

INSIGHTS

Into The Weekly Parsha

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This week's Insights is dedicated in loving memory of Tova Necha bat Moshe Yaacov haKohan Hollander, mother of Dr. Amy Wolnerman of Boca Raton.
"May her Neshama have an Aliya!"

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2 ELUL

Based on the Torah of our Rosh HaYeshiva HaRav Yochanan Zweig

PARSHAS SHOFTIM

Self-Definition

The officers will speak to the people saying; who is a man that has built a house but not inaugurated it? Let him go and return to his house lest he die in war and another man will inaugurate it. Who is the man that has planted a vineyard and has not yet redeemed the fruits let him return to his house lest another man... Who is the man that has betrothed a woman but not yet married her? Let him return... (20:5-7)

The Torah lists three categories of soldiers who are exempt from going into battle: 1) Those who have built a house, but have not yet taken residence 2) Those who have planted a vineyard, but have not yet enjoyed the fruits of his labor 3) Those who have become engaged to a woman, but are not yet married. Many commentators have struggled to explain why these three categories excuse one from military service. Maharal in the *Gur Aryeh* (ad loc) explains that a soldier who contemplates someone else living in the house that he built but never moved into would become depressed and thus his ability as a soldier would be adversely affected.

But this approach doesn't fully explain why specifically these three categories are the exemptions for military service. There are many other situations that are very

depressing (e.g. a terminally ill relative with very little time left), yet we don't find that they qualify for exemptions from battle. What is unique about these three situations?

The Gemara (*Sotah* 2a) tells us that forty days prior to the formation of an embryo a heavenly voice goes forth and proclaims the daughter of this person will marry this person, the house of this person will go to this person, and the field of this person will go to this person. In other words, as part of the very creation of a child, three things are predetermined: one's spouse, one's home, and one's property (livelihood).

From this Gemara we see that these items are the very definition of who we are. A spouse completes the man; before he marries he is only a half being, but once

married he is finished (or rather complete). Likewise, a person's home defines him; the modern expression of a member of the community is called a *Bal Habayis*. Lastly, most people define themselves by their profession or livelihood. In fact, many of our surnames come from the professions of our ancestors.

The Torah is telling us that someone who is right in the middle of any one of these self-defining events is in a state of flux and not fit for military service. In fact, Rashi (ad loc) calls these situations (i.e. contemplating that someone else might supplant you in one of the situations that are the very definition of who you are) a torment of the soul. This kind of existential torment is not fair to ask of someone, so these individuals are released from military service.



Did You Know...

In this week's *parsha*, we are commanded to appoint judges in every city. But how do we determine the size at which a city requires a court system? The Mishnah (*Sanhedrin* 2a) states that a population of at least 120 people are required to have the *Sanhedrin Ketana*, made up of 23 people. Why 23? This number is determined because we need to have a *minyán* (ten people) to argue for the

defendant and a *minyán* to argue against the defendant. The final three are needed because a two person majority is needed to convict; as opposed to the leniency of a one person majority to acquit.

The Gemara (*Sanhedrin* 17b) later explains why the minimum required population for a city is 120 men:

1. You need 23 judges for the actual court. There is also the opinion that an additional 23 people are needed in case the whole *Beis Din* dies, so

they can be replaced (Yad Ramah's preferred explanation).

2. Three rows, each with 23, were needed in case the judges who were judging were deadlocked and more pairs of judges had to be added to the court. The most judges that could be judging was 71, so it never happened that all of these reserve judges were required.

(continued on reverse)

An Eternal Nation

If a corpse will be found on the land that Hashem, your God, gives you to inherit, fallen in the field; and the killer is unknown, the elders and the judges shall go out and they shall measure to the cities that are around the corpse... (21:1-2)

The end of this week's *parsha* relates the details of the *mitzvah* of *eglah arufa*: When a person traveling between two cities is found murdered, the city closest to the corpse must bring a calf to atone for the host city for the sin of not properly accompanying this traveler. This *mitzvah* is known as *levoya* – escorting guests. Maimonides, in the *Yad Hachazaka (Hilchos Aveilus 13:1)*, enumerates the *mitzvos* that fall under the category of *gemilus chassadim* and says that the reward for properly escorting guests is greater than any of the others (ibid 13:2).

Maimonides goes on to say that this was established by Avraham Avinu (Chazal establish this from the verse that says that Avraham planted an "*aishel*," which is an acronym for eating, drinking, and escorting). Maimonides concludes that escorting is the most important aspect of having guests, and if one does not properly escort it is as if he committed murder (ibid 13:3).

Maimonides seems to be basing this principle on the Gemara (*Sotah 46a*) that wonders why do the sages and judges of the city have to deny responsibility for the death of the victim? Clearly they had no part in his death! The Talmud answers that they have to proclaim that they didn't know that he was leaving the city without

provisions and that they were likewise unaware that he left unaccompanied. The implication being that if one allows a person to depart without an escort he is liable for his death.

Maharal on this Gemara points out that the law of escorting a visitor is fulfilled by accompanying him a few steps; one doesn't have to escort a visitor to the next city. If so, asks Maharal, how does not giving someone a proper escort have anything to do with the murder?

Furthermore, the Talmud (*Horayos 6a*) points out that the atonement here is not only for the inhabitants of the city closest to the corpse but also "*for Your nation of Israel that You have redeemed Hashem;*" this refers to those who left Egypt. In other words, those who left Egypt also have some culpability in this murder, and part of the atonement of the calf is for them. What possible reason could there be that those who left Egypt have any culpability in this unfortunate incident?

In the mid 1980's there was a rash of attacks on tourists in South Florida. Groups of thugs would target tourists who were staring at maps (this was many decades before GPS systems and smart phones) and were obviously disoriented as to where they were and where they had to go. These unfortunate tourists

were clearly in a state of vulnerability and the predators seized on the opportunity. Escorting someone from your home or city gives a guest the confidence that someone cares about them and values them. Not only that, but very often while escorting someone who is new to the city, you can put them on the proper path and orient them as to where they should be going.

The visitor who is accompanied and given the feeling that someone cares about them and is also properly oriented walks with a different level of confidence. They don't stick out as a potential target for predators. In other words, not escorting someone is very likely making him vulnerable to attack, one that could have very possibly been prevented; which is why an atonement is needed.

This is why those who left Egypt are also held responsible. When the Jews left Egypt they became established as a nation. The Torah is teaching us that a nation is an entity made up of individuals; and every single individual is precious. When we don't show proper care for every individual it is a failure of the corporate entity of our nation. Because a nation is an eternal entity, everyone has a degree of culpability, even those who left Egypt.

3. Ten unoccupied men were needed in *shul*, in order to ensure that there would always be a *minyán* during the time for *davening*.
 4. Two court stenographers
 5. Two court officers (to administer punishments, serve summons, and monitor the marketplace)
 6. The two people involved in the case
 7. Two witnesses
 8. Two witnesses who can discredit those witnesses
 9. Two witnesses who can discredit those who discredited
 10. Two people to collect the towns charity
 11. Three people to distribute it
 12. And one person to serve as the towns doctor, bloodletter (for medical purposes), scribe, and teacher (obviously a very multi-talented individual).
- This, of course, adds up to a total of 120.

