indeed the Mishnah itself is called such because the Oral Torah that it contains is the explanation of the written Torah. So in our case, the king was not commanded to write the entire text of the Torah, but an explanation thereof.

The Ktav VeKabbalah rejects Rav Wessely's analysis as without foundation, and instead claims that מִשְׁנָה (and מִשְׁנָה in Aramaic, contrary to Rashi's explanation of that word) means נוסח or "text". Thus the Ktav VeKabbalah reaches the same conclusion as Rashi and the Gemara, that the king must write an entire Sefer Torah.

Whichever explanation we follow, it is clear from the original text that the Sefer Torah, or the synopsis or explanation thereof that the king must write is not to remain on his bookshelf. The Torah is to be opened, studied daily and internalised, so that "that he may learn to fear Hashem his God, to keep all the words of this law and these statutes, to do them".

Although a homily, which is clearly far removed from the actual meaning of the text, does not normally have a place in these essays, I feel compelled to share a particularly beautiful idea. Remembering the words of the Gemara, that one Sefer Torah stays in the king's treasury and the other travels with him, we can imagine a scenario when the king, whilst visiting his people, is asked a halachic question and he needs to research the answer in his portable sefer. Unfortunately, the answer written in the Torah is not the one the questioner wants to hear (for instance, it says "no" instead of "yes"). Ever eager to please his populace, the king quickly scratches out the objectionable word in the Torah and replaces it with the preferable one before anyone can notice, and pronounces that the answer to the question is precisely the one that was wanted. This happens from time to time as the king completes his journey through his kingdom.

What then is the purpose of the Sefer Torah residing back in the treasury? That version serves as an unaltered "master copy". When the king returns home and compares the two texts - the amended one that travelled with him and the original back at base, the degree to which they differ is a measure of how far the king has deviated from the path of integrity.

In the days leading up to last Rosh Hashanah, we all metaphorically documented the high standards that we set for our behaviour over the year that is now drawing to its close. And as Elul commences and we review our own performance, the correlation or otherwise between the plan that we created last year and the actual lived experience is the indicator of our degree of success. Let us hope that there is a good match, and that next year there will be an even better one.