

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI LORD JONATHAN SACKS

Covenant & Conversation

In the course of setting out the laws of war, the Torah adds a seemingly minor detail that became the basis of a much wider field of human responsibility, and is of major consequence today. The passage concerns a military campaign that involves laying siege to a city: 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 axe to them, because you can eat their fruit. Do not cut them down. Are the trees people, that you should besiege them? However, you may cut down trees that you know are not fruit trees and use them to build siege works until the city at war with you falls. (Deut. 20:19 -- 20)

War is, the Torah implies, inevitably destructive. That is why Judaism's highest value is peace. Nonetheless, there is a difference between necessary and needless destruction. Trees are a source of wood for siege works. But some trees, those that bear fruit, are also a source of food. Therefore, do not destroy them. Do not needlessly deprive yourself and others of a productive resource. Do not engage in a "scorched earth" tactic in the course of war.

The Sages, though, saw in this command something more than a detail in the laws of war. They saw it as a binyan av, a specific example of a more general principle. They called this the rule of bal tashchit, the prohibition against needless destruction of any kind. This is how Maimonides summarises it: "Not only does this apply to trees, but also whoever breaks vessels or tears garments, destroys a building, blocks a wellspring of water, or destructively wastes food, transgresses the command of bal tashchit." (Maimonides, Mishneh Torah, Hilchot Melachim 6:10) This is the halachic basis of an ethic of ecological responsibility.

What determines whether a biblical command is to be taken restrictively or expansively? Why did the Sages take this seemingly minor law to build out a wide halachic field? What led the Sages in the direction they took?

The simplest answer lies in the word "Torah". It means law. But it also means: teaching, instruction, direction, guidance. The Torah is a lawbook like no other, because it includes not only laws but also narratives, genealogies, history, and song. Law as the

Torah conceives it is embedded in a larger universe of meanings. Those meanings help us understand the context and purpose of any given law.

So it is here. First and foremost is the fact that the earth is not ours. It belongs to its Creator, to God Himself. That is the point of the first chapter of the Torah: "In the beginning, God created..." He made it; therefore He is entitled to lay down the conditions within which we live in it as His guests.

The logic of this is immediately played out in the story of the very first humans. In Genesis 1 God commands humanity: "Fill the earth and subdue it. Rule over the fish in the sea and the birds in the sky and over every living creature that moves on the ground" (1:28). "Subdue" and "rule" are verbs of dominance. In Genesis 2, however, the text uses two quite different verbs. God placed the first man in the Garden "to serve it [le'ovdah] and guard it [leshomrah]" (2:15). These belong to the language of responsibility. The first term, le'ovdah, tells us that humanity is not just the master but also the servant of nature. The second, leshomrah, is the term used in later biblical legislation to specify the responsibilities of one who undertakes to guard something that is not their own.

How are we to understand this tension between the two opening chapters? Quite simply: Genesis 1 tells us about creation and nature, the reality mapped by the natural sciences. It speaks about humanity as the biological species, Homo sapiens. What is distinctive about humans as a species is precisely our godlike powers of dominating nature and exercising control of the forces that shape the physical world. This is a matter of fact, not value, and it has increased exponentially throughout the relatively short period of human civilisation. As John F. Kennedy put it in his inaugural presidential address: "Man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life." (January 20, 1961) Power is morally neutral. It can be used to heal or wound, build or destroy.

Genesis 2, by contrast, is about morality and responsibility. It tells us about the moral limits of power. Not everything we can do may we do. We have the power but not the permission; we have the ability but not the right. The earth is not ours. It belongs to God who made it. Therefore we are not the owners of nature but its custodians. We are here to serve it and care for it.

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This explains the story that immediately follows, about Adam, Eve, the serpent, and the forbidden fruit. What the fruit was, why the serpent spoke, and what was the nature of the first sin -- all these are secondary. The primary point the Torah is making is that, even in paradise, there are limits. There is forbidden fruit. Not everything we can do may we do.

Few moral principles have been forgotten more often and more disastrously. The record of human intervention in the natural order is marked by devastation on a massive scale. (Jared Diamond's *Guns, Germs, and Steel* (New York: W. W. Norton, 1997) and *Collapse: How Societies Choose to Fail or Succeed* (New York: Viking Penguin, 2005) are classic texts on the subject.)

Within a thousand years, the first human inhabitants of America had travelled from the Arctic north to the southernmost tip of Patagonia, making their way through two continents and, on the way, destroying most of the large mammal species then extant, among them mammoths, mastodons, tapirs, camels, horses, lions, cheetahs, and bears.

When the first British colonists arrived in New Zealand in the early nineteenth century, bats were the only native land mammals they found. They discovered, however, traces of a large, ostrich-like bird the Maoris called "moa." Eventually skeletons of a dozen species of this animal came to light, ranging from three to ten feet high. The remains of some twenty-eight other species have been found, among them flightless ducks, coots, and geese together with pelicans, swans, ravens, and eagles. Animals that have not had to face human predators before are easy game, and the Maoris must have found them a relatively effortless source of food.

A similar pattern can be traced almost everywhere human beings have set foot. They have consistently been more mindful of the ability to "subdue" and "rule" than of the responsibility to "serve" and "guard." An ancient Midrash sums this up, in a way that deeply resonates with contemporary ecological awareness: When God made Adam, He showed him the panoply of creation and said to him: "See all My works, how beautiful they are. All I have made, I have made for you. Take care, therefore, that you do not

destroy My world, for if you do, there will be no one left to mend what you have destroyed." (Ecclesiastes Rabbah 7:13)

Environmental responsibility seems to be one of the principles underlying the three great commands of periodic rest: Shabbat, the Sabbatical year, and the Jubilee year. On Shabbat all agricultural work is forbidden, "so that your ox and your donkey may rest" (Ex. 23:12). It sets a limit to our intervention in nature and the pursuit of economic growth. We remind ourselves that we are creations, not just creators. For six days the earth is handed over to us and our labours, but on the seventh we may perform no "work," namely, any act that alters the state of something for human purposes. Shabbat is thus a weekly reminder of the integrity of nature and the limits of human striving.

What Shabbat does for humans and animals, the Sabbatical and Jubilee years do for the land. The earth too is entitled to its periodic rest. The Torah warns that if the Israelites do not respect this, they will suffer exile: "Then shall the land make up for its Sabbatical years throughout the time that it is desolate and you are in the land of your enemies; then shall the land rest and make up for its Sabbath years" (Lev. 26:34). Behind this are two concerns. One is environmental. As Maimonides points out, land which is overexploited eventually erodes and loses its fertility. The Israelites were therefore commanded to conserve the soil by giving it periodic fallow years, not pursuing short-term gain at the cost of long-term desolation. (Guide for the Perplexed, III:39) The second, no less significant, is theological: "The land," says God, "is Mine; you are but strangers and temporary residents with Me" (Lev. 25:23). We are guests on earth.

Another set of commands is directed against over-interference with nature. The Torah forbids crossbreeding livestock, planting a field with mixed seeds, and wearing a garment of mixed wool and linen. These rules are called *chukim* or "statutes." Samson Raphael Hirsch (Germany, 1808 -- 1888) in the nineteenth century, like Nachmanides six centuries earlier, understood *chukim* to be laws that respect the integrity of nature. They represent the principle that "the same regard which you show to man you must also demonstrate to every lower creature, to the earth which bears and sustains all, and to the world of plants and animals." They are a kind of social justice applied to the natural world: "They ask you to regard all living things as God's property. Destroy none; abuse none; waste nothing; employ all things wisely.... Look upon all creatures as servants in the household of creation." (The Nineteen Letters, letter 11)

So it was no accident that Jewish law interpreted the prohibition against cutting down fruit-bearing trees in the course of war as an instance of a more general prohibition against needless destruction, and more generally still, against acts that deplete

earth's non-renewable resources, or damage the ecosystem, or lead to the extinction of species.

Vclav Havel made a fundamental point in *The Art of the Impossible*: "I believe that we have little chance of averting an environmental catastrophe unless we recognise that we are not the masters of Being, but only a part of Being." That is why a religious vision is so important, reminding us that we are not owners of our resources. They belong not to us but to the Eternal and eternity. Hence we may not needlessly destroy. If that applies even in war, how much more so in times of peace. "The earth is the Lord's and all that is in it" (Ps. 24:1). We are its guardians, on behalf of its Creator, for the sake of future generations. *Covenant and Conversation 5779 is kindly supported by the Maurice Wohl Charitable Foundation in memory of Maurice and Vivienne Wohl z"l ©2019 Rabbi Lord J. Sacks and rabbisacks.org*

RABBI SHLOMO RISKIN

Shabbat Shalom

"You shall appoint judges...[who] will not pervert justice.... Justice, justice shall you pursue....

You shall not plant for yourselves an Asheira [tree used for purposes of idolatry according to Rashi and Ibn Ezra] near the altar of the Lord your God." (Deuteronomy 16:18–21) 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," immediately followed by the prohibition of idolatry – seems to mix two completely different areas of religious concern. It combines 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 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 the 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 God 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 Asheira.

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 (Deut. 4:28). Why prohibit worshipping the Asheira tree

specifically if it is planted near the sacrificial altar? Is it not equally forbidden to serve a free-standing Asheira tree even if it is nowhere near the sanctuary (Mishkan) or Temple?

The Talmud (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 Asheira 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 Asheira tree.'" And R. Ashi added, "And if it is in a place where pious scholars are found, it is as if he planted the Asheira 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 perpetrated 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 Molekh! 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 God 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. (Ex. 23:24)

Guard yourself lest you seek out their gods.... They burn their sons and daughters in fire to their gods. (Deut. 12:30–31)

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 God chose Abraham because he was committed to compassionate righteousness and moral justice (Gen 18:18–19); on Tisha B'Av, the memorial day of our Temples' destruction, we read publicly the verse, "But let him who glories glory in this: Understand and know Me, that I am God who exercises loving-kindness, moral justice, and righteous compassion on the earth, for in these things do I delight,' says the Lord" (Jer. 9:23).

Although Maimonides consistently defines idolatry in pure and absolute theological and metaphysical terms, Rabbi Menahem HaMeiri (thirteenth and fourteenth 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 God is to pursue justice and righteousness; idolatry is not so much a sin of incorrect theological opinions as it is a sin of social corruption and immorality! ©2019 Ohr Torah Institutions & Rabbi S. Riskin

RABBI BEREL WEIN

Wein Online

The reading of this week deals with a basic human temptation and almost universal failing -- corruption. Though the Torah speaks of actual physical and financial graft it certainly implies a broader message to not only to those in the judiciary but to others in positions of power. The Torah recognizes that human beings, by their very nature, have biases and prejudices. Some of these seem to be almost inborn while others are acquired because of life experiences, educational instruction and societal norms.

Students of human nature have long debated which traits are inborn, such as hatreds and prejudices, and which are learned and acquired in life. As you can imagine, there is no consensus on this issue and on many other questions regarding human behavior. It is obvious that the Torah recognizes the presence of prejudice and corruption, both willingly and unknowingly within all of us. Even the greatest of us, who possess Godly wisdom and holiness in behavior and speech, is also subject to being corrupted. Wisdom can be perverted, and speech can be twisted because of our innate susceptibility to corruption.

We are not provided with any magic method to avoid this problem. We only know that it exists and that it is universal and omnipresent. As such, perhaps simply being aware of its existence eventually leads human beings individually and human society generally to a willingness to deal with the matter and to correct it to the extent that human beings are able.

We are all aware that that when it comes to physical health and mental well-being, the first act is to identify and be aware of the problem that is involved. The same thing is true in all human emotional and spiritual difficulties. People tend to believe that, somehow, they are immune to corruption if they do not actually take money offered to influence their opinions and judgments. However, that is a very simplistic view of corruption. Since people feel that they are balanced and fair in their opinions and viewpoints, this is exactly what leads to prejudices, intolerance of others and a closed mind when it comes to deciding on important issues and personal matters.

One of the reasons the Talmud insisted that at least three people be present to judge in a Jewish court of law is that when you have three people you will automatically hear different points of view and a fairer result will emerge. There are exceptional cases where even one judge -- and that judge must be a true expert

on the law and facts involved -- will suffice, but the practice in Jewish courts throughout the ages has been to have more than one judge -- at least three -- involved in arriving at judicial decisions. The Torah demanded that we pursue justice and fairness at all costs. It does not guarantee that we will always be able to achieve that goal, but it does demand that we constantly pursue it. ©2019 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

The Torah's sympathetic attitude toward ecology surfaces in a law legislating conduct during war.

This week's portion states: "When you besiege a city for many days to wage war against it, to seize it, do not destroy its trees by swinging an axe against them, for from it you will eat and you shall not cut it down." The Torah then offers a rationale explaining why the tree should not be cut down: "Ki ha-Adam etz ha-sadeh lavoh mi-panekha be-matzor." (Deuteronomy 20:19) What do these words mean?

Rabbi Avraham Ibn Ezra offers a simple answer. Human beings depend upon trees to live. We eat their produce. Cutting down a tree is, therefore, forbidden, as it would deny the human being food which is essential for life. For Ibn Ezra, the explanation should be read as a declarative statement. Don't cut down the fruit tree for a person is the fruit tree, depending upon it for sustenance.

Rashi understands the rationale differently. For Rashi, "Ki ha-Adam" should be read as a rhetorical question. "Is a tree a person with the ability to protect itself?" In other words, is the tree of the field a person that it should enter the siege before you?

A fundamental difference emerges between Ibn Ezra and Rashi. For Ibn Ezra, the tree is saved because of the human being, i.e., without fruit trees it would be more difficult for people to find food. Rashi takes a different perspective. For him, the tree is saved for the tree's sake alone, without an ulterior motive. Human beings can protect themselves; trees cannot. The Torah, therefore, comes forth offering a law that protects the tree.

The Torah's tremendous concern for trees expresses itself powerfully in numerous parables. One of the most famous is the story of a traveler in the desert. Walking for days, he's weary and tired, when suddenly he comes upon a tree. He eats from its fruit, rests in the shade and drinks from the small brook at its roots.

When rising the next day, the traveler turns to the tree to offer thanks. "Ilan, Ilan, bameh avarkheka, Tree oh Tree, how can I bless you? With fruit that gives

sustenance? With branches that give shade? With water that quenches thirst? You have all of this!"

In a tender moment, the traveler looks to the tree and states, "I have only one blessing. May that which comes from you be as beautiful as you are." (Ta'anit 5b, 6a)

This story has become a classic in blessing others with all that is good. Our liturgy includes the classic Talmudic phrase, "These are the precepts whose fruits a person enjoys in this world." (Shabbat 127a) Trees and human beings interface as trees provide us with metaphors that teach us so much about life.

To those who disparage the environment, our Torah sends a counter message. Trees must be protected, not only for our sake, but for theirs—and for the message they teach about life. Years back, as I walked one Shabbat with my eldest granddaughter Ariella, greeting everyone with Shabbat Shalom, she saw a tree, embraced it, and said, "Shabbat Shalom tree." Ariella certainly has internalized the message of the importance of the tree. May we all be blessed with this lesson as well. ©2019 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 KALMAN PACKOUZ

Shabbat Shalom Weekly

The Torah states, "You shall (trust) wholeheartedly in the Almighty, your God" (Deuteronomy 18:13).

We are enjoined to trust in God, but to what degree do we have an obligation to make a normal human effort and what is considered a lack of trust in God?

The question arises regarding testing people before marriage for being carriers of Tay-Sachs disease. Some people wonder whether such testing is not contrary to the trust we are required to have in Divine Providence -- why search for problems when in all probability none exist?

Rabbi Moshe Feinstein, of blessed memory, (who was one of the foremost authorities on Jewish law) clarified this point: "Although the percentage of infants born with this disease is small and one might be apt to apply the verse: 'You shall trust wholeheartedly in the Almighty,' (which Rashi interprets as meaning that one should not delve into the future) in light of the fact that a simple test has been developed for this, one who does not make use of it is like one who shuts his eyes to what can clearly be seen... and since the birth of such a child, God forbid, causes great anguish... it is prudent for all who are considering marriage to undergo this test." (cited in The Jewish Observer, May, 1986)

Having trust in the Almighty will give a person peace of mind and serenity. However, one should never use a claim of trust in the Almighty to condone

laziness or rash behavior. There is a thin line between the virtue of trusting in God and the fault of carelessness and lack of taking responsibility.

The story is told of a man who lived by a river. A policeman warns him to evacuate because of a flood warning. The man rejects the offer and says, "I have perfect trust in the Almighty to save me." As the water rises, a person in a boat offers to take him to safety. The man again replies with his proclamation of trust and refuses the ride. Finally, as the man is sitting on his roof, a helicopter comes to rescue him; again the man proclaims his trust and refuses the rescue. The water rises, the man drowns and is finally standing in judgment before the Almighty. "God, I had perfect trust in you -- how could you let me down?" The Almighty replies, "But, my son, I sent the policeman, the boat and the helicopter!" *Dvar Torah based on Growth Through Torah by Rabbi Zelig Pliskin ©2019 Rabbi K. Packouz*

RABBI DAVID LEVINE

The Kohein's Portion

In parashat Shoftim, the Torah discusses the position of the Kohanim and the Leviim. "There will not be for the Kohanim, the Leviim, the entire tribe of Levi, a portion and an inheritance with Israel; the fire-offerings of Hashem and His inheritance they shall eat. He will not have an inheritance among his brothers, Hashem is his inheritance as He spoke to him. This shall be due to the Kohein from the people, from those who perform a slaughter, whether of an ox or a lamb/kid, he shall give the Kohein the foreleg, and the jaw, and the stomach. The first of your grain, wine, and oil and the first of the shearing of your flock you shall give to him. For Hashem your Elokim has chosen him (the Kohein) from among all your tribes to stand, to minister in the name of Hashem, him and his sons all the days. And when the Levi will come from one of your cities (gates) from all of Israel where he lives, and he comes with any desire of his soul to the place that Hashem will choose. Then he shall minister in the name of Hashem his Elokim like all of his brothers the Leviim who stand there before Hashem. Portion for portion they eat except from what was transacted by the forefathers."

The Kli Yakar explains why the passage about the Kohanim follows the passage about Kings. He cites the Prophet Shmuel (Samuel) who states that the King will negatively appropriate for himself various crops from your field and animals from your flock. We find with Korach who rebelled against Aharon the Kohein and Moshe, that he believed that the Kohanim were appropriating from the people much as Shmuel warned would happen with the King. Korach was purposefully misleading the people into believing that the Kohanim were receiving their portion from the people. The Kli Yakar explains that the portions of each animal that were given to the Kohein did not come from the people

but from what was given to Hashem and then given by Hashem to the Kohanim. Hirsch explains that the portions were really given as part of the sacrifice or as the sacrifice in its entirety. These gifts were holy objects of higher and lower degrees. The Kohanim were then fed “from the table of the One Above.” HaRav Zalman Sorotzkin explains that priests received a double portion, one from the people and one from the King. He brings proof from Par’oh, the King of Egypt. When Par’oh confiscated land in payment for the grain that Yosef had stored, he did not take away the land that belonged to the priests in Egypt. Our Kohanim did not receive this double portion, as their portion came only “from the people.” In this way the Kohanim would not favor the King over the people but instead would love the people and bless them out of love.

We have already seen that the Kohanim were given a portion of the animals brought for sacrifices in the Temple. The Torah identifies these portions as: the breast and the shank, the foreleg, the jaw (together with the tongue), and the stomach. Rashi explains the reason for these three portions mentioned in our section by quoting an interpretation of the Sifrei. The foreleg represents man’s actions; the jaw represents man’s speech in prayer; the stomach represents eating. In each action that the Kohein performs, he elevates that action in his service to Hashem. Even in his eating he must serve Hashem. The Ramban quotes the Rambam ties these gifts to the idea of the First. The Rambam explains that the jaw is the first of the body. The shank is the first of the limbs of the body. The stomach is the first of the internal organs of the body.

This interpretation of the animal part gifts to the Kohanim fits well with the next sentence which discusses other “firsts”: “the first of your grain, wine, and oil and the first of the shearing of your flock you shall give to him (the Kohein).” According to Rashi, the first of the grains is the portion of the yearly crop which must be given to the Kohanim. These are not the first grains which are harvested but instead the amount which is given to the Kohein must be designated and set aside before any of the other grain may be used. The Gemara (as quoted by Rashi) indicates that a righteous person would give one part in forty, a wicked person would give one part in sixty, and an average person would give one part in fifty. The same type of process was also used to determine the terumah (gifts) of the vineyard and the olives.

Our Rabbis ask why the first of the shearing of your flocks was also designated for the Kohein. According to Hirsch the wool is an “acknowledgment that even if the priesthood is not productive of material goods for the people’s lives, the people are nevertheless under an obligation to it for its faithful activity and influence, and at the same time an admonition for due regard to be had for making provision for the external civil appearance of the priests

in the ordinary life of the people.” This must be understood in light of the responsibilities of the Kohanim to the people which preclude the Kohanim from growing crops or raising animals. The Kohanim were divided into families and each family had the responsibility of one week’s service in the Temple every six months so that each family served a period of two weeks every year. At certain times of the year all of the families would work together in the Temple because of the unusual volume of sacrifices. This normally occurred during the three Pilgrimage Festivals of Pesach, Shavuot, and Sukkot. The Kohein was not free to disregard these times with the hope that he would be able to return to his crop, so he was given no portion in the land to avoid this.

One might ask why the Kohein is given all of these gifts even when he is not specifically serving in the Temple. He serves for only two weeks in the year yet the B’nei Yisrael must constantly be involved in presenting him with these gifts. One pasuk answers our question, “He will not have an inheritance among his brothers, Hashem is his inheritance as He spoke to him.” The Levi’s inheritance was in Hashem, as we see “Hashem is his inheritance.” By serving Hashem with their actions, the Leviim and the Kohanim developed a more binding and more permanent connection to Hashem. One who is not from the tribe of Levi still has the opportunity to develop this closeness to Hashem even though he will never serve in the Temple. When we realize that everything we do is part of our service to Hashem, we understand that the words that we use, the smiles and encouragements we give, and the love that we show everyone is a reflection on our service to Hashem. May we heighten our awareness of our actions so that we, too, may say that our inheritance is Hashem. ©2019 Rabbi D. Levine

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Home Inauguration

*Translated for the Encyclopedia Talmudit
by Rabbi Mordechai Weiss*

Inauguration of one’s home in Israel is a Mitzvah, as we learn from this week’s portion in which the Torah states when discerning who will go to war, “whichever man who has built a house but has not inaugurated it, should return to his home”. Our Sages derive that this refers to a home in Israel.

The definition of the term “Inauguration” according to “Targum Yonatan”, is that he has not affixed a Mezuzah on the doorpost, while the Radak States that the term is referring to someone who has not eaten a festive meal in it yet.

Some believe that to make it a “Seudah Mitzvah” (a meal that is a Mitzvah), one has to recite words of Torah (“Divrei Torah”), while others state that because it is in Israel, that in itself is a Mitzvah, therefore precluding the necessity of Divrei Torah,

however in the Diaspora it would be necessary to recite "Divrei Torah".

Generally when one would purchase something new, as in a new garment, one would recite the blessing of "Shehechyanu". However since in the case just cited it is the individual who is making the blessing for himself, as opposed to when acquiring a home in which generally there are more participants in the acquisition, such as his wife and family, the blessing of "Shehechyanu" is not recited. ©2016 Rabbi M. Weiss and *Encyclopedia Talmudit*

RABBI DOV KRAMER

Taking a Closer Look

"Do not deviate from what [the Sanhedrin] tells you, [either] right or left" (D'varim 17:11).

"Even if they say to you that [what you think is] right is [really] left and [what you think is] left is [really] right" (Rashi, based on the Sifre). The message of this verse is that we must follow the rulings and teachings of the Jewish Supreme Court even if we are convinced they are wrong, to the extent that even if they tell us something contrary to what is obvious to us, such as telling us that what we thought was our right arm is really our left arm (and vice versa), we must treat what we thought was our right arm the way we currently treat our left arm (etc.). However, the Y'rushalmi (Horiyos 1:1) seems to say the exact opposite; "if they tell you regarding the right that it is the left and regarding the left that it is the right one might think to [still] listen to them, [therefore] the Torah says, 'to go right and left,' i.e. [only] when they tell you right is right and left is left." How these two statements can be reconciled is discussed by numerous commentators (on Chumash, on Rashi, on the Sifre and on the Y'rushalmi). Before discussing some of the answers suggested, I'd like to pose two additional questions.

First of all, if the verse can be understood both ways (to listen to them even if they say right is left and not to listen to them if they say right is left), then neither can really be learned from it. How can the Sifre say we should listen to the Sanhedrin even if they tell us right is left if the verse could just as easily be telling us the opposite? And how can the Y'rushalmi tell us not to listen to a Sanhedrin that says right is left if the verse could really be teaching us that we should listen to them even in such cases? [I guess we need the Sanhedrin to tell us which way to understand it! (Although that would raise the issue of the Sanhedrin determining their own authority, which creates a catch 22.)] Secondly, the Y'rushalmi seems to be misquoting the verse, which does not say "to go right and left" but not to go right or left. There is no verse that says "to go right and left" (Rabbi Elchanan Adler pointed out to me that D'varim 28:14 does have the words "to go" and "right and left" in it; however, they are in reverse order and belong to different sentence segments, with the

verse saying "do not deviate right or left to go after other deities, so the "to go" is not "going" on "right and left"). Why does the Y'rushalmi present a series of words as if they are in the Torah if they aren't? [It should be noted that when the Torah T'mimah quotes the Y'rushalmi, the word "to go" is omitted.]

There are two other verses (besides the two I already quoted) where Moshe warns us not to "deviate left or right" from G-d's commandments (D'varim 5:29 and 17:20), but ours (17:11) is the only one referring to not deviating from what the Sanhedrin says. The structure of our verse is unique in that (a) the words "right and left" are separated from the words "do not deviate," and (b) the words that separate them appear in the previous verse, so shouldn't need to be repeated to get the message across. Because the words "which they tell you" interrupt between the command "do not deviate" and "right [or] left," the Sifre understands the verse to mean "even if they tell you right is left and left is right" (see Zichron Moshe, R' Yaakov K'nizel and Torah T'mimah). This is not the case for the other three verses, though, where the message is clearly "do not deviate right or left from what G-d commanded;" if He commanded us to "go right," we must go right and if He commanded us to "go left," we must go left.

I would therefore suggest that the Y'rushalmi is not quoting any specific verse, but relating what these three verses teach us; we must go right when that is what we were commanded, and must go left when we are commanded to do so. And if these verses teach us that when G-d says "go right" we must "go right," our verse (17:11) can't be telling us that we should "go left" when the Sanhedrin tells us to if G-d had told us to "go right." Each of the verses has only one way of understanding them; three of them are telling us to "go right" when G-d tells us to, while one is telling us to "go right" when the Sanhedrin tells us to even if we think G-d wants us to go left. Which brings us back to the original question of how our verse can tell us to "go right" when the Sanhedrin tells us to even when we think G-d wants us to "go left" if other verses tell us not to listen to the Sanhedrin when they tell us to "go right" when G-d wants us to go left. If we must follow the Sanhedrin even regarding something as obvious as which arm is right and which is left, how can there be a case where we "know" what G-d wants and can therefore disregard what the Sanhedrin says?

The most common way to reconcile the Sifre and the Y'rushalmi (see Tzaidah L'derech, Hak'sav V'hakabalah, Amuday Y'rushalayim and Torah T'mimah) is by differentiating between when we think we know what G-d really wants and when we know for sure what He wants; if we aren't sure, we must listen to the Sanhedrin even if we think they're wrong, but if we know for sure they're wrong we shouldn't listen to them. However, as previously mentioned, there are few things we can be more sure of than "knowing" which

hand is right and which is left, yet we are told to listen to them even if they tell us otherwise. Unless these commentators don't understand "right" and "left" to be referring to limbs, but to directions that symbolize a course of action (where it need not be so obvious which way to go), it would be difficult to reconcile the two this way.

Taz rejects this approach for a different reason, and instead suggests that even though everyone must always follow what the Sanhedrin says no matter how sure one is that they are wrong, if by being passive one is not violating their ruling while also not going against what he thinks is right, this is what must be done. For example, if the Sanhedrin said something is permitted (but not required), anyone convinced that it is not permitted should abstain. The Sifre is referring to when being passive isn't enough, while the Y'rushalmi is referring to when it is.

Some (see Gur Aryeh and Amuday Y'rushalayim) discuss the differences between knowing based on a received tradition or based on logic (and when the tradition was how a previous Sanhedrin ruled as opposed to knowledge handed down from generation to generation all the way back to Moshe), with there being several possibilities based on why the Sanhedrin ruled as they did and why the individual thinks they're wrong. It would be too complicated to go through all nine possible scenarios here, but one possibility is that the Sanhedrin ruled based on their own logic while the individual has a received tradition that goes back to Moshe; the Y'rushalmi telling us to ignore the Sanhedrin's ruling could be referring to such a case, while the Sifre is referring to a different scenario.

Kikar Lu'uden distinguishes between a Sanhedrin that makes a mistake everyone knows is a mistake (which should not be followed) and a situation where they are not really mistaken, as they know it's wrong, but issue a temporary ruling allowing it, or don't think it applies to the case they are ruling about. I'm not sure how "kicking the can down the road," pushing the dispute to whether a temporary ruling should be made (or whether something applies) makes enough of a difference; the bottom line is whether or not thinking they made a mistake warrants not following them. [There can be different ways to understand even explicit verses, so explaining a verse differently is no exception.] Additionally, it seems strange that "everyone" but the Sanhedrin themselves would know something was a mistake. And what about a mistake that is not "known by all" to be a mistake? Kikar Lu'uden does not address such situations.

I would suggest just the opposite; if the Sanhedrin knows something has always been understood one way, but decides that times have changed so the law should change too, they are calling what was right "left" and what was left "right," and

should not be followed. If, however, the perceived mistake is based on how to apply already-existing principles, the Sanhedrin must be followed in order to maintain consistency. I know it sounds absurd that a Sanhedrin claiming fealty to tradition could decide to move away from that tradition, but unfortunately there are activist courts who try to (ab)use their position in order to bring about social change. Even if their hearts are in the right place, by calling what was always considered right "left" (and vice versa) they are the ones who have deviated, and their ruling should not be followed. There are several verses that tell us not to deviate from G-d's commandments, and a court that does should be ignored. On the other hand, our verse teaches us that if a court is working within the guidelines and structure that G-d commanded (the way they were always understood), even if we think the way they applied those guidelines is wrong, we must not deviate "right or left," but use their definitions of what is "right" and what is "left." © 2015 Rabbi D. Kramer

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", 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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