

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI LORD JONATHAN SACKS

Covenant & Conversation

In his enumeration of the various leadership roles within the nation that would take shape after his death, Moses mentions not only the priest/judge and king but also the prophet: "The Lord your G-d will raise up for you a prophet like me from among your own brothers. You must listen to him."

Moses would not be the last of the prophets. He would have successors. Historically this was so. From the days of Samuel to the Second Temple period, each generation gave rise to men -- and sometimes women -- who spoke G-d's word with immense courage, unafraid to censure kings, criticize priests, or rebuke an entire generation for its lack of faith and moral integrity.

There was, however, an obvious question: How does one tell a true prophet from a false one? Unlike kings or priests, prophets did not derive authority from formal office. Their authority lay in their personality, their ability to give voice to the word of G-d, their self-evident inspiration. But precisely because a prophet has privileged access to the word others cannot hear, the visions others cannot see, the real possibility existed of false prophets -- like those of Baal in the days of King Ahab. Charismatic authority is inherently destabilizing. What was there to prevent a fraudulent, or even a sincere but mistaken, figure, able to perform signs and wonders and move the people by the power of his words, from taking the nation in a wrong direction, misleading others and perhaps even himself?

There are several dimensions to this question. One in particular is touched on in our sedra, namely the prophet's ability to foretell the future. This is how Moses puts it: "You may say to yourselves, 'How can we know when a message has not been spoken by the Lord?' If what a prophet proclaims in the name of the Lord does not take place or come true, that is a message the Lord has not spoken. That prophet has spoken presumptuously. Do not be afraid of him."

On the face of it, the test is simple: if what the prophet predicts comes to pass, he is a true prophet; if not, not. Clearly, though, it was not that simple.

The classic case is the Book of Jonah. Jonah is commanded by G-d to warn the people of Nineveh that their wickedness is about to bring disaster on them. Jonah attempts to flee, but fails -- the famous story of the sea, the storm, and the "great fish". Eventually he

goes to Nineveh and utters the words G-d has commanded him to say -- "Forty more days and Nineveh will be destroyed" -- the people repent and the city is spared. Jonah, however, is deeply dissatisfied: "But Jonah was greatly displeased and became angry. He prayed to the Lord, 'O Lord, is this not what I said when I was still at home? That is why I was so quick to flee to Tarshish. I knew that you are a gracious and compassionate G-d, slow to anger and abounding in love, a G-d who relents from sending calamity. Now, O Lord, take away my life, for it is better for me to die than to live.'" (Jonah 4:1-3)

Jonah's complaint can be understood in two ways. First, he was distressed that G-d had forgiven the people. They were, after all, wicked. They deserved to be punished. Why then did a mere change of heart release them from the punishment that was their due?

Second, he had been made to look a fool. He had told them that in forty days the city would be destroyed. It was not. G-d's mercy made nonsense of his prediction.

Jonah is wrong to be displeased: that much is clear. G-d says, in the rhetorical question with which the book concludes: "Should I not be concerned about that great city?" Should I not be merciful? Should I not forgive? What then becomes of the criterion Moses lays down for distinguishing between a true and false prophet: "If what a prophet proclaims in the name of the Lord does not take place or come true, that is a message the Lord has not spoken"? Jonah had proclaimed that the city would be destroyed in forty days. It wasn't; yet the proclamation was true. He really did speak the word of G-d. How can this be so?

The answer is given in the book of Jeremiah. Jeremiah had been prophesying national disaster. The people had drifted from their religious vocation, and the result would be defeat and exile. It was a difficult and demoralizing message for people to hear. A false prophet arose, Hananiah son of Azzur, preaching the opposite. Babylon, Israel's enemy, would soon be defeated. Within two years the crisis would be over. Jeremiah knew that it was not so, and that Hananiah was telling the people what they wanted to hear, not what they needed to hear. He addressed the assembled people: "He said, 'Amen! May the Lord do so! May the Lord fulfil the words you have prophesied by bringing the articles of the Lord's house and all the exiles back to this place from Babylon. Nevertheless, listen to what I have to say in your hearing and in the hearing of all the

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people: From early times the prophets who preceded you and me have prophesied war, disaster and plague against many countries and great kingdoms. But the prophet who prophesies peace will be recognized as one truly sent by the Lord only if his prediction comes true."

Jeremiah makes a fundamental distinction between good news and bad. It is easy to prophesy disaster. If the prophecy comes true, then you have spoken the truth. If it does not, then you can say: G-d relented and forgave. A negative prophecy cannot be refuted -- but a positive one can. If the good foreseen comes to pass, then the prophecy is true. If it does not, then you cannot say, 'G-d changed His mind' because G-d does not retract from a promise He has made of good, or peace, or return.

It is therefore only when the prophet offers a positive vision that he can be tested. That is why Jonah was wrong to believe he had failed when his negative prophecy -- the destruction of Nineveh -- failed to come true. This is how Maimonides puts it: "As to calamities predicted by a prophet, if, for example, he foretells the death of a certain individual or declares that in particular year there will be famine or war and so forth, the non-fulfilment of his forecast does not disprove his prophetic character. We are not to say, 'See, he spoke and his prediction has not come to pass.' For G-d is long-suffering and abounding in kindness and repents of evil. It may also be that those who were threatened repented and were therefore forgiven, as happened to the men of Nineveh. Possibly too, the execution of the sentence is only deferred, as in the case of Hezekiah. But if the prophet, in the name of G-d, assures good fortune, declaring that a particular event would come to pass, and the benefit promised has not been realized, he is unquestionably a false prophet, for no blessing decreed by the Almighty, even if promised conditionally, is ever revoked... Hence we learn that only when he predicts good fortune can the prophet be tested." (Yesodei ha-Torah 10:4)

Fundamental conclusions follow from this. A prophet is not an oracle: a prophecy is not a prediction. Precisely because Judaism believes in free will, the human future can never be unfailingly predicted. People are capable of change. G-d forgives. As we say in our prayers on the High Holy Days: "Prayer, penitence and charity avert the evil decree." There is no decree that

cannot be revoked. A prophet does not foretell. He warns. A prophet does not speak to predict future catastrophe but rather to avert it. If a prediction comes true it has succeeded. If a prophecy comes true it has failed.

The second consequence is no less far-reaching. The real test of prophecy is not bad news but good. Calamity, catastrophe, disaster prove nothing. Anyone can foretell these things without risking his reputation or authority. It is only by the realization of a positive vision that prophecy is put to the test. So it was with Israel's prophets. They were realists, not optimists. They warned of the dangers that lay ahead. But they were also, without exception, agents of hope. They could see beyond the catastrophe to the consolation. That is the test of a true prophet. © 2013 Rabbi Lord J. Sacks and torah.org

RABBI SHLOMO RISKIN

Shabbat Shalom

“When you lay siege to a city for a long time, fighting against it to capture it, do not destroy its trees by putting an ax to them, because you can eat their fruit. Do not cut them down. Are the trees people, that you should besiege them?" (Deuteronomy 20:19)

Despite the bad press we constantly receive at the hands of the media, I do not believe there is an army in the history of warfare which operates with the degree of ethical sensitivity that is followed by the Israel Defense Forces. We never target civilians despite the fact that our enemy targets only Jewish civilians. We have always subscribed to a policy known as "purity of arms," the foundation for which harks back to the Bible, and particularly to this week's portion of Shoftim.

Both Maimonides and Nahmanides maintain that this principle of initially requesting peace before waging war - and for Maimonides that includes the enemies' willingness to accept the seven Noahide laws of morality (most notably "Thou shalt not murder")- applies even when waging a battle in self-defense, even when warring against Amalek or the seven indigenous inhabitants of the Land of Canaan. (Maimonides, Laws of Kings 6:1; Nahmanides ad loc.)

But the verses before the one quoted above render the picture a bit complex, even murky. The Bible prescribes that if the enemy refuses to make peace, then "from those of the cities which the Lord your G-d has given you as an inheritance, you shall not leave any living being alive; you must utterly destroy them" (Deuteronomy 20:16, 17).

This would seem to include innocent women and children. How are we to understand our compassionate Bible, which teaches that every human being is created in the Divine image and is therefore inviolate, sanctioning the destruction of innocent residents?

To compound our question, only two verses after the command to "utterly destroy" appears the curious and exquisitely sensitive Divine charge quoted above (Deuteronomy 20:19): "When you lay siege to a city... to wage war against it and capture it, you may not destroy a fruit tree to lift an axe against it; after all, it is from it that you eat; so you may not destroy it because the human being [derives his sustenance from] the tree of the field" (or alternatively rendered - "is the tree of the field a human being who is capable of escaping a siege?").

Can it be that our Torah cares more about a fruit tree than about innocent human beings? Furthermore, the very next chapter and the conclusion of our Torah portion records the law of a broken-necked heifer (egla arufa). If a murdered corpse is found in the field between two Israelite cities with the assailant unknown, the elders of the nearest city must break the neck of a heifer for an atonement sacrifice, declaring: "Our hands have not shed this blood and our eyes have not witnessed [the crime]; forgive Your nation Israel". (Deuteronomy 21:1-9).

Clearly as a postscript to the laws of obligatory and voluntary war found in our portion, the Bible is attempting to caution the Israelites not to become callous at the loss of life, even the loss of one innocent human being. Indeed, the elders of the city must take responsibility and make atonement for an unsolved murder, proclaiming their innocence, but at the same time admitting their moral complicity in a crime which might have been prevented had they taken proper precautions and exhibited greater vigilance in providing protection and adequate welfare services. Once again, if the Torah is so sensitive to the loss of an individual life, how can our Sacred Law command that we destroy women and children?

One might argue that a fruit tree, which gives human beings nutrition, the wherewithal to live, is of greater benefit than an individual born into an environment that preaches death to all who reject Jihadist fundamentalism or who do not pass the test of Aryan elitism. Such individuals are sub-apples, because they are out to destroy free society.

Rabbi Naftali Zvi Yehuda Berlin - dean of Yeshivat Volozhin at the end of the 19th century - in his masterful commentary on the Bible, provides the beginning of a second answer. He insists that when the Bible ordains that we "utterly destroy" even the women and children, this is limited "to those who gather against us in battle; those who remain at home are not to be destroyed by us" (Ha'emek Davar, Deut. 7: 1-2). It is almost as though he took into account our war against the Palestinians, who send young women and children into the thick of the battle as decoys, cover-ups and suicidal homicide bombers. We are trained to be compassionate, even in the midst of warfare; nevertheless, "those who rise up to murder innocents,

even if they themselves are children, must be killed" if humanity is to survive and good is to triumph over evil.

Indeed, war stinks, but for the sake of a free humanity, we sometimes have no choice but to destroy evil in order for good to prevail. Michael Walzer, in his classic *Just and Unjust Wars*, maintains that a soldier's life is not worth more than an innocent victim's life.

But if the "innocent victim" has "bought into" the evil of the enemy, or if the enemy is a terrorist purposely waging war from the thick of residential areas because he knows our ethical standards, we dare not allow him to gain the edge and enable evil to triumph.

Ismail Haniyeh, the head of Hamas, walks the streets of Gaza not with powerful bodyguards but with five small children, knowing that Israel would not risk harming them. Yes, we must try as much as possible to wage a moral war; but never to the point of allowing immorality to triumph. Our Sages correctly teach: "Those who are compassionate to the cruel will end up being cruel to the compassionate!" (Midrash Tanchuma, Metzora 1, and Yalkut Shimoni 15:247) ©2013 *Ohr Torah Institutions & Rabbi S. Riskin*

RABBI BEREL WEIN

Wein Online

The Torah is in favor of a lawful, peaceful, ordered and fair society. In order to begin to achieve this lofty goal, the Torah commands us to have a competent legal system of judges and courts and also having police able to monitor and enforce the courts' decisions and policies. The Torah demands this not only of Jewish society but of all of human society as well.

A just and efficient legal system is one of the seven principles of the Noachide commandments that are meant to govern all of human society and behavior. But legal systems by themselves are often double-edged swords that thwart true justice and pervert the concept of the rule of law.

All dictatorships and totalitarian regimes have operated police forces and courts. These became and still are the instruments for the perpetuation of their tyrannies and misdeeds. In Psalms we read of the crooked concept of "creating evil and injustice through legal laws and systems." So the Torah warns us that the pursuit of justice and righteousness - and Jewish halacha and Torah values which are the criteria of what constitutes righteousness and justice - is the ultimate aim of the legal system of judges and police.

Judges and police are not the end in themselves; they are only the means by which society strives for justice and righteousness. The Talmud itself gives us examples of exemplary courts and judges that operated in the Land of Israel in post-Second Temple times. It does so in order to show us life examples, the necessary piety and incorruptibility of those who deem

to judge others in matters of human dispute and personal conflicts.

The problem with all systems of law, just as with all mechanical and technological systems as well, is that it is ultimately subject to human control, possible failings and accomplished skills. The airplane may be a wonder of technology and safety redundancies but in the final matter we are all in the hands of the pilot, a human being, who tragically, G-d forbid, may be tired, inexperienced or even inebriated.

The same concept is certainly applicable to legal systems. It is the personal character of the judge, his or her wisdom, probity, honesty and perception that determines whether justice and righteousness is served in the legal system of which they are a part.

And the human heart is hard to read and assess and the prophet has warned us: "The human heart is perverse; who therefore can truly know it?" But we should not despair. The Talmud teaches us that the judge can only decide upon what he sees before his eyes. Omniscience is not demanded of him or her. No legal system created and staffed by human beings is perfect. And we must learn to somehow live with its imperfections and failings.

But the goal of pursuing justice and righteousness through the legal systems created by imperfect human beings should never be forgotten or abandoned. Apathy and disillusion are never positive attributes in human affairs. They are certainly not to be present in our attitudes and actions regarding our courts and police. © 2013 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 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. 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. © 2008 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! © 2013 Rabbi D. Siegel and torah.org

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. © 2013 Rabbi Y. Ciner & torah.org

RABBI SHLOMO RESSLER

Weekly Dvar

The Parsha says "what man is there that is fearful and fainthearted? Let him go and return to his house and not let him make the heart of his brethren faint as well as his heart." In addition to the three categories of men who were exempt from military service (someone recently built a house, grew a vineyard, or recently married), a fourth category is added -- one who is fearful and fainthearted. Why would fear be a reason to be excused from fighting?

Rabbi Yossi Hagili explains that this category refers to someone who fears that he is unworthy of being saved in battle because of his transgressions. Rabbi Yossi adds that this is the reason why the other three categories were told to go home -- if someone were to leave the ranks because of his sins, he would feel embarrassed; however, since other groups were also sent home, his fellow soldiers wouldn't know why he was leaving. This is truly amazing -- a large number of soldiers were sent home during war time in order to save a sinner from humiliation. We learn from this that we must do everything possible to protect people from shame.

At a Pesach Seder, Rabbi Yitchak Hutner was splashed by wine inadvertently spilled, staining his kittel (the white robe worn by many at the Seder). To save the other person from shame, Rabbi Hutner immediately said "a kittel from the Seder not stained with wine is like a Yom Kippur Machzor (prayer book) not wet with tears." © 2013 Rabbi S. Ressler & LeLamed, Inc.

RABBI DOV KRAMER

Taking a Closer Look

“You shall place over yourself a king" (D'varim 17:15). Our sages tell us (Sifre 157, see also Sanhedrin 20b) that this is one of the 613 Biblical commandments; Rambam lists it as positive commandment #173 and the Chinuch lists it as commandment #499. Yet, when the nation requests a king, (Sh'muel I 8:5), which would allow them to fulfill this mitzvah, both Sh'muel and G-d are quite unhappy about it (8:6-7, 10:19 and 12:17). Even though the Torah tells us (D'varim 17:14) that the process of anointing a king will start with a request from the people for a king, when they do, they are rebuked. Why is this request called "evil" if those who made it were only following the divine commandment?

Most commentators explain that requesting a king wasn't the problem, it was the way they asked and/or their motivation for asking that was inappropriate. However, when Sh'muel lectures them about it, he only refers to the actual request, not the way it was put or their reason for making it. After demonstrating that G-d is upset with them, the people admit that they were wrong for asking (Sh'muel I 12:19), without a hint that it was anything but the request itself that was problematic. If appointing a king was commanded, why would G-d be upset with them for doing so?

Some (e.g. Rav Saadya Gaon and Ibn Ezra; many understand one of the Talmudic opinions this way as well) explain that having a king wasn't a requirement, but was permitted if the nation requested it. Nevertheless, why would G-d honor this request if having a king was a bad idea? Or get upset about a request they were allowed to make?

S'fornu and Abarbanel compare the commandment to have a king to the commandment of the "Y'fas To'ar" (the conversion process of a female captured during war); G-d would prefer if it didn't happen, but recognized that, due to human frailty, it was inevitable. He therefore gave us the guidelines for dealing with these unfortunate circumstances (the conversion process and the process for choosing a king). However, we are implicitly told that having a king is a good thing, that it could have prevented such catastrophes as Micha's graven image (see Shoftim 18:1) and the near loss of the entire Tribe of Binyamin over the murdered concubine (19:1). Besides, if G-d did

sanction having a king, how could He get upset when the people take advantage of the opportunity He offered them?

Which brings us back to our original question, framed slightly differently: If having a king is a good thing, why were G-d and Sh'muel upset that the people asked for one? And why wasn't a king appointed earlier (by Y'hoshua or any of the Shoftim before Sh'muel)? On the other hand, if it's not a good thing, why did G-d command it (or allow it) at all?

In his commentary on Sh'muel, Malbim identifies three problems with the request made for a king. The first one, which is what he focuses on in his commentary on D'varim, is based on the timing of the request. Under "natural" conditions, having a king is necessary for a society to function, in order to give the people direction and coordinate their efforts to accomplish things. However, the Children of Israel did not live under "natural" conditions, at least not yet. They had leaders, most recently the Shoftim, who helped them live "miraculously," with divine guidance and intervention, and therefore did not need a human king to lead them. This wasn't always going to be the case, though; because there would be times (possibly long stretches of time) when the nation would not benefit from such divine guidance and intervention, having a human king would become necessary. The commandment to appoint a king was meant to be "activated" after the period of always living "miraculously" ended, which the Malbim says did not happen while Sh'muel was still alive (as evidenced by his causing it to rain during the dry season, see 12:17). Therefore, G-d was upset that they asked for a king prematurely.

There are several issues that need to be addressed regarding this approach. First of all, Sh'muel was no longer actively leading the nation, but had handed the leadership over to his sons (8:1). Malbim says they should have just asked Sh'muel to lead them again, but even if he could, that would only help temporarily (the verse describes Sh'muel as being "old"). It would be reasonable to ask Sh'muel now to start the process of transitioning to the kind of leadership that would become necessary after he was no longer able to lead, before there was a(nother) vacuum at the top. Secondly, if the reason the timing was wrong was based on there still being the kind of leadership that made having a human king unnecessary, when the nation offered to retract their request, why wasn't their retraction accepted? If the time wasn't right, and the nation was willing to wait until the time was right, why was a king still anointed? Also, if the timing was based on having someone who could lead the nation "miraculously," were there no other prophets after Sh'muel who could do so? Without a "kingdom" to be split, couldn't Eliyahu, or other prophets, have maintained the nation's "miraculous" existence? If we combine (to a certain extent) the

approaches of Sfornu/Abarbanel and Malbim, we can explain all of these issues.

It would have been preferable if we didn't need a king at all. Our trust in G-d should be strong enough to not need a human "Head of State" to lead us in wartime (or other times). We should respect G-d's wish that we follow the law of the land and not need a powerful enforcer of the law. And we should treat each other well enough to not need a king to ensure that nobody is abusing the law, or skirting the law while taking advantage of others. In other words, if we were on a high enough level, we wouldn't need a king. G-d would be our only King, and having a human king under such circumstances would be less than ideal. If, however, we cannot attain - or maintain - such high standards, we are better off having a king to rule over us, a monarchy that follows G-d's law and does everything it can to make sure that everything runs as it's supposed to. Are we better off not needing a king? Yes. Is it always better to not have a king? No. (As opposed to Abarbanel, who makes the case for it never being preferable to have a king - favoring a parliament run by Torah leaders.)

Y'hoshua didn't appoint a king, because he was hoping it wouldn't be necessary. But as the years passed, it became apparent that some were taking advantage of the lack of a central authority. This occurred throughout the rule of the Shoftim, as the two verses cited above imply. What would be the true indicator that a king had become necessary? The Torah tells us to wait until the people ask for one. A popular request for a king could be a sign that injustices had become so widespread that a powerful ruler was needed to correct them. Or it could be the result of the nation falling to the point of needing a titular leader to look up to (replacing G-d, to some extent). Either way, the appropriate response would have been to try getting (back) to a level where a king was not necessary. Instead, it became necessary to actually appoint a king, in order to keep the nation from moving further away from G-d and His laws. Additionally, although the leaders asked for a king because of the lawlessness (see Sanhedrin 20b), the people didn't want to have to deserve G-d's protection and guidance in order to survive or succeed (see Sh'muel I 7:3), and wanted "a king, so we can be like all the other nations" (8:20; compare with 8:5, where the leaders wanted a king to judge them like the other nations have a king to judge them whereas the people wanted to be like the other nations, i.e. not needing to be righteous). [Based on the leaders' request, Sh'muel took it as an affront, since they were asking for a better "judge," while G-d responded based on the people's request, that the request was based on their not wanting to have to serve Him.] Rather than reaffirming their commitment to G-d and clamping down on injustice without needing a central authority to do so, the people exercised their

option to ask for a king, making it necessary to appoint one even though they could have avoided it.

It was this turning point, being at the level where it now became preferable to have a king, which raised G-d's ire. He had known that this point would be reached, and therefore commanded (or allowed) the people to appoint a king - when it became necessary. But just because this transition was now necessary doesn't mean it had to have become necessary. Asking for a king now, when they didn't really need a king yet, was a major factor in their actually needing one, so they were rebuked for the request itself. Once it became necessary to have a king, though, even after they understood the problem with requesting a king (Shmuel I 12:19), G-d told Sh'muel to appoint one. © 2013 Rabbi D. Kramer

RABBI KALMAN PACKOUZ

Shabbat Shalom Weekly

The Torah writes about a king: "And it will be as when he sits on his throne of royalty..." (Deut 17:18).

Why does the Torah use the phrase "as when he sits" rather than just say "when he sits"?

Rabbi Mordechai Pragamantzky of Telz, Lithuania, taught that even if a king is a ruler for a long time, he should still view himself as if he just obtained his rulership-as when he began to sit on his throne.

When a person first acquires a position of leadership, he is very idealistic and has many ideas and plans that he would like to implement for the benefit of the people under his authority. However, frequently after some time passes, the leader either becomes bored, disillusioned or worn out; many of his plans become lost.

Therefore, the Torah says about a king that he should always look at himself as if he just started sitting on his throne. This will enable him to have the same energy and enthusiasm as he originally had.

This same principle applies to anyone who is in charge of the welfare of others-for instance, parents! Remember the enthusiasm and goals you had when you first started out and keep trying to sustain it. *Based on Growth Through Torah by Rabbi Zelig Pliskin © 2009 Rabbi K. Packouz and aish.com*

