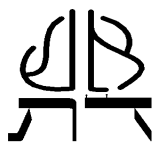


Toras



Aish

Thoughts From Across the Torah Spectrum

RABBI AVI WEISS

Shabbat Forshpeis

This week's parsha discusses the issue of war and reveals that war is only undertaken as a last resort.

The portion opens by proclaiming, "When you come close to a city to fight against it, then proclaim peace unto it." (Deuteronomy 20:10) Rashi maintains that this verse only applies to the first half of the paragraph that deals with optional wars. (Deuteronomy 20:10-15). Hence, this part concludes with the words, "thus shall you do (seek peace) to all the cities which are very far off from you, which are not of the cities of these nations." (Deuteronomy 20:15). But regarding the conquest of the seven Canaanite nations, obligatory war, peace overtures are not made. According to Rashi, this, in fact, is the intent of the second half of this paragraph. (Deuteronomy 20:16-18).

Ramban disagrees. He insists that the opening verse, which outlines the obligation to seek peace first, is a general statement about both obligatory and permissible war. After all, Yehoshua (Joshua) offered peace to the Seven Canaanite nations, nations whom we were obligated to confront militarily.

For Ramban, the paragraph is divided following this general heading. The first half addresses optional war where those not directly involved in the military conflict are spared. (Deuteronomy 20:11-15). The last half of the paragraph tells us that in the obligatory war, no one escapes, everyone is to be decimated. (Deuteronomy 20:16-18).

Ramban adds that peace could be achieved, even in the case of the Seven Nations, those who manifested the worst of immorality and idol worship. If they renounce their evil ways and abide by basic ethical principles, they would be allowed to remain in the land.

Ramban, one of the greatest lovers of Zion, teaches us that even when it comes to conquering the land, there is a perpetual quest for peace. This position has been echoed in the State of Israel's relationship with its neighbors. Israel has always reached out to make peace and gone to war only when absolutely necessary.

**This issue of Toras Aish is dedicated
in memory of my father
William Margolis
whose work in Bnai Brith was long and honorable
by his daughter Beverley Kurtin**

All this is reflected in the pledge taken by Jewish soldiers as they are conscripted into the army. They commit themselves to what is called Tihur Ha-Neshek, Purity of Arms. This proclamation recognizes the necessity of self defense, but insists that war, if necessary can be conducted with a sense of purity, a sense of ethics, and with the spirit of a longing for peace, the true spirit of the Torah. © 2004 Hebrew Institute of Riverdale & CJC-AMCHA

RABBI LABEL LAM

Dvar Torah

You shall come to the Kohanim, the Levites, and to the judge who will be in those days; you shall inquire and they will tell you the word of the judgment. You shall do according to the word that they will tell you, from that place that HASHEM will choose, and you should be careful to do according to everything they will teach you. According to the teaching that they teach you and the judgment that they will say to you, shall you do; you shall not deviate from the word that they will tell you, right or left. (Devarim 17:9-11)

Right or left: Even if they say that your right is left and your left is right. Even more so if they tell you that your right is right and your left is left. (Rashi)

What is meant by being confused between right and left? A child knows the difference. Why should we need sages great in Torah to tell us such simple things that my four year daughter can figure out?

Here's an amazing story I heard twenty years ago. A young yeshiva student took a job teaching in a local Hebrew Day School. With all his idealism and fresh enthusiasm he started to install in addition to the curriculum basic laws of Shulchan Aruch, the Code of Jewish Law. One of the parents most prominent on the school board asked her son with genuine curiosity what he had learned that day. He explained that the new rebbe had told them that when putting on shoes in the morning one is required to first put on the right shoe and then the left shoe. When tying the shoes a right handed person ties the left shoe first and a left handed person ties the right shoe first. The mother was shocked and angered. How dare he pollute our dear children's minds with these antiquated superstitions? He should rather teach good Jewish values.

She called a board meeting and arranged that this young teacher should be dismissed. Her son finished Hebrew Day School up until the 8th grade and

**TORAS AISH IS A WEEKLY PARSHA NEWSLETTER
DISTRIBUTED VIA EMAIL AND THE WORLD WIDE WEB.
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went on to public high school. Later he was accepted at an Ivy League college. In college he was taking pre-med courses and was struggling in chemistry. He managed with the help of a lab partner and then there was chemistry between he and his female companion who as it turned out was not Jewish. He told his parents that he was in love and wanted to marry this girl. Not wanting to interfere with his happiness they agreed and a big wedding was planned.

The night the wedding was to take place he was readying himself in his hotel room for the elegant black tie affair. After fitting the bow tie and the cummerbund he now turned his attention to the shiny pair of new shoes in front of him. Before stepping in he reminded himself that this is an important occasion and a dusty old memory began to stir in the back of his mind about which shoe to put on first. Then the he remembered, "We put on the right shoe first because that's the foot that leads towards...Mitzvos! MITZVOS! What am I about to do?! My children won't even be Jewish if I follow through with this. I'm the end of the chain. I've forgotten all about Mitzvos!" Then with Samson's strength, believe it or not, he called off the wedding.

That night a phone call reached his rebbe from so many years earlier. The young man reminded him that he was the one whose mother had caused him to lose his job. The rebbe said, "I've forgiven you! Things worked out fine! I'm happy where I am!" The young man related what had just happened and tearfully told him, "I really called to thank you for saving my life."

Classically, right and left are not absolute directions but rather expressions of relative strength and weakness or of ranking priorities. We may be all too tempted to ridicule and dismiss sagely standards, "What difference does it make anyway which shoe we put on first?" However, if we are told that something that seems to us a trivial point is really very important and

we defer to their wisdom, oddly left is made right and if the shoe fits much better... © 2004 torah.org & Rabbi L. Lam

MACHON ZOMET

Shabbat B'Shabbato

by Rabbi Amnon Bazak

The officers who turn to the nation before starting out to war speak twice to people who are told to return to their homes (Devarim 20:1-9). The first time, they mention three kinds of people: One who built a new house and did not dedicate it, one who planted a vineyard and did not harvest it, and one who betrothed a woman but did not marry her. These people must go home, lest they die in the war and somebody else will finish the task they started. The second time ("And the officers will continue speaking to the nation" [20:8]), they speak to people who are afraid and lacking courage. In this case, a specific reason is given for having the people return home— "Lest he melt the hearts of his brothers, like his own" [20:8]. With respect to the first group, the commentators disagree: According to the Ramban, the reason is the same as for the second group. "For his mind is on his house, his vineyard, and his wife, and he will flee." However, Rashi feels that the reason is different in essence. "This is a matter of anguish." In spite of the fact that this is a situation of war, the goal of the Torah is to avoid such great anguish that a person starts a project but is not able to finish it.

A proof of Rashi's approach can be seen in the passage of the "rebuke" further on, which takes note of the examples from this week's portion at the beginning of a long list of tragedies. "You will betroth a woman but not lie with her, you will build a house but not settle in it, you will plant a vineyard but not harvest it. Your ox will be slaughtered before your eyes, but you will not eat from it... And you will become insane from the sights your eyes will see." [28:30-34]. This is a list of the tragedies that might happen to Bnei Yisrael, G-d forbid, and it implies a special sensitivity to such occurrences. It is thus reasonable to assume that the Torah wants to avoid such events if at all possible.

An interesting point is to note the different sequence in the two passages: in this week's portion, the sequence is a house, a vineyard, and betrothal, while in the "rebuke" the betrothal is mentioned first, and the house and vineyard come afterwards. What is the reason for this difference?

Evidently, the different sequence is related to the different objectives of the portions. In this week's portion, the Torah is giving instructions to an army, one who must fight against "horse and carriages, a nation larger than you" [20:1]. This requires a psychological approach, beginning with a calming influence on the people and only then describing possible problems. Thus, the Kohen first calms the people. "...for your G-d

accompanies you, to fight with you against your enemies, and to rescue you" [20:4]. Only afterwards do the officials remind the people that they might be killed in the war, and in special cases it is necessary to try to avoid death. In the second part of their talk, the officials take note of the fact that in spite of their words of calm there will be some fearful and cowardly people who would best be sent home. Thus, the approach is from the light to the serious—the first dangers mentioned are the relatively "simple" ones of a house or a vineyard, and only afterwards the worse tragedy of a man who betroths a woman but does not marry her. The purpose of the "rebuke," on the other hand, is to shock the nation, and it therefore begins with the worst possible case, and only afterwards proceeds to possibilities that are not as serious.

In general, the passages about war in chapters 20-21 are an expression of the need for human sensitivity even in a time of war—starting with a call for peace, the attitude towards the trees in the fields, and treatment of prisoners of war. In the case of those who return before the battle discussed above, we can see the great sensitivity towards avoiding personal tragedies and the effort put into psychological preparation of the people before the start of a war.

The Weak Will Say, I am a Hero

by Rabbi Elisha Fixler, Rabbi of Shadmot Mechola

"What man has built a new house and not dedicated it? Let him return to his house... What man has planted a vineyard but has not harvested it? Let him return to his house... What man has betrothed a woman but not married her? Let him return to his house..." [20:5-7]. "What man is afraid and lacks courage? Let him return to his house, lest he melt the hearts of his brothers like his own." [20:8].

As is well known, the Rambam ruled (in the wake of the Sifri), "When is it that people are returned from the ranks of the war? Only in a voluntary war, but in an obligatory war everybody must go, even a groom from his room and a bride from her wedding canopy" [Hilchot Melachim 7]. But this restriction, which appears reasonable, is problematic. It is understandable that one who is building a house, planting a vineyard, or about to marry must give up his personal plans in time of an obligatory war and join in the effort to rescue the nation from an oppressor. However, shouldn't a person who is afraid and cowardly be released also? Do we not still fear that he will cause his brethren to be cowardly, even in an obligatory war?

There is no way to avoid the conclusion that this command is based on a psychological novelty: The fact that this war is obligatory can help the coward to overcome his fear! This man, who was so afraid in a voluntary war, will be filled with spiritual strength when he begins to understand the importance of defending the nation of Yisrael, and when he internalizes the high level of Eretz Yisrael, about which we were

commanded, "Do not abandon it in the hands of another nation." [Ramban]. Based on these values, he will be filled with "the spirit of G-d, a spirit of wisdom and understanding, a spirit of guidance and courage, a spirit of knowledge and fear of G-d" [Yeshayahu 11:2]. He will be transformed into another person altogether! He will no longer be a man who will spread cowardice among his colleagues, rather he will be a man of Yisrael, armed with the conviction that he is fighting the battles of G-d. This conviction will help to raise the spirit of the entire nation.

An example of this transformation can be seen in the war between Yisrael and the Philistines, when all of the men were afraid of Golyat in spite of the "extra pay" that Shaul offered them. And only David met the challenge and fought against him. The difference between David and the other men was that the others saw this as a normal war. That is the reason that the men felt that Golyat's actions were an insult to the nation, as is written, "And the men of Yisrael said: Have you seen this man come forth? He has risen to curse Yisrael..." [I Shmuel 17:25]. David, as opposed to this, saw Golyat's action as an insult to the glory of heaven, as is written, "And David said to the men... Who is this uncircumcised Philistine who has cursed the armies of the Living G-d?" [17:26].

RABBI DOV KRAMER

Taking a Closer Look

Parshas Shoftim begins with the requirement to appoint judges and enforcers in every city, and that the appointments and judgments be completely just. Toward that end, there are three prohibitions directed at the judges (Devarim 16:19): not to pervert justice, not to show favoritism, and not to accept bribes. These are followed by three seemingly unrelated prohibitions: not to plant an "asheira" tree (a form of worshipping "mother nature") next to G-d's altar (16:21), not to erect an altar made of a single (large) stone even to bring offerings to G-d (16:22), and not to bring a blemished offering to G-d (17:1). The placement of these three prohibitions immediately after those that apply to judging properly needs an explanation, but an association brought in Devarim Rabbah (5:6) makes the relationship even more puzzling.

The throne of Shelomo Hamelech (King Solomon) had six steps (Melachim I 10:19). The midrash tells us that each step represented one of the six prohibitions commanded at the beginning of our Parsha, and that as Shelomo ascended each step, the corresponding prohibition was announced. As one of the duties of the king was to act as a judge—and Shelomo would be sitting on his throne while judging—we can understand why the prohibitions pertaining to judgment were called out, as if to remind him that he must judge fairly. However, the other three prohibitions would seem to have nothing to do with sitting in

judgment. Why did Shelomo want to (also) be reminded not to violate these three prohibitions (specifically) before presiding over any cases?

The Kli Yakar asks the above question, and the approaches described below are loosely based on his explanation (see also Eitz Yosef on the midrash).

The Talmud (Sanhedrin 7b), based on the proximity of the prohibitions, compares appointing an improper judge to planting an "asheira" tree—and like doing so next to the altar if a worthy scholar was passed over. Rashi explains that the altar is compared to a scholar, since they both protect and atone for others (hence the unqualified judge is like an "asheira" next to the altar, i.e. the true scholar). We can therefore understand the connection between this prohibition and proper judgment, and why Shelomo was reminded that improper judgments are a serious matter—comparable (in a sense) to idol worship. (See Maharsha, who explains that since one who judges correctly becomes a partner with G-d, an incorrect judgment breaks—or avoids—this partnership.)

The altar must be made of many stones; it cannot be comprised of just one large stone. This (the Kli Yakar and the Eitz Yosef say) is comparable to the Sanhedrin, the Jewish Supreme Court that had 71 judges, and not just one expert judge. What advantage does a court consisting of many judges have over a single judge? Even though the lack of any differences of opinion—a sort of unity available only when a single qualified expert decides the outcome—might seem preferable, having numerous judges—each bringing his own thought process and perspective with him—ensures that all possible angles will be considered. With the diversity of different viewpoints included, the correct decision will be reached.

The role of the king as judge, however, is not the same. Whereas a court must keep to the strict guidelines of Jewish law, so that (for example) a rich person that steals from a poor person is treated exactly the same way as a poor person that steals from someone who is rich, the king has the latitude to impose punitive damages (see Shemuel II 12:1-6, where King David wanted to impose the death penalty—as well as a fine—for a theft, due to the circumstances). This latitude allows the king to compensate for cases that might have fallen through the cracks, as well as preventing anyone from taking advantage of the court system (and its limits).

Although this role is important, it has the disadvantage of having one person be the sole decisor. It is therefore vital that the king look for other perspectives (i.e. from his advisors) before making a final decision. Being reminded that the altar cannot be from one stone (no matter how large it is) serves as a reminder that the Sanhedrin purposely has many judges, and that he, too should keep an open mind and seek out other viewpoints.

If the scholar/judge is compared to the altar, then his decisions would be compared to the offerings brought on that altar. Just as a quality animal that has but one small blemish cannot be brought as an offering, so too is an only slightly imperfect decision unacceptable. Even if the offering is expensive—fit to be served on a (mortal) king's table, if it has a halachic imperfection, it is still better to bring no offering at all than to bring this one. Similarly, if the king/judge got the basic judgment right, with only small details dealt with imperfectly, the decision is not pleasing to G-d. By being reminded that any offering with a blemish is not acceptable, the king is also reminded that he must dot all the "i's" and cross all the "t's," (and dot the "j's" too!), avoiding a decision that is mostly correct but allows some consequences that are less than perfect.

This may explain why, when Shelomo Hamelech's ascended his throne, all six of these prohibitions were announced. After going up the first step, he was reminded of the prohibition not to twist justice; after climbing the second, about not favoring one party over the other; following the third step, about taking bribes; after the fourth, that taking the role as a judge is reserved only for those who are worthy—as improper judgments are compared to improper offerings; after the fifth step that he must seek out a variety of opinions; and, following the sixth (and final) step, that his decision must be complete—getting the bulk of it right is not enough.

Subsequent to this preface, Shelomo was more ready to fulfill his role as judge/king. As he wrote in Mishlay (21:3), "doing righteousness and justice are more preferable to G-d than any offering." May we take as much care making sure that our decisions bring more justice to the world, bring people closer together, and are most acceptable to the One above. © 2004 Rabbi D. Kramer

RABBI SHLOMO RISKIN

Shabbat Shalom

How does our Jewish tradition view the function and powers of the Chief Executive—the King of Israel, or of any country, for that matter? Much of the world into the eighteenth century believed in the "Divine right of the monarchy," that the word of the King is tantamount to the word of G-d. Our neighbors in the Middle East are all ruled by despotic, totalitarian governments, with some attempting to bestow a modicum of benefits upon their subjects but most totally insensitive to any needs other than the hedonistic needs of their own close family. Many political theorists would argue for an absolute and corrupt ruler rather than anarchy, because at least with such a King "the subjects will not swallow each other up alive" (witness Hobbes' Leviathan). What would Jewish tradition say?

Jewish tradition is certainly ambiguous as to whether or not there is a Biblical commandment to

appoint a king over the Israelites: the language in our Torah portion can be interpreted either way, with the introductory verse "When you will come to the land which the Lord your G-d gives you and you inherit it and dwell in it, and you say (that is, if you say) 'Appoint upon me a King like all the nations roundabout'" (Deuteronomy 17:14) suggesting that Kingship is voluntary at best and only in response to a public demand, and the subsequent verse, "You shall appoint, yes, appoint upon yourselves a king whom the Lord your G-d has chosen" (ibid. 15) indicating a Divine command and even rule by Divine right!

Hence, the issue is debated in the Talmud (B.T. Sanhedrin 20b) between Rav Yehuda, who maintains it is a command and Rav Nehorai who sees it as a shameful response to an illegitimate request and by the Biblical commentaries and halakhic jurists like Maimonides, who teaches in the beginning of his Laws of Kings that we are commanded to appoint a King upon our entrance into Israel, and the Abarbanel—in his Biblical commentary *ad loc*—who argues that the very request emanates from a national "evil urge", similar to the request of the soldier to take to wife a captive Gentile, with the Bible telling us in our Torah portion not what ought happen but rather what will happen.

Indeed, on the one hand we see that Gideon the judge refused the offer of kingship, insisting that G-d ought rule over Israel (Judges 8:23), and Samuel considered the very request for a King—who will only rob the peoples' wealth and violate the peoples' rights—as a rejection of G-d (Samuel 1,8), whereas on the other hand the normative form of rule in Israel for both commonwealths was a monarchy!

The one issue about which there is no argument is the precise function of a King, and herein lies a tale which has crucial ramifications for our understanding of the sanctity of Jerusalem as well. Maimonides maintains that the sanctity of Jerusalem is eternal—since "the sanctity of Jerusalem is the sanctity of the Divine Presence (Shekhinah), and the Divine Presence can never be nullified." (Laws of the Chosen Temple, 6, 15). Does this mean that the essence of the Divine Presence is "situated" in Jerusalem, in the Temple Mount? Is it not Maimonides who teaches that the Divine is not anthropomorphic, that G-d is not at all physical, and that G-d can therefore never be limited to any one location? Indeed, does not Maimonides say that anyone who believes that G-d is any way corporeal is a heretic (Laws of Repentance 3, 7).?!

Our daily prayers would seem to buttress the words of Maimonides concerning the special sanctity of Jerusalem: "To Jerusalem Your city shall You (G-d) return in compassion, and You (G-d) shall dwell in its midst as You have said, and may You build it soon in our days as an eternal building. And the throne of David shall You prepare within it speedily. Blessed are You, O G-d, the builder of Jerusalem". Is not our very prayers stating that G-d dwells (or must dwell) in Jerusalem?

This paragraph, however, includes a second theme, which seems inconsistent with the main idea of the prayer itself; "the throne of David shall You (G-d) prepare within it..." What is the relationship between G-d's presence and Jewish sovereignty? Let us return to the Biblical portion which discusses the King of Israel: "He may not have too many horses (or Volvos)...he may not have too many wives...he may not have too much silver and gold..." (Deuteronomy 17:16,17). What can he have? "He must write a second Torah which will be with him and which he must read all the days of his life in order that he learn to fear G-d...and not exalt himself above his brothers..." (ibid.18-20). A king must-first and foremost-know and express the word of G-d. G-d does not bestow Divine right on Israelite kings; Israelite kings must teach the Divine law to his people!

Jerusalem is the seat of the kingship of Israel. Jerusalem is also the City from whence the message of a G-d of peace, justice and compassion will emanate to the entire world. Hence Jerusalem means the City of Peace (Jeru is city, ir, and shalem is Peace), and the Temple Mount is the place from which humanity will learn not to learn war anymore, to beat swords into plough-shares; from Zion will come Torah and the word of G-d from Jerusalem" (Isaiah 2, Micah 4).

I believe this is precisely what Maimonides means when he says that the Sanctity of Jerusalem is the sanctity of the Divine Presence; it is the sanctity not of the Divine physical presence but rather of the Divine word, of the Divine message of world peace. It is that word or message which can never be destroyed or nullified, unlike any physical entity which is subject to destruction. And it is the King's function to symbolize the King of all Kings, to express his message to Israel and the world from his throne in Jerusalem. He must be a King of Peace, a messenger of justice and compassion. Is there a commandment to elect such a king? Ultimately there certainly is, with the King-Messiah, at the time of the universal redemption! © 2004 *Ohr Torah Institutions & Rabbi S. Riskin*

RABBI ARON TENDLER

Rabbi's Notebook

Let's study a verse together. (20:1) "When you go to war against your enemy and you see a force greater than your own do not fear them because the G-d who took you from Egypt G-d is with you?"

By what scale do we decide who is and is not an enemy? How can G-d command us "not to be afraid?" Why does the Pasuk need to identify G-d as "the G-d who took you from Egypt?"

There are two basic reasons for fear: 1. Fear of the known; 2. Fear of the unknown. Fear of the known includes: pains, discovery (getting caught), presentation (e.g. public speaking), and the myriad of fears associated with a lack of self-confidence. Fear of the unknown includes all situations involving the unknown.

The way to differentiate between the two types of fears is to see whether or not removing the unknown dissipates the fear. For example: Many people fear the start of a new job or situation. Students, young and old, fear the start of a new year, semester, or assignment. New employees are often nervous the first few days on the job. However, once the students have met the teachers and assessed their levels of expectation, and once the new employee has had a chance to adjust and learn the office's social protocols and politics, the nervousness and fear recedes along with the degree of unknown. On the other hand, if the fear does not begin to dissipate, the fear is not the fear of the unknown. Instead, the fear is more likely the result of a lack of confidence or fear of success. Undoubtedly, the two fears are related and often overlap. I am also not discounting the fears that might be symptomatic of deeper concerns, both organic and psychological. However, the normal gamut of fears should fall between the two categories of fear of the known and fear of the unknown.

What about the fear of the inevitable? G-d forbid someone is diagnosed with a terminal disease. The understandable reaction is fear. For the patient it is the fear of pain, dying, or both. For the family and friends it is the fear of loss and the unknown manner in which both the illness and or the death will impact their lives. As you can see, knowing the inevitable does not dissipate all fears. It may have dissipated the fear of not knowing what was wrong; however, it is replaced with a greater fear of the unknown as it pertains to the future in many different arenas. A family might decide that it is better for their loved one to remain with the first level fear of the unknown rather than replace it with the secondary and possibly more profound fear of knowing the terminal diagnosis but fearing its impact on self and others.

War is certainly a fear filled time for every intelligent person. Granted, there are those who are so blissfully ignorant that they are unaware of the meaning or potential consequences of warfare and therefore appear to be fearless in the face of danger. Occasionally they may prove to be the stuff of heroes and legends but for the most part they are the stuff of derisive comments, humor, and cannon fodder. They are certainly not the ones we would include in strategizing for the upcoming battles. At best they personify the verse, "G-d watches over fools."

The nation about to enter the Promised Land was not ignorant of the meaning or consequences of warfare. Starting with the war against Amalek and culminating with the wars against Canaan, Og, Sichon, and Midian the Jews were well aware of the consequences of war. Yet, G-d commanded them not to be afraid. More so is the fact that the commandment is directed to us as well. We too are enjoined by G-d not to be afraid when going to battle against our enemies. It was one thing for the generation of the Exodus that was

incubated within the embrace of miracles to be fearless in the face of warfare but for us to be fearless would be tantamount to reckless abandon and irresponsibility. How can G-d command us to be fearless?

As the Bnai Yisroel stood with their feet to the Yam Suf (Red Sea) and their backs to the Egyptian army, Moshe said to the nation, "Do not be afraid. G-d will wage the war for you while you remain silent!" In Az Yashir (Song at the Sea) Moshe and the Bnai Yisroel proclaimed G-d as the "Man of War." By the war against Amalek Moshe stood above the warring sides with his hands raised toward heaven so that they would know that victory was G-d's doing and not their own doing. However, in the war against Amalek the Bnai Yisroel were not told, "not to be afraid." They were told to have Emunah (faith) and trust in the in the inevitability of G-d's invincibility.

At the end of the 40 years, after the death of Aharon, the Canaanites attacked the nation and took hostages. The nation recommitted themselves to G-d and were victorious. In the war against Sichon, the Bnai Yisroel were told to engage him in battle. They did so victoriously, despite the fact that he and his armies were considered nearly invincible. Before going to battle they were not enjoined to be fearless; however, before going to battle against Og G-d told Moshe, "do not fear him, I have given him over into your hands just as I did with Sichon?"

The Talmud related that when the young David went to battle against Goliath, he was struck by fear at the sight of the towering warrior. Comparing himself to the legendary Goliath he recognized the potential consequences of combat and battle and was understandably afraid. Yet, when he heard Goliath's derisive denial of G-d's dominion over the world the lad who would one day be king looked up at the looming mountain of death and said, "If that be the case you are nothing. If you deny G-d then your legendary invincibility are nothing more than the illusions of your own delusions. Therefore, I have nothing to fear. Unadorned by the protection of armor, unschooled in the skills of battle, unarmed except with my sling, I will be victorious because I come to do battle in the name of G-d, the invincible G-d of the Jews!"

The most important question a soldier had to answer before going to battle was, "Why are you going to battle?" If the answer was anything other than, "I was told by my King, I was told by the Kohain Gadol (High Priest), and I was told by the Sanhedrin (supreme court) to do so, that soldier would not be allowed to go to war.

The Torah details a series of questions that the Kohanim and officers asked the troops before going into a "Milchemes Rishus—an elective war. (Wars that were Michemes Mitzvah—wars commanded by G-d, were not optional; everyone had to participate). "Has anyone just built a new home for his family? Has anyone just planted a vineyard? Has anyone just married but not yet consummated the marriage? If yes, return to your

homes. You are not to go to war!" Lastly, "Is there anyone who is fearful of going to battle? Are you afraid that you have sinned (see Rashi 20:8) and do not deserve G-d's protection? If so, return home!"

The Torah did not assume that a normal person could go to war and not be afraid. For a soldier not to be afraid would rightfully make us question his suitability for battle. We are not invested in providing cannon fodder for the war effort. However, the Torah wanted us to look at the fear and decide whether or not we had reason to remain afraid.

In the aftermath of the Exodus the Jews were afraid as they viewed the might of Egypt bearing down on them. The fear was both primal as well as intellectual. From the primal position it was the first time the collective might of Egypt was being directed against the whole of the gathered Jewish nation. It was a situation that did not have a precedent. (Except with Lavan and Yakov? which is why we mention it in the Hag From the intellectual point of view, the Bnai Yisroel were not convinced that the time of the redemption had arrived. Maybe they were supposed to wait for the end of the 400 years. 210 years was 190 years too early and could have spelled inevitable disaster and destruction. "Better to return to Mitzrayim than to die in the desert". At least in Mitzrayim the nation had the chance of surviving even if it meant another 190 years of slavery and persecution! Therefore, Moshe told them, "Do not be afraid! The redemption is now for that is G-d's will!"

Soon after Kriyas Yam Suf (Parting of the Sea), Amalek attacked them. For the Jews it was their first confrontation with unadulterated hatred. Moshe did not have to tell them not to be afraid. They remembered G-d's might and majesty at Kriyas Yam Suf. To be fearless they only had to remain focused on G-d as the cause of victory. So long as they saw Moshe's arms raised toward heaven they knew that victory was inevitable because G-d was truly the Man of War.

At the end of the 40 years, before the battle with Canaan to free the hostages, the nation was not told to be fearless. On their own they realized that victory could only come from G-d and they accepted that in some small measure they had failed in their Emunah (faith). Therefore, they recommitted themselves to G-d and were victorious in battle. Flush with that victory, they went to war against Sichon and did not have to be commanded to be fearless. The Jews went to war certain of victory.

Before the battle against Og, G-d told Moshe not to be afraid. I believe that the injunction was directed specifically to Moshe. His concern was for the unique "survival" quality that Og had exhibited. (According to tradition, Og was a survivor of the Great Flood. The G-dless reality of that world was alive and well in the being of Og. He believed himself invincible, and divine.) His concern was not whether or not they could be victorious. If G-d decreed that they would be victorious, of course they would be victorious! Moshe's

concern was whether or not it was time for Og's demise. Maybe his merits, whatever they may have been to guarantee his survival until that time in history, were still in effect. G-d's ways are a mystery and even Moshe did not know how G-d calibrated the scales of justice. Therefore, G-d reassured Moshe that Og's time had come. "Into your hands have I given Og." G-d had waited for Moshe to arrive on the scene so that the world would understand that the pre-diluvian ways of Og were finished and the new era of Torah and the Jewish people had arrived.

The final battle against Midian was a direct retribution for sending their daughters to seduce the Bnai Yisroel. The Jews understood that the war was to punish the Midianites. Led by Pinchas, they did not fear the outcome. They knew that they waged a war on behalf of G-d. They were the instrument of His will. They did not have to be told not to be afraid.

However, as Moshe prepared the Jews for his death and their entry into the Promised Land it was clear that they were afraid. It would be the first time that they would go to battle without him and Moshe had to address their fear. He had to remind them that he, like them, was inconsequential to the outcome. Only their Emunah in G-d would sustain them in battle and assure victory. The confidence of Am Yisroel that they will be victorious is because they know that they are inconsequential. Like Dovid, they are nothing more than G-d's tools at a given moment in time, and G-d does not fail. So long as the Jewish warrior is certain that he wages a war on G-d's behalf there is no reason to be afraid. In fact, fear reveals an inner doubt that renders the warrior unfit for battle.

What kind of person becomes a warrior for the sake of G-d? Considering the horror of terrorism and the perverted beliefs of those who claim that they are warriors for the sake of G-d as they mercilessly maim and kill, how can we be certain who is and who isn't a true warrior? I would like to suggest that a true warrior must be like Dovid. He must live to emulate G-d and believe that he has been chosen by Him. However, most important he must be a Mirachem? someone who is compassionate and merciful. He must be a warrior who is first and foremost merciful. Understandably, compassion and warring may make for a schizophrenic soldier; so, when does a warrior know when to be compassionate and when not to be?

First, Moshe had to clarify for them the definition of an "enemy". An enemy is not just an adversary. Rashi explains that the difference between warring brothers and warring enemies is that a brother will have compassion on his vanquished brother whereas an enemy will not have mercy on the one he vanquishes. Furthermore, because mercy is a Jewish trait we assume that others will also be merciful. Moshe informed his warriors that the enemy will not be the same. They will not be merciful. They are the enemy.

Rashi is not defining an enemy in general. Rashi is defining who the Jewish people should consider an enemy. Someone who will not have mercy on a captive is someone with whom the Bnai Yisroel cannot co-exist. They are enemies with whom we do not share a common language or purpose. They are the enemy that King David described as "When we speak peace they speak of war."

The bottom line for the Jewish warrior is that so long as he remembers that he goes to battle because it was decreed by G-d, or confirmed by G-d, there is no cause for fear. However, he must be confident that he is worthy of being G-d's instrument. If he is confident, he is commanded not to be afraid; if not, he must not go to war. © 2004 by Rabbi Yissocher Frand and Torah.org.

BRIJNET/UNITED SYNAGOGUE - LONDON (O)

Daf HaShavua

by Rabbi Barry Lerer, Watford Synagogue

At the end of our Sidra, the Torah relates two unique and mysterious mitzvot. These mitzvot are the prohibition against the destruction of fruit trees and the Eglu Arufa—the Axed Heifer. In Chapter 20 Verse 19, the Torah states, "When you shall besiege a city... You shall not destroy its trees by wielding an axe against them, for you may eat of them but you shall not cut them down..."

In the very next passage in Chapter 21: 1-9, the Torah says "If one be found slain... lying in the field and it is not known who killed him... the elders of the city closest to the slain man should take a heifer, which has not been worked, which has not yet pulled a yoke. And the elders of that city shall bring down that heifer to a rough valley which may neither be plowed nor sown, and they should break the heifer's neck..."

The mitzvah of Eglu Arufa seems to leave many questions unanswered. Firstly, why must they bring specifically a heifer that has not yet performed any work? Moreover, why bring it to a place that has no potential to be worked? And, finally, why break its neck? Surely this is an act of utter waste and destruction?

Similarly, we must ask questions about the prohibition on cutting down fruit trees. What is the rationale underlying this mitzvah? What is wrong with cutting down fruit trees?

The Kli Yakar states that what concerns the Torah is not merely the loss of the fruits that are currently on the tree. Rather, the Torah cares about all the fruit that this tree could potentially produce. Each fruit contains seeds which ultimately could create more trees, and untold amounts of future fruits. By cutting down such a tree you are effectively obliterating all of that potential with the stroke of an axe. Therefore, it is forbidden to cut it down, for the Torah abhors wasted potential.

If this can be said regarding a tree whose sole purpose is to serve man, how much more is it true

regarding man himself. This is Eglu Arufa. A person, in the prime of life, cut down, destroyed, with any future achievements gone to waste. His potential is destroyed forever. Therefore, it is understandable why they bring a heifer that has not done any work to a place where no work can be done. Rashi comments: "G-d says, Bring a one-year-old heifer which hasn't produced any fruit, and break her neck in a place that can produce no fruit, to atone for the killing of this person who was not allowed to produce fruit." The Eglu Arufa is therefore the symbol for wasted potential.

With the advent of Rosh Chodesh Ellul, this past week has seen us usher in the Teshuva period. As we approach the New Year let us remember the opportunities and potential available to us. Let us not waste anything. Rather, let us strive to fully achieve our potential. © 2004 Produced by the Rabbinical Council of the United Synagogue - London (O) Editor Rabbi Ephraim Mirvis, emailed by Rafael Salasnik

RABBI SHLOMO RESSLER

Weekly Dvar

Parshat Shoftim starts by telling us something seemingly very obvious: The Torah tells us that we should "have judges and policemen in all our cities". Can a society survive without the enforcement of its rules? Of course not! Commentaries explain that the point of us doing it isn't just because it makes sense to do it, but to do it BECAUSE the Torah instructs us. But a little bit later, the Torah tells us that if we have any questions, we should go to the "...judge that will be in those days". This seems even MORE obvious. It would be kind of difficult to ask a judge that isn't alive! To answer this, one of the commentaries points out that although Avraham (Abraham) was known to have converted many people to Judaism, it's interesting that none of their descendants remained Jews through the years. The reason given is because they depended on Avraham, and weren't willing to learn from Yitzchok, and so on. It could be that...

Every generation has a leader, and for a reason! He or she is someone that's easy to relate to, and easier to learn from. Although the great leaders of the past were smarter and wiser by far, the Torah nevertheless tells us that listening to the judge OF OUR DAY is more important, provided that they represent Torah guidelines. Often times we're faced with dilemmas that we think we can handle. But the truth is that if we had a Rabbi we could relate and talk to, we might see things a little differently, from the Torah perspective. And even if we don't ask about every little issue we have, we would still know what the Rabbi would have told us to do had we asked, and that alone can sometimes help us make the right choices. Role models provide stability and support for growth in life, Torah observance and ideals. It's when we THINK we don't need a role model that we need one the most!

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