

5) 3 cities of refuge will be set aside in the land (19:2-13). Who may seek refuge there? What danger is he escaping? Who is not allowed to seek refuge there? What will be done if he does get there?



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The weekly Haftarah Commentary
By Rabbi Mordechai Silverstein, Senior CY Faculty in Talmud and Midrash,
may be found at: <http://www.uscj.org.il/learn/commentaries/>

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TORAH SPARKS

Parashat Shofetim

August 25-26, 2017 • 4 Elul 5777

Annual (Deuteronomy 16:18-21:9): Etz Hayim p. 1088-1106; Hertz p. 820-835
Triennial (Deuteronomy 16:18-18:5): Etz Hayim p. 1088-1094; Hertz p. 820-825
Haftarah (Isaiah 51:12-52:12): Etz Hayim p. 1107-1111; Hertz p. 835-839

Humans or Trees: Answers and Questions

Dr. Joshua Kulp, Rosh Yeshiva, Talmud teacher, and a founder of the Conservative Yeshiva

You, dear reader, searching the parsha and my comments on it for guidance for answers to life's great questions, are going to be disappointed, at least today. For there are times when Scripture is simply too ambiguous, too open to opposing interpretations, to allow us to simply read and understand how exactly we are meant to live our lives.

One such case is the well-known prohibition of cutting down fruit-bearing trees in a time of war. Deuteronomy 20:19-20 reads:

When in your war against a city you have to besiege it a long time in order to capture it, you must not destroy its trees, wielding the axe against them. You may eat of them, but you must not cut them down. **Are trees of the field human** to withdraw before you into the besieged city? Only trees that you know do not yield food may be destroyed; you may cut them down for constructing siege-works against the city that is waging war on you, until it has been reduced.

The commandment seems quite clear, but the famous words “are trees of the field human” are ambiguous and difficult to translate. The ancient targumim (Aramaic translations of the Tanakh) add in a negative, rendering the verse “for trees of the field are *not* human,” to run away in war. Trees cannot defend themselves, and therefore, you may not attack them. While such a rendering has a certain appeal, there are several problems with it. First of all, it does not explain well why non-food yielding trees may be cut down. Second, it leads to the moral problem that it is fine to kill human beings since they can run away.

Sifre Deuteronomy 203, a second century rabbinic midrash, reads the verse in a completely opposite way. “‘To come before you in the siege’ – thus, if it is blocking you, coming in front of you in the siege, cut it down.” If the tree impedes the progress of the siege, one can cut it down. The Rashbam, a 12th century commentator, reads the verse in the same way.

Another passage from the Sifre and another medieval commentator, Ibn Ezra, reads this phrase as explaining why fruit-bearing trees may not be cut down—they provide human sustenance. Trees are symbolic of a broader environmental message—one may not engage in wanton destruction of the environment.

It would be easy for me to have chosen one of these readings and used it to support my own environmental stance. If I am opposed to fracking, for instance, I could cite Ibn Ezra and point out that human sustenance comes from trees. If, on the other hand, I support fracking, I could cite the Rashbam and claim that the prohibition of cutting down trees is waived in times when they interfere with human needs.

So what, you ask, is the point of studying Torah, if it does not give us straightforward answers to our deepest questions? Torah study is not, in my opinion, about the answer. It is about the question itself—it is a process that leads to delving deeper into the meaning of the world and our role in it. Torah does not provide easy answers—it leads to hard questions.

A Vort for Parashat Shofetim

Rabbi Daniel Goldfarb, Coordinator, Torah Sparks

The Torah instructs that “baffling” matters of dispute within your gates (*diveri rivot b’sha’areha*) – of homicide (*ben dam l’dam*), in civil matters (*ben din l’din*), or assault claims (*ben nega l’nega*) – be brought to the high court (Deut 17:8). The Maggid of Kelm (19th preacher, Lithuania, student of R’ Israel Salanter) explained that trials and tribulations the Jews suffer – bodily abuse, discriminatory and punitive laws and other tragedies – have their origins in the “the matters of dispute *within your gates*,” within the Jewish cities and communities, *sinat hinam*, the causeless hatred and the endless squabbling amongst ourselves. Sadly, not much has changed in the last century and a half.

Table Talk

Vered Hollander-Goldfarb, CY Faculty

This week we will meet some of the institutions of the society; courts, king and prophets, along with state, cultic and criminal laws.

- 1) Judges are warned against the miscarriage of justice: What 3 forms are they warned against in 16:19? The longest warning is against accepting a bribe. What might constitute a bribe? What is the problem with bribes (if the person offering it should win the case, regardless)?
- 2) Intertwined with the laws pertaining to the legal institutions are laws concerning breaking the covenant with Hashem (The Lord) by worship other gods (16:21-17:7). Why do you think that the Torah combined these issues?
- 3) At some point the nation might decide to appoint a king (17:14-20). The Torah puts several restrictions on the king, the first being that he has to be from among ‘your brothers’ – not a foreigner. Why do you think that the people might want/agree to be ruled by a king that is not part of their nation? Why is it important that the king is from ‘your brothers’?
- 4) We are not allowed to do the abominations of the people living in the land (18:9-22). What is included in those abominations? Why would a person practice them? What alternative is God offering? What do you think is the difference between various witchcraft and a prophet?