

Toras Aish

Thoughts From Across the Torah Spectrum

MACHON ZOMET

Shabbat B'Shabbato

by Rabbi Amnon Bazak, Yeshivat Har Etzion

The Book of Bamidbar ends with a request by the tribal leaders of Menasheh from Moshe. They were afraid that the daughters of Tzlofchad, who had been given their father's heritage, would marry outside their own tribe so that the total heritage of the tribe would be decreased. In many ways, the request of the family leaders in this week's Torah portion and that of the daughters described in the portion of Pinchas are very similar. In both cases, the approach to Moshe is described in the same way: "And the daughters of Tzlofchad Ben Cheifer Ben Gilad Ben Machir Ben Menasheh, from the families of Menasheh Ben Yosef, approached... And they stood before Moshe and before Elazar the Kohen, and before the tribal leaders and the entire community." [Bamidbar 27:1-2]; "And the heads of the families of the sons of Gilad Ben Machir Ben Menasheh, from the families of the descendents of Yosef, approached, and they spoke before Moshe and before the tribal leaders, the heads of the families of Bnei Yisrael" [36:1]. In both cases, those who make the claim demand that a basic right should not be taken away from them:

"Why should our father's name be removed from his family?" [27:4]; "... and they will marry somebody from one of the other tribes of Bnei Yisrael, and their heritage will be removed from the heritage of our fathers and will be added to the heritage of the tribe into which they marry. And the size of our heritage will be decreased." [36:3]. Both times, Moshe turns to G-d, who agrees with the claims: "And G-d said to Moshe: Yes, what the daughters of Tzlofchad say is correct." [27:6-7]; "And Moshe commanded Bnei Yisrael, according to the word of G-d, saying: Yes, the tribe of Yosef is right." [36:5]. In the end, Tzlofchad's daughters received their father's heritage and the tribe of Menasheh kept its full heritage, since the daughters were only allowed to marry somebody within the tribe. However, the question remains: What is the significance of the similarities between the two passages?

A second question can also be asked: If both requests were in fact in accordance with the will of G-d, why were they written separately? Couldn't the entire passage in this week's Torah portion have been

eliminated by just mentioning the limitation on the marriages of Tzlofchad's daughters from the very beginning? Couldn't the verse "Any daughter who has an inheritance from among Bnei Yisrael must marry somebody from a family of her father's tribe, so that everybody in Bnei Yisrael will inherit the portions of his fathers" [36:8] have appeared in Chapter 27, as part of the original command to allow a daughter to inherit her father's possessions if there are no sons?

It seems clear that the Torah purposely described these requests as separate events. In spite of their similarities, from a conceptual point of view they really contradict each other. The request of Tzlofchad's daughters stemmed from their desire to protect the individual rights of their father so that his name would not be forgotten, and this request was granted. However, the request by the tribe is the other side of the coin? if the individual rights will be recognized fully, this might harm the community right, in that the tribe could lose part of its heritage. The fact that the two passages appear separately puts both cases into sharp focus and leads to the desired result? a proper balance between personal rights and the needs of the community.

Wealth and Killing

by Tal Chaimowitz, Midreshet Lapidot, Sdeirot

The words of the Torah with respect to the sites of the sanctuary cities can be seen as a spiritual warning sign. The Torah calls for more cities on the eastern side of the Jordan River in proportion to the number of tribes than on the western side. Rashi takes note of this by quoting the words of the Talmud, "Abayei said: In Gilad murderers are common" [Makkot 9b]. Why were there a relatively large number of murders in the area of Gilad?

We can understand the answer to this question if we look into the request made by the children of Gad and Reuven. "We will build pens for our sheep here and cities for our children, and we will lead the fight" [Bamidbar 32:16-17]. Moshe's answer to them contains a hidden rebuke which Rashi has made explicit: "They cared more about their wealth than about their sons and daughters, in that they mentioned their sheep before their children. Moshe said to them, this is not right. Keep sight of what is most important and what is secondary. First build cities for your children and then make pens for your sheep."

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Moshe's words should be studied carefully, and this can indicate for us the key to understanding the relatively high incidence of killings in the area of Gilad.

The basic reason that one person is not allowed to kill another one, even to save himself from a threat of mortal danger, is that nobody can claim that his blood is thicker and more important than that of his colleague. This is true even though in principle a person's own life takes precedence over that of another (thus, there are cases when a person is not required to put himself into a clear danger, except in a time of war? see Mishna Berura Orach Chaim 329:19). However, there is a difference between taking positive action to kill another person and refraining from giving help. A person should guard his own life, but only on condition that this does not cause harm to somebody else.

The natural desire of a person to expand his interests and seek wealth must not lead to distorted priorities, egotistically putting man at the center of existence. The focus of life must be external, based on the eternal values of the infinite revelation that took place at Mount Sinai. Only if this is the case will a man be able to judge accurately whether the value of life is at the center of his being or if it has become "an intellectual decoration."

Maintaining proper balance in this matter will lead to greater care for other people's lives. And the tribes of Gad and Reuven were relatively lacking in this trait as compared to the other tribes, so much so that their distorted values led to an increase in killing.

Let us pray that we will gain full possession of the land in our generation, with G-d's help. *[This prayer is especially poignant considering that the author lives in Sdeirot – Ed]*

RABBI DOV KRAMER

Taking a Closer Look

“It was taught [that] three sections were given to [the Children of] Israel by the Plains of Moav; namely, the section of inheritances, the section of the cities of refuge and the section of vows. And if you'll say that the section of the offerings (the additional offerings described in Parashas Pinachas) was also taught by the Plains of Moav, it had already been hinted at by [Mt.] Sinai and was explained [in detail] by the Plains of Moav.” (Midrash Hagadol on Bamidbar 30:2)

We can understand why the section of inheritances weren't taught to the nation until the 40th year (after the daughters of Tzelafchad made their request), as the division of the Land of Israel and how it was inherited would not be relevant until after it was conquered. The same is true of the cities of refuge, which weren't active until the land was conquered and divided, and could be said about the additional offerings, which were not brought until they entered the Land. However, why was the section of vows not given over until the 40th year? The annulment of vows described should have applied earlier, so should have been taught earlier! Why wasn't a father made aware that he can annul his daughter's vows (or oaths), or husbands told that they could annul those of their wives? And what if someone else wanted to undo his vow or oath; why weren't they made aware of the possibility of going to an expert, or three non-experts, to remove the vow/oath?

The Ramban suggests that the reason the section of vows was taught only to the Tribal leaders (30:2) was because "there was no need to teach all of the Children of Israel that the father and the husband are able to annul vows that cause suffering. And perhaps it was necessary to hide these laws from them so that they won't treat vows lightly. But to the scholars of Israel, the heads of their Tribes, he taught the [body of] law [pertaining to vows]." If Moshe taught these leaders the laws of annulment because at the very least the leadership had to be aware of what the laws really were (even if they were not for public consumption), this need did not yet exist while Moshe was still alive (see Abarbanel). Now that Moshe was nearing the end of his life (and leadership), it became necessary to transmit the information to the next generation of leaders.

Even if it was enough that Moshe knew about it until now, Yehoshua might not be enough afterwards. After all, the entire nation was together in the wilderness; once they spread out in the Land of Israel, each Tribe had to have its local leader know this information. Nevertheless, this approach only works if it were true that the section of vows was only taught to the leaders. Rashi, and the numerous Midrashim he is based on, make it very clear that even though the Tribal leaders were taught this section first, it was subsequently taught to the entire nation (just as every other section was first taught to the leaders and then to the nation). If every father, and every husband, and every person who can potentially take an oath or make a vow, was made aware of the possibility of negating them, why was this only taught to them in the 40th year?

Aside from the fact that the father/husband annulments are explicitly written in the Torah, every year before Rosh Hashanah (or at least Yom Kippur) we all do "hataras nedarim," negating any vows we

made over the previous year. The very first prayer said on Yom Kippur (and probably the most famous one) is "Kol Nidray," where we publicly proclaim that we are negating our vows (and oaths, etc.). Obviously we do not follow the Ramban's suggestion that the possibility of annulment is supposed to be unknown to the masses. But isn't his concern valid? Won't making promises lose their meaning if we all know that there is a way to undo them?

In fact, just the opposite is true (or should be true). The reason we negate our vows prior to standing before G-d in judgment is precisely because we are aware of just how severe breaking them is. We are so worried about the consequences of unfulfilled vows that before asking for forgiveness we try removing all of our vows. As a matter of fact, one of the conditions necessary to undo a vow (as opposed to a father or husband's annulment) is to completely and fully regret having made it in the first place (see Yoreh Deyah 228). Someone who doesn't appreciate the severity of a vow will not be able to regret making it, as they won't be that concerned about breaking it. This creates the conundrum of first needing to understand how serious the consequences of vows are before being able to undo them, while being able to maintain that fear of broken vows despite knowing they can be undone.

This can be accomplished by first teaching the severity of vow-making without making the (young) student aware (yet) that they can be undone. Once the child grows up appreciating the seriousness of making a promise, learning that regretting having made it can negate it will not undo the appreciation of the gravity of breaking a still-valid promise.

However, this applies to teaching our children, the next generation, where we have a chance to first teach them the seriousness of making a vow before they learn about the possibility of undoing it. What about adults that are learning everything at the same time? Can they appreciate the seriousness of taking an oath if they simultaneously learn that it can be undone? Perhaps this is why G-d (and Moshe) waited until the 40th year to teach them these laws. After having treated vow-making with the proper reverence for close to 40 years (aided by not knowing that they can be undone), they were now ready to learn the rest of the story, when knowing they can be undone will not (necessarily) minimize the severity of the vow itself.

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RABBI AVI WEISS

Shabbat Forshpeis

The portion of Masei includes the sentence that speaks to the commandment of living in Israel. The key phrase is "and you shall take possession of the land and dwell therein." (Numbers 33:53)

Rashi is of the opinion that this sentence does not constitute a command to live in Israel. It is rather

good advice. Take possession of the land from its inhabitants, otherwise you will not be able to safely live there.

Ramban (Nahmanides) disagrees. In his addendum to Rambam's (Maimonides) Book of Commandments, Ramban notes that Rambam failed to mention living in Israel as a distinct mitzvah. Ramban writes: "We have been commanded in the Torah to take possession of the land which G-d gave to the patriarchs and not leave it in the hands of others or allow it to remain desolate, as it says 'and you shall take possession of the land and dwell therein.'" (Addendum, Mitzvat Aseh 4)

Some commentators argue that implicit in Rambam is the commandment to live in Israel. So basic is the mitzvah, writes the late former Ashkenazi Chief Rabbi Shlomo Goren, that it need not be mentioned, as it is the basis for all of Torah.

But whether or not one maintains that Rambam believes it is a mitzvah to live in Israel, doesn't this commandment, as certainly understood by Ramban, fly in the face of our mission to be an or la'goyim? How can we be a light to the nations of the world if we don't live amongst Gentiles and are ensconced in our own homeland?

One could argue however, that the mandate to live in the chosen land of Israel is crucial to the chosen people idea. Being the chosen people doesn't mean that our souls are superior. Rather it suggests that our mission to spread a system of ethical monotheism, of G-d ethics to the world, is of a higher purpose. And that can only be accomplished in the land of Israel.

From this perspective, the significance of the modern state of Israel is not only as the place of guaranteed political refuge for Jews; or as the place where more mitzvot can be performed or where our continuum as a Jewish nation is assured. Rather it is the only place where we have the potential to carry out the chosen people mandate.

In exile, we can develop communities that can be a "light" to others. But the destiny of the Jewish people lies in the State of Israel. Israel is the only place where we as a nation can become an or la'goyim. In the Diaspora, we are not in control of our destiny; we cannot create the society envisioned by the Torah. Only in a Jewish state do we have the political sovereignty and judicial autonomy to potentially establish the society from which other nations can learn the basic ethical ideals of Torah.

As we near Tisha B'av, the fast commemorating our exile from the land, this position reminds us of our obligation to think about Israel, to visit Israel, and, most important, to constantly yearn to join the millions who have already returned home. Only there do we have the potential to be the true am ha-nivhar (chosen people). © 2007 Hebrew Institute of Riverdale & CJC-AMCHA. Rabbi Avi Weiss is Founder and

Dean of Yeshivat Chovevei Torah, the Open Orthodox Rabbinical School, and Senior Rabbi of the Hebrew Institute of Riverdale.

RABBI BEREL WEIN

Wein Online

The double parsha of this week pretty much concludes the narrative portion of the Torah. The stops and encampments of the Jewish nation during their forty year stay in the desert of Sinai are dutifully recorded. What is the purpose of this holy travelogue? After all, at first glance it appears to be nothing more than a list of places and oases, most of whose locations are completely unknown to later generations. Even the true location of Mount Sinai, the lowly peak where the Torah was given to Israel and the world, is a subject of archeological and historical disputes.

So of what value are all of the names and places listed in the parsha? This question is certainly not original with me. Over the ages, the scholars of Israel have attempted to unfathom the matter of the names of the places in the Sinai desert that appear in our parsha. Many commentators and the Midrash itself found deeper meanings and moral lessons lurking behind the recitation and spelling of the name of the place itself. Such names as kivrot hataavah-the burial place of desire and lust-certainly bear out such understandings.

However, not all of the names and places mentioned in the parsha lend themselves as easily to such explanations and interpretations. The masters of kabala and Chasidut imparted mystical and even prophetic overtones to these names. They gave them an other-worldly dimension. As appealing as such ideas are to our spiritual bent, the rule of Torah interpretation-ein hamikra yotzei midei pshuto-the verse in the Torah always means its simple straightforward sense-causes us to remain with the question of why this list of names of places in the Sinai desert is included in such length and detail in the parsha.

Rashi gives us an inkling of the moral lesson that drives the inclusion of this list of names of places in the Torah. It served and serves as a memory book. Much as on occasions of joy and sadness the family gathers round to look at old photographs and to reminisce together about the past, so too does the Torah indulge us in such an experience here in the parsha.

Reminiscences and nostalgia are part of the glue that binds families and generations together. Past experiences recalled become shared family experiences. Without the list of where we were in the Sinai desert and what occurred to us there, all of the great moral challenges, failings and lessons that represent that period of time and formative generations of Israel would be muted if not even lost to us.

I am certain that all of us are aware that the naming of streets in cities all over the world is meant to give life, memory and continuity to the past in order to inspire strength in the present and faith in the future. Throughout our long exile, the Jewish people have always remembered where we were and what occurrences befell us there. To a great extent, this has been part of our arsenal of survival. So pay heed to these names of ancient places. They are our family photographs and grant us guidance for our future. © 2007 Rabbi Berel Wein- Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at www.rabbiwein.com. For more information on these and other products visit www.rabbiwein.com/jewishhistory.

RABBI SHLOMO RISKIN

Shabbat Shalom

This week's double portion records how the Jews finally cross the Jordan River on their way to conquer the Promised Land. The tribes of Gad, Reuven and half the tribe of Menashe possess a great multitude of cattle, and "paradise" for cattle is good grazing land, which happens to be what these two and a half tribes find in their present location of Trans-Jordan. They then petition Moses with a special request. "If you would grant us a favor, let this land be given to us as our permanent property, and do not bring us across the Jordan." (Numbers 32:5)

Moses' response is sharp. "Why should your brothers go out and fight while you stay here? Why are you trying to discourage the Israelites from crossing over to the land that G-d has given them? This is the same thing your fathers did when I sent them from Kadesh Barnea to see the land," (Numbers 32:6-8). Moses' reference is an especially damning one: just as the scouts decided to remain in the desert because they lacked the courage and will to fight for the Promised Land, you are acting similar to them by your desire to stay where you are, saving yourselves from the harrowing experience of war. And Moses makes this comparison even though Trans-Jordan is considered to be part of the holy land (Mishnah Kelim 1,10).

What moved these two and one-half tribes to remain in Trans-Jordan? According to Rabbi Simcha Zissel of Kelm, they petitioned not to have to cross the Jordan because of their cattle, which expresses a certain degree of materialistic greed on their part; it doesn't take a great flight of the imagination to see the correspondence between cattle and grazing lands in those days to economic opportunities in the work place today. Why do Jews continue to live outside of Israel, further away than the other side of the Jordan, on the other side of the Atlantic? Because they've found good grazing lands for their cattle and it's a shame to give that up, especially since our present-day descendants

of Gad and Menashe rarely question a contemporary Rabbinic authority about their choice. If they did, he would more than likely repeat Moses' message "Why should your brothers go out and fight while you stay here?" (Numbers 32:61).

After all, world Jewry has certainly benefited from the State of Israel, ever since its inception and to this very day. After the holocaust, which resulted in the tragic loss of 1/3 of our people and 4/5 of our religious, intellectual and cultural leadership, it seemed as if Judaism had finally faded from the world stage of viable "peoples", nations and religions. The renowned historian Alfred Toynbee called the Jews a "fossil" in the history he published in 1946, the Chief Rabbi of Rome converted to Christianity and conversion was rampant in every campus in America immediately following the Holocaust. Not only did world Jewry experience a miraculous renaissance after the Declaration of Israeli Statehood - and then again with the liberation of Jerusalem after the Six Days War in 1967 - but Israel is now the greatest provider of religious and educational leadership for Jewish communities throughout the world as well as the most effective fount of inspiration for searching and struggling assimilated Jews whose lives become significantly transformed through programs like Birthright Israel. All of the successful diaspora Jewish communities today owe their development in no small measure to the Jewish State.

Rabbi Yitzchak Arama, gives a slightly different interpretation. The author of the Akedat Yitzchak, describes the tribes of Gad and Reuven as practical materialists who never the less are planning to eventually join their siblings in Israel's heartland. But only eventually; not right now. At present the personal needs of the family and the tribe must come first - until the leader of the family can amass sufficient material goods to make the big move to the middle east a less risky venture. Their personal needs - and not historic Israel's national needs - must come first. Hereto Moses took them to task.

The Ohr Hachayim approaches the situation in its simplest, most "religious" terms: suggesting that the two and a half tribes built their argument around Divine intervention: "The land which G-d conquered on behalf of the congregation of Israel is a land for cattle, and your ser-vants have cattle." (32:41). In other words, this is the land that G-d conquered for us and therefore this is the land we wish to remain in. If G-d wants us somewhere else, let Him take us there, let Him conquer that land too. Until then, this is where we're going to stay and this is where our cattle will stay. It is good for our cattle and therefore it is good for us.

In many ways, the Ohr Hachayim's reading sees the two and one half tribes as being the counterparts of the devotees of Natura Karta. They are waiting for G-d Himself to bring them to Israel - and if

not G-d, then at least His Messiah! When G-d is good and ready to redeem Israel completely, He'll do it in His own time. Everything depends on G-d, and we are more than happy to wait it out in our pleasant grazing land until then....

The truth is that Gad and Reuven had forgotten their history. They cannot rest on their grazing laurels while the rest of the nation fights their wars for them. When the Is-raelites reached the Reed Sea chased by the Egyptian hordes they asked Moses to pray to G-d. "'Why are you crying out to me?' G-d says to Moses. 'Speak to the Israelites and let them start moving.'" (Exodus 14:15). The sea does not split until Nachshon ben Aminadav and Caleb ben Yefuna jump in.

Similarly, when Moses tells Gad and Reuven that they have to bear arms and fight, he's really pointing out that G-d's promise to Israel is that everyone has to be partners - G-d with the nation, and the nation with each other, sharing in a mutual responsibility and privilege . At the end of the day, if our fledgling State proves to be even more vulnerable than we think by dint of less man-power in war and a smaller population than is required, Jews will have only themselves to blame for not rising to the challenge offered by the greatest Jewish adventure in 2000 years.

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RABBI ADAM LIEBERMAN

A Life Lesson

In this week's Torah portion, G-d tells Moses that the Jewish people should wage war against the people of Midian. Moses then gave them specific instructions on how they should wage this war. When they returned from the battle, however, Moses learned that they failed to follow his exact instructions and:

"Moses... and all the leaders of the assembly went out to meet them outside the camp. Moses was angry with the commanders of the army..." (Numbers 31:13-14)

Even though Moses was clearly upset with those who were in charge of the battle, he did something so vitally important in leadership-he went out to meet them outside the camp. Moses practiced one of the most important concepts in dealing with people-and that's always to reprimand people in private. In fact, the blockbuster best-selling book entitled "The One Minute Manager" devotes much time to this powerful principal.

Sadly, people in a position of authority don't like doing this because they have a strong ego-based need to put their power on display for all to see. So, in an effort of to show everyone that "they're the boss," they actually like to reprimand people in front of others. This makes you no better than a school yard bully and clearly makes you much more of a coward than a leader.

Ironically, people act this way because they wrongly believe that they'll actually gain respect by

occasionally (or regularly) letting everyone know that they're in charge. But great leaders have long recognized that people truly want to do the right thing and publicly adding salt to their wounds is just plain stupid.

Parents are the most important "leaders" in the world. G-d entrusts them with the responsibility of raising His children, and He certainly doesn't want His children to be publicly ridiculed. There are certainly times that parents have a rush of frustration when their child does something wrong and have a powerful urge to yell at them for all to hear. But this isn't at all how to discipline or educate your child. Even though Moses was angry with his commanders, he didn't let it get the better of him. He chose to go outside the camp so he wouldn't embarrass them in front of their men.

There are countless times throughout the day that you'll be in a position of being a "boss." Whether as a customer in a store, a patron at a restaurant, or hiring a landscaper-for a brief period of time you can act any way you choose. While you might feel a need to let these people know "who's in charge," it will only make you look like a fool. And if there is something they did that you're upset about, then let them know without anyone else being able to hear. This will not only make them actually listen to what you're saying, but it will also build your own self-esteem by not living in the fantasy world that you can get taller by publicly knocking someone else down. ©2007 Rabbi A. Lieberman & aish.org

RABBI ZVI MILLER

The Salant Foundation

What motivates some people to always fulfill their verbal commitments? Whereas, other people lack the capacity to keep their word.

The Zohar tells us that a neder-the Hebrew word for a vow-means "dwelling place." Therefore, the esoteric connotation of the phrase neder l'HaShem, i.e., a vow to G-d, is "HaShem is the dwelling place of the world." Meaning, the real dwelling place of the soul is in the Presence of HaShem. Accordingly, a person who fulfills his vows believes that his soul will ultimately live in "the dwelling place of HaShem."

The Zohar reveals the dynamics of our inner thoughts. Amazingly, the belief that our soul will eventually dwell in the holy presence of HaShem begets our sense of integrity!

Our belief system impacts our ethical behavior. A person, who believes that HaShem created the world, intuitively understands that HaShem created the soul in order for the soul to rejoice forever in Splendor of the Divine Presence. Therefore, he lives his life with high moral standards in anticipation of His ultimate union with HaShem.

Conversely, a person who does not fulfill his verbal commitments lacks the clarity of knowing the

soul's true dwelling place. Since he does not have much consciousness of his soul's true purpose, he has little motivation to prepare himself for the true and eternal dwelling place of the soul.

May we heighten the awareness that our soul's journey carries us to bask in the holy light of the Living King. The more we internalize this truth, the more we will grow in honesty, integrity, and faithfulness. [Based on commentary of Rabenu Bachaya]

Today: If you make a commitment-make every effort to keep your word. ©2007 Rabbi Z. Miller & The Salant Foundation

RABBI BORUCH LEFF

Kol Yaakov

You would get the impression from a few verses in Parshas Masay that the Torah takes the crime of homicide very seriously. No less than 29 verses (35:6-34) discuss the various consequences of all kinds of murder, both intentional and unintentional. In Parshas Shoftim there are another 13 verses that address the same subject, as well as more individual verses throughout the Torah. Murder is a cardinal sin and needs to be punished severely.

Yet, we find a fascinating, seemingly contradictory, series of statements in the Mishneh Makkos 7a: "A Sanhedrin (High Court) that executes once in seven years is called a destroyer. Rabbi Elazar ben Azariah says: Once in 70 years. Rabbi Tarfon and Rabbi Akiva say: Had we been on a Sanhedrin, no one would ever have been executed. Rabbi Shimon ben Gamliel says: They would then have increased the number of murderers in Israel." (Tosafos Yom Tov commentary explains that Rabbi Shimon ben Gamliel was concerned with murder more than other sins because it is the most destructive one. His point though applies to increasing all other types of sins besides murder as well.)

Strange. There is no other word to describe the feeling one gets when reading this Mishneh. At the maximum, a High Court was not expected to execute any criminal, even for capital offenses, more than once every seven years, and even that is considered too often. Even Rabbi Shimon ben Gamliel, while criticizing Rabbis Tarfon and Akiva as being too lenient, agrees with that.

The Bartenura commentary explains the basic rationale of this Mishneh as encouraging judges to examine carefully and decide slowly, so that they could find a method to exonerate the accused. We don't wish to kill even a criminal, unnecessarily.

But what then are we to do with all of the verses in the Torah delineating all the capital consequences and punishments of transgressions? The Torah was not simply wasting its time in an exercise in futility. So why does the Torah list and

threaten numerous punishments if they are not easily designed ever to be carried out?

The answer is this. The mark of social stability, morality, and lack of crime within any society is not necessarily based on the number of criminals who are actually convicted. What matters most is not how many arrests we make but the very fact that we put a law on the books and make a statement of what our values are. It is of utmost importance for a society to prohibit and make adultery illegal. Whether it is practical or possible to enforce such a law is irrelevant. We need to make the strong declaration that adultery is patented evil, regardless. We must make statements explaining our values.

Murder is unacceptable and deserving of death, whether we are able to punish all murderers or not. We may think that it doesn't matter very much when we firmly state our morals even without the ability to carry out punishment. But it matters very much. The difference is the entire pulse and tone of our society. Children grow up with a sense of right and wrong in their outlooks and understanding when we clearly and cogently state our morals and values. If society has no stated values, the child will experiment with anything and everything and walk down immoral paths.

There is no real way that any society can eliminate crime strictly through carrying out punishments. Shoplifting, drugs, muggings, or murder will never be curbed unless society expresses how it feels about crime. A society must look with contempt at a thief, with horror at a murderer, with total intolerance at a rapist, in order to work toward eliminating all of them. But if criminals do not get these feelings from society but, on the contrary, receive understanding and compassion from the justice system due to their 'unfortunate upbringing,' this guarantees that not only will it not curb, but it will actually encourage more crime.

We cannot impose discipline from without. We can only do so from within. When a child shoplifts we must look at him with revulsion and scream, "You thief! How could you?" If children continuously receive these reactions, they will not shoplift. But if we merely tell them, "You better not do that because you don't want to get a criminal record," it won't make the slightest impression upon anyone to avoid it. We must strongly frown upon all crimes and not give it the slightest degree of acceptance.

In societies where values are clearly expressed, crime will truly be minimal. In societies where this is not done, crime will be an ongoing problem. Thus, the Torah constantly describes all of the serious consequences of murder, theft, and all transgressions.

It is irrelevant whether or not punishments will actually be carried out. But it is of utmost significance to state the severity of the punishments, which apply to the crimes.

We should support capital punishment for severe crimes such as murder, because we need to instruct all members of society that taking someone's life warrants the forfeiting of the murderer's own life. If the fact remains that capital punishment does not curb murder in the United States, it is only because society does not show enough outrage at the criminal but rather seeks to understand with tolerance, the criminal's motive and rationale.

Yes, it is possible to be too tolerant, at times. Compassion for criminals is one such example. We can never allow our contempt for immoral acts to be weakened. If we do so, we risk sacrificing the entire moral fabric of society and we guarantee that crime will exist perpetually. © 2007 Rabbi B. Leff & aish.org

RABBI DOVID SIEGEL

Haftorah

This week's haftorah continues the theme of the three weeks and introduces the month of Av. The prophet Yirmiyahu reprimands the Jewish people and reminds them, in the name of Hashem, of all of the favors they have received over the years. Hashem asks, "What wrong did your fathers find in Me that distanced them from Me and resulted in their following the empty practices of idolatry diminishing the Jews to nothingness? They didn't turn to Hashem who brought them up from Egypt and led them through the desolate dangerous desert." Hashem continues, "And I brought them to the fertile land of Israel to partake of its fruits and goodness. But they defiled My land and disgraced My inheritance." (Yirmiyahu 2:5) Hashem faults the Jewish nation for presently rejecting Him and resorting to the shameful ways of idolatry.

Hashem says, "They forsook Me, the source of the waters of life; to dig empty cisterns." But the blame wasn't limited to the common folk, it even extended to their leaders and prophets. Hashem describes their spiritual decline in the following terms, "The Kohanim didn't revere Me and the upholders of Torah didn't publicize My name, the kings rebelled against Me and the prophets delivered false prophecy." (2: 8) This bleak picture of the Jewish people was certainly not a comforting one and almost promised immediate retribution and destruction.

Yet, we discover that Hashem's response to all the above was one of concern and compassion. Hashem surprisingly responded, "Therefore I will continue to quarrel with you and even with your grandchildren." Hashem vowed to send more prophets and continue showing them and their descendents the proper path. Although every attempt thus far had been unsuccessful Hashem remained determined to help His people. Hashem refused to reject them even after the numerous rejections they showed him. The present leaders were not loyal to Hashem and didn't inspire the nation to repent and follow the proper path. Perhaps

the next group of leaders would be more loyal and could successfully leave their imprint on the Jewish people. Although the Jews had reduced themselves to the point of emptiness and nothingness Hashem still cared about them with deep compassion. He wouldn't leave His people until every last avenue had been exhausted and it had been determined that there was literally no more hope for them.

This unbelievable degree of compassion is explained in the verses immediately preceding this week's haftora. Hashem says, "I remember you for the kindness of your youth, the love of our initial relationship when you blindly followed Me in the desert." Even after all the offenses the Jewish people committed against Him, Hashem still remembered His initial relationship with His people. Hashem never forgets those precious years wherein He enjoyed a perfect relationship with His people. Hashem actually longs for the opportunity of returning to that relationship and will do virtually anything to restore things to their original perfection. This explains Hashem's persistence in sending prophets to the Jewish people attempting to persuade them to return. In truth, Hashem views the Jewish people from an entirely different perspective than their present rebellious state. Hashem sees them through the visions of the past. True, they have presently gone totally astray but Hashem sees in them their perfect past as the devout people whose intimate relationship with Him directed them to follow blindly wherever they were led. Hashem therefore expresses His sincere desire that the present Jewish nation live up to His perfect vision of them, the glorious vision of the past. Through this perspective the Jewish people deserve every last chance they can to return to their glorious era.

With this insight in mind we can truly appreciate the words of Chazal in Midrash Tehilim (137) which reveal Hashem's indescribable love and compassion for His people. The Midrash relates that the Prophet Yirmiyahu accompanied the Jewish people into their exile until the Euphrates River, the doorstep of Babylonia. He then informed them that he would be leaving and returning to the segment of Jewish people left behind in the land of Israel. Suddenly there was an outburst of uncontrollable weeping from the Jewish people who realized that they were being abandoned by Yirmiyahu. He responded with the following words, "I testify in the name of Hashem that if this sincere cry would have transpired moments ago, when we were still in our homeland, the exile would never have come about." So great is Hashem's love for His people that even after all the atrocities they committed, rebelling against Hashem and intentionally spiting Him, one sincere gesture from the Jewish people was all that was needed. Even one emotional outburst, sensing Hashem's rejection would have sufficed to hold back the terrible calamity they now faced. Hashem loves His

people so deeply that even at the last moments He still awaited their return to Him and was prepared to call off their imminent exile. In Hashem's eyes we will always be seen through the perspective of our past, a perfect devout people ready to serve Him unconditionally. And Hashem is therefore always prepared to do anything He can to restore us to that glorious position, His perfect nation. © 2007 Rabbi D. Siegel & torah.org

RABBI SHLOMO KATZ

Hama'ayan

We read in this week's parashah that one who commits unintentional manslaughter is exiled to a city of refuge until the Kohen Gadol dies. The gemara says that the mother of the Kohen Gadol used to send gifts to these people so that they would not pray that the Kohen Gadol die.

And so what if they do pray—will their prayers have any effect? The Talmud Bavli explains that the Kohen Gadol is in danger because he is culpable for each accidental killing. Had he prayed that no stumbling blocks come before the Jewish people, perhaps this crime would not have taken place.

This answer demonstrates how great the power of prayer is., writes Rav Meir Bergman shlita. Although a person is responsible for his deeds, another person's prayer can rescue him from wrongdoing. Indeed, the Talmud Yerushalmi takes the power of prayer even further, saying that the murderer's prayer is a threat to the Kohen Gadol because even a wicked person's prayer is answered, even when he prays for something which is objectively wrong.

How can this be? Rav Bergman explains (based on a comment of Maharsha to Kiddushin 29b) that it is one of the laws of nature that prayer is answered. No special Divine intervention is required each time a prayer is uttered; G-d has already built a rule into the laws of nature that prayers, whatever they may be, will be answered [in some form].

We learn another lesson from here, adds Rav Bergman, i.e., that a person who has an opportunity to pray for another and fails to do so is punished for it. (Sha'arei Orah Vol. II)

"Behold! You have risen up in the place of your fathers, a society of sinful people." (32:14)

Rambam (Shemoneh Perakim ch.4) writes that the sin which caused Moshe not to enter Eretz Yisrael was not striking the rock (as described in Parashat Chukat) but the anger which accompanied it. Why then was he not punished for the anger which he expressed in the above verse? Rav Avraham Yitzchak Hakohen Kook z"l explained: Moshe thought that the tribes of Reuven and Gad did not wish to participate in conquering Eretz Yisrael. That was indeed worthy of Moshe's anger. (Quoted in Chiyuchah Shel Torah) © 1997 Rabbi S. Katz & torah.org