

Toras Aish

Thoughts From Across the Torah Spectrum

CHIEF RABBI LORD JONATHAN SACKS

Covenant & Conversation

There is a fascinating detail in the passage about the king in this week's parsha. The text says that "When he takes the throne of his kingdom, he must write for himself a copy of this Torah on a scroll before the levitical priests" (Deut. 17:18). He must "read it all the days of his life" so that he will be G-d-fearing and never break Torah law. But there is another reason also: so that he will "not begin to feel superior to his brethren" (Kaplan translation), "so that his heart be not haughty over his brothers" (Robert Alter). The king had to have humility. The highest in the land should not feel himself to be the highest in the land.

This is hugely significant in terms of the Jewish understanding of political leadership. There are other commands directed to the king. He must not accumulate horses so as not to establish trading links with Egypt. He should not have too many wives for "they will lead his heart astray." He should not accumulate wealth. These were all standing temptations to a king. As we know and as the sages pointed out, it was these three prohibitions that Solomon, wisest of men, broke, marking the beginning of the long slow slide into corruption that marked much of the history of the monarchy in ancient Israel. It led, after his death, to the division of the kingdom.

But these were symptoms, not the cause. The cause was the feeling on the part of the king that, since he is above the people he is above the law. As the rabbis said (Sanhedrin 21b), Solomon justified his breach of these prohibitions by saying: the only reason that a king may not accumulate wives is that they will lead his heart astray, so I will marry many wives and not let my heart be led astray. And since the only reason not to have many horses is not to establish links with Egypt, I will have many horses but not do business with Egypt. In both cases he fell into the trap of which the Torah had warned. Solomon's wives did lead his heart astray (1 Kings 11:3), and his horses were imported from Egypt (1 Kings 10:28-29). The arrogance of power is its downfall. Hubris leads to nemesis.

Hence the Torah's insistence on humility, not as a mere nicety, a good thing to have, but as essential to the role. The king was to be treated with the highest honour. In Jewish law, only a king may not renounce the honour due to his role. A parent may do so, so may a

rav, so may even a nasi, but not a king (Kiddushin 32a-b). Yet there is to be a complete contrast between the external trappings of the king and his inward emotions.

Maimonides is eloquent on the subject: "Just as the Torah grants him [the king] great honour and obliges everyone to revere him, so it commands him to be lowly and empty at heart, as it says: 'My heart is empty within me' (Ps. 109:22). Nor should he treat Israel with overbearing haughtiness, for it says, 'so that his heart be not haughty over his brothers' (Deut. 17:20).

"He should be gracious and merciful to the small and the great, involving himself in their good and welfare. He should protect the honour of even the humblest of men. When he speaks to the people as a community, he should speak gently, as it says, 'Listen my brothers and my people....' (1 Chronicles 28:2), and similarly, 'If today you will be a servant to these people...' (1 Kings 12:7).

"He should always conduct himself with great humility. There was none greater than Moses, our teacher. Yet he said: 'What are we? Your complaints are not against us' (Ex. 16:8). He should bear the nation's difficulties, burdens, complaints and anger as a nurse carries an infant." (Maimonides, Laws of Kings 2:6)

The model is Moses, described in the Torah as "very humble, more so than any person on the face of the earth" (Num. 12:3). "Humble" here does not mean diffident, meek, self-abasing, timid, bashful, demure or lacking in self-confidence. Moses was none of these. It means honouring others and regarding them as important, no less important than you are. It does not mean holding yourself low; it means holding other people high. It means roughly what Ben Zoma meant when he said (Avot 4:1), "Who is honoured? One who honours others." This led to one of the great rabbinic teachings, contained in the siddur and said on Motsei Shabbat:

"Rabbi Jochanan said, Wherever you find the greatness of the Holy One, blessed be He, there you find His humility. This is written in the Torah, repeated in the Prophets, and stated a third time in the Writings. It is written in the Torah: 'For the Lord your G-d is G-d of gods and Lord of lords, the great, mighty and awe-inspiring G-d, who shows no favoritism and accepts no bribe.' Immediately afterwards it is written, 'He upholds the cause of the orphan and widow, and loves the stranger, giving him food and clothing'..." (Megillah 31a)

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G-d cares for all regardless of rank, and so must we, even a king, especially a king. Greatness is humility.

In the context of the Diamond Jubilee of Queen Elizabeth the Second, there is a story worth telling. It happened in St James Palace on 27 January 2005, the sixtieth anniversary of the liberation of Auschwitz. Punctuality, said Louis XVIII of France, is the politeness of kings. Royalty arrives on time and leaves on time. So it is with the Queen, but not on this occasion. When the time came for her to leave, she stayed. And stayed. One of her attendants said he had never known her to linger so long after her scheduled departure time.

She was meeting a group of Holocaust survivors. She gave each survivor- it was a large group- her focussed, unhurried attention. She stood with each until they had finished telling their personal story. One after another, the survivors were coming to me in a kind of trance, saying, "Sixty years ago I did not know whether I would be alive tomorrow, and here I am today talking to the Queen." It brought a kind of blessed closure into deeply lacerated lives. Sixty years earlier they had been treated, in Germany, Austria, Poland, in fact in most of Europe, as subhuman, yet now the Queen was treating them as if each were a visiting Head of State. That was humility: not holding yourself low but holding others high. And where you find humility, there you find greatness.

It is a lesson for each of us. R. Shlomo of Karlin said, *Der grester yetser hora is az mir fargest az mi is ein ben Melekh*, "The greatest source of sin is to forget we are children of the King." We say *Avinu Malkenu*, "Our Father, our King." It follows that we are all members of a royal family and must act as if we are. And the mark of royalty is humility.

The real honour is not the honour we receive but the honour we give. © 2012 *Chief Rabbi Lord J. Sacks and torah.org*

RABBI SHLOMO RISKIN

Shabbat Shalom

“You shall appoint judges... [who] will not pervert justice... Righteousness, righteousness shall you pursue... You shall not plant for yourselves an 'ashera' (a tree used for purposes of idolatry, according to Rashi and Ibn Ezra) near the altar of the

Lord your G-d" (Deuteronomy 16:18 - 20, 21). The juxtaposition of these verses - the demand for honorable and righteous judges, the concern for an impartial legal system which is a "no-bribe zone," followed by the prohibition of idolatry - seems to combine two completely different areas of religious concern, mixing the moral and ethical laws of interpersonal conduct together with the ritual laws of Divine service. Each of these two realms holds a respected place in the Bible, but why group them so closely together without any kind of segue between them? Second, which of these two crimes is the more grievous? Is it a corrupt judicial system which undermines the very infrastructure of an ethical society or is it a mistaken religious notion which calls for the worship of a tree instead of worship of the creator of the tree? Certainly, the injurious implications emanating from the first seem far more damaging than those emanating from the second.

Indeed, the Bible itself adds a rider to the command to pursue justice: "in order that you may live and inherit the land which the Lord your G-d gives you." A just society is a necessary prerequisite for the continued life of historic Israel and for Israel's ability to retain sovereignty over her homeland; no such caveats or conditions appear pursuant to the prohibition of the ashera.

Moreover, the Bible has already expressed its displeasure at those who worship trees or stones which can neither see nor hear nor eat nor smell (ibid. 4:28). Why prohibit worshiping the ashera tree specifically if it is planted near the sacrificial altar? Is it not equally forbidden to serve a freestanding ashera tree even if it is nowhere near the sanctuary (Mishkan) or Temple?!

The Talmud (B.T. Avoda Zara 52a) makes a startling comparison, which begins to provide the solution to our questions: "Resh Lakish said, 'Anyone who appoints an unworthy judge is considered like someone who plants an ashera tree in Israel, as it is written, 'You shall appoint judges and executors in all your gates' and it is written right next to it, 'You shall not plant for yourselves an ashera tree.' And Rav Ashi added, 'And if it is in a place where pious scholars are found, it is as if he planted the ashera next to the sacrificial altar.'"

What I believe the Sages are deriving from this juxtaposition of the biblical verses is that the real sin of idolatry lies in the perversion of justice perpetuated by the idolaters. This was found in their lack of morality and ethical conscience, in the orgiastic Dionysian rites which included eating the limbs and drinking the blood of living animals and in the drunken trysts with temple prostitutes. Idolaters paid no heed to "Thou shalt not murder" when they sacrificed innocent children to Moloch. And worst of all was when the immorality of idolatry invaded the hallowed gates of the Holy Temple. At that point, the entire reason for Israel's nationhood

ceased to exist, so that G-d was forced to leave His house and see to it that it be destroyed.

The truth is that almost every time the Bible forbids idolatry, it is within the context of the immoral behavior which characterized it: "Do not bow down to their gods, do not worship them and do not act according to their practices..." (Exodus 23:24); "Guard yourself lest you seek out their gods... they burn their sons and daughters in fire to their gods". (Deut. 2:30-31); "You shall destroy the Hittites...in order that they not teach you to act according to all their abominations" (Deut. 20:17, 18).

Remember that G-d chose Abraham because he was committed to compassionate righteousness and moral justice (Genesis 18:18-19); and on Tisha Be'Av, the memorial day of our Temples' destruction, we read publicly the verse, "Only in this regard shall one be praised: 'Be wise and know Me, for I am the Lord who does loving-kindness, moral justice and compassionate righteousness in the land, because these are what I desire, says the Lord'" (Jeremiah 9:22, 23).

Although Maimonides consistently defines idolatry in pure and absolute theological and metaphysical terms, Rabbi Menahem ha-Meiri (13th- and 14th-Century Provence) defined idolatry in terms of the "disgusting immoral acts of the idolaters," whose paganism prevented them from accepting the universal moral laws of the Noahide Covenant. For the Meiri, anyone who was moral was ipso facto not to be considered an idolater. In the final analysis, he understood that to know G-d is to pursue justice and righteousness. © 2012 *Ohr Torah Institutions & Rabbi S. Riskin*

RABBI BEREL WEIN

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This week's parsha emphasizes, albeit in an indirect fashion, the litigious nature of human society and the requirement for the appointment of judges to decide disputes and for police to enforce those decisions. A perfect world needs no judges or courts, police or bailiffs. Our very imperfect world cannot reasonably hope to function and exist in their absence. Law and order are the requirements for a commercially and civilly successful society.

As such, judges and courts are the necessary check to prevent chaos and anarchy, But the Torah points out that there must always be necessary restraint on the powers of the courts and the police as well. And that check to judicial power is called justice and righteousness, as these concepts are defined and detailed by the Torah law and its traditions.

There is a special burden imposed by the Torah upon the judicial process, to somehow achieve not simply legally correct decisions, but a broader obligation to accomplish a sense of righteousness and justice in its general society. And the courts are bidden to be

pursuers of justice and righteousness and not to satisfy themselves with seemingly correct legal conclusions, which narrowly construed, unfortunately can many times somehow lead to injustice and tragedy.

There are many examples in the history of the Jewish people where judicial and even rabbinic decisions, seemingly legally correct, led to terrible disputes and tragedies simply because the general public did not feel that justice was done in the matter. Without the palpable presence of justice and righteousness being present in our court system, we become a very divisive and spiritually sterile society.

Jewish tradition encourages compromise over hard and fast judicial decision. In fact, many great Jewish figures of the past and present, though personally involved in the world and practice of commerce, have prided themselves as never having been involved in any dispute that was submitted to a court of law or to a rabbinic tribunal.

The emotional and monetary costs of pursuing a matter of contention in a judicial manner are telling and long lasting. This is especially true when a family or partnership dispute is involved. Those scars are never completely healed. When I attended law school many decades ago we were taught to abide by an adage attributed to Abraham Lincoln: "A poor settlement is still better than a good lawsuit."

Disputes disturb our sense of ego and therefore we feel that we must prevail, sometimes at enormous personal cost. We become captivated by the sense of our legal rights and lose sight that justice, righteousness and inner harmony can be better served by realizing that less is more and that legal victories are many times more pyrrhic than real. The prophet Yeshayahu calls to those that "pursue righteousness and justice" for they are the ones who truly seek "to find G-dliness in their lives."

We need judges, courts and police in all human societies. Nevertheless, the wise person will regard them as matters of last resort and not as the prime solution to the frictions and problems of everyday life © 2012 *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*

RABBI SHLOMO RESSLER

Weekly Dvar

This week we read the Parsha of Shoftim, which charges us to "Appoint for you judges and officers at all of your gates" (16:18). Rav Moshe Feinstein points out that the word "lecha" (for you) seems superfluous. This commandment could have simply stated, "appoint judges and officers", so why did the Torah add the word lecha? The question is even stronger if you consider that the commandment is a society-based commandment, and the extra word is

singular. It seems almost contradictory to address an individual while describing a community-based law.

Rav Moshe explains that the Torah is teaching us a very fundamental concept. In addition to the need for society at large to have these judges and officers, individuals must be both a judge and officer over themselves. The Shlah continues this thought when he explains the continuation of the Passuk (verse), explaining that a person has seven "gates": two eyes, two ears, two nostrils and a mouth. The way that these gates are used will either build or destroy the person. A person must control the flow through these gates. But the Torah also tells us that to accomplish our goal of controlling what comes out of our 'gates', we need both judges AND officers. Judges make the rules, and officers enforce the rules. Not only do we have to make an extra effort to know the rules by which to live, but we also need to build safeguards to help us stick to those rules. (I.e. if the rule is not to speak negatively about others, maybe we should try not to hang around people that do.) If we study the Torah's guidelines, we'll realize their value and understand our need to protect them.

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RABBI AVI WEISS

Shabbat Forshpeis

Whether appointing a king is legally obligatory or not is a subject of great controversy. But whether it is or is not, the Torah recognizes that it is human nature that people will ask for leadership in the form of a king. (Deuteronomy 17:14) When they do, the Torah builds limitations into the kingship so that the king will never abuse his power.

Of paramount importance is that both the king and his people realize that while he is the leader, he is still a subject of G-d. In the end it is the Lord who is the King of kings.

This may explain the seemingly odd rule that that the king cannot return the people to Egypt. (Deuteronomy 17:16) Egypt represents that place where the Pharaohs insist that they themselves are G-d. All revolved around them. Upon leaving Egypt the Jewish people no longer remained subservient to Pharaoh, but to G-d alone. G-d here is declaring that the people are my subjects-not subjects of subjects.

The tension of allowing for a monarch while at the same time advancing the idea of the sole kingship of G-d was constantly felt throughout our history. When the Jews asked Samuel for a king: "To judge us like all the nations," Samuel is upset. (Samuel 1, Chap. 8) Wanting to be like all the nations is a distortion of the unique Torah definition of kingship where the king remains beholden to G-d.

The unique nature of the king of the Jewish people is further understood at the conclusion of the Book of Samuel. David improperly takes a census of the Jewish people. (Samuel 2, Chap. 24) It is improper

because he counts for the sole goal of understanding the magnitude of his power. If the goal of his counting was to further serve G-d, he would have counted by asking each individual to contribute a half shekel to the Temple. David makes the same mistake as the nation-believing that the king of Israel is in the center rather than G-d.

The concern that the king not overstep his authority is similar to the contemporary concept of abuse of power. Even in democracies it is not uncommon for presidents and prime ministers to grab more power than they have been given.

Still, with all its inherent problems, the office of kingship has positive features. In the time of the Judges, Israel was led by individuals who, by and large, represented their individual tribes. As a result, there was little sense of cohesion of the people.

With the advent of kingship, Israel is led by one authority whose major task is to unite the entire Am (nation) to speak for all and act on their behalf. No wonder the first king, King Saul comes from the tribe of Benjamin, a tribe that had been ostracized in the concubine of Givah story. If Saul, who came from Benjamin, could become king and be accepted by all, any king had a chance to accomplish his goal.

Tragically, the unity did not take place. Saul was stripped of his kingship; the kingdom of David is split in two. And today, we continue to anticipate the time when a descendent of David will arise and usher in redemption for all our people who will together in unison, in Jerusalem, proclaim the ultimate kingship of G-d. © 2006 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 DOVID SIEGEL

Haftorah

This week's haftorah reveals to us another impressive dimension of our final redemption. The haftorah begins with the words of Hashem to the Jewish people, "I Myself am the one consoling you." (51:12) The people were informed that Hashem would personally comfort them and return them from exile. Hashem continues and says, "And I am your Hashem....who will firmly establish you. Say to the inhabitants of Zion, 'You are My people.'" (51:16) These passages reflect some hesitation on the part of the Jewish nation to return to Zion. There seems to be a serious concern in their minds regarding the permanence of their return. They have experienced several returns in the past which were not enduring and they question if this one will be any different. To this, Hashem responds that He will personally bring them back to Zion guaranteeing their everlasting return.

Chazal (see Yalkut Shimoni 474) explain the guarantee found within this response with a mysterious parable. They compare this situation to a king who

became enraged at his queen. He was so disturbed over her behavior that he rejected her and banished her from the palace. After some period of time he reconsidered his actions and desired to reunite with her. He informed her of his intentions to which she consented on the condition that he doubled the amount of her "kesubah" (marriage financial agreement). Chazal conclude that this same situation exists with the Jewish people. Hashem established His initial relationship with them when they accepted His Torah. At that time Hashem revealed Himself to His nation and proclaimed, "I am your Hashem." However, this relationship suffered much abuse and was eventually terminated. The Jewish people's behavior was so inexcusable that Hashem reluctantly rejected them and exiled them from Zion. Now, after so many years Hashem is displaying sincere interest in their return. Recognizing their failure during their first relationship, they are doubtful if this second one will be any better. Even after all the magnificent revelations at Sinai they managed to stray and forfeit their relationship. What would secure that things would be any different this time? Hashem responded that He would increase His revelations which would guarantee an everlasting relationship with His people.

The incredible extent of Hashem's new commitment is presented to us at the close of the haftarah. Yeshaya says, "How beautiful is the sight on the mountain of the proclaimer of peace; proclaiming goodness and salvation and saying to Zion, "Your Hashem has come to rule... the sound of your onlookers raising their voice in unison and singing, because with perfect clarity they will behold the return of Hashem to Zion." Chazal in Yalkut Shimoni (428) explain to us the impact of these verses and remind us that until this point it was virtually impossible to behold Hashem's presence with perfect clarity. Even when our nation did merit to sense Hashem's presence, it was with great limitations. However, in the era of Mashiach, all restrictions will be removed. The Baal Haturim (see commentary to Bamidbar 14:14) echoes this thought and contrasts the nation's experience at Mount Sinai to that of the era of Mashiach. Although the Jewish people once merited to "view" Hashem's presence they were incapable of maintaining their faculties throughout their experience. When Hashem began this relationship and proclaimed, "I am your Hashem", the experience was so overwhelming to them that they lost consciousness. In fact, Chazal (see Shabbos 88b) reveal to us that they were miraculously revived after each one of the commandments. This is in conjunction with the passage, "For man can not see Me and live." (Shmos 33: 20) However, in the era of Mashiach the Jewish people's capacity will be greatly increased and they will be capable of viewing Hashem with total clarity. This is what is meant in this week's haftarah when it states, "Because with 'eye to eye' they will behold Hashem's return to Zion." The words, "eye to eye" indicate that we will "per se" look Hashem directly in the eye. Hashem's

return will be so tangible that they will actually merit to sense His presence with perfect clarity.

We now return to the parable of the king and gain new insight into the era of Mashiach. When the Jewish people received the Torah they experienced an elevated relationship with Hashem and merited to sense His Divine presence amongst them. However, this revelation was far beyond their physical and spiritual capacity and it did not produce everlasting results. When Hashem said, "I am your Hashem", His words could not be fully absorbed and the Jewish people did not remain in a full state of consciousness. The revelation remained one sided, and only from Hashem's standpoint was, "I am Hashem" shown in its fullest extent. However, from the Jewish people's vantage point this revelation was not completely experienced and the relationship which followed was far from perfect. Eventually it came to an end with the Jewish people straying after strange ideals and false deities. Now, after a long period of rejection Hashem called upon the Jews to return. They responded with grave concern, "what will secure them from repeating their earlier failings?" Hashem answered, "'I Myself' am your redeemer." With this double expression of His name, Hashem informed them that the upcoming relationship will be double sided. This time the Jewish people will absorb the revelations in their fullest form. During the era of Mashiach the Jewish people will be adequately prepared to receive Hashem's presence in a full state of consciousness. Such revelations will yield perfect results and an everlasting bond will be established between Hashem and His people. This double expression, "I" and "Myself" reflects both a perfect revelation from Hashem's standpoint as well as an adequate absorption from the Jewish people's vantage point. In essence, Hashem will calm the Jewish people's fears by doubling His marriage commitment. Not only will there be a perfect revelation from His side but even from our mortal perspective there will be total absorption of this revelation. Our "eye"- our sense of Hashem's presence-and His "eye"-the actual degree of His revelation-will be one and the same. This will yield the most perfect relationship, an everlasting association with our true husband and father above. Oh! May we merit to see this day! © 2012 Rabbi D. Siegel and torah.org

RABBI DOV KRAMER

Taking a Closer Look

“**F**or you shall utterly destroy them-the Chiti and the Emori the C'naani and the P'rizi, the Chivi and the Y'vusi, as Hashem your G-d has commanded you" (D'varim 20:17). Only six of the seven nations of C'naan are listed in this verse; the seventh, the Girgashi, is mentioned earlier (7:1). Nevertheless, Rashi, quoting the Sifre, tells us that the expression "as G-d has commanded you" was added in order to include the Girgashi as well.

Although it would have taken fewer words to mention the Girgashi explicitly than it did to hint to them, many commentators (on Rashi, on the Sifre and on the verse itself) explain that since the Girgashi fled, they were never "utterly destroyed" the way the other six nations were. Therefore, the Torah (here and in Sh'mos 33:2, see Rashi there) lists only those nations that didn't leave and had to be destroyed. As far as why there needed to be a hint to the Girgashi if they ran away, some of these commentators explain that even though the nation of Girgashi fled, some individuals stayed. If there had been no reference to the Girgashi at all, it would leave the impression that any individuals who stayed should be left alone. By referencing them indirectly, Moshe let us know that even though the nation of Girgashi will flee, those individuals who stay had to be destroyed. (Sha'aray Aharon suggests that this is how Yehoshua realized he should write a letter to each of the seven nations giving them the option to flee.)

Did Moshe know that the Girgashi would flee? Did he figure it out from an earlier verse (Sh'mos 33:2)? If he knew or figured it out, did he relay this information to Yehoshua, or did he let Yehoshua figure it out for himself? More specifically, how does including the fact that the Girgashi would run away affect their free will? Could they have chosen to stay and fight after Moshe put it in writing (and gave copies of the Torah to the each of the 12 Tribes) that they wouldn't? What about the free will of the other six nations; could they have decided to run away after the Torah clearly stated that they would have to be destroyed, indicating that they wouldn't run away?

Rav Eliyahu Dessler, z"l (Michtav Mei'Eliyahu I, pg. 113) discusses what he terms "n'kudas ha'bechira," the point at which there is an internal struggle between good and evil, between truth and falsehood. In order for free will to operate, there must be a possibility for either choice to be made; if the ability to choose one over the other is not there, it cannot be a matter of "free will," but of which desire is stronger. Although it is true that a person's "n'kudas ha'bechira" changes based on other free-will choices that were made, not every decision is based on free will. It is precisely because not every choice is made via free will (perhaps not even most) that each opportunity to choose good over evil is so valuable.

To illustrate, eating non-kosher is not really an option for most frum people. They may have made choices earlier in their lives that made them who they are, but the person they are now would not consider walking into a non-kosher restaurant to order a cheeseburger. Since there is no battle about whether or not to eat a cheeseburger, not doing so is not a result of "free-will," even if the choices made to get to the point that it is not a matter of free-will were. Similarly, for many people, there is no possibility that they could commit to getting up early enough every day to daven

"k'vasikin" (starting Sh'moneh Esray at sunrise). They may have made choices earlier in life that prevented it from being a possibility now, choices made using their free will, but the "choice" made to not set an alarm to get up early enough to daven "k'vasikin" did not fall with their "n'kudas ha'bechira," their range of possible activities; it cannot be a function of their free will if there was never any possibility of davening that early.

Was there ever a possibility that the seven nations of C'naan would let the Nation of Israel claim their inheritance, the land that G-d had promised to their ancestors, without a fight? I would suggest that by the time the Children of Israel left Egypt, there was no possibility that six of them (on a national level) would just walk away and let G-d's chosen nation take their rightful inheritance. There was therefore no issue with G-d telling Moshe that these six nations would have to be utterly destroyed even before the opportunity to flee presented itself; since running away was not an option, stating that they wouldn't was a *fait accompli*. But what about the Girgashi? Obviously, running away was very much a possibility (as they actually did). If this was their only possibility (on a national level, as individuals could have stayed, and likely did), then the Torah couldn't have included them in the list of nations to be destroyed. It is therefore possible that just as the other six nations no longer had a "choice" to do anything but resist, the Girgashi had no "choice" but to run away. The Torah doesn't mention destroying the Girgashi because it's not going to be necessary, and there is no problem leaving them out (putting their future choice in "writing" by implication) if running away was not a function of their free will. There is another possibility as well.

Perhaps the Girgashi could have gone either way. Maybe the factors that would determine which way they would (against their will, as it were, since it still wouldn't be a function of free will) end up "choosing" hadn't run their course yet, so "writing" what they would definitely "choose" would be premature. Or maybe it was still within their "n'kudas ha'bechira" to not offer resistance. That doesn't mean they took advantage of this opportunity and chose to do the right thing (let Israel have Israel) rather than choosing to do the wrong thing (trying to stop Israel from living in Israel), only that it was a possibility.

We are accustomed to the term "free will" meaning "of one's own volition," without being imposed by someone else (or prevented from being done by someone else). If an armed robber demands that his victim either hand over all his money or get shot, "choosing" to hand over his wallet may literally be a choice (preferring to be without the wallet rather than risking being shot), but it could hardly be called "free will." What if the choice was determined by a personal addiction; is that called "free will?" Is smoking a cigarette (Rav Dessler's example), despite knowing how dangerous it is and despite really, really wanting to quit,

"exercising free will," or is it being held captive to that body's need for nicotine? What about ordering a medium steak rather than well done; no one is imposing this choice but his own taste. Nevertheless, since this choice is not between good and bad, but dictated by personal preference, it is not, from a religious perspective, done through "free will." Ultimately, it is purely a function of the physical body, determined by that body's preferences, wants and desires. "Free will," the kind that brings with it reward or punishment, only comes into play after the body makes its non-free-will choice, with the intellect/soul then given the opportunity to either let the body's "decision" stand, or to intervene and override it.

When the Girgashi fled, did their fear of what would happen to them if they stayed overpower their desire to stay in Canaan and/or prevent the Children of Israel from moving into the Land of Israel? Or did they realize that the land rightfully belonged to Shem's descendants, that they had only been caretakers of the land until the appropriate time for Shem's descendants to reclaim it (see www.aishdas.org/ta/5765/lechLecha.pdf)? Did their fear of being defeated bring about a soul-searching that led to leaving for the right reasons? There is no way to know why they left. However, if they could have chosen to stay or leave, if that decision was not pre-determined based on who they were, but could have been affected by their true free will, the Torah couldn't have put them in the same category as the other six nations. It is therefore possible that because what the Girgashi would choose to do, whether that "choice" ended up being a function of "free will" or not, was still undetermined when G-d gave the commandment (and possibly when Moshe repeated it in our Parasha), they couldn't have been included in the list of nations that had to be destroyed, but couldn't be completely left off either. By hinting to them in the words "as G-d has commanded," Moshe made sure we knew that the commandment applied to the Girgashi as well, either to the whole nation (if they stayed) or to those individuals who didn't run away. © 2012 Rabbi D. Kramer

MACHON ZOMET

Shabbat B'Shabbato

by Rabbi Mordechai Greenberg

Rosh Yeshiva, Kerem B'Yavne

Beyond the straightforward interpretation of the above passage in the Torah, involving the prohibition of wanton destruction ("bal tashchit"), there is a very deep significance in the comparison of mankind to trees. The name of man ("adam") is derived from the earth ("adamah"). However, one may wonder: Were not all the living creatures created from the earth? As is written, "Let the earth bring forth living creatures" [Bereishit 1:24]. Why is mankind alone named for the earth?

The Maharal of Prague explains that the name of man does not stem from the fact that he was created from the earth but rather because he has the trait of the earth, namely the power to fulfill all of his innate potential. When a seed is planted in the earth it can draw from within all of the potential hidden inside it. In the same way the soul was planted in man, and he must turn the potential into reality. "Man is born as a wild donkey" [Yov 11:12], and he must transform himself into a man. One who neglects his potential and does not bring his soul to its fullest capacity is like a tree that has no fruit, and there was no reason to create him. And that is why somebody who is not involved in Torah study is called a "boor", like land that is left fallow, which is called "admat boor."

An animal, on the other hand, has no hidden powers. It was created in its final form, and "a one-day-old deer is called a deer" [Bava Kama 65b]. Therefore man who has the properties of the earth is named for the earth, while animals are called "behaima" ("ba ma"-what does it have?). That is, the animals possess what they have and nothing more. However, a man is like a tree in the field, which is expected to bear fruit-the mitzvot and good deeds. As is written, "Tell a righteous man that he is good, for they will eat the fruits of their endeavors" [Yeshayahu 3:10]... and, "He who yields his fruit at the proper time" [Tehillim 1:3]. At the end of the Torah portion the sages noted with respect to the beheaded calf, "Let the calf which bore no fruit come to atone for the murder of this man, who was interrupted before he could have his own fruits" [Rashi, Devarim 21:4]. The Talmud comes to the conclusion that the murdered man was not given a chance to observe the Torah and the mitzvot to the fullest.

However, there are some basic differences between mankind and a tree:

(1) A tree grows its fruit as part of nature, while a man must activate his free choice.

(2) The roots of the tree are underneath it, and it draws its sustenance from the physical earth. Man is an upside-down tree, with roots on top from which he must draw.

Teshuva, repentance, is a return to the Divine source, and this is a process without any end. Therefore both the Maharal and Rav Kook wrote that the concept of perfection does not apply to mankind but only to the Holy One, Blessed be He. Perfection for a man involves a constant advance, a desire and a yearning to be perfect. Therefore it is said that repentance is not only for evil people but also for righteous people, since it does not refer to a bad person becoming good but to rising up from a low level to a higher one, from a minute status to a larger one.

Another point of similarity is related to the winter season. Even though a tree appears dead in the winter, we must not despair, since we can be sure that in the spring it will come to life.

As the month of Elul begins, we read the verse, "Man is like a tree," to remind us of our obligation to further our own development as the new year approaches. © 2012 Rabbi A. Bazak and Machon Zomet

RABBI YISROEL CINER

Parsha Insights

This week we read the parsha of Shoftim {Judges}. "Shoftim v'shotrim tetane l'cha {Judges and officers you shall appoint for yourselves} in all the gates that Hashem has given you for your tribes, and they shall judge the nation with righteous judgment. [16:18]"

The Kli Yakar points out that the passuk {verse} would have been more consistent had it said: "Judges... you shall appoint for yourselves... that Hashem has given you... and they shall judge you," as opposed to "and they shall judge the nation."

He explains that the passuk is addressing the powerful people of the community who are often involved in appointing the judges. Be sure to appoint shoftim {judges} who will not show preferential treatment to anybody-even to those whom they owe their positions to.

That is the meaning of "Shoftim v'shotrim tetane l'cha {Judges and officers you shall appoint for yourselves}"-make sure that they will be judges over you, the appointees. If you have done that, you can then be assured that "they shall judge the nation with righteous judgment"-that the general populace will receive just rulings.

The Talmud [Moed Katan 17A] offers some parameters as to the type of person one should choose to be the judge. Rabi Yochanan taught: If the Rav is like an angel of Hashem, then seek Torah from him. In what way is this Rav/Judge meant to be similar to an angel?

The Darchei Mussar explains that angels are described as not turning to either side as they move. This means that they do the will of the Creator without taking into account any 'outside' opinions. They go straight toward the pure fulfillment of Hashem's will.

That is an essential quality for judges. When a situation is brought before them, they must ignore all outside factors and decide what is the clear, pure will of Hashem as presented to mankind through the Torah. No other factors can be taken into consideration.

The story is told of a young man who was appointed to be the Rav of Hamburg. On the very first day of his arrival in town, he was approached by a woman who had a claim against one of the most prominent members of the community. The Rav, weary from his trip, asked if he could first get settled in and deal with the matter the next day. The woman however would not be put off, giving a number of reasons why it had to be done that day.

The young Rav called his shamesh {attendant}, instructing him to summon that wealthy individual to a Din Torah {Court based on Torah Law}. The shamesh

seemed to be rooted to his place. "How can I summon this person to come before the Rav? The whole town trembles before him!" he thought to himself. He began to voice his concerns but the Rav refused to be intimidated. "Go and summon him immediately!" he told the shamesh.

The shamesh got as far as this man's door but didn't have the nerve to knock. He began to pace outside in the yard, hoping that the man would notice him and ask what he had come for. After a short while the man left his house and saw the shamesh outside. When the shamesh finally stuttered out an explanation, he curtly told him to tell the Rav that he'll come at his convenience.

The shamesh relayed the response to the Rav who sent him back with the following message: "The woman is not willing to wait and he therefore must come today." When the man heard this message he became furious. "Tell the Rav that he clearly does not yet know who is who over here. I run this community while he is only a guest here. If I said I'll come when I can, then I'll come when I can!"

When the Rav heard this message he rose like a lion. "You tell him that if I say that he must come today then he must come today! Otherwise I will have him excommunicated!" The shamesh begged him to send someone else with this last message but the Rav refused. With no other option, the shamesh went this third time to the man. He literally delivered the message and then ran from the house.

A short while later this man came before the Rav with a big, warm smile. "Mazel tov! You have truly earned your position in this town!"

He explained that the community leaders were concerned that such a young Rav would not be able to stand up to the pressures of leading a community filled with such prominent and powerful people. This woman was sent with the pretense of a Din Torah as a way of determining that the Rav could stand up to the pressures. By focusing only on the will of Hashem, the Rav showed himself worthy and capable of this position.

Rav Moshe Feinstein offers another explanation for this passuk. "Shoftim v'shotrim tetane l'cha"-every person must be a judge over himself. To be sure that we are doing the right things. To avoid rationalizing and making excuses. To ignore the pressures of what those around us might be saying and to do what we know is right. © 2012 Rabbi Y. Ciner and torah.org

