

# Toronto Torah

Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Shoftim

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## Sanctuary Cities

Yaron Perez

"Set aside three cities... And this is the law of the murderer who shall flee there **and live**, who has struck another unintentionally, and did not hate him... Lest the avenger pursue the murderer when his heart is heated, catching him, etc." (Devarim 19:2-6)

The Torah commands us to dedicate cities for accidental murderers. What is the purpose of these residences? Based on the passage cited above, it seems that the goal is to protect the accidental murderer. But then why does the Torah command the murderer to flee there (ibid. 19:5)? Perhaps refuge should be optional?

Sefer haChinuch (Mitzvah 410) explains that the city of refuge also

plays a punitive role. Taking a life, albeit accidentally, is so abhorrent that we send the murderer into exile. Far from home and connections, the pain of his exile will reflect the pain of death.

However, a third element of the city of refuge may be identified. The Talmud (Makkot 10a) states, "If a student is exiled to the city of refuge, his teacher is exiled with him." Rambam explains, "The Torah states, 'and live' – we must enable him to live. The lives of intellectual people and those who seek wisdom are like death, if they cannot study." Rabbi Yehudah Zoldan (*Torah Derech Eretz* to Makkot) sees in Rambam's words another facet of the murderer's experience: rehabilitation.

Certainly, the murderer acted without intent, but knowing he has taken a human life must impact his soul. The punishment of exile and isolation from his circle could devastate him spiritually, and even physically. Therefore, the city of refuge plays an additional role in helping him return to civilized life, as seen in the effort to continue his studies. Bamidbar 35:6 already informs us that Levites live in the city of refuge, and they can contribute to the rehabilitation, but ultimately this process requires the help of one who knows the murderer well. Therefore, the teacher must join the student, helping him to heal.

[yperez@torontotorah.com](mailto:yperez@torontotorah.com)

## The Zionist Idea: Building a Society

Rabbi Baruch Weintraub

Parshat Shoftim is mostly dedicated to the political organizations we must establish to create a just society. Thus, the first verse reads: "You shall appoint judges and police in all your cities, which G-d has given to you according to your tribes..."

The commentaries were troubled by the implication of this verse, namely that judges must only be provided in Israel, which G-d has given us. Can it be that outside of Israel Jews need not establish a court system? Isn't that a basic requirement for leading a Torah observant life?

The Talmud (Makkot 7a) offers the following solution: Jewish courts, by necessity, must exist wherever Jews are; however, outside of Israel it is enough to have a court for every region, within Israel every city needs a court.

This is baffling. Why do we need more courts in Israel? Do Israelis argue more? Perhaps, but this is not the (whole) explanation. My late teacher, Rav Aharon Lichtenstein zt"l suggested that we should distinguish between two roles a court can play. In one, a court can operate as an "ad hoc" institution, judging only the cases brought to it. If there are no cases, the judges will go home.

Rambam (Sefer HaMitzvot Aseh 176) describes a second role: "We are commanded to establish judges and officers who force the people to obey the Torah's laws, and would forcibly bring back those who left the true path. They would also instruct people to do what they should do, and warn them against evil." This depiction of the court's responsibilities is much broader than what we suggested earlier. They don't wait for people to come to them; rather, they take an active role in leading their communities.

This, suggested Rav Lichtenstein, explains the above distinction. Outside of Israel the courts merely judge cases - thus, a minimal number are needed. In Israel, where they are responsible for educating and guiding the public, they require a dense presence.

This is the Zionist idea of our parshah in a nutshell: while Judaism outside of the land is engaged mostly in survival and successfully responding to whatever happens to them, Israel gives us the opportunity to initiate rather than react, to build the perfect society we are commanded to - a priestly kingdom and a holy nation.

[bweintraub@torontotorah.com](mailto:bweintraub@torontotorah.com)



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Devarim 25 records how the nation of Amalek attacked the Jewish people, unprovoked, shortly after we left Egypt. The Torah's original account of this war (Shemot 17) provides the history of the war, but the account in Devarim 25 is primarily forward-looking, commanding us to remember what Amalek did (Sefer haChinuch, Mitzvah 603), to carry out an on-going war against Amalek (ibid. #604) and to be careful not to forget what Amalek did (ibid. #605).

As *Sefer haChinuch* notes, the Torah does not specify when we must remember Amalek's attack. We customarily recall those events with a public Torah reading on Shabbat Zachor, before Purim, although some recite the relevant verses daily. *Sefer haChinuch* points out that we associate Amalek with Purim because the villainous Haman is described in Megilat Esther as a descendant of Agag, which is also the name of a king of Amalek (Shemuel I 15). However, we read about the war with Amalek before Purim, rather than on Purim, because our mitzvah of remembering pre-dates the events of Purim.

On a simple level, our animosity toward Amalek stems from their role in Tanach as an on-going threat to Jewish survival; witness Shemuel I 30, in which a band of Amalekites burned the Jewish city of Tziklag and took its women hostage, while the men were away. Indeed, Rabbi Yosef Dov Soloveitchik cited his father, Rabbi Moshe Soloveitchik, saying, "If any people seeks to destroy us, we are commanded to do battle against it when it rises up against us, and this battle of ours is an obligatory war on

the basis of the verse from Exodus (17:16), "The Lord will have war with Amalek from generation to generation." (*Fate and Destiny*, footnote 25) However, our sages have learned from these verses that Amalek is a philosophical foe, opposed to G-d and to the selection of the Jewish people for G-d's covenant. (Ibn Ezra to Shemot 17:14; Teshuvot v'Hanhagot 2:344)

According to most halachic authorities, the mitzvah of eradicating Amalek cannot be practiced today, not least because the nationalities of the Middle East have long faded from memory. However, the very idea of eradicating every descendant of a nation must still challenge Jews educated in a Torah which emphasizes mercy, and which teaches that people are not to be punished for the sins of generations past. As Rabbi Aharon Lichtenstein wrote, "What makes this problem more acute is the fact that it arises particularly in individuals who are morally and spiritually sensitive. Those who are relatively coarse are not concerned with these issues. Who is troubled by the command to wipe out Amalek? Those people who have succeeded in developing the kind of moral sensitivity that is important to us." (<http://etzion.org.il/en/being-frum-and-being-good-relationship-between-religion-and-morality>) Nonetheless, Rabbi Lichtenstein wrote that his response was not to doubt the moral sensitivity of the Torah, and not to pretend the moral problem is meaningless, but to increase his reverence for G-d and his faith in the Torah.

*torczyner@torontotorah.com*

**Weekly Highlights: Aug 26 – Sept. 1 / 4 Elul – 10 Elul**

***Many classes are still on summer hiatus, watch this space for their return!***

Time	Speaker	Topic	Location	Special Notes
<b>שבת Aug 25-26</b>				
<b>After hashkamah</b>	Adam Friedmann	Parshah Analysis	Clanton Park	
<b>Before Avot</b>	R' Jonathan Ziring	Daf Yomi	BAYT	<b>Rabbi's Classroom</b>
<b>After minchah</b>	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	<b>Simcha Suite</b>
<b>Sun. Aug 27</b>				
<b>8:45 AM</b>	R' Jonathan Ziring	Responsa	BAYT	
<b>Mon. Aug 28</b>				
<b>7:00 PM</b>	Adam Friedmann	Great Jewish Thinkers	Terraces of Baycrest	
<b>Wed. Aug 30</b>				
<b>8:00 PM</b>	Adam Friedmann	Why do we do that?	Shaarei Tefillah	
<b>Fri. Sept. 1</b>				
<b>8:30 AM</b>	R' Mordechai Torczyner	Book of Yeshayah	Yeshivat Or Chaim	<b>University men</b>
<b>10:30 AM</b>	R' Mordechai Torczyner	Ribbit	Yeshivat Or Chaim	<b>Advanced</b>

**Coming Up!**

**Monday September 4: YARCHEI KALLAH—YOEL'S SHOFAR OF ZION**

*with Rabbi Mordechai Torczyner, at Yeshivat Or Chaim, Free of charge  
Breakfast 9:15 AM, Chavruta time 9:45 AM, Shiur 10:30 AM, RSVP at [www.torontotorah.com/yk](http://www.torontotorah.com/yk)*

**Wednesday Septeber 6 & 13: BOBBING FOR INSPIRATION: APPLES AND WATER ON ROSH HASHANAH**

*with Rabbi Mordechai Torczyner, at Beth Emeth  
10:00—11:00 AM, Fee of \$20 for the series, RSVP at [www.torontotorah.com/rosh](http://www.torontotorah.com/rosh)*

**Sunday September 10: MARIJUANA LEGALIZATION & THE JEWISH COMMUNITY**

*7:00 PM at Yeshivat Or Chaim, RSVP at [www.torontotorah.com/members](http://www.torontotorah.com/members)  
Free for families who have donated at least \$36 in 2017; donations accepted at the door*