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Toras Aish

Thoughts From Across the Torah Spectrum

RABBI LORD JONATHAN SACKS

Covenant & Conversation

Some commands in the Torah were understood so narrowly by the sages that they were rendered almost inapplicable. One example is the ir ha-nidachat, the city led astray into idolatry, about which the Torah states that "you must kill all the inhabitants of the city by the sword" (Deut. 13:16). Another is the ben sorer umoreh, the stubborn and rebellious child, brought by his parents to the court and if found guilty, put to death. (Deut. 21:18-21).

In both these cases, some sages interpreted the law so restrictively that they said "there never was and never will" be a case in which the law was applied. (Sanhedrin 71a) As for the condemned city, Rabbi Eliezer said that if it contained a single mezuzah, the law was not enforced. (Ibid) In the case of the rebellious child, R. Judah taught that if the mother and father did not sound or look alike, the law did not apply. (Mishnah Sanhedrin 8:4) According to these interpretations, the two laws were never meant to be put into practice, but were written solely "so that we should expound them and receive reward." (Tosefta Sanhedrin 11:6, 14:1) They had only an educational, not a legal function.

In the opposite direction, some laws were held to be far more extensive than they seemed at first sight. One striking example occurs in this week's parsha. It refers to the conduct of a siege in the course of war. The Torah states:

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)

This prohibition against destroying fruit-bearing trees was known as the rule of bal tashchit, "Do not destroy." On the face of it, it is highly limited in scope. It does no more than forbid a "scorched earth" policy in the conduct of war. It seems to have no peacetime application. However, the sages understood it very broadly, to include any act of needless destruction. Maimonides states the law thus: "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." (Hilkhot Melakhim 6:10) This is the halakhic basis of an ethic of environmental responsibility.

Why did the Oral tradition, or at least some of its exponents, narrow the scope of the law in some cases, and broaden it in others? The short answer is: we do not know. The rabbinic literature does not tell us. But we can speculate. A posek, seeking to interpret Divine law in specific cases, will seek to do so in a way consistent with the total structure of biblical teaching. If a text seems to conflict with a basic principle of Jewish law, it will be understood restrictively, at least by some. If it exemplifies such a principle, it will be understood broadly.

The law of the condemned city, where all the inhabitants were sentenced to death, seems to conflict with the principle of individual justice. When Sodom was threatened with such a fate, Abraham argued that if there were only ten innocent people, the destruction of the entire population would be manifestly unfair: "Shall the judge of all the earth not do justice?"

The law of the stubborn and rebellious son was explained in the Talmud by R. Jose the Galilean on the grounds that: "The Torah foresaw his ultimate destiny." He had begun with theft. The likelihood was that he would go on to violence and then to murder. "Therefore the Torah ordained: Let him die innocent rather than die guilty." (Mishnah Sanhedrin 8:5) This is pre-emptive punishment. The child is punished less for what he has done than for what he may go on to do. Rabbi Shimon bar Yohai, who said the law never was or would be applied, may have believed that in Judaism there is a contrary principle, that people are only judged for what they have done, not for what they will do. Retributive punishment is justice; pre-emptive punishment is not.

To repeat: this is speculative. There may have been other reasons at work. But it makes sense to suppose that the sages sought as far as possible to make their individual rulings consistent with the value-structure of Jewish law as they understood it. On this view, the law of the condemned city exists to teach us that idolatry, once accepted in public, is contagious, as we see from the history of Israel's kings. The law of the stubborn and rebellious child is there to teach us how steep is the downward slope from juvenile delinquency to adult crime. Law exists not just to regulate but also to

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educate.

In the case of bal tashchit, however, there is an obvious fit with much else in Jewish law and thought. The Torah is concerned with what we would nowadays call 'sustainability.' This is particularly true of the three commands ordaining periodic rest: the Sabbath, the sabbatical year and the jubilee year. On the Sabbath all agricultural work is forbidden, 'so that your ox and your donkey may rest' (Exodus 23:12). It sets a limit to our intervention in nature and the pursuit of economic growth. We become conscious that we are creations, not just creators. The earth is not ours but G-d's. For six days it is handed over to us, but on the seventh we symbolically abdicate that power. We may perform no 'work,' which is to say, an act that alters the state of something for human purposes. The Sabbath is a weekly reminder of the integrity of nature and the boundaries of human striving.

What the Sabbath 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' (Leviticus 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. (The Guide for the Perplexed, III:39) The second, no less significant, is theological: 'The land,' says G-d, 'is Mine; you are but strangers resident with Me' (Lev. 25:23). We are guests on earth.

Another group 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 chukkim or 'statutes.' Nahmanides understood this term to mean laws that respect the integrity of nature. To mix different species, he argued, was to presume to be able to improve on creation, and is thus an affront to the Creator. Each species has its own internal laws of development and reproduction, and these must not be tampered with: 'One who combines two different species thereby changes and defies the work of creation, as if he believes that the Holy One, blessed be He, has not completely perfected the world and he now wishes to improve it by adding new kinds of creatures.' (Ramban, Commentary to Lev. 19:19) Deuteronomy also contains a law forbidding taking a young bird together with its mother. Nahmanides sees this as having the same underlying concern, namely of protecting species. Though the Bible permits us to use some animals for food, we must not cull them to extinction.

Samson Raphael Hirsch in the nineteenth century gave the most forcible interpretation of biblical law. The statutes relating to environmental protection, he said, 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 G-d's property. Destroy none; abuse none; waste nothing; employ all things wisely... Look upon all creatures as servants in the household of creation.' (R. S. R. Hirsch, The Nineteen Letters, Letter 11)

Hirsch also gave a novel interpretation to the phrase in Genesis 1, 'Let us make man in our image after our own likeness.' The passage is puzzling, for at that stage, prior to the creation of man, G-d was alone. The 'us', says Hirsch, refers to the rest of creation. Because man alone would develop the capacity to change and possibly endanger the natural world, nature itself was consulted as to whether it approved of such a being. The implied condition is that man may use nature only in such a way as to enhance it, not put it at risk. Anything else is ultra vires, outside the remit of our stewardship of the planet.

In this context, a phrase in Genesis 2 is decisive. Man was set in the Garden of Eden 'to work it and take care of it' (Gen. 2:15). The two Hebrew verbs are significant. The first -- le'ovdah -- literally means 'to serve it.' Man is not just a master but also a servant of nature. The second -- leshomrah -- means 'to guard it.' This is the verb used in later Torah legislation to describe the responsibilities of a guardian of property that does not belong to him. He must exercise vigilance in its protection and is liable for loss through negligence. This is perhaps the best short definition of man's responsibility for nature as the Bible conceives it.

Man's dominion over nature is thus limited by the requirement to serve and conserve. The famous story of Genesis 2-3 -- eating the forbidden fruit and the subsequent exile from Eden -- makes just this point. Not everything we can do, may we do. Transgress the limits, and disaster follows. All of this is summed up by a simple midrash: "When G-d made man, 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." (Kohelet Rabbah 7:13)

We know much more than we once did about the dangers to the earth's ecology of the ceaseless pursuit of economic gain. The guidance of the Oral tradition in interpreting "do not destroy" expansively, not restrictively, should inspire us now. We should expand our horizons of environmental responsibility for the sake of generations not yet born, and for the sake of G-d whose guests on earth we are. *© 2015 Rabbi Lord J. Sacks and rabbisacks.org*

RABBI SHLOMO RISKIN

Shabbat Shalom

"When you march up to attack a city, make its people an offer of peace." (Deuteronomy 20:10) The winds of war emanating from last summer's "Operation Protective Edge" have subsided, but we still hear loud and clear the raucous shouts at the United Nations, of European leaders and even of top leadership in the US condemning Israel's "extreme and disproportionate military activity" during the "cycle of violence," and condemning the fact that so many more Palestinians were killed than Israelis.

Our erstwhile friends have barely taken note of the ugly truth that there never was a "cycle of violence"; there were only brutal Hamas terrorist kidnappings and missile attacks launched from heavily populated areas in Gaza against the Israeli civilian population, missiles from UNRWA-run hospitals and schools, to which we were forced to respond if we were to protect our soldiers and citizens within Israel.

If the death count was disproportionate, it was not because of the sensitivity of our enemies; it was only because of the superior ability of our Iron Dome missile system to foil the evil desires of the Hamas terrorists, who willfully target Israeli civilians and who cynically use the Gaza citizenry as human shields in order to win the sympathy of a hypocritical and often diabolical world opinion.

Where were the European voices against Hamas, against the terrorists who used billions of dollars which were given to help the supposedly poverty-stricken Gazans and instead were used to build underground tunnels to infiltrate Israel and murder innocent Israelis? Where is President Obama's voice against UNRWA, which received billions of American dollars for schools and hospitals which apparently cooperated with the terrorists in providing incitement education and in becoming military launching pads against Israel? And all of this after we left the settlements in Gaza unilaterally in 2005!

As we see from the opening quotation, our Bible insists that we never wage war, even a defensive war, without first asking for peace. Both Maimonides and Nahmanides maintain that accepting a peace treaty includes the acceptance of the Seven Noahide Laws of Morality (especially "thou shalt not murder") and includes the Seven Nations of Canaan.

Nevertheless, the Bible does prescribe that if the enemy refuses peace "You must not leave any living being alive; you must utterly destroy them" (Deut. 20:16, 17). This would seem to include women and children.

Is this compassion? In order to compound our question and add to it a nuance of complexity, only two verses after the command "to utterly destroy" appear the following curious-and exquisitely sensitive-divine charge (Deut. 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... the human being derives his sustenance from it" or as 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 innocent women and children? One might very well argue that a fruit tree which gives human beings nutrition, the wherewithal to live, is of greater benefit than individuals who tragically are making it possible for terrorists hell-bent on obliterating every free society to triumph! Such individuals are lower than apples because they are part of a process which will remove goodness from the world.

Rabbi Naftali Tzvi Yehuda Berlin, dean of Yeshivat Volozhin at the end of the nineteenth century, in his masterful commentary on the Bible known as Ha'amek Davar, provides a key to our understanding. He insists that when the Bible ordains that we "utterly destroy" even the women and children (as it also commands in Deut. 7:1, 2) this is limited "to those women and children who are also gathered against us in battle...."

It is almost as though this great yeshiva head saw the kind of war we are being forced to wage with Hamas and Hizbollah. To rephrase Golda Meir, "I do not hate Hamas for trying to drive us out of our homeland; but I do hate Hamas for causing us to kill innocent Gazans."

Let no one be under any illusions: war stinks! But when a callous and cruel terrorist organization uses its own citizenry as human shields, we have no choice but to fight back. Michael Walzer in his classic work "Just and Unjust Wars" maintains that a soldier's life is not worth less than an innocent victim's life. We must add to this moral insight: If the innocent victim has bought into the evil of the enemy by continuing to support that enemy's rule and by enabling that enemy to build tunnels to destroy innocent Israelis, or if the enemy is a terrorist purposely waging war from the thick of residential areas because that is the way they

think that can defeat us and stop us from fighting back, then logical morality insists that we dare not allow them to gain the edge, that we dare not allow evil to triumph.

Yes, we must try as much as possible to wage a moral war; but the highest morality is never allowing immorality to triumph. Our Sages correctly teach: "Those who are compassionate to the cruel will end up being cruel to the compassionate." And we can be justly proud of our IDF, which continues to do everything possible to protect innocents in warfare.

RABBI BEREL WEIN

Wein Online

Unlike other faiths, Judaism does not foresee this world to be one of perfection of the entire human condition. Thus in this week's Torah reading we are told to create a system of legal justice and means of enforcement of law and order. Society cannot simply rely on the good will and innate good nature of people; this leads to anarchy and chaos. To this end, judges and police are part of the matrix of any civilized society

Since the Torah is speaking to a seemingly observant religious society, it may seem incongruous, at first glance, to understand the emphasis that the Torah places on law, order and enforcement. The realism and practicality of Torah dictates that there is bound to be disputes between people, that money is a strong temptation no matter how pious one may be and that many times people fear police in a manner and intensity greater than their supposed fear of G-d.

One of the seven basic Noachide commandments is that all societies must create a legitimate system of legal justice and to provide for its enforcement. Naturally, the Torah demands of us just laws, honest judges and fair treatment before the legal bar.

We read in Psalms that it is possible, if not even likely, to create evil, bias and unfairness by legal means. The history of civilization is strewn with unfair laws that discriminate, exploit and oppress others. The Torah, upon ordering us to have a society of law and order immediately commands us to pursue righteousness and fairness through virtuous and moral means.

Since all judges, no matter how great and pious they may be, are still essentially only human beings, as such, there can never be a guaranteed correct and fair judgment of every case in dispute. The practice in rabbinic Jewish courts of law is to attempt to achieve a compromise that will somehow and somewhat satisfy both parties in the dispute.

In many cases, if not in most, the Jewish judge acts as an arbitrator. Ultimate justice is a very difficult thing to achieve. There are always ramifications of a judicial decision that create unforeseen circumstances and potential difficulties.

The same is true for judicial enforcement. We are taught that the ultimate judgment belongs to the Creator. Only Heaven sees and judges the collateral effects of events and of human decisions. The Talmud, in realizing the human condition, states that a judge can only decide on the basis of what his eyes see. He can only decide the case that is known before him and not the unintended consequences.

This is not only meant to be an exoneration of judicial liability but it is even, more importantly, a clear recognition of human limitations. The perfect judge and the perfect court do not exist in our time. This undoubted lack of perfection does not free us from the obligation to create the best and fairest legal system. This is a never ending task but one that always requires our efforts and energies.

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. *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 MORDECHAI KAMENETZKY

The Gates of Justice

Parshas Shoftim begins with the command to appoint judges in all the cities of Israel. The Torah states: "Judges and officers shall you appoint in all your cities -- which Hashem, your G-d, gives you -- for your tribes; and they shall judge the people with righteous judgment." (Deuteronomy 17:18) The issue is that actually the Torah does not say to appoint judges and officers in all the cities rather it uses a different Hebrew term all your gates. It is a strange expression. After all, the Torah is not referring to appointing officers to serve as border guards. Therefore the verse is translated as the gates of the cities, meaning, of course, all your cities. But why say the word gates instead of the word cities? Actually, the use of the word gates is analyzed by many commentaries, some that interpret the word gates as a reference to the personal gates of the human body the seven orifices which are a conduit to four of the five the senses i.e. two ears, two eyes, two nostrils and a mouth. The Shalah (Shnei Luchos HaBris) explains that those bodily gates of entry need both officers and judges who are constantly on guard to ensure that only the right matter is absorbed. However, I'd like to present a simpler approach.

Often the readers of Faxhomily and Drasha send in stories from anthologies or personal reminiscences that I might be able to use in future faxes. Here is one that I received not long ago, though, unfortunately, I do not have the name of the author. He related the following revealing story:

I remember my wife's grandfather of blessed memory. He was a shochet (butcher), a Litvishe Yid (Lithuanian Jew). He was a very sincere and honest Jew. He lived in Kentucky, and later in life he moved to Cincinnati. In his old age he came to New York, and that is where he saw Chassidim for the first time. There were not too many Chasidim in Kentucky and Cincinnati.

Once he went to a heart doctor in New York. While he was waiting, the door opened and a distinguished Chasidic Rebbe walked in accompanied by his gabbai (personal assistant). It seems that the Rebbe had a very urgent matter to discuss with the doctor, who probably told him to come straight into the office. The gabbai walked straight to the door and ushered the Rebbe in to see the doctor. Before going in, the Rebbe saw my grandfather waiting there.

The Rebbe went over to my grandfather and said, "I want to ask you a favor. I am going to be with the doctor just one minute, if it's okay with you. If it's not okay with you, I won't go in. One minute is all I need."

My wife's grandfather said okay, and the Rebbe went inside. He was in there for a minute or so, and then he came back out. The gabbai was ready to march straight out the door, but the Rebbe walked over to him again, and said, "Was it okay with you? I tried hard to make it short. I think it was just a minute or two that I was there. Thank you so much. I really appreciate it." Later my wife's grandfather said to me, "I don't know much about Chassidim and Rebbes, but there's one Rebbe that I could tell you is okay."

Perhaps the Torah is telling us that those who adjudicate and lead are not only responsible to the people while they are in the court of justice. They are responsible even in their entries and exits as well. By telling us that judges must be appointed at the gates, the Torah may be telling us that the demeanor of the court officers and judges does not merely begin when the judges are performing official judicious acts in courts. Our leaders have a tremendous impact wherever they may be even at an entrance into the gates of justice.

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 KALMAN PACKOUZ

Shabbat Shalom Weekly

The Torah states, "You shall trust wholeheartedly in the Lord, Your G-d" (Deuteronomy 18:13). Rabbi Yisroel Meir Kagan, known as the Chofetz Chaim, used to say, "The Torah obliges us to trust wholeheartedly in G-d... but not in man. A person must always be on the alert not to be cheated."

The Chofetz Chaim devoted his life to spreading the principle of brotherly love, the prohibition against speaking against others, and the commandment to judge people favorably. Though he was not the least bit cynical, he was also not naive. He understood the world and human weaknesses.

In Mesichta Derech Eretz Rabba (chapter 5) it states that we should honor every person we meet as we would (the great sage) Rabbi Gamliel, but we should nevertheless be suspicious that he might be dishonest. *Dvar Torah based on Love Your Neighbor by Rabbi Zelig Pliskin © 2015 Rabbi K. Packouz & aish.com*

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." *© 2015 Rabbi S. Ressler & LeLamed, Inc.*

MACHON ZOMET

Shabbat B'Shabbato

by Tirza Frankel

In this week's Torah portion, which is involved with how we should behave as a civilized society, we have been commanded to appoint judges and officials over us. We are required to establish a justice system, since no group of people exists where there are no disputes or where there are no violations of the laws of the society. However, there are limits to the power of the judges -- they are not allowed to take bribes, and their rulings must be based on clear evidence presented to them by at least two witnesses. In addition to such a court system, we are required to act in a decent way, even at a time of war, and certainly during a time of peace. We must keep our eyes open and welcome any others who come through our gates. And if we find a dead body near our own settlement, we must take on responsibility for the fact that we did not treat the stranger properly during his hour of need.

In fact, the Torah in this week's portion teaches us how to establish a fair and moral society. Such a community, according to this Torah portion, is not a place where no sins are committed at all, and where no injustice takes place. Rather, it is a society with all the faults we can imagine: theft, disputes, accidental and purposeful killings, and more. However, what is unique about this culture is that these faults are treated in a systematic way. Nothing is swept under the rug, people take responsibility for the failures in an organized way, without any cover-up. And there are formal mechanisms that regulate and control the people, so that the failures and the injustice will remain a small and insignificant part of the culture and will not take control. In this way, the Holy One, Blessed be He, guides us, His nation, into a state where we recognize our human frailties both as individuals and as a group, where there is a danger of our doing evil or making a mistake. However, we are always attempting to minimize this effect and keep it under control in the healthy root of the community.

The last few weeks have given us sharp reminders of just how human our society is, with many serious maladies -- beginning with unfounded hatred between people and groups within us, and leading up to despicable acts of murder that our own people are suspected of doing. People who are much wiser than I am have already said that we cannot absolve our guilt by saying, "Our hands did not spill this blood, and our eyes saw nothing" [Devarim 21:7]. Each and every one of us, even if only through careless statements of hatred and disgust, might be in a situation that encourages such acts. We must always look for ways to enhance the level of peace in the world and not add to the darkness, not even by winking and hints, and certainly not through specific deeds. We are responsible for the fact that all the human beings amongst us, who were all created in the image of G-d, live with a feeling that they are being treated in a fair and respectable way. This goes for all human beings -- Arabs, people from the LGBT community, and any others whom we sometimes have a problem tolerating. Everybody. And this must be declared in a loud voice, one that will be heard and internalized by everybody. We have personal responsibility to act in an upright and respectable way towards
them all.

However, what is clarified by reading this week's Torah portion is that aside from the personal demand from each and every one of us to act in a proper way there must also be an additional circle which guarantees that society as a whole will be civilized. This will be a circle built up by the community, in order to protect itself from anybody within who strays from the proper path. This is the circle of judges and officials, the king, and the laws of the society or the country. The purpose of these elements is to make sure that if some people exist who do not conform to the way we were commanded to behave there will be a way to limit the damage that they cause, to contain them, and to continue to exist as a working and proper society and not as an anarchy. And therefore we have established the institutions of our country, such as the government, the courts, the police, the army, and a systematic legal system. According to the Torah portion, such institutions must be there in any civilized and fair society in order for it to continue to exist. Thus, in addition to the requirement to show respect for every person, the portion reminds us all that we have been commanded to show respect and to obey the laws of the land, its institutions, and its messengers, even if at times we are not happy with them. This is Torah law as it appears in this week's Torah portion, as is written, "If not for the fear of the government, all people would eat each other alive" [Avot 3:2]. *© 2015 Machon Zomet. Translated by Moshe Goldberg*

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