

# Toras Aish

## Thoughts From Across the Torah Spectrum

**RABBI ABBA WAGENSBERG**

### Between the Lines

**T**his week we begin Deuteronomy, the last Book of the Torah, consisting of Moses's final words to the Jewish people before they enter the Land of Israel. In this week's parsha, Moses recalls certain infamous events of the previous 40 years, such as the incident with the spies. He repeats the words he spoke to the people at that time: "The Lord your God, has given ("natan") the land to you. Go up and inherit it" (Deut. 1:21).

This verse presents a few technical difficulties. First, why does Moses say that God has already given the land to the Jewish people? The Jews have not yet entered Israel, and thus have not officially taken possession of it. Why, then, is the verb "to give" in the past tense ("natan")? Furthermore, why does Moses say, "Go up and inherit [the land]" if he knows that the Jews will have to wage war before inheriting it? It seems that Moses should have said, "Go up and wage war"!

We could suggest a way of understanding the upcoming war based on the words Moses spoke to the nation immediately before the Splitting of the Sea: "God will wage war for you" (Exodus 14:14). When God promises to wage war for the Jewish people, there is no doubt as to the outcome. Therefore, even though the people are now facing an imminent battle, it is a battle that God has commanded them to fight, so it is already considered a victory.

This explains Moses's statement, "God... has given the land to you." The land is essentially already in the possession of the Jewish people, even though they have yet to go to war against the Canaanite nations. This also explains why Moses says, "Go up and inherit [the land]." If the war is as good as won, the Jews have only to inherit the land that God has promised them. Perhaps this is why Moses concludes the verse by saying, "Do not be afraid." The outcome of the battle is guaranteed; there is nothing to be nervous about.

A support to this interpretation appears later in the parsha, when Moses recalls the battle the Jewish people waged against Sichon, the Amorite king (Deut. 2:31-34). First, God told Moses, "Go and inherit [Sichon's] land" (Deut. 2:31). Then Sichon's army attacked the Jewish forces (Deut. 2:32), after which God gave the Jews the victory (2:33). The order of these verses illustrates our point. The Jewish people

began to possess Sichon's territory even before Sichon attacked! When God does battle for us, victory is assured from the outset. © 1987 Rabbi A. Wagensberg & aish.com

**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

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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 proceeding 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 "Hoil Moshe beer et hatorah hazot", Moshe began to explain this Torah.

I believe it is! © 2009 Rabbi M. Weiss Rabbi Mordechai Weiss is the Principal of the Bess and Paul Sigel

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**RABBI SHLOMO RISKIN**

## Shabbat Shalom

Every year I'm asked why it's necessary to continue mourning with such intensity on Tisha B'Av, the ninth day of the Hebrew month Av, marking the destruction of both of our Temples. Haven't we returned to our homeland after nearly 2000 years of exile? We have even returned to Jerusalem and re-established our Holy City as the capital of our re-established State. Yes, there are still Arab residents who claim Jerusalem as their own; yes, there have been despicable acts of terror within our "City of Peace;" yes, Jews cannot build a synagogue on the Temple Mount, and even individual Jews are forbidden to pray, attracting armed guards whenever they move their lips in a way that makes them look as though they are praying. Nevertheless, our situation is incomparably better than it has been for the past two millennia. So why not tone down the intensity of the mourning?

My response always cites the Mishnah in Rosh Hashanah, which teaches that in ancient times (prior to the establishment of a fixed calendar) agents would be sent out to inform the far-flung population the exact day when Rosh Hodesh (the new month) had fallen, so that the people would know when to celebrate the festivals and the Fast of Av.

"And when the Second Temple existed," concludes the Mishnah, "they would also go out on the month of Iyar because of the second Pesach" [for those who had been impure the prior month]. The Rambam, in his "Interpretations of the Mishnayot," correctly deduces that even during the Second Temple period the Israelites continued to mourn and fast on Tisha B'Av (B.T. Rosh HaShanah 18a). And Josephus confirms this fact.

Hence, even after the Temple was rebuilt, we still fasted. But this fascinating piece of history still begs the question. Why mourn when the reasons for mourning have been largely removed, when Jerusalem has been transformed from a dusty outpost as described by Mark Twain into a thriving religious and cultural capital of a great city in a sovereign state?

I once heard my teacher Rav Soloveitchik give a majestic answer: even after the Second Temple was rebuilt, the chanting Eicha (Lamentations) with its haunting question "How So?" remains relevant. After all, many righteous and holy individuals, many innocent children, were destroyed by the Babylonian hordes. Even the rebuilding of the Temple cannot remove the existential question as to why pure and good and innocent people were made to suffer such cruel tortures!

Rav Soloveitchik offered a second reason. We continued to recite Eicha and mourn even during the Second Temple period - and certainly during the

"beginning of the sprouting of Redemption" - because we must learn the lesson of the destruction, because we must take three weeks out and sensitize our souls to the specter of defeat, lest we fall into a similar trap and (Heaven Forbid) fail once again.

Allow me to share how I personally mark Tisha B'Av since coming to Israel. I mark the bleak fast day by reciting the Kinot (elegies) at the Tomb of the Patriarchs in Hebron - a custom I adopted from Rav Yisrael Shurin, a revered rabbinic leader in Efrat who passed away three years ago. What was the basis of his custom? As I'm sure you know, the Midrash teaches that it was the ninth of Av when the scouts returned with their evil report, and when the Israelites wept as they accepted the advice of 10 of their 12 princes not to attempt the conquest of the Land. This abandonment of Israel became the forerunner of our subsequent losses of national sovereignty, the desolations of Jerusalem and the destructions of the two temples (Numbers 14:1, additions to Rashi).

But Joshua and Caleb managed to defy not only their 10 colleagues on the reconnaissance mission but also the popular vote (ibid. 7-10). What gave them the courage to do so? Joshua was the beloved and special disciple of Moses, and his link to the Jewish past and the Jewish mission emanated from an intense relationship with the greatest prophet who ever lived. Caleb received his inspiration from a visit to the Tomb of the Patriarchs in Hebron before embarking upon his scouting mission. (Numbers 12:22, Rashi ad loc). Allow me to explain the significance of Caleb's visit to the ancestral gravesite in Hebron.

The Book of Numbers concludes with a catalogue of the wanderings of the Israelites, but with a strange linguistic introduction: "And Moses transcribed their places of origin toward their places of destination in accordance with the divine word, and these are their places of destination toward their places of origin" (Numbers 33:2).

This verse seems to have gotten it backwards. The point of every journey is to travel from one's origin to one's destination; no one wants to travel backwards! So why does the Torah write, "... places of destination toward their places of origin." Thomas Wolfe's great posthumous novel is called, "You Can't Go Home Again." I wouldn't dream of leaving Efrat, the 'West Bank' of the Jordan River, to go back to the West Side of Manhattan!

But the Bible teaches that you must go home again, if your original home was Israel. The Hebrew preposition *lifnei* is revealing: it can sometimes mean "before" as in "he was born one year before (*lifnei*) his brother," and it can sometimes mean "ahead, in front of," as in "he is walking a meter in front of (*lifnei*) his brother;" when this preposition relates to time, it means before, but when it relates to space, it means in front of.

Historically, the Jewish nation began in Hebron, with Abraham's election by G-d; this first Hebrew then

received his mission statement, to teach "righteousness and justice" (Genesis 18:19), and his ultimate charge, "...through you shall be blessed all the families of the earth" (Genesis 12:3). Jewish continuity became confirmed with Abraham's sacrificial walk [along with Isaac] to Mt. Moriah, (the location of Jerusalem) with G-d's final confirmation, "...through your seed shall be blessed all the nations of the earth" (Gen 22:18).

In time, Hebron and Jerusalem may be first - but in space and in concept they must remain our ultimate destination. As Jews we've wandered the four corners of the globe, but our minds, hearts and souls must always be linked to Hebron and Jerusalem, our destiny, our ultimate destination.

This is the teaching of Caleb, the real message of Tisha Be'av. In order for the "beginning of the sprouting" to turn into the real Redemption, we must return to our places of origin - our biblical values - and then to our original places of habitation, the great cities of Judea, committed to making the sacrifices necessary to transform our world into a place dedicated to righteousness, justice and peace. ©2009 *Ohr Torah Institutions & Rabbi S. Riskin*

#### **RABBI DOV KRAMER**

### **Taking a Closer Look**

One of the most puzzling and widely discussed comments of Rashi on Chumash, a comment which consists of a grand total of three words ("bemachlukto shel Korach"), is on the first verse of Parashas Devarim. After telling us that the names mentioned in the verse refer to places where the nation angered G-d, Rashi says (in his first approach) that "Chatzeiros" refers to "the division [caused] by Korach." Chatzeiros was where Miryam was punished, which occurred shortly before the scouts were sent out (see Rashi on Bamidbar 13:2), while Korach seems to have made his rebellion after the scouts had sinned. Not only does Parashas Korach come after Parashas Shelach (the "sending" of the scouts), but the argument made that Moshe did not bring them into the Promised Land as they would die in the desert (Bamidbar 16:13-14) -- only makes sense after the decree was issued. The only reason to even consider the possibility that Korach's rebellion might have taken place before the sin of the scouts is Rashi's comment itself (or the Midrashim he is based on). What makes Rashi's comment even more puzzling is that he himself told us (Bamidbar 16:4 and 16:14) that Korach's rebellion occurred after the sin of the scouts.

This issue is one of the flashpoints in the discussion about whether or not Rashi will quote conflicting Midrashim, and the Mizrachi, Levush and Be'er Haitiv (on 13:2) are among those that maintain that Rashi would, as illustrated by his quoting some Midrashim that say Korach's rebellion happened after the scouts and others that say it was before (in

Chatzeiros). Some, however, suggest possible ways that "Chatzeiros" could refer to Korach's rebellion without it having to take place before the sin of the scouts.

The Maharal (Devarim 1:1) says that even though Korach rebelled while they were in Paran, since "Paran" (according to Rashi) refers to the sin of the scouts, it couldn't also be used for a different sin. Therefore, Chatzeiros, a known place that was close to Paran, was used when referring to Korach's rebellion. The Be'er Basadeh, referencing the Mehilta (Beshalach, Vayasa 4) that says the nation retreated three stations ("masa'os") because of Miryam, suggests that after Kadesh Barneya (where the scouts were sent from) they went back to Chatzeiros, and it was there that Korach rebelled. The Mirkeves Hamishneh elaborates on this idea, with the nation specifically going back to Chatzeiros to study what had happened to Miryam, since they should have learned from her talking about Moshe not to let the scouts talk negatively about the land. (He adds that this explains why, in our verse, Chatzeiros is mentioned after Paran, as the three stations they retreated from were "Tofel," "Lavan" and then "Chatzeiros." However, Rashi puts "Tofel" and "Lavan" together, with Moshe rebuking the nation regarding their belittling the mun. Aside from these now being just two stations not three, it also mixes up the order, as this incident either happened before the scouts were sent, or didn't happen until the 40th year, way after Korach's rebellion. It is also a bit awkward, if the nation went back to Chatzeiros specifically to become better able to resist "loshon hara," that this was where Korach was able to start his rebellion by making accusations against Moshe.) The Nachalas Yaakov (Bamidbar 13:2) also says that after the sin of the scouts the nation retreated to Chatzeiros, allowing the rebellion to have taken place at Chatzeiros after the sin of the scouts. I would like to go in a different direction, with the rebellion happening after the sin of the scouts, yet Moshe using Chatzeiros, which the nation left before sending out the scouts, as his reference point when he rebuked them for it.

Right before the Torah tells us about Korach's rebellion, we are taught the commandment to wear tzitzis. Chazal tell us that this was done in order to hint to us that Korach and the 250 leaders that followed him put on garments that were made completely of "techayles," blue wool, and that they challenged Moshe by asking him whether they needed to have blue tzitzis (fringes). (The answer was that even all-blue garments did, which they ridiculed.) It wasn't just Korach that put on this all-blue garment, but all 250 of them. Where did these garments come from? Korach had it made for all of the members of his "holy" group (see [www.aishdas.org/ta/5768/korach.pdf](http://www.aishdas.org/ta/5768/korach.pdf) and [www.aishdas.org/ta/5769/korach.pdf](http://www.aishdas.org/ta/5769/korach.pdf)). He was fabulously wealthy (see Sanhedrin 110a), and could afford to have that many garments made from this expensive material. They

weren't necessarily made specifically to challenge Moshe, but to prove that they went beyond what was required in their quest for spirituality. I would suggest that during the seven days of down-time in Chatzeiros, while the nation was waiting for Miryam before moving on to their next stop, Korach starting building his "holy congregation" and had these garments made for them. They didn't confront Moshe yet; this didn't happen until the Kohanim came to collect their share of the offerings during a party Korach made for his group (see Tanchuma Korach 2/5 and Bamidbar Rabbah 18:3), which wasn't until after the sin of the scouts. But the foundation necessary for such a rebellion to take place, the forming of a distinct group within the nation that tried to be "holier" than the law and as a result commanded everyone else's respect, occurred earlier, in Chatzeiros. Therefore, when Moshe rebuked the nation for allowing such a rebellion to develop, it was this aspect that was referenced, including the place where this group first took shape. © 2009 Rabbi D. Kramer

**RABBI BEREL WEIN**

## Wein Online

**T**here are visions and there are nightmares. This week's parsha and haftorah provides us with a little of both. As Moshe begins his final great oration to his beloved people he warns of the dangerous future and reminds the people of the tragic and costly errors of the past. Moshe is the person of vision. He is shown the entire story of the Jewish people throughout all of the ages.

His vision even includes, so to speak, seeing the knot of God's head tefilin "on His back." But Moshe also sees the tragedies, defeats, mistakes and failings that lie ahead in the Jewish story. He also views the vision of Jewish resilience and eventual triumph, peace, prosperity, and security. Thus the entire gamut of chazon - vision of the future, its problems, defeats and victories is reflected in this week's parsha.

There is a great responsibility that rests upon the shoulders of one that possesses the gift of vision. How does one translate that vision into reality is the problem of all visionaries. Moshe faces it with the fortification of the Divine Torah that he himself brought down to Israel from Sinai.

He forecasts the difficulties that lie before the people that is charged to be a light unto the nations. Yet he does not gloss over the sad parts of the vision. An honest leader tells the people the truth no matter how difficult and painful it is. Chazon - vision - therefore always has an element of sadness attached to it for it describes the reality and difficulties of life.

The haftorah is the vision of the great prophet Yeshayahu. It also minces no words in describing the impending tragedy of the Temple's destruction and of the sins of Israel that contributed and led to this destruction. In reading the words of the haftorah, one

cannot help but sense the overwhelming feeling of frustration that envelops the prophet.

He is the doctor who has diagnosed the disease correctly and has the proper medicines and cures to heal the patient but the patient ignores the disease and its cure. Yeshayahu complains about the thickheadedness of Israel in not understanding and realizing its true condition and its tragic result. It is Israel's refusal to see things clearly, to ignore the long range disaster that looms over it and instead look only for short range comfort that drives the prophet to understandable distraction.

His vision is real and stark, disturbing and tragic. There is a willful blindness in Israel regarding its future that strikes Yeshayahu, as a man of vision himself, as being utterly not understandable. Israel is more blind to its future and, necessarily as well, to its past than is the donkey or the ox that recognize their sources of food and safety.

But all prophecies regarding the Jewish people, no matter how sad and doomed they seem, always end on a note of hope and optimism. The eternal people will right itself and yet achieve its physical and spiritual goals and be redeemed in the cause of justice and righteousness. © 2009 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](http://www.rabbiwein.com). For more information on these and other products visit [www.rabbiwein.com](http://www.rabbiwein.com)

#### **RABBI YOCHANAN ZWEIG**

## **Placing the Partitions**

“**T**hese are the words that Moshe spoke to all Yisroel...” (1:1) Parshas Devarim enumerates a list of places where Moshe spoke to Bnei Yisroel. (1:1,2) The Midrash notes that many of these places are not recorded in Parshas Massei, the parsha which offers an exhaustive list of Bnei Yisroel's travel itinerary, and there is no historical basis upon which to substantiate the existence of these places; rather, the names of the places are veiled allusions to all of the transgressions perpetrated by Bnei Yisroel while they were in the desert. (Sifri 1)

According to Rashi, the place listed as Chatzeiros refers to the insurrection of Korach and his followers. (1:2) The Maharal asks why the Torah refers to the story of Korach as "Chatzeiros" when the events actually occurred in Paran, which Moshe also mentions in the verse. The Maharal suggests that since Paran is already used to allude to the sin of the spies, the Torah refers to Korach's insurrection as Chatzeiros, which is the closest place to Paran. (Ibid) If the Torah's primary intention is not the geographical placement of the transgression, rather a name which best alludes to the sin, a reason must still be found for why Chatzeiros is specifically chosen to represent Korach's insurrection.

Korach is described by Chazal as a "Ba'al Machlokes"-a person who is divisive by nature. Such an individual thrives upon focusing on those aspects within people which create conflict. He sees himself separate from others and seeks only a path of dissent rather than unity. It is therefore appropriate that his actions are alluded to with the name "Chatzeiros" which is the plural form of "chatzeir"- "courtyard". The Halachic definition of a "chatzeir" is an area which is surrounded by partitions, conferring upon it the status of a separate legal entity. The seeds of "machlokes"- "dissent" are sown when we focus solely upon our differences, failing to see those areas that we either share in common or with which we compliment each other.

Among the intricate laws involved in "Eiruvim", plural for the word "eiruv"- "merging", is the law of Eiruvei Chatzeiros. (Yad. Hilchos Eiruvim 1:1) This law allows for the merging of all separate private domains into one large entity, thereby permitting a person to carry from one domain to another on the Shabbos. It is most appropriate for this ordinance to have been enacted by Shlomo Hamelech, for Chazal refer to him as "Melech shehashalom shelo"- "the King to whom harmony belongs". (6. Shir Hashirim Rabbah 3:14. Although Chazal refer to Hashem in this manner, the simple text refers to Shlomo Hamelech.) Shlomo was able to unite the entire world under his reign, for he was able to focus upon those areas that allow for a harmonious coexistence. (Megilla 11b) Therefore, he was the one who enacted the ordinance which merges separate entities into one large entity. (Eiruvim 21a) © 2009 Rabbi Y. Zweig & torah.org

#### **MACHON ZOMET**

## **Shabbat B'Shabbato**

*by Rabbi Yehoshua Shapira, Rosh Yeshivat Ramat Gan; Translated by Moshe Goldberg*

“**Y**ou complained and said, it is because of His hatred for us that G-d took us out of Egypt” [Devarim 1:27]. The reason that Moshe reveals as the innermost cause which was the basis for the sin of the scouts is remarkable in its false nature and in the audacity that it represents. Here was a nation of slaves which had been privileged to see unprecedented miracles and signs, which saw Egypt dead on the edge of the sea, which saw the pillars of cloud and fire leading their way in the desert? how could they replace such unbridled love with a concept of hatred and even put this feeling into words?

Rashi gives some sort of explanation of their claim when he notes that it referred specifically to the benefits of the Land of Egypt, which is watered automatically by the Nile, as opposed to Eretz Yisrael which is not blessed with this phenomenon. But one may still ask: Is it really better to be oppressed in a land where the masters grow fat off the land and are ruthless

to their slaves as opposed to being a free man in a land where "you will drink water from heavenly rain" [11:11]?

The inner reason which lies at the root of this serious distortion of values is also explained by Rashi: "As a folk parable states, put what is in your heart onto your neighbor, and what is in your neighbor's heart onto you." That is, the way you interpret somebody else's feelings towards you depends on how you feel towards him. The fear of the giants of Eretz Yisrael led to a complaint against G-d, and the result was an imaginary Divine "hatred" which never existed and never could. The truth was, as Rashi states, that "He loved you."

If this reasoning was true at the time of the Exodus from Egypt, how much more must there be a danger of a similar occurrence when we were expelled from Jerusalem. Our exile can certainly be interpreted as an expression of "hatred" by the Almighty. Every child is angry and grumbles when his father sets before him a challenge that he does not believe he can meet. The anger stems from a feeling that the way he is being treated is a result of a lack of interest or possibly even estrangement and hatred.

But the truth of the matter is that any time we are treated in a way that we perceive as detrimental is meant only to raise us up higher and higher. Eventually, when the child begins to understand that the father only meant for the best-as a way to cause him to grow as a result of the challenge and to reveal inner strengths of which he himself was not aware? he learns that the external image does not really represent the innermost truth, because of their external and small quality. The process of becoming mature is one of revelation of the innermost attitude of the father, which is really a result of good and of love.

Not only when we left Egypt but even when we left Jerusalem we stood before a process which revealed how much all the challenges and the difficult clarifications which the Almighty sent to us were nothing more nor less than an expression of love. The purpose of the exile was to lift us up and cure us from its external manifestations, and the events themselves were never more than a passing episode in the relationship between the beloved and the lover. "For a brief moment I left you, and I will gather you together with great mercy" [Yeshayahu 54:7]. "I loved you, G-d says" [Malachi 1:2].

**RABBI SIR JONATHAN SACKS**

## Covenant & Conversation

**A**s 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

favouritism. 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. © 2009 Rabbi J. Sacks and torah.org

### RABBI AVI WEISS

## Shabbat Forshpeis

**A**t first glance, the portion of Devarim is a random recapitulation of events the Jews experienced in the desert. It seems unstructured and repetitive. Yet, a closer look reveals that there is a logical form at work.

The first major section deals with the experiences and episodes of the Jews during the first two years in the desert, up until God's decree that we were to wander there for 40 years.

This section describes God telling us immediately after our departure for Egypt that we will enter the Land of Israel. (Deuteronomy 1:6-8) In preparation for that entry, Moshe (Moses) lays out a system of jurisprudence necessary for the proper functioning of the nation. (Deuteronomy 1:9-18) With Am Yisrael now ready to enter the land, (Deuteronomy 1:19-20) the people ask Moshe to send spies to Canaan to investigate how it can best be conquered. A description of the spy story follows with the recounting of God's decree that the Jews would wander in the desert for 40 years. (Deuteronomy 1:21-48)

The second section in Devarim (Chapters 2, 3) is a brief review of what happened to Am Yisrael in the last two years of its wanderings. Here is described our contacts with the nations of Edom, Moab, Amon, Sichon and Bashan as we took a circuitous route into the land. What follows is Moshe's unsuccessful appeal to God that he be permitted to enter the land found in the beginning of next week's portion, Va-Etchanan.

Rabbi David Tzvi Hoffman points out that these two sections open and close with similar phraseology setting them off as distinct units. The first section begins with the phrase "rav lakhem, it is enough [that you've been at Sinai]" and "pnu lekhem, turn [to the land of Israel]." (Deuteronomy 1:6-7) The second section begins with similar terminology: "rav lakhem, it is enough [that you've wandered here in the desert]," "pnu lekhem, turn [to enter the land of Israel]." (Deuteronomy 2:3)

Each section, writes Rabbi Hoffman, similarly conclude with similar words-vateyshvu and vaneyshev. (Deuteronomy 1:46, Deuteronomy 43:9). Both of these sections are preceded by the first five sentences in

Deuteronomy which summarize the forty years described in brief in the first two sections we have already discussed. The first two sentences of Deuteronomy are headlines for the earlier events as found in the first section, and the next three sentences for the final happenings as laid out in the second section.

A mere surface reading suggests that Deuteronomy is a book which haphazardly repeats our travels through the desert. Yet, when one looks deeper and more carefully, one realizes that Devarim is a book of exact and precise structure—much like the entire Torah. ©2009 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.

### **RABBI MORDECHAI KAMENETZKY**

## **The Usual Suspects**

**T**his week's portion discusses an array of issues, among them entering and conquering of the land of Canaan, which was to occur shortly. The lands that the Israelites passed on their quest to conquer Canaan were inhabited by various tribes and nations: some of them Israel was allowed to conquer, while other lands were forbidden. Even while nearing Canaan, there were nations the Israelites were warned not to provoke or attack.

Moshe tells the people, "Hashem said to me, 'You shall not distress Moab, and you shall not provoke war with them, for I shall not give you an inheritance from their land. For to the children of Lot have I given Ar as an inheritance. The Emim dwelled there previously, a great and populous people, and tall as the giants. They, too, were considered Rephaim, like the giants; and the Moabites called them Emim.'" (Deuteronomy 2:10-11).

There seems to be an important discussion about the land of the Giants. Moshe refers to the Emim, who live in the land that was allocated to Avraham's nephew Lot. The verse seems to extend itself by explaining that the people living there are not Rephaim, rather they are Emim, who are often referred to as Rephaim, because they have Rephaim-like attributes.

However, Moshe explains to his people that those giants are not really Rephaim, rather they are actually Emim. Obviously, this whole identification process is a bit confusing. Rashi helps us understand the issue. "You might think that this is the land of the Rephaim which I gave (promised) to Abraham (Gen:15:20), because the Emim, who are Rephaim, dwelt there formerly (and they are one of the seven clans whose land you were to possess), but this is not that land, because those Rephaim I drove out from before the children of Lot and settled these in their stead" cf. Rashi on Deut. 3:13.

Rashi explains that though the land of the Rephaim was promised to Abraham, and as such should be rightfully inherited by the Jews, the land of Ar

was not promised to Abraham. Ar was promised to Lot. If the Children of Israel expected to inherit Ar based on the fact that giants who were called Rephaim live there, Moshe corrects their misunderstanding. "You see," explain the commentaries, "these giants are really not the Rephaim variety of giants. They are the Emim variety. The original Rephaim were long gone and replaced. The Jews were promised the land of the Rephaim and not of Emim, who both resemble and are referred to as Rephaim."

Truth be told, all this seemingly irrelevant classification must have relevance to us students of the Torah. Why, otherwise, would the Torah spend so much time and verbiage on it? Why would it warn us not to confuse the Emim with Rephaim? It should just say, "Keep out of Ar, it goes to Lot!"

This story is true, I altered the details to spare the concerned. Many years ago, during an extreme heat wave, a certain food manufacturer was cited by the Department of Health and the USDA for having an infestation of a particular species of a moth in its manufacturing facility.

Immediately, the board of directors sent its representatives to inspect the factory as well. After all, having insects in the plant were very bad for business. Not only could the government shut them down, they were a health hazard as well! A team of inspectors came to the plant to see how they should address the problem.

While going through the factory, a Vice-President popped the lid off a container of raw nuts. Like a tornado rising, a swarm of insects emerged from the bin. Shocked and dismayed, he called over one of the workers. "Do you see this?" he shouted. "Look at these flies!"

"Don't worry, sir," smiled the worker. "Those ain't the government flies. Those are the regular flies!"

Often we view adversaries in one fell swoop. An enemy is an enemy is an enemy. A giant is a giant is a giant. Perhaps the Torah painstakingly teaches us that every nation has an accounting. Some the Israelites were allowed to inherit. Some they were allowed to attack. Others they were to avoid. Still others the Israelites were allowed to confront and not physically harm.

As Jews, we must be careful not to confuse the Emim and the Rephaim, the Edomites with the Ammonites, or the Sichons, or the Ogs or even the icebergs with the Greenbergs. We may not want to see differences in a world that wants to see black and white. But the Torah teaches us this week that no two nations are exactly the same. And no matter how tall they may appear, no two giants are alike. ©2002 Rabbi M. Kamenetzky & Project Genesis, Inc.

