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Shoftim 5781

Stained Hands and Clouded Eyes

Rabbi Dr. Norman Lamm z"l (Originally delivered September 8, 1951)

This week, after a good two-month vacation, our children will return to their class rooms and again continue the development of their minds and spirits. It will be a momentous occasion, no doubt, for the children themselves. These past few days they have probably been busy purchasing school supplies, arranging programs, discussing new teachers and bubbling over with enthusiasm in anticipation of the new school year. I am sure that we all remember how we felt when we started our new terms back in elementary school. We felt as if we were setting out on a new path, full of hidden dangers and pleasant surprises, and we acted as if we expected a succession of mysteries and miracles at every step. Today's children feel the same way about it. It is a challenge and an adventure.

But while our children are going to be busy being enthusiastic about about a hundred and one things, let the parents not forget to take a long look at themselves and their progeny. On the first day of the term, ask yourself what progress your child's teacher will report on the last day. Will your boy or girl forge ahead, or remain just a dull average? Will he swim, or will he just float, carried by the educational tide? How many parents wonder why their child does no more than float in school, sometimes a "dead-man's" float, he is passive in his studies, he goes through school without school going through him. They are prone to blame it on his IQ, and then discover that his IQ hits 130. They blame the school or Yeshiva, and then discover that their neighbor's little boy attends the same school, nay-they same class, and is performing miracles in his work. And they are stumped. Why, after an extensive Jewish education, such parents might ask themselves, should my child remain apathetic to anything with Jewish content? What is it that he lacks? And if the parents are intelligent people, they will ask not "what does he lack, "but" what do we lack?" "We have bought for

him all the books he needs, a Jewish encyclopedia and a Britannica, we send him to the best school in the city, he gets the best nourishment, and yet he does not live up to our expectations." But these intelligent parents, who paid so much attention to his nourishment, have forgotten something of tremendous importance. They have forgotten to breathe into his lungs the life-sustaining air of courage; they have forgotten to inspire him with the feeling that the Torah he is learning is of terrific importance; they failed to impress upon his young mind that what he does and accomplishes is of exceptional significance to his parents and to every one else. They have shipped him off to school and shoved him out of their minds. In one word, they failed to encourage him.

How remarkably profound was the Bible's understanding of the need for encouragement. In today's Sidra, we learn that if a חלל, a corpse, was found between two towns under mysterious circumstances, that is- the murderer is not known, then the courts would measure the distance to both villages. And the elders or representatives of that town or village nearest the place where the corpse was found, had to perform a very strange, if not humiliating, ritual. They would take a calf upon whom a yoke had never been placed, bring it down to a brook near ground which had never been worked, and there they would decapitate the calf and wash their hands upon his carcass. And they would say as follows: ודינו לא שפכו את הדם הזה ועינינו לא ראו, "Our hands did not spill this blood and our eyes did not see." What strange words! What does "seeing" have to do with the guilt or innocence of a community and its leaders in a murder case? And if indeed "these hands did not spill this blood," then why require the elders to undergo this strange and frightening and suspicious ritual? Our Rabbis, anticipating that question, commented on the verse ועינינו לא ראו, "and

our eyes did not see,” שפטרנוהו בלא ליה, that “we accept moral responsibility because we failed to accompany him out of town.” How wise were our Sages! With their insight into human nature, they realized that this man had not successfully resisted his attacker because he left that town demoralized. The elders of the town failed to walk that man out onto the highway, they failed to encourage him on his way, they failed to make him realize that his presence in their community was important to them, and that his leaving saddened them. They simply did not take any notice of him. And it is courage, the knowledge of a man that he is backed by his fellows, that is necessary for a man to put a man’s fight against killers in the night who fall upon him with murder in their hearts. Without this encouragement, this knowledge that he means something to someone, a man’s resistance to his attacker is nil, whether he has eaten well or not, and he falls by the wayside dead. And when a community has thus sinned against the lonely stranger in its midst, it must accept full moral guilt for his murder. And the elders must announce in shame, ידינו לא שפכו את הדם הזה ועינינו לא ראו, Do you know how the Rabbis would translate that?— “No, we did not murder him with our very hands, but nevertheless we admit that our hands are stained with his blood, because our eyes did not see, we were blind his existence, indifferent to him, we overlooked him, we failed to encourage him and inspire him with the dignity of being a man among men. ידינו לא שפכו את הדם הזה ועינינו לא ראו, our hands are stained because our eyes were clouded!

To those parents who will cry out against Fate at the end of this school year that their children who have IQs above 130 and attend the best schools in New York are nevertheless dead in their spirit, that their souls are corpses, the Bible gives a high warning: Keep your eyes open- and clear, not clouded. Inspire your child with the courage to take on a double program because it means so much, make him feel important and wanted. Take a long look at your son; don’t overlook him. Extend to him the courtesy of לוי, of accompaniment, let him feel that you want his company because he wants yours. Go with him to school some day, and ask him what he expects to accomplish that day. Friday nights and Saturday afternoons when you have an opportunity to eat your meal without hurry and rush, discuss with him the problems he discussed in school; respect his arguments instead of dismissing them or, contrariwise, acting as if all the world knew that. Keep your eyes open and clear, and your hand won’t be stained.

During the war, I received a letter from a soldier friend of mine who hit the Normandy beaches on D-Day, fought through France and went through the horrors of the Battle of the Bulge. That boy saw more horror than a man double his age. Yet, he wrote to me, he did not falter for one moment; despite the cold and impersonal grinding of the war machine, he did not feel lonesome or dejected. For the one thing that had helped him most during those long months of fighting was the remembrance of his father who, seeing him off from New York and unable to speak of emotion, put his hand on his son’s shoulder and held him strongly. His father’s hand on his soldier is what kept his spirit and body alive in that hell called Europe. It was this accompaniment which assured his son’s survival. His hand on his son’s shoulder was a life-sustaining encouragement. That father’s hand was not stained with his son’s blood. There was no necessity for him to perform the humiliating ritual of raising his hands and exclaiming, ידינו לא שפכו את הדם הזה ועינינו לא ראו, my hands did not kill him, but look at them, they are bloody- because my eyes did not see, I overlooked my boy; my hands are stained because my eyes were clouded.

My friends, the closets of the American Jewish community are full of הללים, skeletons of what once were or could have been good Jews. The words of the poet Bialik ring true: “The people are indeed a corpse, a corpse dead-heavy without end.” It was the great failure of the last generation to inspire their children with the courage of a Jewish education that is responsible for the ghosts of Jews who clamor in the ball parks on Saturday afternoons and the corpses of Jews who will eat just anyplace, from Times Square to Chinatown, corpses whose uniquely Jewishly blood has been drained from them right down to the last drop. It is for these derelicts of the spirit, Jews whose Jewishness died a premature death because they were not properly encouraged and inspired, that the Jewish community at large must answer. Right outside this synagogue there are young Jews and middle aged Jews and old Jews walking past without the least recognition that today is Shabbos. Who is it who will raise his hands and disclaim responsibility for this situation and say ידינו הזה לא שפכו את הדם הזה, our hands did not spill it? Look again at those very same hands. They certainly are stained red with the blood of their Jewishness, because עינינו לא ראו our eyes were clouded, we were blind to them when they were young and impressionable, we bought school supplies for them and filled their lunch baskets, but we failed to inspire them with our sincere interest in them; we gave them a

sugar-daddy when what they wanted was a father. And when they left their elementary schools and ישיבות קטנות, we failed them again, פטרנוהו בלא לוי, we did not accompany them onto the great highway of life, we left them to fend for themselves as we overlooked their existence. We simply were not interested in anything beyond the immediate welfare of their bodies. Writes George Bernard Shaw in his "Devil's Disciple," "The worst sin towards our fellow creatures is not to hate them, but to be indifferent to them; that is the essence of inhumanity." Well, we are guilty of that inhumanity- לוי- שפטרנוהו בלא לוי.

Before Jacob died, he blessed his son Judah saying: ולבן שנים מחלב, "may your teeth be whiter than milk." What a strange blessing! Surely our Father Jacob did not mean to anticipate Colgate and Pepsodent! Explain the Rabbis of

Making a Virtue of Necessity

Rabbi Joshua (The Hoffer) Hoffman z"l

In this week's parsha, we are commanded to set aside three cities of refuge for inadvertent killers after we enter Eretz Yisroel to add to the three that Moshe already set aside on the other side of the Yarden (Devorim 19:2). We are then told, "When you observe this entire commandment to perform it - which I command you today - to love the Lord your God and to walk in His ways all the years - then you shall add three more cities to these three" (Devorim 19:9). The obvious question is, if we are performing God's mitzvos out of love, why would there be a need for cities of refuge? How could a case of inadvertent murder take place in such an environment?

Rav Meir Simcha of Dvinsk, in his Meshech Chochmah, says that according to the Talmud in Sanhedrin (97b-98b), there are two possible scenarios for the final redemption. If the nation is worthy, God will hasten the redemption and make it occur earlier than the final time. When that happens, the dictum of Shmuel, that there is no difference between this world and messianic times besides the fact that the Jewish nation will no longer be subjugated by other nations, would apply. However, if the people do not merit a quick redemption, then God will bring the redemption in its time by moving the nation to repent due to persecutions. In such a case, when the nation does not really merit the redemption, the verses that describe a situation in which God will "remove the spirit of defilement" (Zechariah 13:2) and "the wolf will lay

the Talmud, as they interpret this bizarre text, טוב המלבין, שינים לחברו יותר ממשקהו חלב, that he who makes his friend show the white of his teeth, that is- he who makes him smile, does him a greater good than he who provides him with milk. This was Judah's blessing-that his smile encouraged his brothers and friends to smile, and that was worth more to them than all the milk on Borden's farm. The Rabbis place greater emphasis on encouragement on nourishment.

Your son and daughter will begin their school term this week. You will have provided them with all the physical necessities, and if they're in Ramaz, that means that you've provided the best for them in education. But don't forget to smile, to make him feel proud, to encourage him, to bolster his spirit. Keep your eyes open- and your hands clean.

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down with the lamb" (Yeshaya 60:18) will obtain. When redemption comes in this way, says Rav Meir Simcha, then there will no longer be any murder, even in an inadvertent way. Since the Torah, in describing the widening of the borders of Eretz Yisroel, says "when you observe the mitzvos ... to love God...", it is describing a situation in which God brings redemption early, and, so it occurs in a natural way, so that inadvertent murders may still occur. This explanation, although ingenious, does not seem to emerge from a simple reading of the verses. Rav Moshe Sternbuch, in his Ta'am VeDa'as to parshas Shoftim, mentions Rav Meir Simcha's explanation, and then offers one of his own, which I would like to expand upon.

Rav Sternbuch writes that the institution of refuge can service not only people who have murdered inadvertently, but also people who are righteous and serve God out of love. We find, he says, that great tzaddikim sometimes impose exile upon themselves in order to engage in self-introspection and reach higher levels in their service of God. Although Rabbi Sternbuch does not mention this, his own illustrious ancestor, none other than the great Vilna Gaon, went into self-imposed exile during a time in his life. As I heard it told by Rav Yosef Dov HaLevi Soloveitchik, zt"l, the Gaon's doctor wanted him to take a vacation for health purposes. The Gaon's devoted student, Rav Chaim of Volozhin, did not think that his teacher would agree to take a vacation for mundane reasons, and, therefore, he

used a different approach. He suggested that the Gaon go into a self-imposed exile as an attempt to reach a higher level of repentance. The Gaon agreed, and embarked on a journey that has yielded many an interesting story about his experiences during that period. Perhaps, then, says Rav Sternbuch, this will be the function of the cities of refuge that will be set aside in the future, in messianic times. These cities, which originally were meant to serve as a refuge of the inadvertent murderer from the hands of the blood avenger, will, at that time, serve as a refuge for the righteous to increase their level of attachment to God.

The notion of elevating something whose core purpose is to act as a safeguard from something negative to a device that has an independent virtue to it is discussed by Rav Yerucham Levovitz, the great mashgiach, or spiritual guidance counselor, of the Mir yeshivah in pre-war Europe, in his Da'as Torah to parshas Shoftim. Rav Yerucham notes that the beraisa in Avos (6:6), says that royalty is acquired along with thirty privileges, or attributes. Rashi explains that these thirty privileges include the mitzvos incumbent upon the king, as mentioned in parshas Shoftim. Actually, says Rav Yerucham, our first impression would be to say that these thirty items are not privileges, or indications of the greatness of the king, but, rather, devices that are needed to guard the king from his own weaknesses. For example, the Torah forbids the king from having too many wives, so that they don't turn his heart away (Devorim 17:17). Additionally, the king must always carry a copy of the Torah with him, and read from it, all the days of his life, "so that he will learn to fear the Lord, his God to observe

all the words of this Torah . . . so that his heart does not become haughty over his brothers and not turn from the commandments right or left . . ." (Devorim 17:18-20). Nevertheless, says Rav Yerucham, once the king must do these things as safeguards, they then become privileges and attributes of his royal position.

Rav Yerucham says that the same applies to the forty-eight attributes of Torah which are mentioned in the same beraisa in Avos. Although, at first blush, the list seems to consist of things one must do in order to acquire Torah, once they are necessary for that purpose, they are also considered as attributes and privileges that come along with the acquisition of Torah. Perhaps, then, in a similar way, in light of Rabbi Sternbach's explanation of the positive function that going into exile can play in a person's spiritual development, we can say that even though exile to a city of refuge began as a device needed for the person who murdered inadvertently, once the Torah established it as something necessary, it takes on a positive aspect, as well.

On a wider scale, perhaps we can suggest that Rav Yerucham's approach to the mitzvos of the king can serve as a general approach to the vicissitudes of life. The mishneh in Avos (3:19), records the teaching of Rav Yannai that we are unable to explain the tranquility of the wicked or the suffering of the righteous. In other words, we can never really know the precise reasons for the circumstances in which we find ourselves in life. Our challenge is to understand that God has a purpose for placing us in these circumstances, and, once we find ourselves in them, to utilize them in a positive way.

Judging Yourself Judging Others

Rabbi Assaf Bednarsh (Adapted by a Talmid from a shiur given on September 8, 2016)

Toward the end of Parshas Shoftim, we have the mitzvah of Mashuach Milchama. Before the army embarks on a military expedition, he gives a pep talk to the Jewish soldiers about how Hashem is going with them. And then he announces that those people who have recently built a house, or planted a vineyard, or betrothed their future wife—or anyone afraid—should go back home. And then, they get ready for war. And Rashi here quotes two Chazals. Rashi quotes at the very beginning of this paragraph in the Torah the drasha from Maseches Sotah, which says: ve-amar aleihem: Sh'ma Yisroel—he tells them: Jews, listen up. To us, that sounds reminiscent

of the Sh'ma Yisroel that we say every day. So Chazal ask: Why does he use the expression of "Sh'ma Yisroel?"—which obviously means to evoke Krias Sh'ma. And what does that accomplish? So, Rashi quotes Chazal that the Mashuach Milchama tells them: Sh'ma Yisroel—even if you only have the s'char of saying Sh'ma Yisroel, and even if you are not so shtark and you are not makpid on everything. It's like those Jews who get up in the morning, slap on their tefillin for three and a half minutes, do quick Krias Sh'ma, and then go to work and do not necessarily worry about saying the entire Pesukei Dezimra, the minyan, and all the finer details of halacha. You say Sh'ma

Yisroel. Not Asher Yotzar. But you do say Sh'ma Yisroel. And that's a good enough zechus for Hashem to save you! Hashem is with you, even if you just say Sh'ma Yisroel—even if you don't do all the mitzvos. Ok. That sounds good. But the problem is that at the end of the Parsha Rashi quotes two opinions—machlokes Rabbi Yosi ha-Glili and Rabbi Akiva regarding the interpretation of the pasuk Mi ha-ish ha-yorei ve-rach ha-leivav yeilech ve-yoshuv le-veiso. Anyone afraid should go home. Not only is the pasuk referring to someone who is literally afraid of the war and can't handle the physical stress, but according to the de'ah of Rabbi Yosi ha-Glili, it means whoever is afraid of the aveira she-be-yado. Whoever did an aveira should go home because if they did an aveira they might die in battle. And the Yerushalmi goes as far as to say: This applies, even if you do a small aveira—like talking between putting on tefilin shel yad and tefilin shel rosh, or between the parts of davening, etc. So, it seems to be a stira in Rashi. First, he says that if you just say Sh'ma Yisroel, you are a big tzadik—and Hashem will take care of you. But at the end of the Parsha, he says that even if you did one aveira, you should go home because Hashem will not be on your side—you are a rasha. So, what's the p'shat in Rashi?

If you assume—like Rashi seems to—that these two Gemoras agree, then what's the p'shat? So I think the answer is: Who is talking to whom? *Ve-amar aleihem*—the Kohen is talking to Am Yisroel. *Mi yorei ve-rach leivav* is telling everyone to do cheshbon ha-nefesh for themselves. When I do a cheshbon ha-nefesh for myself, I should be makpid on myself. I can't say: Nah. I'll say Krias Sh'ma, and I'll be an ok Jew. I am not going to hell. It's ok—I am still Orthodox. I don't work on Shabbos, so I am good enough. When you do a cheshbon ha-nefesh for yourself, you should worry even about talking in the wrong part of davening. You have to make sure that you keep *kala ka-chamura, Taryag Mitzvos*

The Enigma of the Forbidden Pillar

Mrs. Michal Horowitz

In this week's parsha, Parshas Shoftim, the Torah warns us against foreign and idolatrous worship. The pasuk says: *וְלֹא-תִקִּים לָךְ מִצֵּבָה, אֲשֶׁר שָׁנָא ה' אֱלֹהֶיךָ - And you shall not erect for yourself a pillar, which Hashem, your G-d, hates* (Devarim 16:22).

Rashi teaches:

וְלֹא תִקִּים לָךְ מִצֵּבָה. מִצֵּבֹת אֲבֹן אַחַת לְהִקְרִיב עָלֶיהָ אֶפְלוּ לְשִׁמִּים -

be-chol prateihem ve-dikdukeihem. It's not enough to just say: I don't sweat the small stuff, and if I am a decent Jew, that's good enough. When you do a cheshbon ha-nefesh for yourself, you should think to yourself: It's Elul! Am I *yorei ve-rach leivav*? And we all are! And at least, we should all be. When you do a cheshbon ha-nefesh for yourself, you must be medakdek on everything. The problem is that sometimes people learned to be very shtark and to be big Ba'alei Mussar who do a big cheshbon ha-nefesh for themselves. And when they go out and look at everyone else with the same standard of cheshbon ha-nefesh as they apply to themselves, they see everyone else as no-good and worthless. Look at all those things that they do wrong! Chazal tell us, No! Do that kind cheshbon ha-nefesh on yourself! But if you are looking at Klal Yisroel, let them do their cheshbon ha-nefesh—when they are ready. But don't do it for them. Say instead: Maybe they don't do everything right, but look at these wonderful Yidden, who are saying Sh'ma Yisroel, who remind themselves of Hashem Elokeinu Hashem Echad every single day. And when it comes to Ahavas Hashem and ve-dibarta bam, maybe they don't fully practice *be-chol levavecha, be-chol nafshecha, u-ve-chol me'odecha*, yet. But they say it every day, which means that they are fundamentally committed to Yiddishkeit. Maybe they don't do *bi-shivtecha be-ve'itecha u-ve-lechtecha va-derech, u-ve-shachbecha u-v-kumecha*, yet. But they say it twice a day. Obviously, they are on the way. When you look at Klal Yisroel, you should look for the good. Find one good nekuda and judge them based on that. When you are doing a cheshbon ha-nefesh on yourself, then you can be machmir. But you should realize that just because you are machmir on yourself doesn't mean you have to be machmir on other people. You have to look at them charitably, find their good nekudos, and judge them as tzadikim based on that.

and you shall not erect for yourself a pillar: A pillar of a single stone to bring offerings upon it, even for the sake of Heaven.

אשר שנא. מזבוח אבנים ומזבוח אדמה צנה לעשות, ואת זו שנא, כי חק היתה לפנינו, ואע"פ שהיתה אהובה לו בימי האבות, עכשיו שנגאה מאחר שעשאוהו אלו חק לעבודה זרה - which [Hashem your G-d] hates - An altar of stones (plural) and an altar of earth He commanded to make, but this, He hates, for it was a custom

for the Canaanites (they customarily used it for idolatry). And even though it had been beloved by Him in the days of the Patriarchs, now, He hates it, since the Canaanites made it a custom for idolatry.

In a Torah whose every word is eternally relevant, how can we understand this prohibition today, and what lessons can we derive for us in our day and age? Clearly, none of us are making single-stone altars and pillars upon which to worship, and yet, even this seemingly antiquated command carries a message for us all.

We will offer two different approaches and answers, each which contains valuable pearls of wisdom as to how we must live our lives as Torah Jews.

HaRav Moshe Feinstein (1895-1986) zt'l teaches, "Since the giving of the Torah, each Jew is required to strive constantly to raise himself to ever higher levels of observance of Torah and mitzvos, both in quality and in quantity. Even if one attains the age of seventy and had acted righteously with a full lifetime of good deeds behind him, that would surely outweigh any slackening and any misdeeds which might occur in his last years. Nonetheless, he is not allowed to think that his share in the World to Come is assured for him on the strength of the merits previously accumulated ...

"The truth is that even someone whose total merits far outweigh his sins cannot be considered a tzaddik unless he continues to do mitzvos until the end of his life, even though he may sin inadvertently at times. If, however, he decides that he has already done enough mitzvos and has no need to do more, then all of his merits, however many they may be, count for naught.

"Thus the Torah prohibits a monolithic pillar because it suggests immutability, never accumulating further merits. Before the Torah was given, a pillar could also be beloved to Hashem, since Jews were not obligated to do mitzvos and whatever they did do was counted to their credit! However, since the giving of the Torah, we are obligated to do more than the minimum required by the Torah, to do as many mitzvos as we can and to strive to grow constantly. Therefore, a pillar, which remains forever static, is hateful to Hashem" and hence, it is forbidden to us to construct and worship upon (Darash Moshe on the Torah, Artscroll Mesorah, p.304-305).

וְלֹא-תִקִּים לְךָ מִצְבָּה, אֲשֶׁר שָׁנָא ה' אֱלֹהֶיךָ - And you shall not erect for yourself a pillar, which Hashem, your G-d, hates. One who is unwilling, unmotivated and uninterested in further growth in the realm of avodas Hashem is akin to

an unmoving matzayvah, a static pillar. One who believes he is finished with the performance of mitzvos and accumulating merits for himself is akin to a static pillar, which is detestable before Hashem. Man was put here to toil, to work, and to better himself through the service of G-d. One who wants simply to 'stand still,' and not grow further is abhorrent to G-d and has forfeited his purpose in this world.

We must be ever sure that we are striving for growth, moving forward, building upon past successes and learning from past errors. In this way, we will live lives full of meaning and closeness to Hashem.

In his Growth Through Torah, Rabbi Zelig Pliskin offers an alternative interpretation. He teaches, "Rabbi Tzvi Elimelech Shapiro of Dinov (1783–1841, famously known as the Bnei Yissaschar) commented: 'There are people who are rigid and inflexible. They have certain habits and customs and are unwilling to deviate from them. But this is a mistake. This day is not similar to any previous day, and no two situations are exactly alike. What is the right thing to do in any situation is dependent upon all the unique circumstances of that situation. This can be understood from our verse. Do not erect a way that is rigid or stubbornly unbending regardless of the situation (מִצְבָּהּ means a pillar; but it is also the root of the word matzav, which means situation). Rather, you should always take action according to the needs of that particular moment.

"What could be a mitzvah in one situation may be considered a transgression in another situation. At times a certain act may be a kiddush Hashem, and other times would constitute a chillul Hashem. A person who does things compulsively without wisdom will make many mistakes. Only someone who has a grasp of the full panoramic view of Torah principles, will have the necessary wisdom to judge what is the correct thing to do in every situation. The more Torah you learn, the greater will be your ability to make distinctions between different situations" (Growth Through Torah, p.427).

From here we learn that though we must be unbending when it comes to asi'as ha'mitzvos and matters of halacha, one who is too rigid, like an inflexible pillar, who is unwilling to assess each unique situation through the lens of Torah, will commit grave errors in how he lives his life. While we must always uphold the truth of Torah in this world, that truth may vary from time to time. Only through da'as Torah can we know when to be rigid, and when to be bending, living b'shalom with fellow man.

Global Warming and the Crime of Lost Potential

Rabbi Moshe Taragin

Man is at his worst behavior during wartime-destroying lives and devastating his surroundings. Modern war feels slightly more civil, as it is generally brief and is conducted at a distance from the enemy. Ancient wars were more savage, bloody and vicious. Often military campaigns stretched years, as prolonged sieges gradually starved and suffocated the population into surrender.

The Torah prohibits wantonly razing trees during these lengthy sieges. Barren trees may be felled but fruit trees must be spared. This prohibition, known as bal tashchit, serves a dual function. Firstly, it curbs excessive brutality and tempers vulgar reactions. Facing stress and fear, soldiers often commit hideous and gruesome crimes. Protecting Nature during wartime preserves human dignity, when it is most vulnerable. In 1969 Golda Meir commented “When peace comes we will perhaps, in time, be able to forgive the Arabs for killing our sons, but it will be harder for us to forgive them for having forced us to kill their sons”. The prohibition of bal tashchit restrains uncontrolled ruthlessness, preserving some measure of human dignity during war.

Secondly and more importantly, the prohibition against vandalizing trees regulates our overall relationship with Nature. Man is expected and encouraged to manipulate the forces of Nature for human benefit, and on behalf of human progress. Yet, we must respect the Divine masterpiece of Nature, avoiding purposeless depletions of the environment. This iconic prohibition of bal tashchit extends far beyond the military application. It applies to needless ripping of clothing and pointless killing of animals. Even under peaceful conditions, absent the pressures of war, humans must be mindful about draining Nature.

Of course, the most familiar application of this rule concerns the wastage of food. In the modern context, the concern of bal tashchit and wasting food has dramatically shifted. Until recently, humanity often struggled to feed itself. In 1798 Thomas Malthus predicted that an industrialized world would soon become overpopulated and far outstrip food production. Humanity would be unable to feed an ever-growing population. His warnings haven't materialized, as he overlooked the power of technology to adapt and provide sufficient food. Advances in industrial-scale agriculture, refrigeration and transportation have

yielded geometric increases in food production, almost eliminating hunger as a source of death- at least in the first world. As food is so abundant the parameters of bal tashchit have been redefined. It is likely, that normal discarding of leftover foods which will not be eaten, does not constitute destructive and prohibited bal tashchit.

While disposing uneaten food may no longer violate bal tashchit, we face a newer bal tashchit-esque dilemma regarding wasting Nature's potential: global warming and climate change. As technology advances, we burn more fossil fuel and deforest our woodlands. We may have escaped the Malthusian trap of hunger, but it appears that our advanced lifestyles endanger the sustainability of our planet. Does the prohibition of bal tashchit mandate climate preservation? Does it prohibit not just felling a tree but abusing planetary resources?

Truthfully, it is a complicated question- both in the purely legal sense, as well as from a moral perspective. The

Talmud Shabbat (140) ponders the preferability of consuming inferior barley bread in place of better-grade wheat bread. Consuming barley bread is less enjoyable but would conserve resources, as wheat is more valuable and more scarce. Perhaps bal tashchit demands long-term preservation of resources, even at the cost of current personal benefit. The Talmud rejects this option, authorizing the consumption of wheat bread: squandering natural resources is a violation of bal tashchit, but so is the diminishing of human benefit. Eating barley bread would preserve natural resources but constrict human experience, and would violate the spirit of bal tashchit. The quality of human experience supersedes the preservation of natural resources. From a strictly legal and halachik standpoint it appears that human need should not be confined or compromised to preserve natural resources.

To be sure, the issue of climate change is more complicated than the Talmud's dilemma. The Talmud challenges us to calibrate between human benefit and the preservation of Nature. Climate change poses a very different dilemma: current human needs pitted against long term planetary sustainability and long-term human needs. Do we have the right to indulge in our present, possibly at a cost to future generations and their needs? For example, it would be immoral to ignore debt, allowing it to swell and passing it along to our children. Would it

be similarly immoral to exploit Nature and her resources while possibly wrecking the environment for the future inhabitants of our planet?

This question should not be simplified: Man is gifted with creativity and expected to exploit natural resources for human prosperity. Just the same, as the creatures most Divine-like, we, like God are also custodians and

caretakers of Nature. The duality of our relationship with Nature is distilled in a verse in Genesis in which God commands humans to “develop our planet but also preserve it” (*l’ovdah u’leshomrah*). What happens when these two mandates clash? How do we proceed when our efforts to advance human welfare may endanger the conservation of Nature? This is not a question which yields an obvious or simple answer, but certainly one which we should contemplate.

An additional factor complicates the issue of climate conservation. After flooding our planet, G-d swore to Noah and to humanity that the world would never again be obliterated. Obviously, the Divine promise doesn’t preclude humans from triggering nuclear Armageddon and despoiling our planet. However, burning fossil fuels, even at our current exaggerated levels, isn’t vandalistic or malevolent. Perhaps we should rely upon the Divine promise that normal human behavior will not threaten global extinction.

Though the Torah’s will about climate preservation is unclear, many religious and morally sensitive people intuitively support policies which advance human progress while attempting to safeguard our climate for the future.

The Torah-The First Environmentally-Friendly Treatise

Rabbi Ephraim Z. Buchwald

In this coming week’s Torah portion, parashat Shoftim, we find many interesting and challenging ideas. In this particularly exciting portion, we see that many of the ideas presented in the Torah are clearly revolutionary—even today, let alone when they were first pronounced, over 3,000 years ago!

As I have previously noted, one of the primary arguments supporting the idea of the supernatural origin of the Torah is the abundance of revolutionary ideas introduced to humankind by the Torah. Of course, one could argue, as many do, that the Torah was not Divinely revealed some 3,300 years ago, but rather that, over the centuries and millennia, a group of brilliant Jewish scholars introduced these revolutionary ideas.

The preservation of Nature’s potential and the prohibition of *bal tashchit* spotlights a more severe sin: the wasting of human potential. If misusing the potential of Nature is criminal, squandering human potential is even more immoral. With the onset of Elul, the annual period of teshuva and personal introspection has begun. Typically, we probe our sins, our moral crimes, our harmful relationships, and our general unhealthy behavior. What about the massive personal potential we waste? Shouldn’t our teshuva also probe the opportunities in life we ignore and the accomplishments we are too lazy to strive for?

Focusing solely on repairing wrongdoings and misdemeanors yields average or pedestrian religious identity. In our pursuit of religious excellence, we must mourn the choices we didn’t take, alongside the terrible choices we did commit.

Commenting on penitence for lost potential, my revered Rebbe, Rabbi Aharon Lichtenstein zt”l wrote: “The failure to exploit spiritual potential, the failure to drink spiritual life to the lees, is not just some kind of pallid passivity, but, ... is spiritual rot”. Describing repentance for lost potential he continues: “Along comes the opportunity of teshuva. Teshuva is not just an opportunity per se; it is the opportunity to amend for all the missed opportunities. Teshuva is the chance to redress the balance, to take all of that waste and not only neutralize it but energize it, even transforming it into a positive force”

Teshuva is an opportunity to atone for lost opportunities. Don’t waste opportunity.

One major problem facing the argument endorsing the non-divine origins of the Bible, is that it maintains that at a time when the rest of the world was basically in the “dark ages,” Jewish scholars of great stature somehow conceived of extraordinary and exalted notions that transformed humankind. These revolutionary ideas include such fundamental concepts of civilization as “thou shall not murder”—reflecting the sanctity of human life, the prohibition of theft, reflecting the sanctity of property, love of neighbor, concern for the poor, the widow, the orphan and stranger, honesty and equity in business and in judgment, and the transformational idea of Shabbat.

How is it that only the Jewish people produced such ideas, while the rest of the world remained virtually

oblivious to any of these fundamental moral and ethical concepts? The alternative, of course, is to conclude that a Supernatural Being revealed these concepts to humankind through the Torah to the Jewish people. I would argue, that, in fact, it takes more faith to believe that only the Jewish people were fortunate to have such profound scholars who were capable to propound these brilliant and revolutionary concepts, than it is to believe that these ideas were Divinely revealed.

A marvelous example of the Torah's exalted concepts appears in this week's parasha, in which the Torah provides the Jewish people with explicit instructions on how Jewish soldiers must conduct themselves in times of battle. The Torah, in Deuteronomy 20:19-20, declares, כִּי תִצּוּר אֶל עִיר, מִיָּמִים רַבִּים לְהִלָּחֵם עָלֶיהָ לְתַפְשָׁהּ, When you besiege a city for a long time, making war against it to take it, לֹא תִשְׁחִית אֶת עֲצֵהָ, You shall not destroy the trees of the city.

We learn from this verse, and other related verses, that Jewish law insists that a Jewish army must always sue for peace before they attack any enemy, and provide the enemy with a period of at least three days to accept peace, before going out to battle. Similarly, Jewish armies are not permitted to entirely besiege a city. An avenue of escape—at least one side of the city, must be left open through which the enemy forces can flee. These verses also declare, that in order to protect the environment, Jewish soldiers are not permitted to cut down fruit-bearing trees, even in times of war—even when Jewish lives are at stake! From the law regarding fruit-bearing trees, an entire body of laws are derived known as בַּל תִּשְׁחִית, Bal Tashchit, which strictly prohibit wanton and wasteful behavior.

Environmental concern is not an afterthought in Judaism. It assumes a prominent place, articulated already in the opening chapters of the Torah. In Genesis 2:15, G-d gives the first human beings special instructions as they are placed in the Garden of Eden. וַיִּקַּח ה' אֱלֹהִים אֶת-אָדָם, וַיִּנְחָלֵהוּ בְּגַן עֵדֶן, לְעַבְדָּהּ וּלְשָׁמְרָהּ, and the L-rd, G-d, took the human being and placed him in the Garden of Eden, to work it and to protect it. Although it is hardly acknowledged by the secular world, it is evident that the Jews were the founders of the, so-called, "green community," the first to develop a consciousness for conservation and protecting the environment, in effect, the charter members of the Sierra Club. In fact, in next week's parasha, in Deuteronomy 23:13-15, we learn specifically, וַיִּד תְּהִיָּה לָּךְ מַחֻזַּ לְמַחֲנֶה, וַיִּצְאָתָּ שָׁמָּה חוּזַי. וַיִּתֵּד תְּהִיָּה לָּךְ עַל אֹזְנֶיךָ, Jewish military camps must have a designated place outside the camp where soldiers are to take care of their

bodily needs. Jewish soldiers must include a shovel in their equipment, so they may properly dispose of their bodily wastes. The verse tellingly concludes, וְהָיָה מִחֻזְיֶיךָ קֹדֶשׁ, so that your camp be holy and sanctified!

In addition to the above laws, the Torah further promotes the idea of conservation by introducing the radical concept of shmita, that once every seven years the entire land, including all agricultural fields, must lay fallow in order to regenerate. The people, as well, are not permitted to work the land during that Sabbatical year, so that they too may be emotionally and religiously recharged.

Many years ago, on a visit to Epcot Center in Disneyland, I was deeply impressed by an exhibit sponsored by the Kraft Food company entitled "Listen to the Land." Its message is of vital importance to all humanity, and particularly to Jews: Listen to, and be concerned with, the land. Human beings must not take food for granted. Citizens of the world need to realize that despite its popularity, there really is no such thing as "Wonder Bread." Many labors are necessary in the preparation of even a single loaf of bread, and we who benefit from the personal or commercial production of food, need to acknowledge and appreciate those who perform those labors on our behalf, and treat the earth, that brings forth the food, with reverence and respect.

Speaking of the primordial Adam, the Talmud in Berachot 58a, expresses this concern beautifully: כַּמָּה יְגִיעוֹת יָגַע אָדָם: הֲרָאשׁוּן עַד שֶׁמִּצָּא פֶת לֶאֱכֹל וְאֲנִי מִשְׁכֵּימ וּמוֹצֵא כֹל? How many labors did Adam have to perform until he found a loaf to eat? הָאֵלֶּה, and I wake up every morning and find everything ready for me! This is the reason for the Jewish practice of dutifully reciting blessings before and after consuming food, עַל הָאֲרֶז, ועל המזון, we thank G-d for the land and for the produce of the land. We dare not take the environment for granted. Sadly, until very recently, most city folks, often failed to appreciate how dependent we are on weather, and what havoc drought and blight, heat and frost can wreak.

Our rabbis expound: Why is there a prohibition of cutting trees? Citing Deuteronomy 20:19, in our parasha, they explain: כִּי הָאָדָם עֵץ הַשָּׂדֶה, because the tree of the field is the human being. Is the tree an enemy that we should attack it? The famed R. Abraham Ibn Ezra explains that the human being is the tree of the field. We all depend on the tree to survive, and therefore we must treat it with care, respect and love.

This is the revolution that the Torah launched 3,300 years ago. Its message is as fresh, as vibrant and as "green"—as if it were given today.