

Parshat Shoftim

In this week's portion, the Jewish Nation stands poised to enter the land of Israel. It is 2488 years since creation, forty years since leaving Egypt, and receiving the Torah on Mount Sinai. They have completed the forty years of travel through the desert. It has been 465 years since Hashem promised the land to Avraham Avinu, (our forefather) and they are finally ready to realize this dream.

It is not going to be a piece of cake. Very powerful nations have been living there for thousands of years. What right does this slave nation who just gained their freedom have to push them out? Who are they, anyway? A bunch of slaves who got lucky! Now they are acting like they have a right to the land!

In his very first comment on the Torah, Rashi (Rabbi Shlomo Yitzchaki 1040-1105) addressed this issue. He quotes Rabbi Yitzchok who asks: "Why does Hashem bother telling us about creation? The purpose of the Torah to give us the mitzvot. Hashem should have started the Torah with the first mitzvah? Why the history lesson?"

Rabbi Yitzchok answers that Hashem is telling us, "He made the world, and it belongs to Him. Therefore, it is His to give to whomever He finds worthy. He chose to give it to them until now, and now He chooses to take it from them and give it to us.

This is our only claim to the land of Israel. Without this concept, we would be oppressors like any others, bullying other nations because we are stronger.

Based on this, the Jewish people had the right to ask the occupying nations to leave the land of Israel. Hashem has given it to us, and we are claiming what is ours.

Because they were entering the land which until now had belonged to the seven nations, war was imminent. Therefore, in this week's portion, there are instructions to the Jewish people about various aspects of conquering the land of Israel.

The first chapter teaches us about the address that the special High Priest, consecrated for this job, would give the Jewish soldiers before going into battle. It is interesting that it was not a high army official who would be addressing them, rather a special Cohen Gadol anointed for this purpose alone. This Cohen Gadol who represented the highest moral ideals, would also accompany the nation to battle. This war would be in order to establish the Kingdom of Hashem in the land of Israel. This is what he would tell them:

ספר דברים פרק כ

(א) כִּי תֵצֵא לְמִלְחָמָה עַל אֹיְבֶיךָ וְרָאִיתָ סוּס וְרֶכֶב עִם רַב מִמֶּנּוּ לֹא תִירָא מֵהֶם כִּי יְדוֹד אֱלֹהֶיךָ עִמָּךְ הַמַּעֲלֶיךָ מֵאֶרֶץ מִצְרָיִם:

(ב) וְהָיָה כְּקִרְבָּכֶם אֶל הַמִּלְחָמָה וְנִגַּשׁ הַכֹּהֵן וְדִבֶּר אֶל הָעָם:

(ג) וְאָמַר אֲלֵהֶם שְׁמַע יִשְׂרָאֵל אַתֶּם קְרֹבִים הַיּוֹם לְמִלְחָמָה עַל אֹיְבֵיכֶם אֵל יְרֹד לְבַבְכֶם אֵל תִּירְאוּ וְאֵל תִּתְקַזְּבוּ וְאֵל תַּעֲרִצוּ מִפְּנֵיהֶם:

(ד) כִּי יֵדוּד אֱלֹהֵיכֶם הַהִלֵּךְ עִמָּכֶם לְהִלָּחֵם לָכֶם עִם אֹיְבֵיכֶם לְהוֹשִׁיעַ אֶתְכֶם:

1. When you go out to the battle against your enemy, and you see horse and chariot -- a people more numerous than you -- you shall not fear them, for Hashem, your God, is with you, Who brought you up from the land of Egypt:
2. It shall be that when you draw near to the war, the Kohen shall approach and speak to the people:
3. He shall say to them, "Hear, O Israel, you are coming near to the battle against your enemies; let your heart not be faint; do not be afraid, do not panic, and do not be broken before them:
4. For Hashem, your God, is the One Who goes with you, to fight for you with your enemies, to save you.":

As you can see from the verses, the Cohen would give the soldiers a pep talk, and tell them not to be afraid in battle. Even though the enemy will be greater in number and might, they will have Hashem with them and have no reason to fear.

What was most important in a battle of the Jewish Nation was the virtue of the soldier going to war, not his physical might or skill with a sword. In the battles for the land of Israel, only soldiers who were completely righteous and free of sin would go to battle.

(ח) וְיִסְפוּ הַשָּׂטָרִים לְדַבֵּר אֶל הָעָם וְאָמְרוּ מִי הָאִישׁ הַנִּירָא וְרָף הַלֵּבב יִלְךָ וַיֵּשֶׁב לְבֵיתוֹ וְלֹא יִמַּס אֶת לֵבב אֶחָיו כְּלִבְבוֹ:

8. The officers shall continue speaking to the people and say, "Who is the man who is fearful and fainthearted? Let him go and return to his house, and let him not melt the heart of his fellows, like his heart.":

Who are the fearful and faint of heart who are encouraged to go home? The Sages explain that the only thing one had to be fearful of when going to war, was a sin that he had committed. This and only this, could do him in. If a person is free of sin, no harm can befall him. So when a person knew he had sinned, and was vulnerable in battle, he was asked to go home, so he will not affect the others in the battle. This concept is illustrated very clearly through a story in the Talmud with Rabbi Chanina Ben Dosa. There was an *arud* (a poisonous rodent) in his neighborhood that was biting people and causing a problem. He asked to be shown its hole, and proceeded to put the heel of his foot on the hole. The *arud* came up and bit Rabbi Chanina Ben Dosa's foot, and immediately died. Rabbi Yochanan took the *arud* and wore it around his neck as an ornament. The point he wanted to bring out was that an *arud* doesn't kill, it is one's sins that allow the *arud* to do its damage.

In fact, in all the battles the Jewish people fought to conquer the land of Israel, they never lost even one soldier in battle, with one exception, the city of *עי* (Aye). Even though they killed tens of thousands of the enemy, every soldier came home safe from the battlefield.

In the battle with the city of *עי* (Aye), they lost thirty-six men. This was not supposed to happen and they understood immediately, that something was wrong. Upon

investigation, they found that someone had violated the ban on eating from the spoils. That sin was the reason for the death of the thirty-six men.

The very next topic in the Torah is:

ספר דברים פרק כ
(י) כִּי תִקְרַב אֶל עִיר לְהִלָּחֵם עָלֶיהָ וְקִרְאתָ אֵלֶיהָ לְשָׁלוֹם:

10. *When you draw near to a city to wage war against it, you shall call out to it for peace:*

Maimonides writes:

רמב"ם יד החזקה הלכות מלכים פרק ו
(א) אין עושין מלחמה עם אדם בעולם עד שקוראין לו שלום אחד מלחמת הרשות ואחד מלחמת מצוה שנאמר
כי תקרב אל עיר להלחם עליה וקראת אליה לשלום

The Jewish Nation does not make war with anyone in the world without first calling out to it in peace. Whether this is a מלחמת הרשות or a מלחמת מצוה.

There were two types of wars that the Jewish nation fought. One is a מלחמת מצוה a war that is an obligation to fight, and the other is מלחמת הרשות an optional war.

A מלחמת מצוה is one in which they are conquering one of the seven nations inhabiting the land of Israel proper. That means the parts of Israel that Hashem gave to the Twelve Tribes. A war defending the Jewish nation against another nation that is attacking Israel is also a מלחמת מצוה.

A war to expand the borders of Israel is called a מלחמת הרשות an optional war. This was left to the discretion of the king, and requires the high court to agree to it.

In either case, we must always give them the option to avoid war and go somewhere else if they should want to.

Our sages teach us, that Joshua sent a letter to each of the nations in the land of Israel, before engaging them in war.

The text of the letter read as follows:

"Whoever wants to leave, should do so, whoever wants to make peace with us, should do so, and whoever wants to go to war with us, can do that too."

In fact, the Girgashi, one of the indigene nations, did up and leave their land and allow the Jewish nation to enter without a war. Hashem gave them the beautiful land of Africa in place of Israel.

The Givonim, made peace with the Jewish nation, and they became the wood choppers and water carriers, for the Jewish people, but for pay.

The next topic in the Torah is:

ספר דברים פרק כ

כי תצור אֵל עיר ימים רבים להלחם עליה לתפשׁה לא תשחית את עציה לנדח עליו גרזן כי ממנו תאכל ואתו לא תקרת כי האדם עץ השדה לבא מפניו במצור:
(כ) רק עץ אשר תדע כי לא עץ מאכל הוא אתו תשחית וקרת ובנית מצור על העיר אשר הוא עשה עמה מלקמה עד רדתה:

19. 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; is the tree of the field a man that it should enter the siege before you?:

(Is it a threat to you in war, that you would have to cut it down? It is not a man who could hurt you!)

20. Only a tree that you know is not a food tree, it you may destroy and cut down, and build a bulwark against the city that makes war with you, until it is conquered:

This concept of not destroying fruit trees in a battle, is the source of a mitzvah in the Torah, Not to Waste. In the Sefer Hachinuch, a book that counts the commandments in the Torah, this is number 529, and he says one should not destroy even a mustard seed.

There is a beautiful concept in verse 19 when the words are taken at face value.

“A man is a tree of the field.” in what way is a man likened to a (fruit) tree of the field?

Our sages provide a window to the Torah’s meaning by examining the process through which a tree produces a fruit.

A tree creates its fruit from water soil and air. The roots deep in the ground draw water rich with nutrients from the soil and send it through the trunk and branches, to the leaves. The tree also absorbs carbon dioxide from the atmosphere, through the many pores in its leaves. Then, with energy supplied by the sun, the green chloroplasts in the leaves transform these ingredients into the delicious, nutritious items, we call fruit.

Contemplate for a moment, how amazing this is! Each kind of fruit tree takes the very same basic ingredients, and from them produces an astounding number of different kinds of fruit. Apples, oranges, dates, kiwis, coconuts, the list goes on and on. There are over 2000 different types of fruit naturally produced in our world. Just the array of colors, flavors, textures, shapes and sizes - is staggering!

Incredibly, G-d has provided a creation in which each fruit tree is unique. The different trees with their special qualities combine the same three ingredients to produce diverse fruits with varied qualities, appearances and tastes.

Our sages explain, that When the Torah states “a man is a tree of the field,” it refers to a fruit tree - which is a metaphor for mankind.

Each and every one of us, is endowed with a unique complement of abilities and talents, thoughts and ideas, which we must employ to achieve our purpose in this world. That purpose is to take the lessons we learn in life, filter them through our unique personality, and create from them beautiful fruits- good deeds and acts of kindness. Each creation of the Almighty be it human or inanimate, serves a unique role in this world, and is here to bring forth its distinctive fruit.

King David in the very first Psalm also referred to good deeds as the fruit of a tree when he said of a righteous person, "He shall be like a tree, deeply rooted alongside brooks of water, that yields its fruit in its season." Through using our unique complement of talents and qualities, we each have delicious and special fruit to produce in this world.

The next topic of the Torah is the topic of the עגלה ערופה the calf whose neck is severed from the back.

The story behind this mitzvah is as follows.

ספר דברים פרק כא

(א) כִּי יִמָּצָא חָלָל בְּאֶדְמָה אֲשֶׁר יִדְוֶה אֱלֹהֶיךָ נָתַן לְךָ לְרִשְׁתָּהּ נֶפֶל בְּשָׂדֶה לֹא נֹדָע מִי הִכָּהוּ:

1. If a corpse will be found on the land that Hashem, your God, gives you to possess it, fallen in the field, it was not known who smote him:

(ב) וַיֵּצְאוּ זְקֵנֶיךָ וְשֹׁפְטֶיךָ וּמִדְדוּ אֶל הָעָרִים אֲשֶׁר סְבִיבֹת הַחָלָל:

2. Your elders and your judges shall go out and measure to the cities that are round about the slain man.

The elders referred to in this verse are none other than the 71 judges of the high court in Jerusalem. They comprise the supreme court, as all the other courts in other cities fall under their jurisdiction. They must all, personally, come out of Jerusalem, and measure from the corpse to each of the surrounding cities that has a court. Their goal is to identify the city closest to the slain man. Our sages teach us, that even if it is obvious which city is closest, they must still go through the process of measuring to all the surrounding cities. The Torah is interested in the measuring process.

Once this has been done

(ג) וְהָיָה הָעִיר הַקְּרֹבָה אֶל הַחָלָל וְלִקְחוּ זְקֵנֵי הָעִיר הַהִוא עֲגֹלַת בָּקָר אֲשֶׁר לֹא עָבַד בָּהּ אֲשֶׁר לֹא מְשֻׁכָּה בְּעֵל:

(ד) וְהוֹרְדוּ זְקֵנֵי הָעִיר הַהִוא אֶת הָעֲגֹלָה אֶל נַחַל אֵיתָן אֲשֶׁר לֹא יַעֲבֹד בּוֹ וְלֹא יִזְרַע וְעָרְפוּ שָׁם אֶת הָעֲגֹלָה בְּנַחַל:

3. It shall be that the city nearest the corpse, the elders of that city shall take a heifer, with which no work has been done, which has not pulled with a yoke:

4. The elders of that city shall bring the heifer down to a harsh valley, which cannot be worked and cannot be sown, and they shall axe the back of its neck in the valley:

The judges from Jerusalem go home, and now, the court from the closest city must bring a heifer, and axe its neck in a place where no vegetation can grow. The Talmud explains.

(1) תלמוד בבלי מסכת סוטה דף מו/א

אמר רבי יוחנן בן שאול מפני מה אמרה תורה הביא עגלה בנחל אמר הקדוש ברוך הוא יבא דבר שלא עשה פירות ויערף במקום שאין עושה פירות וכפר על מי שלא הניחו לעשות פירות מאי פירות אילימא פריה ורביה אלא מעתה אזקן ואסריס ה"נ דלא ערפינן אלא מצות

Rabbi Yochanan the son of Shaul said: Why did the Torah instruct us to axe the neck of the animal in the barren valley?

Hashem has said, "let something that has not yet born fruit, and be axed in a place which cannot produce fruit, and let them atone for someone who was not allowed to produce fruit." What is the meaning of "fruit" in this statement? Children? If so, when a person who is not able to have children, would be found, we would not go through this process? Of course we would. The answer is, the fruit referred to here is mitzvot. This is the greatest loss in a person, since our purpose in this world is to create fruit, mitzvot.

(ה) ונגשו הפהנים בני לוי כי הם בחרו ידוד אלהיהם לשירתו ולקברו בשם ידוד ועל פיהם יהיה כל ריב וכל נגע:

5. The Kohanim, the offspring of Levi, shall approach, for them has Hashem, your God, chosen to minister to Him and to bless with the Name of Hashem, and according to their word shall be every grievance and every plague:

At this point the Cohens come forward and witness the judges wash their hands in the blood of the heifer and recite their confessional.

(ו) וכל זקני העיר ההוא הקרבים אל החלל ירחצו את ידיהם על העגלה הערופה בנחל:
(ז) וענו ואמרו ידנו לא שפכה {שפכו} את הדם הזה ועינינו לא ראו:

6. All the elders of that city, who are closest to the corpse, shall wash their hands over the heifer that was axed in the valley:

7. They shall speak up and say, "Our hands have not spilled this blood, and our eyes did not see:

The sages question: Could we possibly have thought that the members of the court were guilty of murder?

The answer is, they are testifying that they did not see this man in their city, and neglected to escort him out of the city on his way. For, had they done that, no evil could have befallen him. The escorting of a guest, provides him with protection from all dangers.

(ח) כפר לעמך ישראל אשר פדית ידוד ואל תתן דם נקי בקרב עמך ישראל ונכפר להם הדם:

(ט) וְאַתָּה תִּבְעֵר הַדָּם הַנָּקִי מִקֶּרְבָּךְ כִּי תַעֲשֶׂה הַיֵּשֶׁר בְּעֵינֵי יְדֹוּד:

8. Atone for Your people Israel that You have redeemed, O Hashem - Do not place innocent blood in the midst of Your people Israel!" Then the blood shall be atoned for them:

9. But you shall remove the innocent blood from your midst when you do what is upright in the eyes of Hashem:

At this point, the Cohens ask Hashem to atone for the sin of the murder.

What an elaborate process! Can you imagine what it looked like when the Supreme Court of 71 elderly sages were coming out of Jerusalem? And when they had to do the measuring from the corpse to the surrounding cities, each of them with their canes, or walkers? It could have taken days even weeks to figure it out. All of this because a corpse was found, a person murdered? What could be the meaning of this? Some of the sages say, this was an attempt to create awareness, so that the murderer could be located. If the murderer was located before they axed the neck of the heifer, they would not go through with the axing.

The next topic in the Torah also deals with going to war. It starts,

(י) כִּי תֵצֵא לְמִלְחָמָה עַל אֹיְבֶיךָ וַנִּתְּנֶנּוּ יְדֹוּד אֱלֹהֶיךָ בְּיָדְךָ וְשָׁבִיתָ שְׁבוּיוֹ:

10. When you will go out to war against your enemies, and Hashem, your God, will deliver them into your hand, and you will capture its captivity:

The Torah goes on to detail various laws about the captives of a war.

So, here is the question. Why didn't the Torah wait until after the fourth chapter about war, before giving us the laws of the עגלה ערופה? Why is that placed in the middle of the four topics dealing with the Jewish nation going to war?

Our sages teach us, that there is a very important lesson to be learned here. In the process of conquering the land of Israel, the Jewish soldiers were going to have to kill many of the enemy. Hashem's instructions were, to rid the land of all its inhabitants, lest they be a stumbling block for the Jewish people. It is very possible, maybe even probable, that in the course of all this killing, human life would lose its importance and sanctity. It is for this reason that the laws of עגלה ערופה come smack in the middle. To restore the value and importance of even one human life. The deceased was obviously not such an important person, or he would have been traveling with an escort. No family member thought to accompany him either. Yet, look at all the to-do about his death. The lesson is, that every single human being is extremely important. Each and every person has his unique contribution to bestow upon the world, and when someone is cut down prematurely, and not allowed to complete his mission, this is a major tragedy for the entire world, and the basis for much attention.

This lesson is very relevant in today's world as well, maybe even more than it was in the days of the Jewish nation conquering the land of Israel. How is that? Well, though we are not engaged in battle, we are witness to countless murders and deaths, each and every day. I am referring to what is seen in TV programs and movies on a daily basis. People are blown up by the dozens, murdered in the most horrific ways, and we don't think twice about it. Little do we realize that this wanton killing is destroying our respect and value for human life.

Even listening to the radio, we hear about murders all the time.

We need to take the lesson of the עגלה ערופה to heart and try to minimize the amount of exposure to this type of material. It will help us maintain our respect and value for the sanctity of human life.