

Kol Rina
An Independent Minyan
Parashat Shoftim
August 19, 2023 ***2 Elul, 5783

Shoftim in a Nutshell

https://www.chabad.org/parshah/article_cdo/aid/2278/jewish/Shoftim-in-a-Nutshell.htm

The name of the Parshah, "Shoftim," means "Judges" and it is found in Deuteronomy 16:18.

Moses instructs the people of Israel to appoint judges and law enforcement officers in every city. "Justice, justice shall you pursue," he commands them, and you must administer it without corruption or favoritism. Crimes must be meticulously investigated and evidence thoroughly examined—a minimum of two credible witnesses is required for conviction and punishment.

In every generation, says Moses, there will be those entrusted with the task of interpreting and applying the laws of the Torah. "According to the law that they will teach you, and the judgment they will instruct you, you shall do; you shall not turn away from the thing that they say to you, to the right nor to the left."

Shoftim also includes the prohibitions against idolatry and sorcery; laws governing the appointment and behavior of a king; and guidelines for the creation of "cities of refuge" for the inadvertent murderer. Also set forth are many of the rules of war: the exemption from battle for one who has just built a home, planted a vineyard, married, or is "afraid and soft-hearted"; the requirement to offer terms of peace before attacking a city; and the prohibition against wanton destruction of something of value, exemplified by the law that forbids to cut down a fruit tree when laying siege (in this context the Torah makes the famous statement, "For man is a tree of the field").

The Parshah concludes with the law of the eglah arufah—the special procedure to be followed when a person is killed by an unknown murderer and his body is found in a field—which underscores the responsibility of the community and its leaders not only for what they do, but also for what they might have prevented from being done.

Haftarah in a Nutshell: Isaiah 51:12 – 52:12

https://www.chabad.org/parshah/article_cdo/aid/548000/jewish/Haftarah-in-a-Nutshell.htm

This week's haftarah is the fourth of a series of seven "Haftarot of Consolation." These seven haftarot commence on the Shabbat following Tisha b'Av and continue until Rosh Hashanah.

The haftarahs of the past two weeks open with Israel's complaint that they have been abandoned by G-d. Israel is not content with consolations offered by the prophets — instead they demand that G-d alone comfort them. In response, this week's haftarah begins with G-d's response: "I, indeed I, will comfort you."

After briefly reprimanding Israel for forgetting their Creator for fear of human and finite oppressors, the prophet describes the suffering and tribulations which Israel has endured. However, the time has arrived for the suffering to end. The time has come for Israel's oppressors to drink the "cup of suffering" which they had hitherto forced Israel to drink: "Awaken, awaken, put on your strength, O Zion; put on the garments of your beauty, Jerusalem the Holy City, for no longer shall the uncircumcised or the unclean continue to enter you. Shake yourselves from the dust, arise, sit down, O Jerusalem; free yourself of the bands of your neck, O captive daughter of Zion."

Isaiah extols the beauty of the messenger who will announce the good tidings of Redemption. "Burst out in song, sing together, O ruins of Jerusalem, for the L-rd has consoled His people; He has redeemed Jerusalem."

The haftorah ends by highlighting the difference between the Egyptian Exodus, when the Israelites hurried out of their exile and bondage, and the future Redemption: "For not with haste shall you go forth and not in a flurry of flight shall you go, for the L-rd goes before you, and your rear guard is the G-d of Israel."

The Greatness of Humility: Shoftim by Rabbi Jonathan Sacks z"l

<https://www.rabbisacks.org/covenant-conversation/shoftim/greatness-of-humility/>

At a dinner to celebrate the work of a communal leader, the guest speaker paid tribute to his many qualities: his dedication, hard work, and foresight. As he sat down, the leader leaned over and said, "You forgot to mention one thing." "What was that?" asked the speaker. The leader replied, "My humility."

Quite so. Great leaders have many qualities, but humility is usually not one of them. With rare exceptions they tend to be ambitious, with a high measure of self-regard. They expect to be obeyed, honoured, respected, even feared. They may wear their superiority effortlessly – Eleanor Roosevelt called this "wearing an invisible crown" – but there is a difference between this and humility.

This makes one provision in our *parsha* unexpected and powerful. The Torah is speaking about a king. Knowing, as Lord Acton put it, that power tends to corrupt and absolute power corrupts absolutely,"[1] it specifies three temptations to which a king in ancient times was exposed. A king, it says, should not accumulate many horses or wives or wealth – the three traps into which, centuries later, King Solomon eventually fell. Then it adds:

When [the king] is established on his royal throne, he is to write for himself on a scroll a copy of this Torah ... It is to be with him, and he is to read it all the days of his life so that he may learn to be in awe of the Lord his God and follow carefully all the words of this law and these decrees and *not feel superior to his brethren* or turn from the law to the right or to the left. Then he and his descendants will reign a long time in the midst of Israel.

[Deut. 17:18-20](#)

If a king, whom all are bound to honour, is commanded to be humble – "*not feel*

superior to his brethren” – how much more so the rest of us. Moses, the greatest leader the Jewish people ever had, was “very humble, more so than anyone on the face of the earth” (Num. 12:3). Was it that he was great because he was humble, or humble because he was great? Either way, as R. Johanan said of God Himself, “Wherever you find His greatness, there you find His humility.”[2]

This is one of the genuine revolutions Judaism brought about in the history of spirituality. The idea that a king in the ancient world should be humble would have seemed farcical. We can still today see, in the ruins and relics of Mesopotamia and Egypt, an almost endless series of vanity projects created by rulers in honour of themselves. Ramses II had four statues of himself and two of Queen Nefertiti placed on the front of the Temple at Abu Simbel. At 33 feet high, they are almost twice the height of Lincoln’s statue in Washington.

Aristotle would not have understood the idea that humility is a virtue. For him the *megalopsychos*, the great-souled man, was an aristocrat, conscious of his superiority to the mass of humankind. Humility, along with obedience, servitude, and self-abasement, was for the lower orders, those who had been born not to rule but to be ruled. The idea that a king should be humble was a radically new idea introduced by Judaism and later adopted by Christianity.

This is a clear example of how spirituality makes a difference to the way we act, feel, and think. *Believing that there is a God in whose presence we stand means that we are not the centre of our world.* God is. “I am dust and ashes,” said Abraham, the father of faith. “Who am I?” said Moses, the greatest of the prophets. This did not render them servile or sycophantic. It was precisely at the moment Abraham called himself dust and ashes that he challenged God on the justice of His proposed punishment of Sodom and the cities of the plain. It was Moses, the humblest of men, who urged God to forgive the people, and if not, “Blot me out of the book You have written.” These were among the boldest spirits humanity has ever produced.

There is a fundamental difference between two words in Hebrew: *anava*, “humility”, and *shiflut*, “self-abasement”. So different are they that Maimonides defined humility as the middle path between *shiflut* and pride.[3] Humility is not low self-regard. That is *shiflut*. Humility means that you are secure enough not to need to be reassured by others. It means that you don’t feel you have to prove yourself by showing that you are cleverer, smarter, more gifted, or more successful than others. You are secure because you live in God’s love. He has faith in you even if you do not. You do not need to compare yourself to others. You have your task, they have theirs, and that leads you to co-operate, not compete.

This means that you can see other people and value them for what they are. They are not just a series of mirrors at which you look only to see your own reflection. Secure in yourself you can value others. Confident in your identity you can value the people not like you. Humility is the self turned outward. It is the understanding that “It’s not about you.”

Already in 1979, the late Christopher Lasch published a book entitled *The Culture of Narcissism*, subtitled, *American Life in an Age of Diminished Expectations*. It was a prophetic work. In it he argued that the breakdown of family, community, and faith had left us fundamentally insecure, deprived of the traditional supports of identity and worth. He did not live to see the age of the selfie, the Facebook profile, designer labels worn on the outside, and the many other forms of “advertisements for myself”, but he would not have been surprised. Narcissism, he argued, is a form of insecurity, needing constant reassurance and regular injections of self-esteem. It is, quite simply, not the best way to live.

I sometimes think that narcissism and the loss of religious faith go hand in hand. When we lose faith in God, what is left at the centre of consciousness is the self. It is no coincidence that the greatest of modern atheists, Nietzsche, was the man who saw humility as a vice, not a virtue. He described it as the revenge of the weak against the strong. Nor is it accidental that one of his last works was entitled, “*Why I am So Clever*.”^[4] Shortly after writing it he descended into the madness that enveloped him for the last eleven years of his life.

You do not have to be religious to understand the importance of humility. In 2014 the *Harvard Business Review* published the results of a survey that showed that “The best leaders are humble leaders.”^[5] They learn from criticism. They are confident enough to empower others and praise their contributions. They take personal risks for the sake of the greater good. They inspire loyalty and strong team spirit. And what applies to leaders applies to each of us as marriage partners, parents, fellow-workers, members of communities, and friends.

One of the most humble people I ever met was the late Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson. There was nothing self-abasing about him. He carried himself with quiet dignity. He was self-confident and had an almost regal bearing. But when you were alone with him, he made you feel you were the most important person in the room. It was an extraordinary gift. It was “royalty without a crown.” It was “greatness in plain clothes.” It taught me that humility is not thinking you are small. It is thinking that other people have greatness within them.

Ezra Taft Benson said that “pride is concerned with *who* is right; humility is concerned with *what* is right.” To serve God in love, said Maimonides, is to do what is truly right because it is truly right and for no other reason.^[6] Love is selfless.

Forgiveness is selfless. So is altruism. When we place the self at the centre of our universe, we eventually turn everyone and everything into a means to our ends. That diminishes them, which diminishes us. Humility means living by the light of that-which-is-greater-than-me. When God is at the centre of our lives, we open ourselves up to the glory of creation and the beauty of other people. The smaller the self, the wider the radius of our world.

^[1] Transcript of Letter to Bishop Mandell Creighton, April 5, 1887, published in *Historical Essays and Studies*, edited by J. N. Figgis and R. V. Laurence (London: Macmillan, 1907).

^[2] Pesikta Zutrata, Eikev. ^[3] Maimonides, *Eight Chapters*, ch. 4; *Commentary to Avot 4:4*.

In *Hilchot Teshuvah* 9:1, Maimonides defines *shiflut* as the opposite of *malchut*, sovereignty. [4] Part of the work published as *Ecce Homo*. [5] Jeanine Prime and Elizabeth Salib, 'The Best Leaders are Humble Leaders', *Harvard Business Review*, 12 May 2014.

[6] Maimonides, *Hilchot Teshuvah* 10:2.

Shoftim: Wasteful Destruction by Rabbi Dr. Norman Lamm
(Updated by Ruthie Davis and Edited by Shoshi Ehrenreich)

<https://www.growtorah.org/devarim/2023/8/10/shoftim-wasteful-destruction>

In this week's parsha, Shoftim, we receive the commandment known as "Bal Tashchit," meaning "thou shalt not destroy." The passage reads:

When thou shalt besiege a city a long time, in making war against it to take it, thou shalt not destroy the trees thereof by wielding an ax against them; for thou mayest eat of them but thou shalt not cut them down; for is the tree of the field man that it should be besieged of thee? Only the trees of which thou knowest that they are not trees for food, them thou mayest destroy and cut down that thou mayest build bulwarks against the city that maketh war with thee until it fall. [1]

As is so often the case, the halacha of Bal Tashchit is complicated. But this much is immediately apparent: the Torah forbids wanton destruction. Vandalism against nature entails the violation of a biblical prohibition.

At first blush, it would seem that the Biblical prohibition covers only acts of destruction performed during wartime. The halacha, however, considers the law to cover all situations, in peacetime as well as in war. [2] The specific mention in the Biblical passage of cutting down the trees by "wielding an axe" is understood by the halacha as non-exclusive. Any form of despoliation is forbidden by Biblical law. It is evident that commercial values do play a central role in the law. The fruit tree may be destroyed if the value of the crop is less than its value as lumber or if the place of the tree is needed to build a house thereon, although not just for aesthetic considerations or convenience. Economic interest is not the sole underlying value; there are also considerations of health, such as in the case of illness and cases where no other means are available to obtain heat, when fruit trees may be cut down and used for firewood. However, even when the criterion is a commercial one, as it frequently is, it is clear that protection of private property and profit is not the motivator. Rather, it is the waste of an object of economic value. [3]

Bal Tashchit is a negative commandment for all of B'nei Yisrael as a collective, prohibiting an outright act of vandalism. It is not essentially a financial law dealing with property (*mammon*), but religious or ritual law (*issur*). As such, Bal Tashchit is based on a religio-moral principle that is far broader than a prudential commercial rule *per se*.

According to the commentary *Sefer HaChinuch*, the purpose of the commandment is to train man to love the good by abstaining from all destructiveness. "For this is the way of the pious...they who love peace are happy when they can do good to

others and bring them close to Torah and will not cause even a grain of mustard to be lost from the world..." [4] This explanation of Bal Tashchit highlights the teaching of the ideal of social utility of the world, rather than of purely private economic interest: the pious will not suffer the loss of a single seed "in the world," whereas the wicked rejoice "at the destruction of the world." In his summary of the laws included in the rubric of Bal Tashchit, the author mentions that it certainly is proper to cut down a fruit tree if it causes damage to the fields of others. [5]

In that vein, the Rambam expands the prohibition far beyond just fruit trees: "And not only trees, but whoever breaks vessels, tears clothing, wrecks that which is built up, stops fountains, or wastes food in a destructive manner, transgresses the commandment of Bal Tashchit." [6] Rambam recognizes in Bal Tashchit not just a limited prohibition in circumstances of war, but rather an expansive indictment of destructive waste of all types, in any setting.

A profound opportunity to apply this principle faces us daily in our homes, schools and workplaces. In 2018, Americans produced 292.4 million tons of Municipal Solid Waste (MSW). Much of this waste has potential life after the garbage can. [7] Paper comprises 23% of MSW, and compostable food waste and yard trimmings together amount to over 30%. Even as recycling and composting rates have increased, the actual amount of waste entering landfills has not significantly decreased, although between the years of 1990-2010 it looked like it might, and since then it has stabilized. Over time, recycling and composting rates have increased from just over 6 percent of MSW generated in 1960 to about 10 percent in 1980, to 16 percent in 1990, to about 29 percent in 2000, and to about 35 percent in 2017. It decreased to 32.1 percent in 2018. But the per capita rate of waste production increased from 3.66 pounds per person per day in 1980 to 4.74 pounds per person per day in 2000. It then decreased to 4.69 pounds per person per day in 2005, but in 2018 reached 4.9 pounds per person per day.

In houses, schools, offices, restaurants and stores across the country, waste is being dumped rather than set aside for more productive and environmentally conscious processing. The commandment of Bal Tashchit in this week's Torah portion reminds us of the need for us to reflect upon our responsibilities, and reduce our own waste and its impact on the environment.

Suggested Action :

Always consider if something you are about to destroy or throw away could be used by someone else. Before putting something in the trash can, consider whether it is possible to reuse, repair, recycle, or compost some of what you are throwing away. Shop at second-hand stores in order to reuse what someone else no longer needs, and donate or resell things that you are done with.

[Shoftim: "Thus Blood of the Innocent Will no be Shed" The Necessity of Sanctuary](https://truah.org/resources/lizz-goldstein-shoftim-moraltorah_2023_/)
by Rabbi Liz Goldstein

[https://truah.org/resources/lizz-goldstein-shoftim-moraltorah_2023_ /](https://truah.org/resources/lizz-goldstein-shoftim-moraltorah_2023_/)

As I write this, I am preparing to speak with my senator's office staff along with other T'ruah chaverim to advocate for asylum seekers. I am fortunate that my senator has already made clear he will not be voting in favor of the two bills we are advocating against ([S.1473](#), the Sinema-Tillis Bill, which seeks to expel anyone entering the U.S. without prior documentation, effectively banning asylum seekers, and [S.1600](#), the Durbin-Peters Bill, which would implement militarized surveillance and security to the borders). I wish for blessing and strength for those of you who need to actively lobby for your elected officials to support human rights.

This week's Torah portion, Parshat Shoftim, includes the commandments for Sanctuary Cities, so that "blood of the innocent will not be shed" ([Deuteronomy 19:10](#)). These "sanctuary cities" are different from the modern sense, as in sanctuary for immigrants from U.S. Immigration and Customs Enforcement (ICE) raids and deportation. Ancient Israel's cities of refuge were places someone guilty of manslaughter could go to prevent being killed in violent revenge by a family member of the person they accidentally killed. It was a means of ensuring that true justice was served, not punishment based on personal vengeance. Whereas modern sanctuary cities protect against state violence, ancient sanctuary cities were a means of protection by the state against privatized violence.

The Torah is full of commandments to welcome the stranger and to have one law for all residents, citizen and non-citizen alike, for "you were strangers in the land of Egypt." The idea of needing protection against a state expulsion would be antithetical to our Torah values. Yet the Torah also constantly accounts for human flaws, thus necessitating further protections. In this way, the ancient sanctuary city that establishes a shelter against the human instinct for revenge is not so different from a modern sanctuary city, where a municipal or even state government may establish a shelter against the human instinct for xenophobia from the federal level. When understood through the modern lens of sanctuary for resident aliens, every city and town and village in the land of Israel is to be a sanctuary, a refuge for those fleeing any life-threatening danger.

Similarly, a self-proclaimed "melting pot," a country that declared its independence by asserting that all men are created equal, should continue to be a sanctuary and refuge. The base of the Statue of Liberty, the beacon of hope of all that the United States has claimed to be, [tells the world](#) to "Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!"

Lady Liberty no longer welcomes new Americans, and not just because they no longer come into New York Harbor on steamships. American history is unfortunately tainted by periods of non-welcoming — from the Chinese Exclusion Act of 1882 to the 1924 U.S. Immigration and Nationality Act, which was largely used in the 1930s and '40s to keep out Jews fleeing Nazi-occupied lands — and we are now in another such episode. While our current presidential administration has sought to

distinguish itself from the previous regime, in actuality it has not implemented a more just or humane immigration policy. In fact, President Biden's "Circumvention of Lawful Pathways" rule — an asylum transit ban — is having the effect of preventing vulnerable people from even asking for asylum. The humanitarian impact will be egregious and devastating.

The point of the cities of refuge in Parshat Shoftim is to prevent ongoing cycles of violence. We are commanded to protect people from harm they do not deserve, even if they have also already harmed someone else by accident. How much more so should we be expected to protect people from harm they have done nothing to incur? Further, while the Torah names six sanctuary cities, Maimonides understands all 48 Levitical cities were to be sanctuaries ([Hilchot Rotzeach 8:9](#)), and that the priests and Levites in fact supplied food and shelter to the person seeking asylum. This suggests to me that we should still be expected to supply migrants and asylum seekers today with food and physical shelter. It is not enough to merely allow people in; we are also obligated to care for them and allow them to settle securely in their new homes, in the hopes of again stopping further cycles of crime or violence.

All manner of sanctuary cities, from the sort described in this parshah, to the legal status of municipalities refusing to cooperate with Customs and Border Patrol or ICE, to simply humane border checkpoints that welcome in the stranger, are for the purpose of *pikuach nefesh*, preserving life. May we soon see a day when every city, town, village, and border checkpoint in our nation is seen as a place of sanctuary. *(Rabbi Lizz Goldstein was ordained by the Academy of Jewish Religion in 2016 and has been happily serving Congregation Ner Shalom ever since. She lives in Northern VA with her husband, cat, and guinea pig.)*

[From Flight to Atonement: The Halacha in Shoftim by Rabbi Joshua Kulp](#)

<https://drive.google.com/file/d/1C8oafs1ZDDfzk3QnJBP8G3kZJETP7SAr/view>

If you're a parent and your child has reached the age at which they can drive and has been doing so for a few years, you might have had the following conversation. Your child was in a car accident while they were driving. I'm hoping no one was seriously injured and that the damage was limited to property. Your child now has to face you and tell you what they did. After they get over their fear, they say to you, "But it was an accident." And they are almost surely correct—it's highly unlikely they intentionally damaged your car. But this is not the end of the conversation, as you know. There is a vast difference between an accident in which, for instance, the driver swerved left trying to avoid a dog that ran out onto the street and hit a car in another lane, and a case where the driver was sending a text message and rammmed into the car in front of them. Both are accidents, but the latter is a case of negligence, one for which there probably needs to be a response.

This week's **parashah** makes it abundantly clear that a murderer is to be executed. If a person hates another, sets an ambush and then kills him and then runs away to

a refuge city, the elders must send to the city, extract him from there, and give him to the blood avenger. The Torah specifically warns not to have mercy on such a person.

But the Torah does not believe that accidental murderers should be executed. Instead, Devarim 19 establishes a system of refuge cities to which an accidental murderer should flee to avoid the blood vengeance (these laws are also found in Bamidbar 35). An accidental killer has spilled blood and therefore something needs to be done. He cannot just remain in his home as if nothing happened. But this was not intentional murder. As verses 19:4-5 make clear, if the person did not have prior hatred for his fellow human being and the murder was done in a manner that seems to be accidental—for instance, “a man goes with another fellow into a grove to cut wood; as his hand swings the ax to cut down a tree, the ax-head flies off the handle and strikes the other so that he dies”—then we cannot consider this person at fault and he has the right to flee (see also **Numbers 35:16-23**).

Rabbinic law offers a subtle but deep shift in these laws. **Mishnah Makkot, chapter 2** begins with the following statement, “These are those who go into exile.” While the Torah refers to this as “flight,” as in “That man shall flee to one of these cities,” and in Numbers 35:6 the cities are called “refuge cities,” the rabbis describe the one who spilled blood without prior intent as going into exile. This is a radical transformation achieved with one word. Instead of fleeing for his life from a blood avenger (an institution the rabbis find deeply problematic), the rabbis imagine this person as requiring atonement for having spilled blood.

But the rabbis do not stop merely with a different word to describe the action taken by the accidental murderer; they also radically transform the law. In the Torah itself there are two categories—intentional murder and unintentional murder. The rabbis add two more categories to this list, offering greater precision as to who needs atonement and who is allowed to get atonement.

First of all, **Mishnah Makkot 2:1** refers to someone either moving heavy equipment on his roof or going up and down on a ladder. He or the equipment falls and kills someone below. No doubt that this was accidental. However, the Mishnah rules that if the person was either going down the ladder or lowering the equipment and the accident happened, then he goes into exile. This is negligent—when lowering something one needs to be extra careful not to harm those below. But if the person was going up or raising the equipment and it fell, then he does not go into exile. This is a new category—one called in Hebrew “אונס”—which I usually translate as “an unforeseeable circumstance.” To return to the driving analogy above, this is similar to the case of the dog running into the street. While the damages have to be paid, I hope I would not get angry at my child under such a circumstance.

The other new category can be found on **Bava Kamma 32b**, which describes a person who enters a carpenter’s shop and is killed by a flying piece of wood. Rava explains that if the carpenter gave the person permission and then proceeded to chop wood with no care, the carpenter is “accidental but close to intentional.” In our

language we would call this criminal negligence. Rava does not believe that such a person should be afforded the opportunity for exile. The person cannot be executed because that is reserved for those who murder with full intent. The carpenter is clearly not a murderer. But his negligence seems to be so great that affording him an opportunity for easy and automatic atonement is an insult to the integrity of the law. To return to the driving analogy, this would be akin to drunk driving. While not quite murder, we do not offer such a person easy atonement.

The case of the accidental murderer offers us an excellent opportunity to trace the rabbis modifying, interpreting and expanding the precision of the Torah's laws. They modify the laws by essentially abandoning the entire practice of a blood avenger. They reinterpret the cities of exile from places of refuge to places for atonement. And they expand the precision of the law by moving from the simple binary of intentional/unintentional to a system that includes four types of bloodshed: intentional, criminally negligent (the carpenter who granted permission to enter the shop), negligent (going down the ladder) and unforeseeable circumstances (going up the ladder). *(Rabbi Joshua Kulp is an American-Israeli Talmudic Scholar. Kulp was one of the founders of the Conservative Yeshiva, where he is (as of 2022) a member of the faculty and Rosh Yeshiva. He also teaches at the Schechter Institute of Jewish Studies and coordinates the Mishnah Yomit project through the United Synagogue of Conservative Judaism, the congregational organization for Conservative Judaism, in both North America and the world.)*

Yahrtzeits

Cynthia Schwartz remembers her mother Elaine Schwartz on Tuesday August 22nd
Ilisia Kissner remembers her uncle Hyman Rosenblum on Wednesday August 23rd

Shabbat Shalom
