

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI MORDECHAI WEISS

Who Wrote Sefer Devarim?

I'm always baffled on the differences in style and content that appear in the book of Devarim in contrast to the preceding four books of our Torah. Any serious student of Torah would notice a host of variations between these texts and the obvious question is "Why?"

Let me explain. First the language is different. In Devarim, Moshe our teacher often speaks in the first person something that is not found in the first four books of the Torah. Second, there are blatant disparities when contrasting the book of Devarim to the preceding books. For example, the differences in the language of the Ten Commandments. The obvious inclusion of additional words in the text in Devarim as well as a host of laws which do not appear in the preceding books. The section dealing with the blessings and rebukes are markedly different. One can therefore ask the question as to why this discrepancy? Was this book written by someone else? Is it G-d driven as the other books or was it written by Moshe?

These questions are indeed the discussion of our sages as well.

When one reads the commandments of Shabbat as it appears in the book of Shmot and Devarim, two divergent languages appear; "Zachor" and "Shamor". Which one appeared on the Ten Commandments? Or did they both appear? Our Rabbis state that these two languages were said at one time, something that no human can achieve. So that each time the Decalogue appeared, the second language was also used.

But the questions still abound? What about all the other dissimilarities in the book of Devarim? The additional laws-the additional curses and blessings-how were they written? Were they written and given by G-D or was it Moshe's words?

Rabbi Yaakov Kaminetzky author of the book "Emes L'Yaakov" develops an interesting approach. He claims that there are times in the Torah that we see the word written in one way yet we read it in another way. Examples of this can be found in the portion of Ki Tavo, in which the Torah writes one language, yet we vocalize it very differently. This phenomenon is referred to as the axiom of "Kri and Ktiv". He therefore posits the

innovative notion that the differences between the text in Dvarim and the conflicting texts in the other sections of the Torah are just an example of this principle of "Kri and Ktiv", in which one time it appears as we should read it and the next time it appears as it is written or visa versa.

I believe that perhaps there is another explanation to these apparent differences.

In defining how the Torah was given to the Jewish people, the Bais Halevi states that on the original Decalogue were written the unwritten Torah as well (The Torah shbeal Peh). When the second set of tablets were given however, the Oral Torah was omitted. This omission made the Jewish people an integral part in the transmission of the Torah. Before they were outsiders looking at the text as it appeared in writing. Now that the Oral law was not written, the Jewish people were charged to be intimately involved in the transmission, and they became the conduit for the receiving and the transmission of the Oral Torah. They fundamentally became the unwritten law!

It is this line of reasoning that I believe explains the blatant disparities from the book of Deuteronomy to the other four preceding books. I would like to offer the theory that the book of Dvarim is the first example of the Oral law as interpreted by our teacher Moses. Its importance and value remains equal to the other books but it represents the beginnings of the elucidation and expounding of the preceding written Torah and the meanings of those words. In essence then, Moshe our teacher in the book of Devarim provided the first example of the exposition of the preceding books of the Torah; the "Torah Shbeal peh", the unwritten Torah. Using this reasoning we can easily explain the contrast in language, style and content of the book of Devarim when compared to the other books and arrive possibly at the conclusion that one book is an explanation of the others.

When I presented this theory to my esteemed colleague and Rabbi in West Hartford he commented that perhaps this is the intent of the words that appear at the beginning of Devarim that "Hoi! Moshe beer et hatorah hazot", Moshe began to explain this Torah.

I believe it is! © 2009 Rabbi Mordechai Weiss - Rabbi Mordechai Weiss is the former Principal of the Bess and Paul Sigel Hebrew Academy of Greater Hartford and will be making Aliya this Summer. Any comments can be e-mailed to him at rvmordechai@aol.com

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RABBI LORD JONATHAN SACKS

Covenant & Conversation

As Moses begins his great closing addresses to the next generation, he turns to a subject that dominates the last of the Mosaic books, namely justice: "I instructed your judges at that time as follows: 'Listen to your fellow men, and decide justly [tzedek] between each man and his brother or a stranger. You shall not be partial in judgment. Listen to great and small alike. Fear no one, for judgment belongs to G-d. Any matter that is too difficult for you, bring to me and I will hear it.'"

Tzedek, "justice", is a key word in the book of Devarim -- most famously in the verse: "Justice, justice you shall pursue, so that you may thrive and occupy the land that the Lord your G-d is giving you." (16:20)

The distribution of the word tzedek and its derivative tzedakah in the Five Books of Moses is anything but random. It is overwhelmingly concentrated on the first and last books, Genesis (where it appears 16 times) and Deuteronomy (18 times). In Exodus it occurs only four times and in Leviticus five. All but one of these are concentrated in two chapters: Exodus 23 (where 3 of the 4 occurrences are in two verses, 23:7-8) and Leviticus 19 (where all 5 incidences are in chapter 19). In Numbers, the word does not appear at all.

This distribution is one of many indications that the Chumash (the Five Books of Moses) is constructed as a chiasmus -- a literary unit of the form ABCBA. The structure is this:

A: Genesis -- the prehistory of Israel (the distant past)

B: Exodus -- the journey from Egypt to Mount Sinai

C: Leviticus -- the code of holiness

B: Numbers -- the journey from Mount Sinai to the banks of the Jordan

A: Deuteronomy -- the post-history of Israel (the distant future)

The leitmotiv of tzedek/tzedakah appears at the key points of this structure -- the two outer books of Genesis and Deuteronomy, and the central chapter of the work as a whole, Leviticus 19. Clearly the word is a dominant theme of the Mosaic books as a whole.

What does it mean? Tzedek/tzedakah is almost impossible to translate, because of its many shadings of meaning: justice, charity, righteousness, integrity,

equity, fairness and innocence. It certainly means more than strictly legal justice, for which the Bible uses words like mishpat and din. One example illustrates the point:

"If a man is poor, you may not go to sleep holding his security. Return it to him at sun-down, so that he will be able to sleep in his garment and bless you. To you it will be reckoned as tzedakah before the Lord your G-d." (Deut. 24:12-13)

Tzedakah cannot mean legal justice in this verse. It speaks of a situation in which a poor person has only a single cloak or covering, which he has handed over to the lender as security against a loan. The lender has a legal right to keep the cloak until the loan has been repaid. However, acting on the basis of this right is simply not the right thing to do. It ignores the human situation of the poor person, who has nothing else with which to keep warm on a cold night. The point becomes even clearer when we examine the parallel passage in Exodus 22, which states: "If you take your neighbour's cloak as a pledge, return it to him by sunset, because his cloak is the only covering he has for his body. What else will he sleep in? When he cries out to me, I will hear, for I am compassionate." (Ex. 22:25-26)

The same situation which in Deuteronomy is described as tzedakah, in Exodus is termed compassion or grace (chanun). The late Aryeh Kaplan translated tzedakah in Deut. 24 as "charitable merit". It is best rendered as "the right and decent thing to do" or "justice tempered by compassion".

In Judaism, justice -- tzedek as opposed to mishpat -- must be tempered by compassion. Hence the terrible, tragic irony of Portia's speech in *The Merchant of Venice*: "The quality of mercy is not strain'd, / It droppeth as the gentle rain from heaven / Upon the place beneath: it is twice blest; / It blesseth him that gives and him that takes: / 'Tis mightiest in the mightiest: it becomes / The throned monarch better than his crown; / His sceptre shows the force of temporal power, / The attribute to awe and majesty, / Wherein doth sit the dread and fear of kings; / But mercy is above this sceptred sway;

"It is enthroned in the hearts of kings, / It is an attribute to G-d himself; / And earthly power doth then show likest G-d's / When mercy seasons justice. Therefore, Jew, / Though justice be thy plea, consider this, / That, in the course of justice, none of us / Should see salvation: we do pray for mercy; / And that same prayer doth teach us all to render / The deeds of mercy. I have spoke thus much / To mitigate the justice of thy plea..."

Shakespeare is here expressing the medieval stereotype of Christian mercy (Portia) as against Jewish justice (Shylock). He entirely fails to realize -- how could he, given the prevailing culture -- that "justice" and "mercy" are not opposites in Hebrew but are bonded together in a single word, tzedek or tzedakah. To add to the irony, the very language and imagery of Portia's

speech ("It droppeth as the gentle rain from heaven") is taken from Deuteronomy:

"May my teaching drop as the rain, / my speech distill as the dew, / like gentle rain upon the tender grass, / and like showers upon the herb... / The Rock, his work is perfect, / for all his ways are justice. / A G-d of faithfulness and without iniquity, / just and upright is he." (Deut. 32:2-4)

The false contrast between Jew and Christian in *The Merchant of Venice* is eloquent testimony to the cruel misrepresentation of Judaism in Christian theology until recent times.

Why then is justice so central to Judaism? Because it is impartial. Law as envisaged by the Torah makes no distinction between rich and poor, powerful and powerless, home born or stranger. Equality before the law is the translation into human terms of equality before G-d. Time and again the Torah insists that justice is not a human artefact: "Fear no one, for judgment belongs to G-d." Because it belongs to G-d, it must never be compromised -- by fear, bribery, or favoritism. It is an inescapable duty, an inalienable right.

Judaism is a religion of love: You shall love the Lord your G-d; you shall love your neighbour as yourself; you shall love the stranger. But it is also a religion of justice, for without justice, love corrupts (who would not bend the rules, if he could, to favour those he loves?). It is also a religion of compassion, for without compassion law itself can generate inequity. Justice plus compassion equals tzedek, the first precondition of a decent society. © 2013 Rabbi Lord J. Sacks and torah.org

RABBI DOV KRAMER

Taking a Closer Look

“Eleven days from Chorev, by way of Mt. Seyir, until Kadesh Barneya" (D'varim 1:2). Although maps of the area vary greatly, the general consensus is that Kadesh Barneya, one of the markers for the southern border of the Promised Land (Bamidbar 34:4), is somewhere in the middle between the Dead Sea and the Mediterranean Sea (south of both of them). Since Mt. Seyir is (on the very same maps) southeast of the Dead Sea and northeast of the northern tip of the eastern leg of the Red Sea (the Gulf of Aqaba), and Chorev (Mt. Sinai) is on the Sinai Peninsula (west of the Gulf of Aqaba) see <http://tinyurl.com/ml3nmwl>, why would the Children of Israel travel to Kadesh Barneya via the road to Mt. Seyir? Wouldn't this take them too far east? Why travel so far out of the way rather than just going north to Kadesh Barneya? [Although some say that Kadesh Barneya was the same as "Kadesh," which is near the southeastern border of the Promised Land and the northwestern border of Seyir/Edom, since the southeastern border of the Promised Land is the edge of the Dead Sea (34:3) and two other southern markers

are given before Kadesh Barneya is mentioned, it would be difficult to say it's on the Promised Land's eastern border.]

When it comes to trying to figure out where places mentioned in the Torah are located, there are almost always a wide variety of opinions given. Some are given by commentators on the text, some by scholars (Jewish and non-Jewish, religious and non-religious), and some by pseudo-scholars (like myself). Although I would prefer to not even acknowledge some of the possibilities suggested, I would be remiss if I didn't explain why the most obvious explanation for traveling "on the road to Mt. Seyir" cannot be considered.

Some insist that Mt. Sinai is not really on the Sinai Peninsula, but on the eastern side of the Gulf of Aqaba, in what is now Saudi Arabia. If Mt. Sinai is in Saudi Arabia (Jebel al-Lawz is one of the mountains suggested), someone traveling from there to Kadesh Barneya would head towards (and past) Mt. Seyir. (This would also explain why Moshe asked Edom for permission to pass through their land, as they would be coming from the southeast, traveling northwest, and passing through Seyir is the shortest route to get there; Seyir is in the wrong direction for anyone coming from Sinai-I addressed this issue in <http://tinyurl.com/q6a2w4x>. Also, if Mt. Sinai was in Saudi Arabia Moshe wouldn't have had to travel anywhere near as far to get to the "burning bush" while tending Yisro's flock.) There are many reasons to reject the notion that Mt. Sinai is in Saudi Arabia (see <http://tinyurl.com/mv7vxqr> and <http://tinyurl.com/l3gdc87>); for now I will only include those that come from a Biblical perspective. (Since it is theoretically possible for the Children of Israel to have crossed the Gulf of Suez and for Mt. Sinai to be in Saudi Arabia, I am not including any of the many, many arguments against the Gulf of Aqaba being the crossing point.)

First of all, if the Children of Israel could get to the Promised Land (when they sent the spies) from Saudi Arabia without having to get permission from Edom, why did Moshe have to ask for it in the 40th year (Bamidbar 20:17)? And if they needed permission both times, why did Edom give it in the 2nd year but not in the 40th? Why didn't Moshe mention having gone through Seyir (and possibly back again) when he made the request in year 40? Were the (almost) 40 years after spygate spent wandering in Saudi Arabia, or in the Sinai Peninsula? If they were in Saudi Arabia, why did they have to circumvent Edom (Bamidbar 2:5) to get to the Plains of Moav? Why travel south (ibid) to go north (D'varim 2:3) instead of just going north past Edom to Moav and then on to Sichon? Additionally, G-d had told them they would die "in this desert" (Bamidbar 14:29/32); if they went back to Saudi Arabia, it would be a different desert! On the other hand, if they didn't go back to Saudi Arabia (but stayed in the Sinai Peninsula), how could Moshe remind them that they

had stayed "in this great desert for 40 years" (D'varim 2:7) if they had been in several "deserts." Also, does it make sense, after going all the way east into Saudi Arabia to escape from Egypt, with G-d being concerned that they would try to return to Egypt when things got tough, to now stay closer to Egypt than they had been? When Aharon met Moshe at "G-d's mountain" (Sh'mos 4:27), Moshe had already traveled far enough to check into a place of lodging (4:24), and was considered as if he had already "returned to Egypt" (4:20). It doesn't sound like Mt. Sinai is close to Midyan; if anything, Moshe and Aharon seem to have met somewhere in the middle, perhaps even closer to Egypt. (Now back to other, real, possible explanations for why the Children of Israel traveled via "the road to Mt. Seyir" if Kadesh Barneya was significantly east of Mt. Seyir.)

Netziv (D'varim 1:2) says that this "Kadesh Barneya" is not the same one from which the spies were sent, but is on the border with Mt. Seyir, inside the Promised Land. Had the nation not sinned they would have entered from there, and would have taken the road to Mt. Sayir to get there. (Netziv doesn't explain what their sin was; he is likely referring to the craving for meat described in Bamidbar 11:1-6, although he could be referring to the desire to send spies, which meant going to the other Kadesh Barneya.) Therefore, included in Moshe's opening rebuke is the implication that had they not sinned, they would have entered the Promised Land in 11 days rather than after 40 years; since they sinned, though, they went to the other Kadesh Barneya, which led to the 11 days becoming 39 more years. One factor that supports Netziv's approach is that the road the Torah says they actually took was "the road to the mountains of the Emori" (D'varim 1:19), not "the road to Mt. Seyir"; we will come back to this discrepancy shortly. Aside from there being no textual indication that there are two different places with the name "Kadesh Barneya," the Kadesh Barneya the Netziv refers to is the one listed as a border marker, which does not seem to be close to Mt. Seyir. (It may be close to where some Edomites lived, but it's not next to the mountain range that this road is supposed to lead to.)

Some maps (e.g. in the Carta Bible Atlas and one in James Hoffmeier's "Ancient Israel in Sinai"; my thanks to Rabbi Gil Student for tweeting me a picture of the latter, see <http://tinyurl.com/nbb1bh2>) have "the road to Mt. Seyir" being a relatively short road that goes from the southern end of the Sinai Peninsula to the northern tip of the Gulf of Aqaba, where it meets other major roads. If "the road to Mt. Seyir" didn't really go to Mt. Seyir, but met with the major trade route that did ("The King's Highway," see Bamidbar 20:17), we can understand not only why it's called "the way to Mt. Seyir" even if it doesn't go there, but why the Children of Israel would take it if they weren't going to Mt. Seyir. Once they reached the end of that road, rather than taking The King's Highway to Mt. Seyir, they took "the road to

the mountains of the Emori" to Kadesh Barneya. It should be noted that the "trup" (the musical notes used when the Torah is read) creates a "pause" between "the road to" and "Mt. Seyir," indicating that it is not a proper name but a description (i.e. the road people would take to get to Mt. Seyir). "The road to the mountains of the Emori, on the other hand (as well as "King's Highway" and "the way to the land of the P'lishtim" (Sh'mos 13:17, the latter being the well known trade route known as the Via Maris) has no pause after "the way of," indicating that it is a proper name. If "the way to Mt. Seyir" was only a description, not a proper name, there is no issue with it not actually reaching Mt. Seyir, since those traveling from south Sinai would take this road to get to Mt. Seyir. [In "Eileh Mas'ay" (pg. 185) R' Dun Schwartz suggests that "the road to Mt. Seyir" and "the road to the mountains of the Emori" are one and the same, with "Seyir" referred to as "Emori" because Eisav/Edom, who lived in Seyir, acted like Emorites (see Rashi on B'raishis 48:22). Aside from stretching the wordplay from Eisav=Emori to Sayir=Eisav=Emori, if this was the verse's intent we would have expected Chazal (or an earlier commentator) to make this connection. Based on the above, there is no need to make such a stretch.]

Most understand the "11 days" as referring to how long it would take a traveler to get from Chorev to Kadesh Barneya, from where the spies left on their mission, even though it took the nation longer (see Rashi on D'varim 1:2). Netziv, after quoting this approach, suggested that the "11 days" refers to the time it would have taken to get to the "Kadesh Barneya" that is next to Mt. Seyir, even though the nation didn't go there (at least not yet). Another possibility is that the Torah is referring to the just-mentioned place Moshe was speaking from, "on the other side of the Jordan" (1:1), telling us that although it took almost 40 years to get there from Chorev, the trip from Chorev to the Plains of Moav should take only 11 days. How would one get there in only 11 days? By traveling "on the road to Mt. Seyir." Not on the western side of Mt. Seyir, where Kadesh (and according to Netziv, the other "Kadesh Barneya") is, but on the eastern side, passing by Seyir/Edom and Moav. (Practically speaking, this meant connecting with The King's Highway.) They didn't travel that way, taking "the road to the mountains of the Emori," going to Kadesh Barneya instead (which is why it is referenced in the verse), but the "11 days" reference could refer to how long such a trip would take.

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RABBI BEREL WEIN

Wein Online

The nine days of mourning for Jerusalem's fall and the destruction of the Temples are upon us. This Shabat, which always precedes Tisha B'Av itself, takes its name from the haftarah of the prophet Yeshayahu read in the synagogue. The words of the

prophet condemn the social ills of his times and society - governmental corruption, economic unfairness and a lack of legal and social justice. But these are the problems that have plagued all human societies from time immemorial. And they are omnipresent in our current world and national society today as well.

So, at first glance, one could conclude that the prophet is making impossible demands, since human behavior and social interactions can never eliminate these issues fully. And we are all well aware that the Torah never demands the impossible from its human subjects. So what is the point of the prophet's criticism and harsh judgments? What is it that he really demands from us fallible mortal creatures?

I feel that he demands of us that we at least realize and recognize the shortcomings in our society. We may not be able to correct them all completely, but we should know that they exist. We should never allow apathy the ability to overwhelm our better instincts and arrest our never-ending quest for an improved social structure.

The prophet demands that we remain relentless in trying to improve the social conditions of the world we live in even if we know at the outset that complete success is beyond our human capabilities. By accepting our societal deficiencies without a murmur of regret or complaint we become complicit in our own eventual destruction.

The Chafetz Chaim is reputed to have said that what motivated him to write his monumental work about the evils of slander and evil speech was that he noticed that people who had engaged in such speech no longer exuded a sigh of regret over their words. Evil speech had become societally acceptable and there was no sense of shame or embarrassment present about engaging in that type of behavior.

Shame is a great weapon for good and when it disappears from society, when brazen self-interest and greed is somehow legitimized, then the prophet warns us of impending doom. Politicians disgraced by their previous behavior openly vie again for public office as though having served one's time in jail or being forced to resign from public office wipes their slate clean permanently.

A society that knows no shame, whose leaders never recognize the moral turpitude of their past behavior, dooms itself to the ills of favoritism, corruption and unfairness that will plague its existence. The prophet demands of us that even if we are unable to correct all ills and right all wrongs we should at least be ashamed that such ills and wrongs exist within our society.

That recognition and sense of shame that accompanies it serves as the basis for possible necessary improvement in social attitudes and societal behavior. Then the prophet's optimistic prediction "Zion shall be redeemed through justice and those who return to it will also find redemption through righteousness" will

yet be fully fulfilled. © 2013 Rabbi Berel Wein - Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at www.rabbiwein.com. For more information on these and other products visit www.rabbiwein.com

RABBI SHLOMO RISKIN

Shabbat Shalom

“This is what the Lord Almighty says: 'The fasts of the fourth, fifth, seventh and tenth months will become joyful and glad occasions and happy festivals for Judah. Therefore, love truth and peace.'" (Zechariah 8: 19) This week, I would like to explore a number of difficult issues concerning Tisha B'Av.

Firstly, the prophet Zechariah, cited above, optimistically declares that our fast days will one day become "joyful and glad occasions and happy festivals" he therefore cautions us to "love truth and peace."

We give credence and added strength to this prophecy by changing and lightening the foreboding character of Tisha B'Av by rising from our shivah stools (we must sit on the ground on Tisha B'Av) at mid-day. Likewise, adult males put on their Tefilin for the post mid-day afternoon prayer - despite the fact that Tefilin is called an "adornment" (pe'er) by the prophet Ezekiel. How can we change the character of a day and date of historical destruction, doom and gloom? In every other instance of a festival, the manner in which we celebrate the Kedushat HaYom (sanctity of the day) is determined by the miracles of G-d performed on that day. What miracle occurred on Tisha B'Av which enables it to become a festival in the future?

Even more paradoxically, it was specifically in the late afternoon of Tisha B'Av, the 9th day of Av that the actual burning of the Holy Temple commenced continuing into the next day, the tenth of Av (B.T. Ta'anit 21a). How can we alleviate the heavy atmosphere of our observance of the day precisely at the time when the destructive flames were beginning to envelop the Temple?

Finally, our Biblical reading for Tisha B'Av is taken from the Biblical portion of Va'etchanan, which will be read next week on the Sabbath known as the Sabbath of Comfort (Shabbat Nahamu). Indeed, although the passage opens with a brief description of the corruption of the Israelites and the eventual destruction which will occur after they enter the Promised Land (Deut 4:25-28), it then speaks of the miracle of Jewish survival and the ultimate beginning of Israel as G-d's elected nation (ibid 29-40). Would not a reading from either of the two Biblical portions of Chastisements (Tochehot - Leviticus 26 or Deuteronomy 28) been more fitting for Tisha B'Av, the day of utter calamity and loss of national sovereignty?!

My revered teacher Rav Joseph B. Soloveitchik answers these questions - as well as an edifying insight

into the significance of Tisha B'Av - in a commentary on one of the fast day dirges (kinot) - "How the Rose of Sharon sat alone," written by Rabbi Elazar HaKalir. On the words, "The enemy stretched out his hand against the Temple, for we deserved extinction no less than the generation of the flood". The Rav explained that while the suffering on Tisha B'Av was grievous and horrific, the day also contained an important element of G-d's hesed (loving kindness): The Almighty chose to express His wrath against the corruption and insensitivity of the nation Israel by destroying the inanimate stones of the Holy Temple; G-d razed the Temple to the ground, but He allowed His nation Israel to live.

Israel "deserved the punishment of extinction no less than the generation of the flood"; but G-d chose to destroy His earthly throne, the Holy Temple, as substitute or collateral for Israel. In this manner, G-d demonstrates the eternity of His covenant with Israel; Israel may be punished but we will never be destroyed. Israel remains G-d's covenantal nation, Israel will ultimately repent and Israel will ultimately be redeemed and will redeem the world. (Kinot in the Tradition of the Rav, Lookstein Edition, OU -Koren Press pp. 282-3)

This is the force of the Biblical reading from Va'etchanan on Tisha B'Av. After the text states that because of Israel's perverseness and idolatry she "will be destroyed, yes destroyed" (Deut 4:25), the very next verse lightens the punishment to exile and dispersion, promises that Israel will seek out G-d and repentance and declares that our G-d of compassion will never forsake or destroy us, He will never forget the covenant He swore to our fathers. (ibid 4:29-32)

It is this Divine guarantee which emerges from Tisha B'Av that enables the Ninth Day of Av to become a festival (mo'ed) once Israel learns to appreciate the lesson of the day and becomes worthy of the fulfillment of the Covenant. And this is why it is precisely when the flames were devouring and destroying the physical stones of the Temple, but not wiping out the Jewish people, that Jewish law alleviates the somber and burdensome atmosphere of the day by allowing us to rise from sitting on the ground and to adorn ourselves with the Tefilin. © 2013 Ohr Torah Institutions & Rabbi S. Riskin

RABBI PINCHAS WINSTON

Perceptions

When Yisro, Moshe's father-in-law, first showed up on the scene, he made a suggestion that altered the course of Jewish history. He meant well, and it really wasn't his fault in the end, but by suggesting that Moshe share the burden of educating the nation with others, he helped to shut the door on redemption until this very day.

The Torah reports that: "The next day Moshe sat to judge the people, who stood by Moshe from

morning until evening. When Moshe's father-in-law observed what was happening, he asked, 'What are you doing to the people? Why do you sit alone, while all the people stand by you from morning until evening?'" (Shemos 18:13-14)

In Parashas Yisro, Moshe answered his father-in-law in the following manner: "The people come to me to inquire regarding G-d. When they have a matter to resolve, they come to me, and I judge between them. I also teach them statutes of G-d, and His laws." (Shemos 18:1-5-16)

It was this response that prompted Yisro to suggest a change in the way Moshe Rabbeinu ran the nation: "The way you do it is not good. For sure you will whither away, and this people with you. It is too big a burden for you to carry alone. Listen to me; I will give you advice, and G-d will be with you. You be the one to go to G-d and bring matters before Him on behalf of the people. You will also be the one to admonish them concerning the statutes and laws, the path they must follow, and what they must do. However, look for men of ability, who fear G-d, men of truth who despise profit, and appoint them officers of thousands, of hundreds, of fifties, and of tens. Let them judge the people at all times, and bring to you only matters of great importance. They should judge small matters and share your burden, so it will be easier for you. If you do this, and G-d accepts it, then you will be able to endure, and all the people will be able to return to their places in peace." (Shemos 18:17-23)

As the Torah reports, Moshe complied with his father-in-law's suggestion, as if everything was in order. It is only in this week's parshah that we hear the truth, the real reason why Yisro had to make his suggestion, and why Moshe Rabbeinu had to comply with it: "You answered me and said, 'The thing that you have proposed is good.'" (Devarim 1:14).

You decided the matter to your benefit. You should have responded, "Our teacher Moshe! From whom is it better to learn, from you or from your student? Is it not better from you since you struggled for Torah." But I was aware of your thoughts. You were saying, "Now many judges will be appointed over us. If [the judge before whom we appear] does not show us favor, we will bring him a gift and he will favor us!" Had I been lax [in appointing judges], you would have said, "Do it quickly!" (Rashi)

So they did an improper thing. But, was there really such a great difference in the end, as long as they learned what they had to learn from whomever they learned it? Was it only a matter of respect, or did Moshe Rabbeinu's teaching mean a lot more to the Jewish people than they might have appreciated at the time?

"The level of Moshe Rabbeinu was... from the Ohr HaGanuz itself." (Drushei Olam HaTohu 2:5:2:12:2)

Apparently, Moshe's soul originated from an extremely high source, which made him a fitting channel for the light of Torah that he was destined to bring down

from Heaven for the rest of the nation. Thus, Moshe was: "... the channel to the light of the Upper Da'as, which is the level of the Tree of Life... the level of Tifferes of Atzilus that the Da'as is inside." (Drushei Olam HaTohu, Chelek 2, Drush 5, Anaf 2, Siman 12, Os 2)

In other words, Moshe Rabbeinu was not just a great teacher. He was a spiritual conduit to realms of Torah and Torah appreciation that no other human being could be. As the Pri Tzaddik points out, when Moshe Rabbeinu taught something, it didn't just go into the head of the willing (emphasis on willing) person, it went into his heart as well.

This is why, perhaps, in Parashas Mattos, Moshe Rabbeinu did not teach the laws of kashrus to the returning Jewish army after the war with Midian. After seeing the Jewish soldiers bringing back Midianite women, who had been the source of the problem in the first place back at the end of Parashas Balak, Moshe was, at first, incredulous, and then angry.

Justified as he may have been, his anger cost him the prophecy that told him what to teach regarding the kashering of the vessels that had been brought back as part of the booty. Instead, these laws were taught by Elazar Kohen Gadol.

The question is, did it really matter who taught these laws, as long as we learned them? The answer is, when it comes to most teachers, the difference might not be that great between one and the other. But, the difference between Moshe Rabbeinu and, for example, Yehoshua bin Nun, the Talmud says, is like the difference between the sun and the moon, something that today, with the help of modern science, we can appreciate somewhat.

For, embedded in the laws of kashrus was information about exile and how to survive it, which means also avoiding tragic endings. Just as heat causes the taste of food to become absorbed in the walls of a vessel, requiring heat to remove it, likewise does heat, that is, passion, cause a Jew to become more deeply absorbed in exile, necessitating heat, or difficult Divine Providence, to extract him from exile. Both in kashrus and exile, the greater the heat, the greater the absorption, and the more severe the processing of kashering.

Taught by anyone else other than Moshe Rabbeinu, all that gets through are the technical laws of kashrus, not the message about exile and how to avoid it, or at least survive it once it happens. Hence, over 3,300 years later, we are still in exile, overly absorbed into our host societies, and in need of a 'kashering' we probably will like to avoid.

With Tisha B'Av just next week, b"H, it is something to recall as we remember all of the 'kashering' we have undergone in exile until this point. And, it wouldn't hurt to take the time, even this late in exile, to contemplate the importance of Moshe Rabbeinu, even after the fact, to the survival of the

Jewish people. After all, it is his soul, we are told, that will be in the body of Moshiach to guide us to the Final Redemption and the peace and tranquility of Yemos HaMoshiach. © 2013 Rabbi P. Winston & torah.org

RABBI BENJAMIN YUDIN

Above and Beyond

This Shabbos we begin the fifth book of the Torah, which is known as "Mishneh Torah". This name is understood to mean the book of either repetition or review of the Torah. The Talmud (Avodah Zarah 25a), when discussing the miracle of the sun standing still for Yehoshuah, cites the verse (Yehoshuah 10:13) that this event is recorded in "Sefer Ha-Yasher -- The Book of the Upright." The Talmud brings two opinions as to what book is being referred to; Rabi Chiyah Bar Abah taught in the name of Rav Yochanan that this refers to the book of Bereishis, which deals primarily with the Avos (patriarchs) who are called yesharim (Bamidbar 23:10). Rabi Elazar said that this is a reference to Sefer Devarim, as it contains the verse "v'asee-sah ha-yasher v'ha-tov b'einei Hashem -- you shall do what is upright and good in the eyes of Hashem (6:18).

Does it make sense that the entire book of Devarim would be called Sefer Hayashar just because it includes the aforementioned verse? The Maharsha (ibid) answers that this verse is always associated with the concept of lifnim me-shuras hadin -- going beyond what would be expected to be the strict law. Implementations of this concept include the law of shumah hadar (seized property which must be returned to the debtor -- see Bava Metziah 16b) and the law of bar metzrah (the rite of first refusal ibid 108a). Thus, the Maharsha contends, the mitzvos contained in the book of Devarim reflect this noble unique concept of Jewish law, and as such is appropriately called Sefer Hayashar.

Rav Alpert zt"l (Limudai Nissan, volume 2 page 108) gives a few examples of this concept. In Parshas Mishpatim the Torah clearly warns that one is not to damage another with his body or property, and must pay for any damage that is done. Here in Devarim, we are taught that a protective fence must be put around one's roof and dangerous areas to prevent even accidents from happening (22:8). In Mishpatim we are taught the obligations that one must provide his wife, namely, food clothing and marital relations (21:10). In Devarim, we are taught to go beyond the obligations and to make our wives happy -- "v'seemach es ishto" (24:5).

Interestingly, the Torah Temimah compares "v'asee-sah ha-yasher v'ha-tov" to "v'ahavtah l'reiacha kamocho" and states that just as "v'ahavtah..." is a klal gadol baTorah -- a mainstay of the Torah -- so is "v'asee-sah ha-yasher v'ha-tov" a mainstay to the book of Devarim.

I believe it is not by chance that we read Parashas Devarim annually on the Shabbos before

Tisha B'av. Not only is the verse "Eicha Esah L'vadi" (1:12) read to the sad tune of the book of Eicha, reminding us of the connection to the forthcoming fast day, but the primary message of Devarim admonishes the Jewish people and creates the environment for Tisha B'av.

The Talmud (Bava Metzia 30b) teaches in the name of Rav Yochanan that Jerusalem was destroyed because they acted in accordance with the letter of the law of the Torah and did not perform actions that would have gone beyond the letter of the law. Tosafos asks does not the Talmud (Yuma 9b) ascribe the cause of the destruction of the second Bais HaMikdash to sinas chinam -- baseless hatred? Tosafos answers that both factors caused the destruction. I understand this to mean, that because of the breakdown of human relations they understandably did not go lifnim meshuras hadin for one another. As we acted with din, strict justice devoid of compassion, Hashem acted accordingly with us, and destroyed the Bais HaMikdash.



This past Monday, was Rosh Chodesh Av, the only Yahrzeit mentioned in the Torah, that of Aharon haCohen. I believe it is more than coincidental that we are reminded on the day that begins our focus on our glorious past, when we had His Divine Presence in our midst, our long bitter exile with inquisitions, pogroms and a Holocaust, and our yearning for the third Temple, that we learn from this great leader in Israel. The Talmud Sanhedrin (6b) contrasts Moshe and Aharon. The former is described as yikov hadin es ha-har -- strict justice. Aharon loved peace, pursued peace, and made peace between one man and another as is stated in Malachai (2:6), "he walked with me b'shalom u'mishor -- in peace and uprightness -- and turned many away from sin". Note the similarity between b'shalom u'mishor and "v'asee-sah ha-yasher v'ha-tov".

Finally, Hashem manifested Himself to His people in a fashion lifnim meshuras hadin (Avos 5:7). In fact, even at the time of the actual churban, the keruvim (cherubs atop the Aron -- the holy ark) were embracing (Yuma 54b), showing that even at that moment He had not turned His back on, nor forsaken, His children. It behooves us as we approach another Tisha B'av to introspect regarding many areas of our lives, especially in our interpersonal relationships, and to see how in our daily interactions with our spouse, our children, our coworkers, and our congregants can go lifnim

meshoras hadin, hopefully causing Him to respond in kind. © 2013 Rabbi B. Yudin & the TorahWeb Foundation

RABBI AVI WEISS

Shabbat Forshpeis

This week's parsha discusses the issue of war and reveals that war is only undertaken as a last resort.

The portion opens by proclaiming, "When you come close to a city to fight against it, then proclaim peace unto it" (Deuteronomy 20:10). Rashi maintains that this verse only applies to the first half of the paragraph that deals with optional wars (Deuteronomy 20:10 -15). Hence, this part concludes with the words, "thus shall you do (seek peace) to all the cities which are very far off from you, which are not of the cities of these nations" (Deuteronomy 20:15). But regarding the conquest of the seven Canaanite nations, obligatory war, peace overtures are not made. According to Rashi, this, in fact, is the intent of the second half of this paragraph (Deuteronomy 20:16 -18).

Ramban disagrees. He insists that the opening verse, which outlines the obligation to seek peace first, is a general statement about both obligatory and permissible war. After all, Yehoshua (Joshua) offered peace to the Seven Canaanite nations, nations whom we were obligated to confront militarily.

For Ramban, the paragraph is divided following this general heading. The first half addresses optional war where those not directly involved in the military conflict are spared (Deuteronomy 20:11 -15). The last half of the paragraph tells us that in the obligatory war, no one escapes, everyone is to be decimated (Deuteronomy 20:16 -18).

Ramban adds that peace could be achieved, even in the case of the Seven Nations, those who manifested the worst of immorality and idol worship. If they renounce their evil ways and abide by basic ethical principles, they would be allowed to remain in the land.

Ramban, one of the greatest lovers of Zion, teaches us that even when it comes to conquering the land, there is a perpetual quest for peace. This position has been echoed in the State of Israel's relationship with its neighbors. Israel has always reached out to make peace and gone to war only when absolutely necessary.

All this is reflected in the pledge taken by Jewish soldiers as they are conscripted into the army. They commit themselves to what is called Tihur Ha-Neshek, Purity of Arms. This proclamation recognizes the necessity of self defense, but insists that war, if necessary can be conducted with a sense of purity, a sense of ethics, and with the spirit of a longing for peace, the true spirit of the Torah. © 2008 Hebrew Institute of Riverdale & CJC-AMCHA. Rabbi Avi Weiss is Founder and Dean of Yeshivat Chovevei Torah, the Open Orthodox Rabbinical School, and Senior Rabbi of the Hebrew Institute of Riverdale.