

# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI BEREL WEIN**

### Wein Online

**A** lawless society is the worst of all curses. The rabbis in Avot cautioned us to pray for the welfare of government for without the presence of its restraints and police powers, "one person would swallow the other person, whole and alive." The current chaos and unspeakable tragedies visiting the people and city of New Orleans, Louisiana, testify to the accuracy of this comment upon human nature by the rabbis of Avot. Tragedies often bring about the revelation of the most exalted and noble of human instincts. But they invariably bring into focus the worst and most base elements of human behavior - looting, price gouging, violence and cruelty. Those who campaign on the platform of no government - anarchists and the like - in times of dire emergency are forced to plead for governmental intervention and help. They and we are witness to the somewhat depressing fact that technology may advance and progress but the dark side of human nature has never really changed over the thousands of years of human civilization. Therefore the opening words of this week's parsha that admonishes the Jewish society to establish an effective and efficient system of police powers and judicial decision is most relevant to our society, as it has been relevant to all previous generations of our people as well. Without effective policing and institutions that defend the rule of law, civilized societal life as we know it would cease to exist. Eventually, Torah and the performance of mitzvot will also disappear in a lawless atmosphere and a society of chaos and anarchy.

However, police and courts also must be restricted in their powers. Mussolini made the trains run on time and there was little non-governmental lawlessness in Hitler's Germany or Stalin's Soviet Union. In fact, all totalitarian regimes are the model of law and order, but unfortunately of an evil type of law and order. The Torah therefore limits the powers of the police, the courts, of government itself, by demanding that their actions and policies conform to the oft-stated standards of righteousness, compassion, fairness and tolerance that the Torah emphatically espouses. Moral inhibitions are the brake against enslaving others in a totalitarian world of all-powerful police and courts. The rabbis of the Talmud enjoined us to pursue the finding of a fair, equitable, wise, "beautiful" court - beit din -

before which our disputes should be resolved. The "beautiful" beit din is in reality a metaphor for the entire society and its government. The pursuit of righteousness, of fairness and incorruptibility, both in the private and public sectors of Jewish life is a commandment of the Torah. It is a lofty goal to achieve, but the mere attempt to do so already introduces into our society the presence of those moral forces that can inhibit totalitarian behavior by government, police and courts. In the balanced view of life and society that the Torah always provides us with, the necessity for police, courts and government is emphasized. But side-by-side with this, the Torah's moral inhibitions on power and base human nature are clearly spelled out and defined. "For its ways are ways of pleasantness and all its paths lead to peace and harmony." © 2005 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](http://www.rabbiwein.com). For more information on these and other products visit [www.rabbiwein.com/jewishhistory](http://www.rabbiwein.com/jewishhistory).

**RABBI DOV KRAMER**

### Taking a Closer Look

**O**ne of the topics covered in Parashas Shoftim is "aidim zomamim," witnesses who are found to have been unable to witness what they claimed they saw. Their punishment is to "have done to them what they had tried to do to others" (see Devarim 19:19), to the extent that if their testimony led to a verdict of capital punishment, they are put to death instead.

The Torah mentions this extreme case (19:21), telling us not to have pity on such a witness, but to take a "life for a life, an eye for an eye, an arm for an arm, a leg for a leg." The latter cases refer to testimony that someone had caused the loss of another's limb; whereas had the accused been found guilty he would have had to pay a "limb for limb" (see Shemos 21:24), these false witnesses now have to pay the same.

Everyone knows that the Torah did not mean to literally sever the limb of the accused, as when G-d taught Moshe this law He also told him that His intent was to estimate the value of the limb to determine the amount of compensation to the victim (see Rambam Hilchos Chovel uMazik 1:5-6). The Talmud (Bava Kama 83b-84a) brings several proofs that the Torah only meant a monetary payment, as do numerous commentators (e.g. Ramban on Shemos 21:24).

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While naming limbs as being the actual compensation is not problematic when discussing the payment from the perpetrator to the victim, using them when discussing the payment made by a false witness to the accused is not as straightforward. After all, the accused would have only paid money to the one missing a limb, so "doing to him what he tried to do to another" would only mean making him pay money. Why bring the actual limbs into the discussion when detailing cases of what the false witness has to pay?

The commentators position the monetary payment as being a "redemption" of the requirement to pay with the actual limb. Even though one who pokes out another's eye deserves to lose his eye, the Torah allowed the monetary value of the eye to "take the place" of an actual eye. (This is one of the reasons given for wording the payment as "limbs" rather than "value of limbs.") There is a disagreement in the Talmud (see Tosfos on Bava Kama 84a d'h Elah b'demazik) whether we estimate the value of the limb that was lost (i.e. of the victim) or the limb that would have been payment (i.e. of the one who caused the damage). If it is the value of the limb that would have been severed, it is easy to see how the monetary compensation can be seen as a "redemption" of that limb. But we are not limited to saying that the "redemption" must be the exact value of what is being "redeemed." Even if it is the value of the lost limb that "redeems" the limb that would have otherwise be lost (as is the halacha), paying it to the victim can still be seen as a "redemption" of the "real" obligation to lose his own corresponding limb.

From this perspective, we can extend this to the payment made by the false witness. He tried to obligate the accused to sever a limb - and redeem it with a monetary payment. Therefore the obligation to sever a limb is now his - which he can also redeem monetarily. True, it was actually only money that the false witness attempted to effect, so it is only money that he pays. Nevertheless because these monies are instead of actual limbs, even by "aidim zomamim" the Torah uses the actual limbs as cases of monetary compensation.

There is another possibility, though. The Midrash Hagadol (Devarim 19:13) quotes Abba Chanon in the name of Rebbe Eliezer as saying that "whenever the Torah gives an inappropriate punishment, it says, 'do not have pity.' In other words, because the Torah

knew that we might have a reason to be more lenient, we are told not to be. The Ralbag understands this to be a warning not to be lenient just because the false witnesses' intent was never realized. We must execute him if his testimony led to a capital conviction, even though in the end no one was killed. Similarly, we should not to reduce or eliminate the required payment just because the accused never ended up paying a thing. However, if we take a closer look at the case of a false witness to a loss of limb, another possibility arises.

Mr. "A" lost his limb, and he accuses Mr. "B" of causing it. Witnesses "X" and "Y" testify that they saw "B" sever the limb from "A," but other witnesses testify that "X" and "Y" could not have been in position to see it happen. There is one fact that is absolutely clear here; that "A" lost the use of his limb. We are trying to ascertain whether or not we have enough evidence that it was "B" that is responsible for it. We may have evidence, circumstantial or otherwise, that it was "B," but without the testimony of eyewitnesses, it cannot be proven in a Jewish court of law that it was "B," and therefore no compensation will be made to "A." So here comes "X" and "Y" to the rescue; with their testimony, the court will find "B" guilty as charged, and poor "A" will get compensated. Then we find out that "X" and "Y" couldn't have seen it happen, as they were elsewhere at the time. By law, we should make "X" and "Y" pay "B" the amount that they tried to force him to pay "A." But we see that they really only wanted to help "A," who must live the rest of his life with his impairment. We may have even (quietly) wanted that ourselves. Especially if we think that "B" really did it, despite having no witnesses. Should we make "X" and "Y" pay even if their intentions were good (as misguided as they were)?

"Do not pity them." They testified falsely, and no matter how great their intentions were, we cannot tolerate tinkering with the system - even if we think the end result is just. This might be the reason the Torah used the actual limbs in describing the type of compensation the false witnesses must pay, to teach us that even in a case where the false witnesses were trying to help someone who had lost a limb, we should not be lenient with their punishment. The ends *don't* justify the means. If anything, the opposite is true: If the means are questionable, then the ends are likely inappropriate as well. © 2005 Rabbi D. Kramer

**RABBI AVI WEISS**

## Shabbat Forshpeis

**T**he 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. One Shabbat, as I walked 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. © 2005 Hebrew Institute of Riverdale & CJC-AMCHA

**RABBI 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 fulfill 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 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.

**RABBI SHLOMO RISKIN**

## Shabbat Shalom

**D**oes Faith in G-d mean that our victory is assured in times of war, that our population, land and produce will be increased while those of our enemies will be diminished? Must we believe that our

G-d guarantees perennial success? Clearly this seems to be the case, if we quote the words which the bible places in the mouth of the High Priest anointed for warfare as he attempts to raise the morale of the Israeli soldiers:

"Hear oh Israel, you are coming near to battle against your enemies; let your heart not be too sensitive, do not fear. For the Lord your G-d is marching with you to do battle with you against your enemies to bring you salvation" (Deut. 20:3,4)

But reality proves that success is not always achieved; were not our two Holy Temples destroyed, did we not suffer persecution and pogrom at the hand of our enemies, have we not experienced grave sacrifices in war and national setbacks such as the evacuation of Gush Katif? Indeed, our prayers have not always been answered positively-even when more than one hundred thousand of our most committed and pious prayed together at the western wall. Does faith demand that we believe that G-d is constantly marching with us to victory- even when our experience often reflects heartbreaking despair and defeat!

Let us study a fascinating Talmudic passage, examine our well-known Evening Prayer (Maariv), and I believe we will achieve a proper Jewish definition of faith.

"R. Yohanan declares, 'who is the child of the world to come? He who joins together the blessing of redemption ("blessed art thou who redeemed Israel") with the Standing Silent Prayer of the evening"(B.T. Berachot 4b).

R. Yohanan is one of the towering giants of the Talmud, who is considered to be one of the most trustworthy and incisive transmitters of the Oral Traditions of Israel. He is here expressing the important linkage between redemption-the ultimate vision and the optimistic hope of our nation- and prayer-calling upon the aid of the Almighty while we are in the process of attempting to redeem ourselves: through compassionate and ethical deeds, political action, planting and building in Israel, and even doing battle, if necessary.

I hasten to include these very human activities under the rubric of "prayer" since Maimonides cites as his Biblical source for prayer "and you shall serve the Lord your G-d", a commandment which appears in the context of Israel's progressing on the road to the land of Israel, a quest and a march which demands their fealty to the Biblical commandments, their development of the land itself, as well as courageous military battle (Exodus 23:25, 20-24 and Maimonides, Mishneh Torah, Laws of Prayer 1,1). R. Yohanan is teaching that redemption cannot happen unless we combine our commitment to G-d with dedicated action on all fronts: political, ethical, religious, agricultural, civic, economic and military; G-d guarantees that we will never be destroyed, G-d will even lead us by means of His Torah as we march along the road to redemption, but we must map out the route

and we must do whatever is necessary along the way, n the path to salvation. We must link redemption to our human activity and prayer to G-d.

But, there is a problem with R. Yohanan's linkage. Right after the words "who redeemed Israel," our Prayer Book has inserted a paragraph which begins with the word "Hashkivenu", "Enable us, O Lord our G-d, to lie down in peace...save us quickly for your names sake, protect us, remove from us the enemy, the pestilence, the sword, the famine, the anxiety... Blessed art thou, O Lord, who guards His nation Israel eternally" The Talmudic Sages query why this insertion is not considered an interruption, an unwelcome interposition between the blessing of Redemption and the Prayer. The Talmudic response is that this "Hashkivenu " prayer is merely an elongation or continuation of the request for redemption; indeed, the paragraph pictures existential fear of extinction due to pestilence, sword and famine. National as well as personal redemption must be joined together with our prayerful activity.

However, there is yet another liturgical problem, raised by the Tosofot commentary (French-Provence scholars of the 11th -- 13th centuries). After the elongated blessing of Redemption which concludes the Hashkivenu prayer, "Blesses art thou O Lord, who guards over His nation Israel eternally," we recite the Kaddish, the liturgical doxology of Yitgadal Ve Yitkadash Shmey Rabba, after which we intone the Amidah. Certainly the Kaddish ought be an interruption between Redemption and Prayer?!

I believe that proper understanding of our Jewish concept of faith will explain in depth why the Kaddish is not to be considered an interruption or interposition, but is rather the entire point of the linkage, the real definition of redemption.

It must be noted that there is a blessing of redemption just prior to the Amidah in the Morning prayer, not only in the Evening prayer as emphasized by R. Yohanan. And the Sages of the Talmud differentiate between the Morning and Evening Prayer: the bright, light Morning Prayer is a symbol of G-d's loving kindness, whereas the black, bleak Evening Prayer is a symbol of Israel's faithfulness even in times of desperation, as the psalmist declares: "To express your loving kindness in the morning, and our faithfulness towards you in the evening" (B.T. Berakhot 12a)

In the past we experienced G-d's miraculous love, specifically in our exodus from Egypt. We have faith that in the future will come the eventual redemption, as is guaranteed by all our Biblical prophecies. But when will that happen? That depends upon our actions and G-d's will, the manner in which we forge the path of return to Israel and how we succeed in teaching ethical monotheism to the nations of the world.

Along the way, there are existential perils of enemies, swered and pestilence (Hashkivenu). We will never be destroyed, however, and we will retain our faithfulness to G-d's laws even in the darkest of hours.

And we believe that ultimately "G-d's Name will be great and holy throughout the world which He created" as testified by the Kaddish. The Kaddish Speaks of our future redemption, when G-d's name will become great and holy in the world, and that will happen only when we bring about redemption by our active, action-filled prayer.

The High Priest anointed for Warfare is not promising immediate success; he is merely teaching that our faithfulness to G-d must always be apparent throughout our long march to redemption-and that eventually we will be redeemed! Faith is not bound up with our personal success and well-being; it is rather our faithfulness to G-d's will even during the dark night, because we know that eventually the morning star will appear and the dawn sunrise will bathe the world in warmth and light. © 2005 Ohr Torah Institutions & Rabbi S. Riskin

### **MACHON ZOMET**

## **Shabbat B'Shabbato**

*by Rabbi Amnon Bazak*

**T**his week's Torah portion discusses the issue of sanctuary cities (Devarim 19:1-10), as a parallel to the discussion in the portion of Massei (Bamidbar 35). However, there are clear differences between the two passages, and the first one to meet the eye is the issue of the guilt of the one who kills by accident. In Massei, the implication is that in principle a person who kills another one should be punished by death, but that the Torah exchanged this punishment with being confined to a sanctuary. That is the reason that a blood relative is permitted to kill the accidental killer if he leaves the city:

"If the killer leaves the boundaries of his sanctuary... and the blood avenger finds him... he may kill the one who killed, he will not be held responsible" [Bamidbar 35:26-27]. The Torah therefore insists that we must not relent and allow the killer to leave the city even if he wants to, and even if he is willing to pay a ransom in order to be freed. "Do not take ransom for one who runs away to a sanctuary, to allow him to return to the land" [35:32]. Thus, in Massei the main purpose of the sanctuary cities is as a punishment for the negligence that led to death, even though the killer did not have any direct intention of causing harm.

In this week's portion, on the other hand, the sanctuary is viewed as a way to help one who has killed by accident and not as a punishment. "He has no judgment of death against him, for he did not hate him, yesterday or before that" [Devarim 19:6]. In fact, the Torah commands that the sanctuary cities should be established in order to prevent the killer himself from being killed, which would constitute an unjustified act of spilling blood. "Let no innocent blood be spilled within your land, which G-d gives you as a heritage, for you would then be responsible for a life" [19:10]. Therefore,

this week's portion mentions laws which were not given in the earlier portion. For example, it is written, "Prepare the route" [19:3], interpreted by Rashi to mean, "The words 'sanctuary, sanctuary' were written at the crossroads" [19:13]. In addition, "Divide your land into three" [19:3], meaning that there should be three equal portions of the land, in order to minimize the distance to the nearest sanctuary (Rashi). Thus, in summary, this refers to an obligation of the community to make sure that it is easy to find and go to a sanctuary. This corresponds to the approach of this week's portion, which views the sanctuaries as a place where one who has killed by accident is protected from harm.

What, in the end, is the major characteristic of these cities? What is the attitude of the Torah to one who kills by accident, should he be punished or defended? It may well be that the difference between the two passages is related to a difference in their emphasis. In Massei the Torah refers to a person who kills another one "unintentionally" [Bamidbar 35:11]. Several examples of such an event are given: "If, suddenly, without any malice, he pushes him or throws a tool on him, not on purpose, or a stone which might cause him to die, without paying attention, and it falls on him, and he dies" [35:22-23]. Such cases are typical examples of negligence, which is the reason that the person must be punished in a sanctuary city. In this week's portion, on the other hand, the killing is described as being "without any knowledge" [Devarim 19:4]. Again several examples are given. "One who comes with his colleague to the forest to chop wood, if when he puts his hand on the ax to chop the wood the iron falls off the wood and hits his colleague, who dies" [19:6]. This appears to be an accidental event and not one where the killer strikes a direct blow. Thus, in Massei, when the Torah is discussing negligence by the killer, it emphasizes the aspect of punishment related to the sanctuary cities. But in this week's portion, which is more concerned with unexpected tragedy, the Torah emphasizes the protection available in the cities for anybody who should not be expected to suffer for an accident.

### **Waging War and Ecological Considerations**

*by Dr. Rachamim Melamed-Cohen, Former National Supervisor in Religious Education*

"Call out to it in peace" [Devarim 20:10]. "For a man can be compared to the trees of the field..." [20:19].

A time of war is a difficult time. The daily routines change and people are filled with fear and anxiety because of the unknown future. Mental and physical pressure might reawaken suppressed urges and lead to behavior patterns that would not appear in normal times.

The Torah is aware of man's inclinations and fears, and it therefore commands the leaders to turn to the fighters and to tell them, "Do not let your hearts be

weak... for your G-d is going with you" [Devarim 20:3-4]. Special consideration is given to one who built a new house but has not yet dedicated it, to one who has planted a vineyard but not yet begun the harvest, and to one who has betrothed a woman but has not yet married her. (The Hebrew words for these three elements-bayit, kerem, isha-form an acronym of "bacha", reminiscent of the verse, "Those who pass through the vale of tears -- emek habacha-will transform it into a spring" [Tehillim 84:7].) In a different verse, the opposite sequence appears: "your wife will be fruitful as a vine in the rooms of your house" [128:3].

War is likely to have an effect on normal social and personal ethics, both on the side of the enemy and for the soldier who opposes him. That is why the Torah prefers that before fighting we should "call out... in peace."

The dangers of dying in war and the general chaos during battle can provide an enticing atmosphere for booty, rape, an increase in the destructive urge, and a serious disturbance of nature, whether on purpose or not. But we have been taught that it is important to guard the ecology of the surroundings. "Do not destroy a tree just for the sake of wielding an ax over it, but only when it is needed in order to harm the local population" [Sforno, Devarim 20:19]. That is, do not legitimize destruction of the surrounding area based on claims of "national security."

It is clear today that we must insist on a high ecological standard. The laws of the Torah can teach us that graffiti, garbage thrown in public places, industrial wastes, loud noise, pollution of the atmosphere, cigarette smoke, bad odors, and other such disturbances all cause damage to human health and to lives of the other creatures. With such activities, man is chopping off the branch on which he sits. In the end, such destruction will harm mankind itself.

There is a correlation between peace and good living conditions. In times of peace, there is a high probability of stability and prosperity, as is written, "They will beat their swords into plowshares and their spears into scythes, no nation will raise a sword against another, and war will no longer be taught" [Yeshayahu 2:4].

**RABBI ZEV S. ITZKOWITZ**

## Byte of Torah

“If it will be a wonderment for you to pass judgement between blood and blood, between judgement and judgement, and between affliction and affliction, words of strife within your gates, then you shall get up and rise to the place that Hashem your G-d shall choose.” (Deuteronomy 17:8)

What does the Bible mean by, "it will be a wonderment for you to pass judgement"? This verse is referring to the courts that are set up in the local cities and towns (see Deuteronomy 16:18). However, the judges of

these smaller locales were not always able to pass judgement on each case (R. Aryeh Kaplan). Thus, the case was sent to "the place that Hashem shall choose", i.e. Jerusalem. There the greatest scholars and judges were found, as that was the home of the Sanhedrin, the Jewish legislative body and supreme court.

What does the Bible mean by passing "judgment between blood and blood"? It can have two possible meanings. One, distinguishing between ritually-clean and ritually-unclean blood (Rashi). Two, determining whether a "spilling of blood" was murder or accidental (Rashbam, Ibn Ezra).

What does the Bible mean by, "between judgement and judgement"? This too can have two possible meanings. One, determining innocence and guilt (Rashi). Two, litigating monetary matters (Rashbam).

What does the Bible mean by, "between affliction and affliction"? This too can have two possible meanings. One, determining whether a person was afflicted with Tzara'as or not (Rashi). Two, deciding the amount of punitive damage that is to be awarded (Ramban).

What does the Bible mean by, "words of strife within your gates"?

This is referring to the Sotah, an alleged adulterous woman (Ramban). This case too, was to be brought to Jerusalem and to the attention of a Priest. © 1995 Rabbi Z. Itzkowitz

**DR. AVIGDOR BONCHEK**

## What's Bothering Rashi

This parsha teaches us many laws, both between Man and Man and between Man and G-d. Much discussion revolves around the laws of Jewish worship of Hashem as differentiated from the pagan way of serving their G-ds. The following is a typical example.

"Do not erect for yourself a monument that Hashem, your G-d, hates." (Deuteronomy 16:22)

"That (Hashem) hates"-RASHI: "An altar made of stones and an earthen altar is what He commanded, but this (the single-stone monument) He hates. Because it was the law of the Canaanites and even though He had loved it (such an altar) in the time of the Forefathers, He now hates it, since they (the Canaanites) made it a law of their idol worship."

Rashi is explaining that only the single-stone "matzaivah" (altar) was forbidden, while the earthen altar and the multiple-stoned altar were not only permitted, they were explicitly commanded as a way to worship Hashem.

Rashi goes on to explain that although the single-stone monument-altar- was used by the Forefathers and thus could not have been hated by Hashem, nevertheless since in later generations the Canaanites began using this as their mode of worship, it had since become despised by Hashem.

A Question: There is a story in the Talmud that seems to contradict Rashi's reasoning here. The Talmud in Avoda Zara 44b tells the following incident recorded in the Mishnah:

Proklos, the son of Ph'losophos, asked Rabban Gamliel in Acco while he was bathing in the bathhouse of Aphrodite, "It is written in your Torah 'Nothing of the banned property shall adhere to your hand' (i.e. you shall not benefit from idol worship property). Why, then, do you bathe in the bathhouse of Aphrodite?" [Rabban Gamliel answered him]: "We may not answer (Torah) in the bathhouse." When he went out, he said to him: "I have not come into her (Aphrodite's) domain; she has come into my domain!" (Meaning, the bathhouse was built to bathe in, then, later, they attached the idol on its roof.)

Considering Rabban Gamliel's answer, that first the bathhouse existed and only later was it used for idol worship, we can ask on Rashi: Why should the single-stone altar be hated by Hashem? Was it not first used by Jacob for pure purposes—to worship Hashem? Why should it be banned if later the Canaanites used it for their impure worship? Hint: See the rest of Rabban Gamliel's answer in that Mishnah.

An Answer: The Mishnah continues with the rest of Rabban Gamliel's retort: "We do not say 'The bathhouse is beautiful for the G-d Aphrodite.' We say, instead, 'Aphrodite is an adornment for the bathhouse.'

This means that the bathhouse is not in the service of idol worship. The statue was put there to enhance the bathhouse. So Rabban Gamliel was not benefiting from an object of pagan worship. Certainly the bathhouse was not a place of idol worship.

The "altar of one stone," on the other hand, was the actual means of idol worship in Canaan. Its whole purpose was for serving the Canaanite idols. Therefore Hashem hated it, once this development took place.

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**RABBI MORDECHAI KAMENETZKY**

## Left, Right & the Politics of Misconstruction

In an era when political opinions are so clearly aggrandized—one is pigeonholed as liberal or conservative, a rightist or leftist—this week's portion shines a new perspective on right and wrong, and even left and right.

In describing the importance of following the advice of our sages, the Torah uses an interesting expression. "Do not stray from the path of their counsel, neither to the left or to the right." The Talmud espouses the faith we are to have in the wisdom of the sages by explaining: "Even if they tell you that left is right and right is left, and surely when they tell you that right is right and left is left."

I was always puzzled by the interpretation. Theological insights into events are subject to interpretations as varied as the eye-colors of the viewers. Even rabbinical conjectures can be objectively understood from varied perspectives and lifestyles. But direction? How can we misconstrue directional accuracy? Either something is right or it is left.

Back in the old country, a notorious miser was castigated by members of his community for his lack of involvement in charitable endeavors. He was urged to begin inviting the poor to his home. He was even advised of how good the mitzvah would make him feel. Reluctantly, the next Friday afternoon he gave his son a few coins and told him to buy the cheapest piece of fish. He warned him not to spend more than an amount that would buy the lowest quality fish. He also cautioned him to buy it just before the shop was to close for the Sabbath when the price was sure to be at its lowest. He was not to worry about freshness or appearance, just size and price. The son did exactly as he was told and brought back an excellent bargain: a large fish, thoroughly rancid.

Pleased with his purchase, the miser went to synagogue that evening and was proud to invite a pauper to his home. For the first time in memory he had a stranger actually eat with him. True to what he had been told, he really did feel wonderful. The beggar didn't. His weak stomach could not take the putrid fish and he became seriously ill.

That Monday, the miser went with his son to visit the ailing beggar in the community ward of the local hospital. When the poor soul died of food poisoning, he proudly attended the funeral. He even paid his respects to the relatives who sat shiva at their hovel.

Upon leaving the home of the mourners, the miser remarked proudly to his son, "Isn't it wonderful that we got involved with this beggar? Look how many mitzvos we have already performed. And it didn't even cost us more than a few pennies!"

Often, perceptions of right and wrong are discerned, formulated, and executed according to a warped sense of justice. Personal perspectives, attitudes, and experiences greatly influence our Torah-values and attitudes. Political correctness often hampers proper rebuke. Is it that we would not want to offend an overt transgressor or do we just not want to get involved? Does overzealous rebuke stem from our concern for the word of Hashem? Or are we just upset at the individual because we have a debt to settle with him? When we see a definitive right and left, perhaps we are looking from the wrong angle. It may very well be that our right is the Torah's left, and the same is true of the reverse.

When we are told to follow our sages whether they tell us that right is left and left is right. In a confusing world, they may be the only ones who really know which way is east. © 1996 by Rabbi M. Kamenetzky & torah.org