Inquire And Explore With Wisdom

Rabbi Michael Graetz

הרב מיכאל מרדכי יוסף גרץ

Talking Torah תורה שבעל פה

How Torah Talks to Us when We Talk Torah

A case presentation of the Process of Midrash through generations, which shows how the basic ideas of Judaism were mined and refined from the gold lode of Torah.

דברים

Volume 5 Deuteronomy

Special Shabbatot and Selected Haftarot

Omer, Israel

5775

Contents

KEY TO TALKING TORAH THEMES

1	**H**	Hebrew language as basis of Midrash and as structure of Torah
2	**L**	Literary characteristics of Midrash
3	**MI**	*Midah ke-neged Midah* [narrative meaning]
4	**T**	Theology in Midrash
5	**K**	Knowledge and Intellectual power are part of the Holy Spirit which exists because of the partnership of man and God
6	**E**	Egalitarian ideas in Midrash
7	**P**	Pluralism as basis of Judaism's view of humanity
8	**U**	Universal vs. Particular in Midrash
9	**M**	Moral and ethical considerations in Midrash
10	**HA**	*Halakha* and development of halakha
11	**TA**	*Ta'am Mitzvot* reasons for *Mitzvot*
12	**PR**	Prayer
13	**B**	Basic ideas of Judaism
14	**ED**	Education

BOOK OF DEUTERONOMY

Parashat Devarim **דברים**

***Deut. 1, 1 - 4**
These are the words that Moses addressed to all Israel on the other side of the Jordan. Through the wilderness, in the Arabah near Suph, between Paran and Tophel, Laban, Hazeroth, and Di-zahab, it is eleven days from Horeb to Kadesh-barnea by the Mount Seir route. It was in the fortieth year, on the first day of the eleventh month, that Moses addressed the Israelites in accordance with the instructions that the Lord had given him for them.

The beginning of the book of Deuteronomy sets a very specific scene. The location and time are spelled out meticulously. In contrast with most biblical accounts when place and time, the setting of the scene, is unclear or even not told at all, this scene is fixed clearly. We read: "These are the words that Moses addressed to all Israel on the other side of the Jordan. Through the wilderness, in the Arabah near Suph, between Paran and Tophel, Laban, Hazeroth, and Di-zahab, it is eleven days from Horeb to Kadesh-barnea by the Mount Seir route. It was in the fortieth year, on the first day of the eleventh month, that Moses addressed the Israelites in accordance with the instructions that the Lord had given him for them." (**Deut. 1, 1-4**)

The place and time are clear, but there is a parenthetical phrase, "it is eleven days from Horeb to Kadesh-barnea by the Mount Seir route" (v. 2), which is the source of much discussion in Jewish tradition. Why does the Torah tell us this bit of information? We get the exact location which can be coordinated by its place in the center of the places named which are around it. We get the exact time in verse 4. What is the point of telling us that it is 11 days journey from Horeb, that is Mt. Sinai, to Kadesh Barnea?

The Midrashic and exegetical tradition understand this phrase as a reminder that the route from Egypt to the land of Israel was very short. It is part of Moses' greatest disappointment, namely that the main goal of his vision and mission was not achieved. A mere 11 days after leaving Egypt the mission to enter the land of Israel could have been fulfilled, but the people transgressed by following the report of the spies. They were almost there, and the incident of the spies intruded. Rashbam has the period of travel even less. He says that the walk to Hatzerot was only 3 days from Horeb. But, then Miriam died, and the nation waited 7 days for her mourning period. The 11th day was the walk from Hatzerot to Kadesh Barnea. (**Rashbam on Deut. 1, 2**)

For Ibn Ezra the 11 day period was the first period of learning of God's commands while on the way from Horeb to Kadesh Barnea. Then the spies were sent out and the nation was destined to return to the desert for 40 years. Now, when they finally return to Kadesh Barnea on the eve of their entry to the land, and the eve of Moses' death, Moses again teaches God's commands. Ibn Ezra says that NO mitzvoth were learned in the interval. Indeed, there are more mitzvoth in Deuteronomy that anywhere else in the Torah. (**Ibn Ezra on Deut. 1, 2**)

The notion that there was no communication with God during the 40 years is a powerful one. Moses did not teach during all that time. This may explain why at the end he crams so much into his last words in the book of Deuteronomy. Perhaps he

was waiting for the new generation, but for me this is a lesson in how NOT to lead. We so often put off study or thought in the frenzy of doing things that seem so essential to existence. Perhaps we are meant to learn that we should not put off discussing Torah even if the situation and those present seem not to be fit for such learning. **TTT 215 ED**

The idea that the 11 days period is the real time needed for the nation to get to Israel and it is a kind of mocking of their transgression appears in a most provocative passage. The Boethesians (B's) and the Rabbis debate the issue of the date of the holiday of Shavuot. Since the counting of the Omer is to begin "mi-maharat ha-Shabbat", the B's claimed that it had to begin on a Sunday, and thus Shavuot always fell on Sunday 7 weeks later. The Rabbis interpreted the phrase to mean after the first day of Pesah, and thus Shavuot could fall on many different days of the week.

One of the B's taunts R. Yohanan B. Zaccai and says that it is clear why Moses made Shavuot to always fall on a Sunday. Since Moses wanted to be kind to Israel he worked it out so that Shavuot, which was only a one day holiday, would always fall after Shabbat so that people would have two days of rest. Moses invented the long weekend according to the B's. To this R. Yohanan responds: "if Moses loved Israel so much, and he could have taken them into Israel in 11 days (quoting our verse), then why did he make them traipse around the desert for 40 years!" (**Menahot 65a-b**)

Another Midrash sees our phrase as an allegorical scorning of Israel's transgression. Since the number 11 in Hebrew is made up of two words, one and ten, this Midrash has Moses hinting to Israel that of the 10 commandments that you received at Horeb, you transgressed only 1, namely that you shall have no other gods. That is, the sin of the golden cow created the conditions which led to the refusal to enter the land. (**Midrash Tanaim to Deut. 1, 2**)

Another Midrash also puts the 11 day period into the context of the sin of the golden calf. The nation waited for Moses to return for 40 days, and it was because of this long waiting period that in the end they turned to idolatry. This Midrash asks how many days of this period were they faithful to God, and when exactly did they start to plan the move to idolatry. There are many opinions in this Midrash. One is that they were faithful to God for the first 11 days, and for the remaining 29 days they worked on the idol. This turns the phrase into something else, "eleven days from Horeb" is the time that they remained whole with God. The grandiose revelation and religious experience at Horeb had a short life in people's hearts. Without leadership and constant learning it is impossible to keep up the influence even of direct revelation. This is also a telling lesson about the need for constant Talmud Torah and for the life of practice of mitzvoth. (**Deut. R. (Lieberman ed.) 10**)

Finally, the notion that the 11 days are stated as a strong reminder of the nation's transgression for refusing to enter the land of Israel is used in a fascinating response of R. Menashe Klein, the admor of Kiriat Ungwar in Jerusalem. He explains why women are exempt from the mitzvah of sitting in a sukkah. It has nothing, he claims, to do with positive commands which are time bound. He explains that if the nation would have entered the land after 11 days, as our verse so scornfully reminds us, there would have been no need for Sukkot. Sukkot were God's miraculous gift of

protection in the desert, and they were only necessary because the nation went back into the desert instead of into the land!

Thus, explains R. Klein, the women who did not give up the vision of Israel, who wanted to enter the land on the 11th day (cf. **Rashi on Num. 27, 1**) did not need Sukkot. They also did not want to build the golden cow, nor did they participate in other transgressions of the wilderness. The Sukkot were only for those who had transgressed by not loving the land enough. This explains, according to Klein, the question of the Tosafot (**Pes. 108b**) that if the women also benefited from the same miracle why are they not obligated to keep its remembrance, as on Hanukka or Purim? He says: "on the contrary, the sukkot were because of the sin, and since they (the women) did not sin they did not need the sukkot." (**Responsa Meshaneh Halakhot vol. 11, no. 514**) Presumably, the women were able to do as they wished during the wanderings with no fear of the sun or need for structures. We tend to think of Sukkot as "fun" and a positive thing that one misses out on, but this presentation gives a different slant on it. Sukkot are a kind of punishment for obstinacy. Perhaps women today could develop some holiday rituals in the open air that would celebrate the faithfulness of women to the land of Israel and to God. Or, are we going to see this explanation as an apologetic for keeping women out of the Sukkah?

Parashat Devarim begins by giving us the exact location at which Moses spoke all of the "words" that summarize the events from the exodus up to the moment before entering the land of Israel. One of the locators of this geographical point is the second verse of the book "it is eleven days from Horeb to Kadesh-barnea by the Mount Seir route" (**Deut. 1, 2**).

What is the significance of this report? Ramban, before launching into a detailed explanation, says quite simply that this information is to make known to us the dimensions of the wilderness. Lest we think that it is a simple journey from Horeb to Kadesh Barnea, the Torah lets us know that it is an 11 day trek. (**Ramban ad loc**) This is clearly an extremely simple explanation of what looks like a surprising statement.

The Midrash uses our verse to interpret the quality of the life of the nation at this point. There are two versions of this tradition. The earlier tradition is found in the midrash halakha known as Sifrei Devarim. It feels that the specification of the number of days is an implied criticism of the nation. If they had been faithful to God for 11 whole days straight, then they would have entered the land for sure. But, they rebelled. The nation could not maintain fidelity to God for 11 days. The distance from Sinai to the rebellion of the spies is given in days, but it implies a spiritual and ethical distance from the covenant. (**Sifrei Devarim 2, 2**)

As usual, there are other opinions in this Midrash, and each one is harsher than the one before. Rabbi Yehudah thinks that all that Israel needed was to maintain fidelity to the covenant for 3 days, since the ark of covenant was 3 days from the place of rest, that is, the land of Israel. (**Num. 10, 33**). Rabbi Benayah thinks that one day of fidelity would have been sufficient, for God tells Israel that "today" they are leaving Egypt (**Ex. 13, 4-5**). These three opinions are fascinating. It takes 11 days for the experience of revelation, Sinai, to wear off, 3 days to give up on keeping a written

covenant that was accepted as binding, and only 1 day for a miraculous event. The psychology of these positions may be debated, but the lessons are legion.

The Midrash aggadahh collection of Deut. R. frames this same debate in a different context. It sees the distancing of Israel from its spiritual and religious commitments as being connected not to the refusal to enter the land of Israel, but in terms of the making of the golden calf. Since this whole process took 40 days, this Midrash asks the question: how many of those days did the nation remain faithful to its commitment at Sinai to keep God's Torah? The first opinion is that they were faithful 11 days, and for 29 days after worked on idolatry. This is the import of our verse according to this non-attributed statement. (**Deut. R. (Lieberman) Devarim 10**)

Then, our Midrash halakha reveals a debate between R. Eliezer b. Yaakov and R. Shimon bar Yohai, one saying as the first opinon, and the other saying the opposite, that the 11 days were for making the calf. Our other opinions also follow, but this midrash ends up with the opinion of R. Meir that not even one day was totally dedicated to God. [cf. p. 951 – 954 for an extended discussion of this Midrash]

There seems to be a devastating consensus among many sages about the temporary nature of true fidelity to a covenant with God. No matter how one experiences the transcendental the results of that experience fade away, and one is left with a dilemma, namely, to retain complete fidelity to the experience, or to fudge it. The bottom line, it seems to me, reveals a bias of the sages in favor of choice out of knowledge. That is, Israel's commitment to the covenant depends upon intensive study of Torah, written and oral, that leads to knowledge. The details of this study comprise the ground of understanding that enables a Jew to choose to be faithful to the pact with God. One may stray and transgress, but one can always redeem oneself by further study and resolve. The mechanism is intellectual based upon study. Revelatory or miraculous experiences are powerful, and cause one to make a commitment, but they cannot withstand the test of time, of an ongoing battle with the realities of life. The eleven days stands for a whole philosophy of loyalty to the covenant with God, in particular what one must avoid in order to maintain that covenant. As Hillel said: "the rest is commentary, go and learn it". (**Shab. 31a**) **TTT 215 ED and T and B**

***Deut. 1, 5**
on the other side of the Jordan, in the land of Moab, Moses began/swore ("hoeel") to expound ("bayair") this Torah...

The book of Deuteronomy, as it stands, is one of the major sources both for the idea that revelation and religious practice develop, and for the idea that humans are partners with God in revelation and in creating religious practices. So much of the book revolves around Torah, how it was given, how it was written down or preserved, and to whom was it given. **TTT 215 T and B and P and K and HA**

This week our parasha tells us: "on the other side of the Jordan, in the land of Moab, Moses began/swore ("hoeel") to expound ("bayair") this Torah..." (**Deut. 1, 5**)

The first problem is the word "hoeel". In the Sifrei there are two opinions. R. Yehudah says that the word means to begin, and the Sages say that it means to take

an oath. (**Sifrei Devarim 4, 5**) The JPS translates it as "undertook to", seeming to prefer the opinion of the Sages. The importance of this debate has to do with the word "bayair", which means to expound or to explicate. This goes to the underlying meaning of Moses' action here.

The people receive the Torah at Sinai, and an oath is assumed there, a covenant. Is this expounding in our parasha a second covenant? If so, is it now a covenant with Moses, or with his explanation of the Torah? The impression is that Moses is explicating the Torah. According to R. Yehudah, he does it as a final act of teaching to Israel how he views the Torah. According to the Sages, Moses initiates an undertaking, meant to be carried on by the people Israel forever, connected with his explication of the Torah.

In either case, we want to know what this explication is all about. Just what does the word "bayair" signify? When we investigate this issue in our tradition we discover amazing insights. First, we must review the traditions in the Bible about the Torah being written down on stones, not the tablets from Sinai, but on stones erected at significant spots along the way to the land of Israel. The Talmud (and parallels in the Midrash) tells of three sets of stones, which it infers had the Torah inscribed on them.

The first set is what Moses does in our chapter, and it is set up in Moab. This, the Talmud concludes, is part of the meaning of the word "bayair", since that word is specifically applied to stones (cf. **Deut. 27, 8**). The word "bayair" signifies, in addition to teaching and expounding the Torah, the inscribing of the Torah on stones. (**Sotah 35b**)

The Talmudic passage then goes on:
"Our Rabbis taught: How did the Israelites inscribe the Torah? R. Judah says: They inscribed it upon the stones, as it is stated: "Thou shalt write upon the stones all the words of this law" (**Deut. 27, 8**) etc. After that they plastered them over with plaster. R. Simeon said to him, According to your explanation, how did the nations of that period learn the Torah! He replied to him, The Holy One, blessed be He, endowed them with exceptional intelligence; and they sent their scribes who peeled off the plaster and carried away [a copy of the inscription]. On that account was the verdict sealed against them [to descend] to the pit of destruction, because it was their duty to learn [Torah] but they failed to do so. R. Simeon says: They inscribed it upon the plaster and wrote below, "That they teach you not to do after all [their abominations]" (**Deut. 20, 18**). Hence you learn that if they turn in penitence they would be accepted."

This passage is remarkable for many reasons. First, it assumes that all of the nations should learn Torah. Even though Torah was given to Israel, part of their undertaking to expound it is to make it available to the other nations. According to R. Yehudah the nations deserve punishment because they did not fulfill their duty to learn Torah! They just made a copy and put it on the bookshelf, but did not participate in expounding Torah. R. Shimon disagrees. According to his view, the nations were invited to come and learn Torah WITH Israel, with the idea that one who learns Torah is to do so, so as to live it. Indeed, according to R. Shimon if they heeded the Torah and refrained from the unethical acts forbidden there, they would be considered as penitents and accepted! (This may mean accepted as adjuncts to Israel,

or it may mean would not be liable to be killed as erring Canaanites).

The very idea that Moses expounds the Torah in a manner which includes all humanity is exhilarating. This tradition, surrounding the word "bayair", is enhanced by the Talmud's report that the Torah written on the stones was written in all 70 languages of humanity! (**Sotah 36a**) The Talmudic story of the stones includes the idea that they took them with them wherever they lodged. (Perhaps this is a forerunner of the Gideon Bible.) **TTT 215 U**

One Midrash specifically interprets the word "bayair" to mean "Moses contemplated and expounded the Torah in 70 languages…" (**Gen. R. 49, 2**) This Midrash is explicated by R. Moshe Feinstein in a responsa in which he addresses the question of whether it is permissible to teach and/or publish Torah works in English (or other languages).

Feinstein explains that Moses' explicated the Torah in 70 languages (a Midrashic term for all the languages of humanity) because there were sojourners and converts who had left Egypt with Israel. ALL of them were part of the covenant, as it is written: "You stand this day, all of you, before the Lord your God" (**Deut. 29, 9**), and the verses go on to specify "even the stranger within your camp, from woodchopper to waterdrawer" (**v. 10**) Many of those non-Israelites, who are included in the covenant of Torah with God, did not understand Hebrew! Thus, Moses had to explain it in all languages. (**Iggrot Moshe, YD, 4, 38**)

There is a stirring message in these traditions. The covenant which Moses initiates in expounding theTorah can and should be promulgated to humanity as part of God's covenant with Israel, which is also meant to be a covenantal channel to others.

***Deut. 1, 15 - 18**
So I took your tribal leaders, wise and experienced men, and appointed them heads over you: chiefs of thousands, chiefs of hundreds, chiefs of fifties, and chiefs of tens, and officials for your tribes. I charged your magistrates at that time as follows, "Hear out your fellow men, and decide justly between any man and a fellow Israelite or a stranger. You shall not be partial in judgment: hear out low and high alike. Fear no man, for judgment is God's. And any matter that is too difficult for you, you shall bring to me and I will hear it." Thus I instructed you, at that time, about the various things that you should do.

In the book of Devarim, Moses recounts his life story as a leader of Israel. It is interesting that he does not talk in chronological order, but chooses to start his story with the arrival of Israel at Horeb (Deut. 1, 6) and the task of going into the land of Israel. His main point in beginning this way is to stress that he, Moses, felt unable to continue leading the people alone. He needed help, and so he appointed "wise, discerning and experienced men" as leaders to help him. (**Deut. 1, 13**)

I find this beginning most astonishing. Moses, true to his character, epitomizes modesty here. He begins the tale with his inadequacy to lead at the point where the leader stops being a charsimatic prophet, whose main task is to rally the people to follow him and to do battle with the enemies without. Once the nation is free and has to make itself into a stable society, and it has laws to enable that transformation, the kind of leadership which Moses provided was not enough.

What is needed? The Torah tells us: "So I took your tribal leaders, wise and experienced men, and appointed them heads over you: chiefs of thousands, chiefs of hundreds, chiefs of fifties, and chiefs of tens, and officials for your tribes. I charged your magistrates at that time as follows, "Hear out your fellow men, and decide justly between any man and a fellow Israelite or a stranger. You shall not be partial in judgment: hear out low and high alike. Fear no man, for judgment is God's. And any matter that is too difficult for you, you shall bring to me and I will hear it." Thus I instructed you, at that time, about the various things that you should do." (**Deut. 1, 15-18**)

What is needed are leaders who will, in the words of v. 17, "... not be partial in judgment". The Hebrew phrase is "lo takiru panim ba-mishpat". Literally this means "do not recognize a face in judgment". The Hebrew word "yakir" means to recognize, also in a judicial sense of granting rights. For example, a person "recognizes" his first born son, that is grants him the rights of the first born, even if he is born to a wife whom he dislikes. (**Deut. 21, 17**) So, the simple meaning of the phrase might be "do not grant rights to a face in judgment", but then the question arises, just how do we conceive of the concrete example to which this verse refers? Or, in other words, whose "face" are we talking about?

If we are referring to the litigants in a court case, this verse is a warning to judges to be impartial, as in our translation. And, the continuation in the verse, "fear no man", would imply that the judge was being pressured to favor say a rich or powerful person, and might be afraid to be impartial. Indeed, the Tosefta tells us that "when the "roin", (those who would "see a face" or tend to judge by what benefited them) increased, the verse "lo takiru panim ba-mishpat" was canceled, and the verse "fear no man" ended, and the rule of Heaven was removed..." (**Tosefta Sotah 14:4**).

The Midrash Halakha interprets the verse in a different way. It applies the words NOT to the litigants, but to the judicial system itself. The verse refers to those who APPOINT the judges. Lest they say "this is a handsome man, we will appoint him judge"; "this is a courageous man, we will appoint him judge"; "this is my relative, we will appoint him judge"; "this man lent me money, we will appoint him judge"; "and he clears the guilty and convicts the innocent, not because he is evil, but because he does not know the law, he has cut off a face in judgment" (**Sifrei Devarim 17:31; Midrash Tannaim to Deut. 1:17**).

This interpretation changes the nature of our understanding of the verse. Moses is saying that now that Israel must build a society based on law, the most important criteria of the leader is that he know the law. The Midrash understands the words to imply "lo takiru panim BA-MISHPAT", that is, when you appoint a judge for reasons not connected with knowledge of the law, you are perverting the law itself. For those of us who insist on religious leadership as being one which knows the halakha, this is an important principle as well. The person is not evil, as the Midrash points out, but they do evil because they do not know the law.

The same expression ("lo takir panim") appears in **Deut. 16, 19** as part of the judges duties. There the Midrash assumes that it cannot be a repetition of the same ruling, since the Torah does not needlessly repeat things. Rather, it interprets the verse to refer to a teacher and how the teacher relates to students. "This is a warning to

teachers, not to teach one student while ignoring another student, for this is as if the teacher had been idolatrous" (**Midrash Tanaim, see vs. 21** following this which is a prohibition against idolatry).

Aside from the meaning that we must be impartial in judgment, our verse yields further principles, namely that we must accumulate knowledge in order not to pervert the law, and that we must always make sure that all students get a fair chance to learn.

***Deut. 1, 26 – 28**
26Yet you refused to go up, and flouted the command of the LORD your God. 27You sulked in your tents and said, "It is because the LORD hates us that He brought us out of the land of Egypt, to hand us over to the Amorites to wipe us out. 28 What kind of place are we going to? Our kinsmen have taken the heart out of us, saying, 'We saw there a people stronger and taller than we, large cities with walls sky-high, and even Anakites.'

The parasha of Devarim is always on the Shabbat known as "Shabbat Hazon" because of the reading of the Haftarah. It is always the Shabbat before the commemoration of the 9th of Av. The parasha of Devarim also is connected to this fast day, the day of memory for the destruction of the Temple, and for the loss of Jewish sovereignty in the land of Israel. The linguistic connection is clear because of the use of the word "eicha", 'how', by Moses (**1, 12**) in connection with Israel's stubbornness and sinfulness. This connection is emphasized by the use of the same tune of lament to read this verse in the Torah, giving us an aural preview of the reading of Lamentations.

But, beyond this linguistic and melodic foreshadowing of the 9th of Av, the whole theme of the nation losing the land because of its lack of faith in God's promise of the land is clear. Moses stresses the refusal of the people to have faith in God's help, their flouting of the command to complete God's mission of settling the land (cf. **v. 26ff.**). If we compare Moses' speech here and the book of Lamentations, we see that there is little difference between losing the land possessed, and losing the land because of refusal to possess. Both have in common losing the land because of Israel's betrayal of faith in God's promise, and because of Israel's abdication of responsibility to be the instrument of fulfilling God's promise. **TTT 216 T and M**

Moses stresses: "Moreover, your little ones who you said would be carried off, your children who do not yet know good from bad, they shall enter it; to them will I give it and they shall possess it." (**1, 39**) There are two major problems in this verse. One is the obscurity of the phrase "who do not know today good or bad" ("lo yad'u ha-yom tov va-ra"). The second is why does the notion that the children shall get the land repeat itself three times: "they shall enter it", "to them I will give it", and "they shall possess it"?

One Midrash simply states that each one of the three phrases of possession is meant for a different event in history. "They shall enter it" refers to the possession of the land in the period of Joshua, "to them I will give it" refers to the return to the land in the days of Ezra, and "they shall possess it" implies the final settlement in the land in the days of the Messiah. (**Midrash Tannaim, Deut. 1:39**) According to this view Moses prophesies the inheritance of the land by Israel at all times. Perhaps we can

understand that each time Israel is free in the land that it includes all the times that Israel was free in its land.

The first problem is more difficult. The phrase "who do not know today good or bad" is obscure. The JPS translation "who do not yet know good from bad" seems to be clear, but on closer examination it is not. What does this mean? They are too young to know good from bad? Surely this cannot be the meaning? Moses delivers this speech at the end of the wandering, presumably it IS the generation who is to inherit the land that is listening, and they are not young children! The Midrash Tannaim referred to above simply states that "good or bad" ("tov va-ra") refers to war. The phrase means that they know that God will do battle for them, if they fulfill God's will. That is, unlike the generation which rejected God's command to capture the land, this generation is unafraid of war, because they have complete faith in God's help. The phrase means something like, "who are not afraid of war".

The generation that rejected God's will to settle in the land, that asked that spies be sent to check it out because they did not have faith that the land was a good one (cf. **1, 22**) is compared to the first couple who were expelled from the Garden of Eden. Just as Adam and Eve did not accept God's command that would have kept them in an ideal "land" and were expelled from it, so the children of Israel are prevented from entering the "ideal" land because of rejecting God's command. (cf. **Yalkut Shimoni, on Shelah, 742**). This Midrash makes no distinction between being expelled from the land or not getting it in the first place. This Midrash expands our imagination in thinking about the 9th of Av to a kind of archetypal loss of "home" because of an alienation from God's command. Adam and Eve lose the Garden, the generation of the Exodus lose Israel, and the generation of the destruction of the Temples lose Israel, even though they were in it to begin with. **TTT 216 T**

The connection to the expulsion from Eden throws more light on our obscure phrase. The usage "tov va-ra" is found only 5 times in the Torah. Four of those times it is used to describe the tree in the Garden of Eden from which Adam and Eve were forbidden to eat. The fifth time it is used to describe the children of the wilderness generation, who WILL inherit the land. One striking Midrash gives us a clue as to the meaning of the phrase. R. Pinhas b. Yair says that the name of the tree "etz ha-da'at tov va-ra", is only known AFTER the humans eat from it. God told them: "you will not eat from it neither good nor bad" (**Otzar ha-Midrashim 474, 7**). That is, R. Pinhas interprets the "vav" in its usage as "neither ... nor"! (cf. **Gen. 31, 29; 24, 50; Lev. 27, 33**)

God is saying if you eat from this tree, the knowledge of good and evil which you HAD will be gone!! You will get nothing out of eating from this tree, but you will lose the moral knowledge that you were created with! R. Pinhas points out that humans clearly had moral knowledge and wisdom before eating from the tree! For example, Adam names the animals, and they were created in God's image and likeness. The tree represents pure gratification of desire, with NO moral consideration, with NO consideration of God's will! The desire to gratify desire OVERCOMES the knowledge of good and evil. R. Pinhas translates the name of the tree as something like "the tree which causes you to know neither good nor evil". That is, your inherent sense of distinguishing good from evil is put aside. **TTT 216 T and M**

If we apply this reading to our story, we see that the generation of the wilderness wanted to make sure that their desires would be gratified and that their materiel life would be perfect in the land of Israel. Those considerations drove out of their mind the knowledge of God's will. Their children do not have that lack of awareness, they have not been numbed into lack of faith by personal desires. We can thus translate the verse: "Your children who are not afflicted with an ignorance of good from bad, they shall enter it; to them will I give it and they shall possess it."

In order to live in the land and not be estranged from it, we must never be indifferent to immorality, never be blinded to God's moral directives by desires for wealth or power. We must never let a pursuit of wealth or power cause us to lose our sense of good from evil, or lead to ignoring God's warnings about caring and sustaining the lives of others. It is precisely the caring for all who live in the land which guarantees possession of the land.

***Deut. 2, 4 - 12, 19 - 23**
And charge the people as follows: You will be passing through the territory of your kinsmen, the descendants of Esau, who live in Seir. Though they will be afraid of you, be very careful not to provoke them. For I will not give you of their land so much as a foot can tread on; I have given the hill country of Seir as a possession to Esau… And the Lord said to me: Do not harass the Moabites or provoke them to war. For I will not give you any of their land as a possession; I have assigned Ar as a possession to the descendants of Lot. It was formerly inhabited by the Emim, a people great and numerous, and as tall as the Anakites. Like the Anakites, they are counted as Rephaim; but the Moabites call them Emim. Similarly, Seir was formerly inhabited by the Horites; but the descendants of Esau dispossessed them, wiping them out and settling in their place, just as Israel did in the land they were to possess, which the Lord had given to them….. The Lord wiped them out, so that [the Ammonites] dispossessed them and settled in their place, as He did for the descendants of Esau who live in Seir, when He wiped out the Horites before them, so that they dispossessed them and settled in their place, as is still the case. So, too, with the Avvim who dwelt in villages in the vicinity of Gaza: the Caphtorim, who came from Crete, wiped them out and settled in their place.

We tend to simplify Jewish tradition. Jewish religious literature is so large and diverse that most people, even the keenest minds, find it difficult to comprehend the complexity and depth of it. One example: we tend to think of halakha, Jewish law, as developing from the legal passages in the Torah. Thus, our mindset is that there are "laws" or legal verses in the Torah and there are narrative passages. However, in Jewish religious literature, the two are often interwoven. They comprise a "whole" which cannot be taken apart. **TTT 217 HA and T**

For example, in this week's parasha there is a narrative portion which, at first glance, seems totally unlikely to yield any halakhic dictum. I am referring to the narrative in which Moses recounts the wanderings of Israel and their attempts to cross the lands adjacent to the land of Israel:

"And charge the people as follows: You will be passing through the territory of your kinsmen, the descendants of Esau, who live in Seir. Though they will be afraid of you, be very careful not to provoke them. For I will not give you of their land so much as a foot can tread on; I have given the hill country of Seir as a possession to Esau… And the Lord said to me: Do not harass the Moabites or provoke them to

war. For I will not give you any of their land as a possession; I have assigned Ar as a possession to the descendants of Lot. It was formerly inhabited by the Emim, a people great and numerous, and as tall as the Anakites. Like the Anakites, they are counted as Rephaim; but the Moabites call them Emim. Similarly, Seir was formerly inhabited by the Horites; but the descendants of Esau dispossessed them, wiping them out and settling in their place, just as Israel did in the land they were to possess, which the Lord had given to them….. The Lord wiped them out, so that [the Ammonites] dispossessed them and settled in their place, as He did for the descendants of Esau who live in Seir, when He wiped out the Horites before them, so that they dispossessed them and settled in their place, as is still the case. So, too, with the Avvim who dwelt in villages in the vicinity of Gaza: the Caphtorim, who came from Crete, wiped them out and settled in their place." (**Deut. 2, 4-12, 19-23**)

One of the most striking things about this passage is the way it puts the story of Israel into the context of all nations. This passage shatters the notion that God promised territory ONLY to Israel, and ONLY helped Israel to conquer and settle in their promised land. The Lord is God of all nations, and we learn here of other nations who, with God's help, were able to settle in areas which God had designated for them. Furthermore, we learn that Israel cannot take any of that land from those nations, even if they are God's "first born". That is, Israel must respect God's decisions regarding what others have. Those nations have God given rights to their territory, just as Israel has those rights in their own territory. As Ramban puts it: "it is immoral to steal from them [the descendants of Lot] the territory which the Lord gave them in a miraculous way" (**Ramban on Deut. 2, 10**, cf. his whole discussion there). **TTT 217 M and U**

"OK", you may say, this is a moral-political lesson, but what halakha, that is Jewish religious behavior, could be derived from such a passage? One halakha which is derived from these verses has to do with inheritance. The "laws" of inheritance are stated in other parts of the Torah, and they are stated in the form of legal discourse. It is clear that these are meant to be basis of halakha. The Talmud learns from our narrative portion that laws of inheritance that apply to Israel also apply to other nations. That is, the rule that a son inherits his father's property is not only meant for Israel, but for all nations. (**Kid. 18a**)

Not only that, our passage teaches that an apostate Jewish son, who has thrown off his father's religion, inherits from his Jewish father! Esau and Lot's sons, depicted here as Jews who have left their religion, continue to inherit their respective fathers. (Kid. 18a) The "natural" order that children inherit their parents seems to be some kind of universal law, preceding the Noahide laws and overriding considerations introduced by the Torah to distinguish between Jews and apostates. **TTT 217 M and U and L**

True, this halakha is not without its detractors. Some deny it altogether, others say that the inheritance of the apostate is ONLY until the Messiah comes. (cf. **Responsa of Maharit, R. Yoseph miTrani, II OH, 6**) Others give the court the right to penalize the apostate by taking away his inheritance, in order not to strengthen apostasy among Jews. (e.g. **Rambam, Yad Nahalot 6, 12**) Though the idea of a universal principle of justice, namely that a child inherits property of its parents, is established here, there exists a sense of discomfort with the idea that a child who has abandoned

Judaism should gain. Despite the reservations noted, halakha was able to learn a principle of universal morality from a seemingly unhalakhic passage and follow its internal logic of learning to its conclusion. What a glorious inheritance we have in Torah.

***Deut. 3, 11**
For only Og, the king of Bashan, survived ("nishar") out of all of the Rephaim, behold ("hinei") his bedstead is of iron, and it is in Rabbat Benei Ammon, and it is 9 cubits long and 4 cubits wide, according to his size ("be-ammat ish")

When I was a kid, I was fascinated by Og, the king of Bashan. One of the legends about Og was that he swam alongside Noah's ark while the flood was on the earth, and survived. I don't remember now if that legend was told to me at Hebrew school or if I read it in that great source of Jewish knowledge in my early days, "World Over". At any rate, the image of this giant swimming and occasionally holding onto the side of the ark, was a source of joy to me. I imagined a kind of friendly giant. Since I was given no interpretation with this story, I thought of him as a good person, after all, he survived the flood along with the righteous Noah.

Only much later did I learn that this legend (cf. **Zevahim 113b**) was apparently part of the interpretation of a verse in this week's parasha: "For only Og, the king of Bashan, survived ("nishar") out of all of the Rephaim, behold ("hinei") his bedstead is of iron, and it is in Rabbat Benei Ammon, and it is 9 cubits long and 4 cubits wide, according to his size ("be-ammat ish")" (**Deut. 3, 11**). My childhood sympathy for Og, gave way to explanations which showed that he was really an evil giant, out to destroy Abraham and/or Israel. This interpretation of what it was that Og "survived ("nishar")", is only one of many.

In another source, he is the survivor, "palit", of Amraphel's hordes, who comes to Abraham and tells him that Lot has been taken captive (cf. **Gen. 13:13; cf. Niddah 61a** where both these opinions appear). Apparently the biblical mention of the size of his bedframe is the source of the reputation of "Og" the giant. Ramban points out that a normal bedframe is made of wood, but that Og was so big that his had to be made out of iron. Furthermore, he interprets the word "hinei", "behold it is in Rabbat Benei Ammon", to mean "it is on display". The Ammonites, after capturing Og and his land (cf. **Deut. 2, 20-21**), put this bedstead on display to show what a great victory they had achieved.

Og's reputation was based on his giant proportions, and, according to midrashim, on his meanness. Perhaps the most well known of these tales is the one in **Berachot 54a-b**, where Og lifts this giant mountain, three Parsangs across, in order to crush all of the Israelite camp in the wilderness. Insects eat away the center of the mountain and it falls around Og's neck immobilizing him. At this point Moses is able to leap up with an ax, strike him on the ankle, and thus cause him to die. This spectacular scene pits the giant strength and evil intentions of Og, against the workings of God, and righteous mortals, who can use the giants' size and strength as a weapon against them.

Ever since my childhood fascination with Og, I have collected sources about him in the Talmud and rabbinic literature. Fantastic tales are told of his size, e.g. the one

about a grave digger who ran after a deer, and the deer entered what turned out to be a thigh bone. He chased it for three parsangs, and did not catch the deer, or reach the end of the thigh bone. Later, he found out that it was the thigh bone of Og. (cf. **Niddah 24b**). Despite the overwhelming consensus that Og was evil, I always had a soft spot for this bumbling giant. Even when one source tries to impute a good deed to Og, for he did help Abraham, in the end they turn it against him. (cf. **Niddah 61a ff.**).

Og's name and reputation became a keyword for "giant-sized". He is referred to in halachic discussion as the limit of bigness, beyond which the halakha cannot be adjusted to individuality.

For example, the debate between Bet Hillel and Bet Shammai on how much one must drink on Yom Kippur to become liable for breaking the fast. Bet Shammai says a quarter of a log, and Bet Hillel says a mouthful. R. Hoshaiah asks if this is another case where Bet Shammai is more lenient, for it seems as if Bet Hillel will declare one liable for a mere mouthful, but Bet Shammai requires a whole fourth of a log. The gemara rejects this conclusion, since, they say, the rules were said in connection with Og. Now, for Og, a quarter of a log would be like a mere drop of water. So, again Bet Hillel is the more lenient, since they make the halakha dependent on the size of the individual, and do not define it in absolute terms, which may be a lot for some people, but for others, like Og, it is very little. (**Yoma 80a-b**) In this case, the halakha is not a fixed measure ("shiur"), but is something which depends upon the individual.

Of all of the sources that use Og, the most poignant one, to me, is the halakha mentioned in **Shabbat 151b**. There the question is do we guard, on Shabbat, a dead body to prevent its defamation by rodents (weasels or mice). "It was further taught, R. Simeon b. Eleazar said: A day-old infant, alive, need not be guarded from weasels or mice, but Og , king of Bashan, dead, needs guarding from weasels and mice, as it is said, "and the fear of you and the dread of you shall be upon every beast of the earth" (**Gen. 9, 2**), as long as a man is alive, his fear lies upon dumb creatures; once he dies his fear ceases."

All men are created in God's image ("tzelem Elohim"), and that image causes awe and respect in the world, even among the animals. Even the giant Og, who struck terror into the hearts of all who beheld him (cf. **Ramban on Deut. 3:10**), loses all power of "tzelem Elohim" when he dies. Thus, we must show respect for the bodies of the dead, and are even allowed to violate Shabbat to protect them from being mutilated by rodents.

One of the basic values of Judaism is expressed in this passage. It is the sense of kedusha toward all humanity, a sense of respect for humanity expressed in respect for the dead, and this respect applies even to Og, the evil giant.

***Deut. 3, 18 - 20**

18At that time I charged you, saying, "The LORD your God has given you this country to possess. You must go as shock-troops, warriors all, at the head of your Israelite kinsmen. 19Only your wives, children, and livestock—I know that you have much livestock—shall be left in the towns I have assigned to you, 20until the LORD has granted your kinsmen a haven

such as you have, and they too have taken possession of the land that the LORD your God is assigning them, beyond the Jordan. Then you may return each to the homestead that I have assigned to him.

At the end of parashat Devarim Moses recounts the deal made with the two and a half tribes who wished to settle in the areas that Israel had captured on the eastern side of the Jordan river. He recounts what areas he had assigned to the families of those tribes. Finally he recounts the condition that Moses made with those tribes that they must join the other tribes in securing the land of Israel west of the Jordan, and help them settle in their assigned areas before they can settle in the areas assigned to them. (**Deut. 3**) Since their land had already been made ready for their settlement, they were not free to settle and avoid their responsibility of helping all the other tribes to secure their land. When all Israel has settled "then you may return each to the homestead ["ve-shavtem ish li-yerushato"] that I have assigned to him" (**Deut. 3, 20**).

The phrase "then you may return each to the homestead ["ve-shavtem ish li-yerushato"] is interesting, because it calls to mind a similar phrase concerning the return of land assigned from Moses' time, which had been sold, to the family of the original assignee in the Jubilee year. There we read: "…"each of you shall return to his holding ["ve-shavtem ish el ahuzato"] and each of you shall return to his family." The idea of returning to assigned land after not having possessed it for many years is the same. The only difference in the two phrases is in the word which describes to what is the family returning. In Deut. the word is "yerushato" and in Lev. the word is "ahuzato". What is the difference between these two?

Rashbam, who usually strives to present the plain meaning of the words, sees no difference between them. Indeed, in his comment on the verse in Lev. he substitutes the two words freely, as if they were synonymous.

There is a fascinating discussion in the Talmud concerning inheritance in which the following halakha is presented: if a person has sold their grave plot, or other land connected with burial, the members of the family, the heirs, may bury him there in any case, that is, without permission from the buyer of the land. The reason given is so that there be no slur on the family, namely that one family member had to be buried outside of the family plot. (**Ket. 84a**)

The Rosh, in his commentary on the Talmud, compares this with the return of land in the Jubilee year. The linguistic distinction which can be inferred from his comments is that the "ahuza" returns to the "yerusha". From this it is clear that the word "ahuza" refers to the land itself, whereas the word "yerusha" refers to a concept of "belonging to", more in the sense of "heritage" rather than "inheritance". The word "yerusha" includes the people and their relationship to the land, and not just the property itself.

That the word "yerusha" means heritage is also understood from a Midrash on the verse in Proverbs: "Precious treasure and oil are in the house of the wise man, and a fool of a man will run through them" (**Prov. 21, 20**) This Midrash has Moses as the wise man, and Joshua as the fool. "He [Joshua] was not learned in Torah, and Israel called him a fool. But, because he served Moses he merited his heritage ["zakha li-yerushato"]." (**Yalkut Shimoni [Prov.] 959**)

In this Midrash it is enough that Joshua respects Moses' heritage, and serves the one who teaches it, in order to enable him to perpetuate it. Calling the two and a half tribes' land a "yerusha" implies that they have a connection to it, and that this connection is what enables them to return to it. There are many objects that we inherit from parents or relatives that have special meaning to us because they are part of our personal family heritage. Many times they are connected to Jewish tradition, and this enriches the family heritage placing it in the wider circle of Jewish heritage. Even the land of Israel itself has special qualities as the heritage of the Jewish people, and as such it is always available to the Jewish people to return to it.

***Deut. 3, 26**
But the LORD was wrathful with me on your account ("va-yitaber adonai bee le-maanchem") and would not listen to me. The LORD said to me, "Enough! Never speak to Me of this matter again!

One of the most intellectually exciting aspects of reading the Torah through the eyes of the Midrash is discovering ambiguities in the text. Even more enriching to the soul is to discover the different understandings and lessons which Ḥazal learned from the ambiguities and which they stated with no fear of being heretical. I have illustrated these two aspects over and over in this book; indeed, it is one of my main goals. I believe that this is one of the deeper meanings of "Torah she-baal Peh", that when an insight or lesson is gained by studying Torah one MUST SPEAK IT. We must recover that sense of activism in Torah that characterizes the classic compendia of Midrash. Torah is partnership between God and Man. I want to add another example to this process. **TTT 218 K and L and B and P and HA and TA**

This week's parasha opens up with Moses pleading with God to rescind His decree forbidding Moses to enter the Land of Israel. Moses is crushed that he will not be allowed to even set foot in the Land. He begs God, but God will not avert the decree. Moses speaks passionately: "But the LORD was wrathful with me on your account ("va-yitaber adonai bee le-maanchem") and would not listen to me. The LORD said to me, "Enough! Never speak to Me of this matter again!" (**Deut. 3, 26**)

Moses, as in other contexts, puts the blame for God's wrath against himself on the people! What can this mean? The word used in Hebrew is "va-yitaber", a truly difficult word. The root ayin-bet-resh can have many meanings. What is the exact nuance of the word here, and is Moses justified in blaming his exclusion from entering the land on the people?

In the **Midrash Tannaim** (**ad loc**) R. Eliezer says that the usage here is based upon the Hebrew word "evrah", which means anger. This is the meaning chosen by the JPS translation above. However, in the same Midrash R. Joshua connects the usage here with the same Hebrew root meaning "pregnancy". R. Joshua uses a very visual image of a woman who is unable to bend over because of her pregnancy. This image implies that Moses is being punished because of external factors, namely the behavior of the people, over which he had no control. Once a woman becomes pregnant, it is not her "fault" that she cannot bend over, that is the outcome of the situation.

Rabbi Joshua goes on to spell out this interpretation by connecting our word "va-yitaber" with another word connected to the same Hebrew root, "transgression" ("aveirah"). "Perhaps I [Moses] am being punished because of my transgressions? The Torah says "on your account", because of you I am being treated thus.... God "would not listen to me", He would not accept my prayer. When you [the people] sinned, I requested mercy and was answered, but when I requested mercy for myself, God "would not listen to me"." (**MT, ibid**)

Although these two interpretations differ as to the exact nuance of our term, they both agree that the verse is saying that Moses was punished because of what the people did. This is a very common interpretation of this incident, and is used to bring home the pathos of the righteous leader who gives his all for the people, but is held accountable for the people's transgressions. This seems to be a convenient way of seeing things, at least for the leader. Another lesson often drawn from this interpretation relates to the end of this Midrash. Namely, that when one asks for mercy for the nation it is granted more facilely than when one asks for oneself.

Despite the fact that this direction is prevalent and found in many other Midrashim, there is another approach. R. Elazar b. Shammua puts the emphasis on the word "bee" ("with me") in our verse, "But the LORD was wrathful with me". R. Elazar says that it is so difficult for people to admit that THEY are THEMSELVES the source of their own transgressions, that they immediately foist the blame onto others. This is why Moses immediately adds "on your account". According to R. Elazar, it is THIS statement which causes God to respond wrathfully, "Enough!". "God said to Moses: "Enough", up to here [say no more]" (**Mechilta de-R. Ishmael, Be-Shallah, 2**). For R. Elazar the end of the verse where God tells Moses that he will no longer listen to him is God's reaction to Moses trying to shift the blame for his own mistakes to the people! **TTT 218 M**

R. Elazar was not afraid to counter the main tradition which added to the luster of Moses' image as beleaguered leader. His sensitivity led him to understand that there is a limit to how much the leader can blame the people. At some point individual responsibility is the main factor.

***Deut. 4, 39**
Know therefore this day and keep in mind ("ve-hasheivota el levavekha") that the LORD alone is God in heaven above and on earth below; there is no other.

This week's parasha contains many verses which are used in our prayer liturgy. One of the verses which is most familiar is the one used in the Aleinu prayer: "Know therefore this day and keep in mind ("ve-hasheivota el levavekha") that the LORD alone is God in heaven above and on earth below; there is no other." (**Deut. 4, 39**). The translation interprets the Hebrew phrase "ve-hasheivota el levavekha" as a kind of rememberance, "keep in mind". The word "levav" is usually understood literally as "heart", yet it is clear that its usage can be closer to the modern concept of "mind".

But, is this the meaning of the phrase here? In the only other occurrence of the same phrase, the JPS translation is: "When all these things befall you—the blessing and the curse that I have set before you—and you take them to heart ("ve-hasheivota el levavekha") amidst the various nations to which the LORD your God has banished you" (**Deut. 30, 1**) In this case the translation understands the phrase to be much more than mere memory, but to be a lesson to be internalized, "taken to heart" seems to be much more emotional and affective than "keep in mind". So which is it? As in the classical story, my reply would be it is both. We must keep God's oneness in mind so that we can take it to heart. **TTT 218 ED and B**

The profundity of this combination can be understood from a most fascinating Talmudic discussion. The Mishnah of **Rosh Ha-Shana (4:6)** deals with the Malkhiyot,

Zikhronot, and Shofarot prayers of the New Year liturgy. These prayers are composed of 10 Biblical verses each, according to the Mishnah there, but R. Yochanan b. Nuri says that 3 is enough to fulfill the obligation of saying these prayers. Then the Mishnah informs us that the ten are made up of 3 verses from each part of the Bible, Torah, Neviim and Ketuvim. Presumably, R. Yochanan meant one verse from each part. The dispute at the end of the Mishnah is regarding the final verse. For, if we have 3 from each division of the Bible, from which division should the 10th verse be taken? The Mishnah says that it is to be from the Prophets, but R. Yose says if one ended with a verse from the Torah, the obligation is fulfilled.

In the Talmudic discussion on this Mishnah, another version of R. Yose's dictum is brought in which he says that one should end with a verse from the Torah, but if one ended with a prophetic verse, the obligation is fulfilled. We are then informed that the "vatikin", the group whose customs are to be emulated, always ended with a verse from the Torah. But, the Talmud asks: "We can understand this being done with the remembrance and shofar verses, because there are numbers of them [in the Pentateuch], but of kingship verses there are only three"?! (**RH 32b**) There are only 3 positive verses in the Torah in which the word "king" appears in connection with God. If we must end with a Torah verse, we can find none?!

Rav Huna quotes a tradition in which 3 verses from the Torah are presented as possible "closers" for the Malkhiyot prayer. All three of these verses are in our parasha! "Hear, O Israel! The LORD is our God, the LORD alone." (**Deut. 6, 4**); our verse, **Deut. 4, 39**; and "It has been clearly demonstrated to you that the LORD alone is God; there is none beside Him." (**Deut. 4, 35**). All three verses are well known in liturgical contexts, the Shema, Aleinu, and the reading of the Torah on Simhat Torah. All of them are proposed as verses of kingship by R. Yose, and in each case R. Yehudah demurs. We can understand R. Yehudah's position because the verses in question do NOT contain the word melekh. That is, kingship must be inferred, it is not stated openly.

Yet, it seems to me, that R. Yose has a profound point here. God's Kingship is not something that can merely be stated. It requires thinking, consideration, understanding, in short acceptance through considered agreement on our part. All of these verses refer to the mind, seeing, listening, using our faculties to consider the Oneness, the rule and the glory of God. It is as if R. Yose is saying, to end the Malkhiyot prayer we need to have thoughtful acceptance, not mere declaration. In fact, we do end the prayer with Shema Yisrael, showing that R. Yose's bold and exciting theological position was accepted as the norm.

***Deut. 5, 4 - 5**
Face to face the Lord spoke to you on the mountain out of the fire -- I stood between the Lord and you at that time to convey the Lord's words to you, for you were afraid of the fire and did not go up the mountain

This week's parasha, always the start of the period of comfort and reconciliation after the 9th of Av, contains Moses' recounting of the giving of the Torah. The 10 commandments are repeated here, albeit with some variations from Exodus. In addition the whole tale of the people's feelings and reactions to the experience of receiving the Torah is also retold.

One of the main metaphors for the experience of revelation in these verses is fire. From the burning bush to the description of the giving of the Torah in Exodus as God "coming down in fire" on the mountain (Ex. 19, 18), the image of fire as revelation is prevalent. In our parasha, Moses recounts: "Face to face the Lord spoke to you on the mountain out of the fire -- I stood between the Lord and you at that time to convey the Lord's words to you, for you were afraid of the fire and did not go up the mountain" (**Deut. 5, 4-5**).

Perhaps it is this understanding of revelation which leads to the conclusion that no man can see God's face and live (**Ex. 33, 20**). Yet, this week we read that the people faced God, the fire, and lived! Indeed, Moses makes a point of specifying this; reporting that the people declared: "The Lord our God has just shown us His majestic Presence, and we have heard His voice out of the fire; we have seen this day that man may live though God has spoken to him." (**Deut. 5, 20**) But, the people are afraid that if this continues, they will not survive, and so they ask Moses to be the intermediary. (**Deut. Ibid ff.**)

Many commentators deal with the combination depicted here: direct revelation to the people along with a mediated revelation through Moses. Most instructive is the discussion of **Ramban** on this issue (**on Ex. 19, 9**), and the discussion of Sefer Hinukh in the author's preface. All of these commentators use common features to discuss this issue. I wish to relate to another text, using the same features, but, in my opinion, rounding them all out in a smoother fashion, that is the **Sefer ha-Ikkarim** of R. Yosef Albo. (**I, 18**) **TTT 218 T**

Albo explains that all of the wonders that Moses did that seemed supernatural, could not serve to establish belief in prophecy, that is in Divine revelation. Despite all the wonders, Israel was skeptical about the actual existence of prophecy. But, Albo explains, after the experience of direct revelation at Sinai, the people not only accepted the existence of prophecy, they even knew that a person could have that experience and live to tell about it!

According to Albo God decided to reveal the Torah directly to all of the people in order to provide them with concrete individual verification of the existence of prophecy. In order to verify that Moses was God's major prophet, he allowed the people to hear His speech to Moses, after the people had expressed their reservations about continuing to be exposed to God's "fire" directly. The sum total of the direct revelation and being privy in an indirect fashion to the revelation to Moses, was that the people believed firmly in Torah min ha-Shamayim, Divine revelation of Torah.

The metaphor of fire for revelation is a very large subject, and the question of belief in revelation is more than enough for now. According to this tradition, the nation of Israel accepted the existence of revelation because each one of them had direct experience of it. In addition each person witnessed Moses' revelatory experience, and that made it possible for them to accept the notion that the origins of the Torah are in heaven. In the case of those coming afterwards, such as ourselves, it might be enough to have some experience that we hold as revelatory to make belief in the Torah's account credible for us.

The question remains to what extent does a person today identify any experience as revelatory. The upshot of our commentators seems to be that without that personal identification one might very well never be able to believe in Torah as revealed in any sense. In that sense, a modern person might be unable to develop real belief because of a lack of personal experiential incidents. Some argue that our language is impoverished, and we fail to identify revelatory experiences, even though we have them. It seems to me that the language of prayer and blessing is a main vehicle for reclaiming revelation, at least for giving us the language tools to so describe seemingly "normal" events. In any case, the educational and religious challenge is clear. We need to accept the challenge. **TTT 218 ED**

One of the major parts of this parasha is the account of the giving of the Torah at Mt. Sinai including the 10 commandments. The most fascinating thing about this retelling of the incident is that the formulation of the 10 commandments is strikingly different in many places. I want now to focus on the differences in the account leading up to the revelation of the 10 commandments.

Ex. 19 describes in detail Moses' trips up and down the mountain. There are apparently four such trips. Moses goes up and hears from God that he is to make a covenant with Israel, and Moses goes down and tells the nation this, which they accept (**v. 3-8**). Then Moses goes up again and tells God that Israel has agreed to the covenant, and he is bid by God to go down and sanctify the people in preparation for God's appearance (**v. 9-14**). After the rules of sanctification are applied, Moses again ascends the mountain, this time to meet God whose presence has descended on it. God tells Moses to go back down and makes sure that no one gets too close because of the danger of the mountain and to return after that, which he does (**v. 20-21**) Then, presumably after Moses returns from warning the people, which is not clearly stated in the chapter, God tells him the content of the revelation, that is, what we call the 10 commandments. It seems that Moses did ascend this fourth time, at least he is requested to ascend this time with Aaron (**v. 24**). Anyway, at the end of the chapter he descends the mountain, for the last time, in order to tell the nation what God said (**v. 25**), and he then recites for them the 10 commandments.

Now this complex itinerary, four ascents and descents, is much simplified in the telling in Deut. 5 that we read this week. Moses simply stresses that God spoke to the nation face to face, from out of the fire (**Deut. 5, 4**). As to Moses' own role as go between, he refers to it very simply: "I stood between the Lord and you at that time to convey the Lord's words to you, for you were afraid of the fire and did not go up the mountain…" (**Deut. 5, 5**).

This description, "I stood between the Lord and you " ("anokhi omed bein Adonai u-veineikhem") seems to be a very weak presentation of what appears to be a long and torturous round of shuttle diplomacy. Anyone who has ascended and descended Mt. Sinai knows how strenuous and torturous that walk is, and Moses does it four times in one day! Now, **Ibn Ezra** suggests that perhaps this verse refers to Moses' role AFTER the revelation as Sinai. That was face to face, but from that day on Moses stood between God and the nation. Except that even **Ex. 19** has Moses be the one who recites God's words to the nation. There may have been a revelatory experience of God's presence, what with the lightening, smoke and shofar sounds, but actual words are delivered by Moses.(**on Deut. 5, 5**)

Ramban does not agree. Moses did go up and down the mountain to deliver God's messages to the people, "until God spoke with them face to face".(**on Deut. 5, 5**) He specifically explains that Ibn Ezra did not get it right. The people heard God, but did not comprehend the commandments except for the first two, and because of this Moses had to explain it to them.

The idea that Moses stood as a middleman between God's words and the nations is referred to as the basis of our custom of having someone read the Torah to the public, and not have everyone read it out loud to themselves. The Yerushalmi states: "just as it [Torah] was given through a middleman, so we should behave towards it" and quotes our verse as a proof text for this practice. (**Y. Megillah 4, hal. 1**)

The dispute is instructive. Do we respond to God's word, after it has somehow been conveyed to us directly, or do we need to approach God first in our own words, and then perhaps we will gain further Divine inspiration as a continuation of the process. In any case, the words that describe the situation "I stood between the Lord and you " ("anokhi omed bein Adonai u-veineikhem") are open-ended. Who is standing between God and us? The use of the Hebrew term "anokhi" is unusual for a person referring to themselves. Indeed, one tradition has it that this word, which is the first word of the 10 commandments, is only used by God, and not by humans! **TTT 218 T and HA**

According to our teacher Rabbi Abraham Joshua Heschel, zts"l, Reb Mehel of Zlothshov [in **"Maayanah shel Torah", this saying is attributed to Maraham mi-Kobrin**] understood the comforting words of Moses to his frightened flock at Sinai, "I ["anokhi"] stand between God and you (Deuteronomy 5:5)" to enunciate an eternal truth, namely, that the "I" always stands between God and us (**A Passion for Truth, p. 98**). The word "anokhi" here is used in the sense of the ego of man. It is not the spiritual person, but the egotistical person. Indeed, Hasidic thought is replete with daring exegetical moves to advance the importance of self-transcendence as the key to reaching God. According to this understanding Moses is warning Israel, that no meeting with God can succeed if the "anokhi" stands between God and us. So, until the "anokhi" could be removed, the pact on Sinai was not able to proceed. The process of sanctification included a dismissal of the individual's ego before the encounter with God. **TTT 218 M**

***Deut. 5, 16**
Honor your father and your mother

The **Yerushalmi (Peah, 1, p. 15, col. 3)** makes an analogy (hikish) between parents and God: “One must revere his mother and his father” (**Lev. 19, 3**), and “you shall revere and worship the Lord your God” (Deut. 6, 13). “Honor your father and your mother” (**Deut. 5, 16**), and “Honor the Lord with your wealth” (**Prov. 3, 9**). The Yerushalmi goes on to explain: “it is a true and fitting analogy (ve-khen be-din), because all three are partners in him”. It is a correct analogy because God, mother and father are all partners in the creation and development of the individual. Thus, the same reverence and honor is due to all of the partners in an equal fashion. There is a common denominator between God and parents, and this requires an equal response to each.

However, there is also a difference in this analogy. The Yerushalmi goes on to quote R. Shimon b. Yohai, who explains that God actually prefers the honor due to parents over the honor due to God. Rashbi assumes that all biblical verses are from God, and that God can style the verses anyway He wishes. Thus, if we compare the verses about honor due to God and that due to parents, it becomes clear that honor due to parents is on a higher priority than that due to God. "R. Shimon b. Yohai taught: Kibud av ve-em is the greater (honor), since the Holy One preferred it to His own honor. It says: "Honor your father and your mother" (**Deut. 5, 16**), and it says: "Honor the Lord with your wealth" (**Prov. 3, 9**). How do you honor God? When he bestows means on you, you set aside gleanings, forgotten sheaves and Peah, you set aside Terumah and Maaser Rishon and Sheni, and Maaser for the poor and Hallah, you build a Sukkah and take a Lulav, and a Shofar and Tefillin and Tzitzit, and you feed the poor and the hungry and give drink to the thirsty. If you have means you are obligated for all of these, but if you do not have means you are not obligated to do any one of them. But, as regards honoring parents, whether you have means or you do not have means: "Honor your father and your mother". **TTT 219 T and M and HA**

What is unusual about this Midrash is that honor of parents supersedes that of God. According to this interpretation, some partners in your creation are more equal than others. The honor due to God seems to be conditional on God's having granted you wealth. You are to use that wealth to perform mitzvot, which is the way you "honor" God. But, honor for parents seems to be unconditional, and does not depend on whether you have means or not. The "hands on" care which a person receives from their parents deserves being reciprocated with respect, irrespective of the person's means or station in life. Another implication is that the responsibility of parenting is the greater one. So many people feel that being a parent is God's choice, and on the purely biological level perhaps that is true. But, this Midrash implies that being a parent is much more than biologically producing offspring, or relying on God to make sure that the laws of nature work "normally". Unconditional honor is the response to unconditional love. Parents work is harder than God's, the honor due them is more.

***Deut. 6, 20 - 21 (caps are mine)**
When, in time to come ("mahar"), your children ask you, "What mean the decrees, laws, and rules that the LORD our God has enjoined upon YOU ("etchem")?" you shall say to your children, "We were slaves to Pharaoh in Egypt and the LORD freed us from Egypt with a mighty hand.

The second parasha of Deuteronomy, Va-Ethanan, is also known as Shabbat Nahamu, because of the first words of the Haftarah. This marks the beginning of the seven Haftarot of consolation, Nehamah. This period is seen as the counterpoint to the period leading up to the 9th of Av. In that period the mood is one of desolation, and the period that begins with Nahamu, is the antidote.

The parasha itself contains the Shema, perhaps the most widely known verses of the whole Torah. In addition, we find in this parasha another set of verses which is very well known to almost every Jew: "When, in time to come ("mahar"), your children ask you, "What mean the decrees, laws, and rules that the LORD our God has enjoined upon YOU ("etchem")?" you shall say to your children, "We were slaves to

Pharaoh in Egypt and the LORD freed us from Egypt with a mighty hand." (**Deut. 6, 20-21**, caps are mine) These verses, or at least their rough equivalent, are well known because of their appearance in the Midrash of the 4 sons recited at the Seder.

The Yerushalmi version of the Midrash is as follows: "R. Hiyya taught that the Torah refers to 4 [types of] sons. A wise son, an evil son, a foolish son, and a son who does not know how to ask. What does the wise son say: "“What mean the decrees, laws, and rules that the LORD our God has enjoined upon US ("otanu")?” So you reply to him: "With a mighty hand has the Lord taken us out of Egypt, the house of bondage." What does the evil son say: "What is this ceremony to you?" What is this burden you continue to bother us with every single year! Since he has removed himself from the nation …. if that person would have been in Egypt, he would not have been worthy to be redeemed from there…." (**Talmud Yerushalmi Pesahim 10:37d, 4**)

There are two striking points in this Midrash. One is that the Midrash changes the wording of the verse so that the wise son cannot be accused of separating himself from the public. YOU ("etchem"), of our verse, is changed to US ("otanu")! And the second change is that the response to the wise son is NOT the response which the Torah mandates in Deut. 6, 21! True, the sentiment is the same, but the exact words of the reply are very clear in our verse, and the reply of the Midrash uses different words! [cf. **Mekhilta d'R. Ishmael, Bo, d'Pasha, 18** for similar changes in the Biblical verses.]

Mahzor Vitri, of R. Simcha of Vitri (11-12th cent.), explains that the wise son does NOT exclude himself from the public by using the word YOU ("etchem"). First of all, he uses the phrase "the Lord OUR God", showing that he includes himself. The word YOU ("etchem") is referring to his parents, that is, those who actually LEFT Egypt, who actually experienced the salvation. God, literally, commanded this service to YOU, that is those who heard God's command in Egypt. This explanation fits the Torah text, but it does not take into account the word at the beginning of the verse: "When, in time to come ("mahar")", literally, "tomorrow". That is, the verse seems to speak of the future, not necessarily ONLY for the generation that came after the Exodus.

Still, we are left wondering how does the Midrash, and in its wake the Haggadahh of Passover, allow itself to so liberally rewrite verses from the Torah?! This question is addressed in the framework of an Halakhic discussion by R. Eliezer Waldenberg, Tzitz Eliezer (20th cent.). He is asked about the ruling that "verses which Moses did not divide, cannot be divided by us" (cf. **Ta'anit 27b, Megillah 22a**). In the light of this halakha, Waldenberg is asked, how the Haggadah is allowed to do this? For, in addition to changing words, the Haggadah quotation starts in the middle of the verse. His answer is that since the editor changed the WORDING of the verses, he therefore is allowed to change the division of the verses. That is, the prohibition against changing the division of the verses does not apply to non-verses. One creates a non-verse by changing the wording of the verse! [**Tzitz Eliezer, 9, 17 kuntrus refuah be-Shabbat, chap. 10**]

Waldenberg argues that there is no prohibition against creatively re-writing verses used in a Midrash, and once that is done, since they are not literally "verses which Moses divided", than we can arrange them as we see fit. Waldenberg cites, among

others, the **Tosafot on Gittin 6b**, which says that one can rewrite a verse, specifically for a Derasha (a sermon), but if one is writing a letter or a responsa, one must write the Biblical verse exactly. So, both of our questions are answered. For the sake of the Midrash one may "rework" the words of the verse!

This principle could bring on a slippery slope. How far can one go in changing a verse for the sake of sermon? Still, the freedom and creativity which this approach seems to foster can only be admired. **TTT 219 B and L** and K

The remaining question is the use of the phrase "When, in time to come ("mahar"), your children ask you…". The Hebrew "mahar" is literally "the next day". Does it really mean, sometime in the future? The Mekhilta comments that: "There is a tomorrow ("mahar") now, the next day, and there is a tomorrow ("mahar") in the future after some time." (**Mekhilta d'R. Ishmael, Bo, d'Pasha, 18**) That is, there are future needs which are immediate, and there are long range future needs.

The examples which the Midrash gives lead us to understand that our verse refers to a long range need. Indeed, this Midrash makes a distinction between threats to the safety of the nation, which must be addressed immediately (cf. **Ex. 8, 19; Ex. 17, 9**), and long range needs of cultural memory and group identity (**Deut. 6, 20; Josh. 22, 24**). The long range needs are still needs, and must be addressed just as vigorously. They are all xpressed in the same word. Indeed, the "mahar" of physical danger passes, the "mahar" of spiritual danger must be addressed in every generation. Perhaps our consolation lies in that. We have it within our power to address the spiritual and identity needs of Jews in our generation, and in every generation. We need to use that power and address the needs.

***Deut. 7, 6 - 8 (JPS)**
For you are a people consecrated to the Lord your God: of all the peoples on earth the Lord your God chose you to be His treasured people. 1t is not because you are the most numerous of peoples that the Lord set His heart on you and chose you- indeed, you are the smallest of peoples; but it was because the Lord loved you and kept the oath He made to your fathers that the Lord freed you with a mighty hand and rescued you from the house of bondage, from the power of Pharaoh king of Egypt.

One of the overriding themes of this book is that of the complexity of the ideas found in the Torah and Jewish tradition. In particular, I try to show that what seem at first glance to be simple one-sided relationships, really express complex mutuality. For example, the idea of Israel's "chosenness". This appears in many places in the Torah, and seems to be a simple equation: "God chooses Israel". What is unusual in this week's parasha is that there is an attempt to "explain" the reason for Israel's being chosen.

"For you are a people consecrated to the Lord your God: of all the peoples on earth the Lord your God chose you to be His treasured people. 1t is not because you are the most numerous of peoples that the Lord set His heart on you and chose you- indeed, you are the smallest of peoples; but it was because the Lord loved you and kept the oath He made to your fathers that the Lord freed you with a mighty hand and rescued you from the house of bondage, from the power of Pharaoh king of Egypt." (**Deut. 7, 6-8**, JPS)

This passage gives two metaphors explaining what it means that God chooses Israel. Like many biblical metaphors of the relationship between God and Israel, these metaphors are taken from the arena of human relationships. The first metaphor is that of love. I take this to mean that when two people love each other, because of that love they chose to form a bond, a relationship of covenant. Note that this metaphor makes choice the outcome of love, not the other way around. That is, when two people decide to get married, the assumption is that they have chosen to do so as a result of knowing that they love each other. Indeed, the halakha makes the establishing of the fact of "undeceived choice" a central element in kiddushin. The second metaphor is that of keeping a promise. the assumption is that keeping a promise reveals a choice. The choice is to honor the obligation, no matter what has transpired in between times. TTT **220 M and T and B**

I wish to concentrate on the first metaphor, love. We cannot understand the sense of this without assuming that love is mutual, and thus the choice is mutual. Indeed, in the Mishnah it is quite clear that both the man and the woman have to have free "undeceived choice" ("ratzon"), otherwise the marriage is not binding. (cf. **Kidd. 3, and gemara**) What, then is the thrust of our passage? Is the choice one-sided? We might assume that the conception that Israel also chooses God is a "modern" one, arising out of modern conceptions of equality between partners. But, that is not the case.

The **Sifrei (312:9**) presents the possible interpretation of the verse in **Ps. 135, 4** as, "Jacob chose for himself a God..."! The Hebrew words: "yaakov bahar lo yah" can mean either "God chose Jacob" or "Jacob chose God"! The Sifrei spells out that this phrase has an undetermined linguistic meaning. It even coins a phrase to express that anomaly: "davar talei be-de-lo talei", literally the "matter is hanging and not hanging", I. e. it is coherent and not coherent. We do not know, says the Sifrei, if the Holy One chose Jacob, or if Jacob chose the Holy one! **220 M and T and B** and L and H

In typical Midrashic fashion Sifrei brings other verses to prove the matter one way or another. First it quotes the ending of the above verse "Israel for His treasure". So, it is God doing the choosing. But, the Midrash rejects that answer and returns to the incoherence of the situation. Then the verse from **Deut. 14, 2** is brought: "God chose you to be his treasured people". But, then it goes on to say that still we can think that Jacob ALSO chose God, from the verse of **Jer. 10, 16**: "not like these is the portion of Jacob...". The "these" referred to in this verse are false gods, idols. Jacob's portion is God, not "these". The Midrash understands that the phrase "Jacob's portion" means his lot that he has chosen! Indeed, the Midrash goes on to show that the word "helek", portion, here is also used to mean ones fate, a fate that is chosen!

This Midrash expresses the idea of the mutuality of the chosenness. It is not possible to think that only God loves Israel, and not the other way around. Choice, as in a wedding, is the outcome of a mutual seeking of relationship. CHOSENNESS IS THE OUTCOME OF PURSUING A MUTUAL LOVE. Indeed, **Ramban** interprets the "choice" in our verse (**7, 6**) as seeing Israel as the kind of nation who could fall in love with God. Israel had a high predilection for love, they were more prone to fall in love with God than any other nation.

Midrash Tannaim interprets the first proof-text above as "God chose you to become his treasured people" (**Deut. 14, 2**). This Midrash notes that the verse does not use a static construct "to be" ("tehei li"), but a word implying process and continuation "to become" ("li-hyot"). Israel is ALWAYS IN THE PROCESS OF BECOMING a treasured nation to God. In the words of the Midrash, "in this world and in the world to come". Chosenness is not a one shot occurrence, just as love is not. To be chosen, to feel love, both are process that constantly needs to be cultivated.

From these sources we understand that the idea of chosenness is not simple, not one-time and not one-sided. It is a mutual ongoing process. Israel ALSO made a choice when this relationship started. Israel needs to cultivate its love of God, and thereby reaffirm its choice. This is not easy, just as it is not easy in human relationships. What we learn is that Israel cannot be passive in this, for if the choice is mutual, so is the responsibility. This is the essence of struggling with Torah, struggling to try and live Torah in a way which will make our relationship with God one of mutual love, and mutual choosing. **TTT 220 T and B and K**

***Deut. 7, 12**
And if you do obey ("ve-haya ekev tishmeun") these rules and observe them carefully, the LORD your God will maintain faithfully for you the covenant that He made on oath ("et ha-brit ve-et ha-hesed") with your fathers.

Our parasha opens with what appears to be a typical sentence in this book of Moses' long inspirational speech to Israel before his death: "And if you do obey ("ve-haya ekev tishmeun") these rules and observe them carefully, the LORD your God will maintain faithfully for you the covenant that He made on oath ("et ha-brit ve-et ha-hesed") with your fathers". (**Deut. 7, 12**) The sentence is typical because it follows a pattern in Deuteronomy which stresses faithful observance of God's commands, leading to the keeping of the covenant, and implying reward for all of this.

Indeed, **Rashbam**, describes this pattern in his comment on the mitzvah to sit in a sukkah. This commandment ends with the presentation of the reason that we must dwell in sukkot: "in order that future generations may know that I made the Israelite people live in booths when I brought them out of the land of Egypt, I the LORD your God." (**Lev. 23, 43**) Rabbi Shmuel asks what is the nature of the knowledge we are to gain from dwelling in the sukkah? He replies that once the people are living in the land and their homes are filled with the plenty they have earned, they need to appreciate that in the desert they did not have this abundance. If they do not have this knowledge, they might err in thinking that the plenty that they have was gained only by their own efforts. So, in order to appreciate the divine guidance that led them to the land and to inheriting the land, one must leave his house of plenty and dwell as we did in the desert. This is the same process as our parasha for all of the commandments leads one to appreciate God's guidance. (on Lev. 23, 43) **TTT 221 ED and TA and T**

The word "ekev" is understood here to indicate process. It is a word that is used to mean "as a result of", and in this case the result of keeping the commandments is a heightened awareness of God's presence and of His bounties which we share. **Rabbi David Kimhi**, on the other hand, understands the word to mean "reward". (**on Ps. 40, 16**) Radak explains this from the most common meaning of the word "ekev", namely, the heel of the foot. Just as the heel is at the end of the body, he explains, so the reward comes at the end of an action. (**on Ps. 119, 33**)

This sense of the usage of the word is amplified in the midrash. Perhaps, the midrash suggests, a Jew might think that Shabbat is a bad thing, full of restrictions of movement and prohibitions. Just the opposite is true, says our midrash, emphasizing the positive deeds involved in observing Shabbat: if one sanctifies Shabbat with good food, drink and clothing, and engages in spiritual pleasure, then Shabbat will be its own reward for it will be a zestful delight. (cf. **Isa. 58, 13**) Still, our midrash is troubled by other mitzvoth, and asks when will the reward for doing them be forthcoming? The answer is "ekev" the reward will be at the end, in the next world. (**Deut. R. 3, 1**) **TTT 221 H and L**

The tension between viewing "reward" for the mitzvah in the fulfilling of the mitzvah itself versus the expectation of some additional reward at a future time is

apparent in this text. However, the verse itself indicates just what the "reward" is to be: "the LORD your God will maintain faithfully for you the covenant that He made on oath ("et ha-brit ve-et ha-hesed") with your fathers". It is precisely that God will maintain his covenant and loving-kindness towards the nation. This is a literal translation of "et ha-brit ve-et ha-hesed", but note that each term is signified by the word "et", that is each one separately will be maintained by God, if the nation maintains its fidelity to God's commandments.

Indeed, **Rashbam** questions this strange "reward": "since God has promised to give the land to our ancestors, why do we need to continue to keep the commandments after living in the land, since God will keep His promise in any case." (**on Deut. 7, 9**) His answer is that if the nation does not continue to keep the commandments it will not continue to inherit the land. God will not abandon his oath to our ancestors, but He does not have to keep it equally with every generation at all times. God can wait for a generation which will truly love Him and keeps the commandments. In this case "ekev" means as a result of, that is, if the nation keeps God's covenant, God will keep it as well.

But, what are these commandments that we must keep? The word "brit" is a general word for the covenant, but the word "hesed", loving-kindness, is a general word for a moral quality. Is it enough for a generation to exhibit the qualities of compassion and concern in order to be faithful to the covenant? One could understand that the answer to that question is "yes". There is a rabbinic notion that three qualities distinguish Israel, modesty, mercy and loving-kindness (or compassion). Indeed, the Talmud implies that anyone possessing these qualities can rightfully call themselves Israel. (**Yev. 78b ff.**) It is precisely this meaning which stands behind our verse. If the nation cultivates these moral qualities, then they have kept the covenant with God, which is reciprocated by God. (Talmud **Yerushalmi Kid. 65b, hal. 1; Deut. R. 3, 4**) **TTT 221 T and M and U**

The phrase "et ha-brit ve-et ha-hesed" also appears in the liturgy of the High Holidays, and it seems to fit well with the interpretation that love is at the center of the covenant. We can learn this interpretation from a fascinating ruling of R. Isaac of Vienna, Or Zarua. He reports of a case of a baby whose day of circumcision fell on Rosh HaShana. When asked, the great rabbis of the yeshiva including R. Gershom Maor haGolah insisted that the brit milah be carried out immediately after the Torah reading and before the blowing of the shofar. They ruled that the act of circumcision takes precedence over the blowing of the shofar, even though the shofar is the central mitzvah of the day. When other rabbis objected to the pushing off of the shofar, Rabbeinu Gershom replied that if there had been no circumcision there would have been no shofar. That is, without Abraham's initial act of love for God, there would have been no divine grace which supplied the ram in place of Isaac. (**Or Zarua II, hilkhot rosh hashana, 275**)

But, this is complex. The act of covenant, brit, includes the notions of continuity, life-giving and compassion. The contemplated akeidah of Isaac, symbolized by the shofar, on the other hand, seems to contradict all of those qualities. Thus, the akeidah demands compassion if it is not to be a complete contradiction of the brit. This is a powerful lesson which reinforces the idea that compassion is the essential ingredient. There are many cases in life where aspects of life and well-being are contradicted,

and both, seemingly, IN THE NAME OF RELIGION. Thus, our texts teach us that when that seems to be the case, compassion is a must to push the contradiction in the direction of the life affirming. The covenant, brit, must come first, for without it we would not appreciate the contradiction that the akeidah presents. God's compassion at the akeidah is necessary, even God knows that it must be made clear. So, in the end, the sequence that Rabbeinu Gershon insisted upon is correct, and for the most profound reasons.

***Deut. 7, 25 - 26**
You shall consign the images of their gods to the fire; you shall not covet the silver and gold on them and keep it for yourselves, lest you be ensnared thereby; for that is abhorrent to the Lord your God. You must not bring an abhorrent thing into your house, or you will be proscribed like it ("ve-hayyita herem kamohu"); you must reject it as abominable and abhorrent, for it is proscribed.

Parashat Ekev is concerned with the avoiding of idolatrous worship and practices. This subject is central to all of Deuteronomy, and is particularly emphasized in this week's reading. The summary of one of the sections anathematizing idolatry reads: "You shall consign the images of their gods to the fire; you shall not covet the silver and gold on them and keep it for yourselves, lest you be ensnared thereby; for that is abhorrent to the Lord your God. You must not bring an abhorrent thing into your house, or you will be proscribed like it ("ve-hayyita herem kamohu"); you must reject it as abominable and abhorrent, for it is proscribed." (**Deut. 7, 25-26**)

The striking phrase "you will be proscribed like it ("ve-hayyita herem kamohu")" causes one to pause and consider. The word "herem" is used for items which are integrally connected to idolatry and thus must be destroyed. The word has a menacing overtone of proscription and exclusion. Now, it seems quite obvious that if a Jew brought an idol into their house that it would be an onerous deed. But, the meaning of these verses goes beyond that simple picture. Here what is forbidden to bring into one's house is not the idol itself but the gold or silver out of which the idol is made.

This is a major point. Not only is idolatry forbidden, but any profit which can accrue from idolatry is forbidden. This notion appears in the context of a fascinating Mishnah: "If he betroths [a woman] with 'orlah, or kil'ayim of the vineyard, or an ox condemned to be stoned, or the heifer which is to be beheaded, or a leper's bird-offerings, or a nazirite's hair, or the firstling of an ass, or meat [seethed] in milk, or hullin slaughtered in the temple court, she is not betrothed. If he sells them and betroths [her] with the proceeds, she is betrothed." (**Kiddushin 2:9; 56b**)

Basically, this Mishnah states that forbidden items cannot be used to betroth with, but if they are sold then the money gained from the sale can be used for that. The Talmudic discussion on this Mishnah uses our verse as the prooftext for this halakha! Since the proceeds of idolatry are specifically prohibited, it follows, goes our gemara, that the proceeds of all other forbidden things in the Torah are permitted! (**Kid. 58a**) The point seems to be that whatever is produced out of idolatry is like idolatry, but whatever is produced out of other forbidden items is different from the item. Now, the Talmud there finds that seventh year produce, like idolatry, retains its character when things are produced from it. But, since there are two things each with its

specific way of indicating its uniqueness in this regard, we do not apply this lesson to all forbidden items which have no such specific indication. (see the gemara there)

What is fascinating to me is this notion that a certain action, or perhaps we should call it state of being, can never shake its essence. The verse used to fortify this idea is: "let nothing from the Herem stick to your hand" (**Deut. 13, 18; cf. Yerushalmi AZ 5, 44d hal. 1**) No matter how it is transformed the essence which prohibited it in the first place clings to the item. Even more fascinating is the Talmud's distinction that not every forbidden thing has that characteristic. True the Yerushalmi uses this principle to forbid the renting of property in Israel to non-Jews. Yet, that particular statement is debated in the literature. (cf. **Yerushalmi AZ, 39a, 10 et. al.**) **TTT 222 M** and B

What interested me is the notion that only idolatry, the ultimate act of betrayal and mistrust, and seventh year fruits, which is also at the bottom of it a betrayal of God's providence and of God's gift of the land, have the quality of not being able to be totally transformed into something useful and permitted. Some bit of the inherent betrayal clings to the new form. In today's world there seems to be no notion that anything cannot be saved or transformed. We have defenders of all kinds of acts of mistrust and betrayal, such as child pornography or brutal terrorism, and there seems to be no sense that whatever "profit" may accrue from these acts that it is just as abominable as the acts themselves. **TTT 222**

The Torah here seems to say that there are just some things where "spin" will not work to make them into something acceptable. The idea itself deserves our attention and study.

***Deut. 9, 12**
And the Lord said to me, "Hurry, go down ("kum reid maher") from here at once, for the people whom you brought out of Egypt have acted wickedly; they have been quick to stray ("saru maher") from the path that I enjoined upon them; they have made themselves a molten image.

Parashat Ekev includes a retelling of the sad tale of the making of the golden calf. After the covenant at Sinai accompanied by God's revealing the Ten Commandments, and the epiphany of the divine presence in the camp, the people run out of patience waiting for Moses to return from the mountain. They create a golden calf and call it God. In Exodus we read: "The Lord spoke to Moses, "Hurry down ("lekh reid"), for your people, whom you brought out of the land of Egypt, have acted basely. They have been quick to turn aside ("saru maher") from the way that I enjoined upon them. They have made themselves a molten calf and bowed low to it and sacrificed to it, saying: 'This is your god, O Israel, who brought you out of the land of Egypt!'" (**Ex. 32, 7-8**)

In parashat Ekev we read: "And the Lord said to me, "Hurry, go down ("kum reid maher") from here at once, for the people whom you brought out of Egypt have acted wickedly; they have been quick to stray ("saru maher") from the path that I enjoined upon them; they have made themselves a molten image." (**Deut. 9, 12**) It is interesting to compare the two texts, and in particular the JPS translation. In Exodus God tells Moses "lekh reid", which means literally "go down". Even though our

translation adds a sense of urgency by introducing the word "hurry", the word itself is not found in the Hebrew. Still, the use of "lekh" in addition to just "go down" might indicate a plea for speed. However in Deut. The word "maher", quickly or hurry, is present.

More fascinating to me is the difference in the translation of the Hebrew "saru maher". In Ex. it is translated as "quick to turn aside" whereas the same phrase in Deut. is translated as "quick to stray". The first rendition seems a bit more neutral to me. To turn aside appears to imply that it is not really a willful sin, but can be understood by looking at the circumstances. To stray on the other hand implies willful sin. Still, the question that I wish to address is, why is this straying, or turning aside, if you will, characterized as "quick"? Is 40 days so quick?

It turns out that there is a Midrash which addresses this question. As usual the Midrash allows for a multi-vocal reading of the text, and is not bound by the idea that only after 40 days did the people suddenly decide that they needed a substitute for Moses. The Midrash is on the verses in Exodus, but since the same words apply here we can understand that the range of opinions also applies here. Note that the Midrash specifically rejects translating "saru" as "turn aside" because such a reading softens the nation's belligerent act. The Midrash specifically points out that the text does NOT say "turned aside" but they strayed quickly! (**Ex. R. 42, 7**) There are 6 opinions in the Midrash about how quick is quick. [cf. p. 902 – 907 for the Exodus discussion]

The first opinion, which is anonymous, is that it didn't take even an hour for the nation to stray from the covenant. According to this view the straying was very soon after the revelation. This is the most pessimistic view of people's need for concrete divinity. No matter how powerful the revelation of God as not being embodied in anything in the physical world, people will always have a need to ascribe divinity to physical objects. The realm of abstraction can last only a short while in the human heart. **TTT 222 M and T**

The second opinion is that of R. Shimon ben Yohai. He thinks that they managed to stay faithful to God for 11 days, and after that they spent the next 29 days calculating how to make the calf. He bases his opinion on the verse of **Deut. 1, 2** that talks of 11 days from Sinai. Those 11 days until the nation reached Kadesh Barnea and had their first really restful camp with plenty were the time when they stayed true to the covenant. For R. Shimon people can maintain faith in divinity which is beyond the physical world, but once they become settled and have all of their needs attended to they can only think in terms of the physical world. The physical world means so much to them that even God needs to be reduced to something tangible. (cf. **Sifrei Devarim 43 and 318**) According to this view materiel wealth leads to a corruption of faith.

The third opinion is that of R. Elazar ben Yaakov. He thinks that they were faithful for 29 days, and the last 11 days they spent plotting how to make the calf. This is because the impetus for idolatry was not from materiel wealth, in his view, but rather because then they began to traverse the lands of Mt. Seir, and were exposed to the idolatry of Esau's descendants. For him the challenge to faith is not wealth and

tranquility, but an environment in which relatives are openly violating the basic commands of the Torah.

The fourth view is that of R. Yehudah bar Ilai. The people managed to stay faithful for one whole day. He learns this from the verse in the prophet Micah "yesterday my people arose as an enemy" (**Micah 2, 8**). This reading of the verse is fascinating. R. Yehudah understands from the context in Micah that the undoing of the covenant is in the syndrome in which people give up on their responsibilities to their families. The loyalty and faithfulness that is expected in the covenantal relationship with God is a model for the relation between men and women who join together to create families. If, however, people marry only to wake up the next morning with a desire to betray their vows, then the covenant with God cannot last.

R. Shimon ben Halafta is the fifth voice. He thinks that the nation was faithful for two whole days. He bases his opinion on **Jer. 2, 32** which portrays the nation as a women who strays from her wedding vows after some time, which the Midrash reads as two days. This is basically the same approach as R. Yehudah, except that it is from a woman's vantage point. Still, the model of straying is that of infidelity in marriage.

Finally, R. Jonah says that the straying needs to be understood in the light of another verse altogether. He suggests the verse from **Isa. 58, 2**: "To be sure, they seek Me daily, Eager to learn My ways. Like a nation that does what is right, That has not abandoned the laws of its God, They ask Me for the right way, They are eager for the nearness of God." According to this view any day may be a day for straying from God, if one does not actively seek to stay connected to the covenant. This view seems to suggest that all of the other opinions which tried to give an exact time frame to define how quickly the nation abandoned the covenant were off the mark. The point is that it can happen at any time, it all depends on the effort to keep the relationship alive.

If we examine the context of the verse, as I have suggested for the other opinions, it is clear that the verse is spoken with irony and criticism. The nation is eager to learn God's ways, says Isaiah, but only in a formal sense, only in order to make sure that God will be propitiated. The continuation of verse 2 has the people wonder why God does not respond to their fasting, their ritual that they see as the way of getting close to God. Isaiah castigates them for this thinking. God does not delight in fasting as a means to be close to Him, rather God wants justice, compassion, and empathy to be the hallmarks of the covenant. The covenant can only be kept when people do not quickly lose interest in helping others and making sure that every human being has the opportunity to fulfill themselves. **TTT "**

***Deut. 9, 15 - 18**

I started down the mountain, a mountain ablaze with fire, the two Tablets of the Covenant in my two hands. I saw how you had sinned against the LORD your God: you had made yourselves a molten calf; you had been quick to stray from the path that the LORD had enjoined upon you. Thereupon I gripped the two tablets and flung them away with both my hands, smashing them before your eyes. I threw myself down ["va-etnapal"] before the LORD—eating no bread and drinking no water forty days and forty nights, as before ["ka-

rishona"]—because of the great wrong you had committed, doing what displeased the LORD and vexing Him.

In Moses' speech to the nation he recounts the dramatic events surrounding the breaking of the tablets. "I started down the mountain, a mountain ablaze with fire, the two Tablets of the Covenant in my two hands. I saw how you had sinned against the LORD your God: you had made yourselves a molten calf; you had been quick to stray from the path that the LORD had enjoined upon you. Thereupon I gripped the two tablets and flung them away with both my hands, smashing them before your eyes. I threw myself down ["va-etnapal"] before the LORD—eating no bread and drinking no water forty days and forty nights, as before ["ka-rishona"]—because of the great wrong you had committed, doing what displeased the LORD and vexing Him." (**Deut. 9, 15-18**)

The Hebrew word "va-etnapal", translated here quite literally "I threw myself down" needs to be explained. In addition, the sequence is not clear, particularly when we compare it with how the incident is presented in Exodus. It is clear from the context and from general usage that "va-etnapal" implies prayers of supplication. Indeed, the Midrash includes this word as one of the 13 synonyms for prayer (cf. **Yalkut Shimoni, Va-ethanan, 811**) The accompanying description of not eating or drinking adds to the picture of Moses in very deep penitential prayer and fasting. It is clear that the situation calls for penitence, even though the forty days time seems rather long for fasting. What is striking is the use of the Hebrew word "ka-rishona", which creates an explicit parallel between these 40 days, and the 40 days Moses spent on the mountain receiving the tablets in the first place.

There is a clear Rabbinic tradition of the sequence, summarized by **Rashi** on our verse **Deut. 9, 18**: The Torah is given at Sinai on the 6th of Sivan.

Moses spends 40 days studying Torah and preparing the tablets. He descends on the 40th day, the 17th of Tammuz. Moses sees the idolatry and breaks the tablets, sets things straight in the camp, and then ascends the mountain to spend 40 days in fasting and prayer to avert the decree against Israel (as in our parasha). This begins on the 18th of Tammuz, and ends on the 29th (or 30th) of Av, which is Rosh Hodesh Ellul. (According to Pirkei de-Rabbi Eliezer (**PDRE**), Moses spends these 40 days in the camp (**chap. 45**).)

Then, Moses ascends the mountain a third time, on Rosh Hodesh Ellul, with the newly carved tablets (cf. **Ex. 34**), and restores the Torah and the tablets. He descends 40 days later on Yom Kippur, the 10th of Tishri. With a final message of atonement and the new tablets of the covenant.

In Exodus we read that after Moses breaks the tablets he says to the Israelites: "The next day Moses said to the people, "You have been guilty of a great sin. Yet I will now go up to the LORD; perhaps I may win forgiveness for your sin." (**Ex. 32, 30**) God does forgive the people after a short conversation with Moses (**end of Ex. 32**). This does not seem to take 40 days! Then, in the next chapter, **33**, Moses moves his tent outside, and there is much more talk of forgiveness for sin, and an expanded discourse on God's mercy and compassion.

This chapter is most likely the source for the tradition in PDRE that the 40 days after the golden calf are spent in the camp, and not on the mountain. **Ramban** notes this discrepancy and seems to prefer the simple version in Exodus in which God forgives the people immediately after Moses requests it. (**on Ex. 33, 7**) The 40 days referred to in our verse is thus the 40 days in which Moses works on the second tablets. According to PDRE and Ramban, Moses ascends the mountain just twice, and according to Rashi and others, it was three times.

In any case, the use of "va-etnapal" as prayer, is attested in a fascinating dispute in a Midrash on **Ex. 14, 15**: "Then the LORD said to Moses, "Why do you cry out to Me? Tell the Israelites to go forward.". R. Joshua says that God's words here mean that Israel has NO OTHER CHOICE but to go forward into the sea. R. Eliezer disagrees. He says that the words mean: "my children are in trouble, the sea on one side and the enemy approaching on the other, and you heap up prayers!?" The point is that there are times when prayer must be short, e. g. **Num. 12, 13**, and there are times when prayer should be long, as in our verse, **Deut. 9, 18**. (**Mekhilta d'R Ishmael, Be-Shallah, 3**).

R. Eliezer thinks that God is chiding Moses for dragging out the prayers when there is an immediate and clear-cut danger to the nation that requires action on THEIR part. Just as in the danger to Miriam, prayer should be short and to the point, because physical danger is immediate. Prayer is not useless, but it should not interfere with action. On the other hand, there are moments when the point of the prayer is profound soul searching. In such moments length is not a factor, as in the 40 day prayer mentioned in our verse! It is fascinating that R. Joshua holds that in the former situation, prayer is not appropriate at all! **TTT 222 PR**

Under circumstances of general self criticism and national self scrutiny, there can be no limit set on time of prayer. The period that leads to a renewal of the covenant between God and Israel is a 40 day period of petition and fasting. This creates a context for Yom Kippur, which, according to tradition, is the final day of the whole episode of covenant, transgression and atonement, recounted in our parasha. It thus supplies the context of the need for fasting and lengthy prayers on Yom Kippur. For those who complain, we can point out that Moses fasted and prayed for 40 days in order to reconstitute the relationship between God and Israel.

***Deut. 10, 1 – 5**

Thereupon the LORD said to me, "Carve out two tablets of stone like the first, and come up to Me on the mountain; and make an ark of wood. 2I will inscribe on the tablets the commandments that were on the first tablets that you smashed, and you shall deposit them in the ark."

3I made an ark of acacia wood and carved out two tablets of stone like the first; I took the two tablets with me and went up the mountain. 4The LORD inscribed on the tablets the same text as on the first, the Ten Commandments that He addressed to you on the mountain out of the fire on the day of the Assembly; and the LORD gave them to me. 5Then I left and went down from the mountain, and I deposited the tablets in the ark that I had made, where they still are, as the LORD had commanded me.

In Ekev, Moses tells of the incident of the Golden Calf and of his breaking of the first tablets which God had given him on Sinai, and of his subsequent acquiring of the

second tablets. The narrative of these events in **Ex. 25** is very similar to Moses' retelling in our parasha (**Deut. 10**), but there are some differences. Regarding the second set of tablets, God tells Moses in Exodus to sculpt out two tablets like the first two which Moses broke. He tells Moses that He will write on those tablets what was on the first ones (**Ex. 25, 1**). Moses does as he is told, and takes the two tablets up to the mountain and after God inscribes them he brings them down (**Ex. 25, 4ff**).

In our parasha, Moses describes the same thing except that he adds one detail, namely, that he is to make a wooden ark (**Deut. 10, 1**). Indeed the two verses are very parallel, except for the addition of the ark. In Deut. Moses goes on to describe his making of the ark, and to describe his putting the new tablets into the ark upon his return from the mountain (**Deut. 10, 3, 5**).

Why is this ark not mentioned in Exodus? Why does Moses have to make an ark at all? Did he really make it himself? Was he supposed to have the ark with him on the mountain, and if so why did he not take it up with him, but only took the tablets? In **Ex. 25, 10, 16**, Israel is commanded to make an elaborate ark out of wood, but with gold trimmings, cherubim and a cloth covering. This ark is part of the Tabernacle vessels, and is clearly not the simple plain all wood ark, which Moses makes. How many arks were there?

Indeed, the Tanhuma notices that Moses was commanded to take the ark he made with him up the mountain, and he did not do so (**Tanhuma Ekev, 10**), but gives no explanation for this ignoring of God's command. In the Bavli (**Yoma 3b**), R. Elazar notes another contradiction, in that the ark is ascribed to Israel (ve-asu aron) in Ex., but in Deut. the ark is ascribed to Moses alone (ve-asita lekha). His explanation is that in Ex. Israel was fulfilling God's will, so the finished product, even though done by just a few craftsmen, was ascribed to the whole nation. But, in Deut., Israel was not doing God's will, and thus it is ascribed to he who made it.

This explanation can be used to analyze the thorny problem of when is a whole society associated with a given deed, and when is a deed seen only in terms of those who did it. The approach here is that when there is a consensus in society, a common cause to which most members are willingly contributing, then any given outcome of that cause is identified with the whole. But, if the society is deeply divided, and not all members are working for a common cause, then the same given outcome is to be attributed only to those who do it. **TTT 223 M**

This approach can be applied to the issue which is stirring up Israel these days, the admission that Israeli soldiers murdered enemy prisoners in war. I believe that the consensus among Israeli soldiers and the common cause of Israeli officers was to insure the well-being of every prisoner. I can personally attest to seeing that prisoners were treated humanely. It is true that there are people who, in a situation of war, lose all sense of morality. I can personally attest to that too, but in those cases, I saw and was involved in immediately putting a stop to mistreatment of prisoners. So, if there were those who murdered prisoners, the blame should fall on them, and they should be tried for their crimes. What is most disturbing in all of this, is the slow and stammering reaction of the political leadership. If I did not have my personal experience from the Yom Kippur war, I might be tempted to think, God forbid, that Israel should be blamed. Rabbis should call on the State's leaders to totally denounce

and disavow these acts, so there can be no question that they are the misdeeds of individuals.

Ramban deals at length with the questions raised about the arks. His simple explanation is that there were two arks made in the desert. One, which was all wood, including the door, was made by Moses, as told in Ekev. The second tablets were placed there, until the more elaborate ark with gold and parochet was made, and the Tabernacle was completed. The reason that God did not tell Moses to make an ark for the first tablets was that God knew Moses was destined to break them. In this manner, Ramban answers most of the contradictions between the two ark stories.

Ramban (based on talmudic passages, e.g. Y**erushalmi Shekalim 6:1**), says that the ark which went out with the army to war was the simple one made by Moses. Only once did Israel use the elaborate ark, and then it was captured by the enemy! But, the thornier question was, what was done with Moses' plain ark? He quotes R. Yehuda b. Ilai (Yerushalmi) that the broken pieces of the first tablets were placed in Moses' plain ark, and the whole second tablets were placed in the gold covered ark. Ramban points out that this is one opinion, and that the sages always held that both the broken pieces and the whole tablets were placed in the elaborate ark.

Still, the opinion of R. Yehuda speaks to me. There is no room for grandeur or triumphalism in war. In war, even in victory there is loss, even in survival, wholeness is shattered. These are the truths that accompany war. The plain wooden ark, housing the broken pieces of God's law, is the one which goes to war. It is a most fitting symbol to those truths. **TTT 223**

***Deut. 11, 16 – 17**
Take care not to be lured away to serve other gods and bow to them. [17]For the LORD's anger will flare up against you, and He will shut up the skies so that there will be no rain and the ground will not yield its produce; and you will soon perish from the good land that the LORD is assigning to you.

The second paragraph of Keriat Shema is found at the end of this week's parasha. One of the most discussed parts of this paragraph is the threat, "azhara", which God makes toward those who succumb to the "temptation of their hearts" and who leave God to worship other gods (**Deut. 11, 16**). This mention of reward and punishment is not unusual in the covenant literature of the Torah, but in this passage the punishment is specified: "The Lord's anger will burn against you, and He will close up the heavens, and there will be no rain, and the land will not give forth its produce, and you will soon have to leave the good land which the Lord gives you" (**v. 17**).

This section is the focus of much of the criticism of the doctrine of reward and punishment as found in this passage. Already in the Talmud the doctrine is called into question based upon a literal reading of **Deut. 11, 17**. It is noted that in this verse Moses warns the people not to engage in idolatry or else God will withhold the rain. And yet, King Ahab created idolatrous worship on every rise, and the rain was so plentiful in his time, that he couldn't even get near the hills in order to worship there!! (**San. 113a**). This Talmudic passage poses the simple objection that what the verse says will happen, often does NOT happen. Idolatry is practiced, and the rain

continues to fall. It is true that in this passage the Talmud uses this instance to show that a disciple may accomplish what the master was unable to do. That is, Elijah was able to stop the rain, whereas Moses' threat did not. Still, the basic objection is clear, and quite evident.

Indeed, some are bothered by the very nature of the reward and punishment spelled out in this passage. Rambam is bothered by the general idea that the Torah spells out materiel rewards for loving God and keeping God's commandments. Rambam explains that this is just the Torah's way of addressing the masses. It is not really true, but the mass of people could not quite understand the very idea of reward and punishment in any other way!! Wise people know that the promise of materiel reward for being faithful to God is an exaggeration. "But [the words are written] only because we have corporal bodies, and all of these [materiel rewards] are necessary to the body, and our soul only yearns after them and wants them for the sake of our bodies..." (**Yad, Teshuvah, 8:6**). Everything that we do should be ONLY out of a motivation of love, never for any kind of reward (**ibid. 10:4**). (cf. also **Pirkei ha-Hatzlaha of Rambam**)

Rambam puts the emphasis on love as motivation, and seems to imply that such a motivation is not dependent on any promised reward. Still, we might question even that assumption. Even if love is described as "selfless", is there no "payoff" for love? Is it not true that we gain a great deal of spiritual reward when we do a deed out of love? True, this reward is not materiel, but it is nonetheless reward.

R. Jonathan Eybeshutz, in his comments on the Talmudic passage mentioned above (**San. 113a**), interpreted the verses in a metaphoric way. He does assume that there is reward, but it is spiritual. The rain symbolizes God's spirit of knowledge and understanding, those same qualities for which we pray every day in the Amidah: "atah honen la-adam daat", "favor us with knowledge". This knowledge enriches the soul and nourishes it, allowing it to grow, just as the rain does to the seeds in the earth. Indeed, Eybeshutz seems to be referring to the passage in **Isa. 55, 10-11**: "just as the rain and the snow descend from the heavens and do not return there, until they have enriched the earth and brought forth and made to grow, allowing the seeds to sprout and enabling bread to be eaten; so will be My words, which come out of My mouth, they shall not return unfulfilled..."

Eybeshutz interprets the passage in terms of Isaiah's image of the rain and God's word. Those who turn away from God, for whom access to God's spirit is cut off, their soul will not be "watered" by that spirit. Their souls will not be able to grow. In this fashion, the passage seems to be a self-fulfilling prophecy. Those whose hearts lead them astray from searching out their spiritual sustenance from Torah and mitzvot, will end up by "starving" to death in a drought of spiritual life. We must PERSONALLY engage in studying, teaching our children, and keeping the Torah. That is how Torah becomes a source of communion between the generations, and not a source of division. "You shall teach them to your children", not teachers, or rabbis or other strangers, but "YOU". The consequence of not doing that is like a drought, it creates alienation one from another. **TTT 223 M and T**

Primo Levi, the chronicler of the Holocaust, understood this when he wrote his poem, which is called "Shema". In it he tells how we must talk to our children about the Holocaust. He couches the conversation in the terms of the Shema:

.... I commend these words to you
Engrave them on your hearts
When you are in your house, when you walk on your way
When you go to bed, when you rise.
Repeat them to your children.
Or your house may crumble,
Disease may render you powerless,
Your offspring avert their faces from you.

Drought results in exile. This is the implication of our verses, and so they are understood in the Midrash (**Mechilta de-R. Ishmael, Nezikin 18**). Just as a drought of rain produces exile from the land, a drought of God's spirit, of Torah study, produces exile from Torah. The solution is in our hands. The challenge of every Jewish parent is to become a Rainmaker, to supply the moisture of life to our own and our children's spirit. **TTT 223 ED**

***Deut. 12, 30 - 31**
...lest you seek out their gods, saying, 'how (goodly) these nations worshipped their gods, I will do the same'. Do not worship God in those ways, for they did to their gods abominations to the Lord, which He hates, they even burnt their sons and daughters in fire to their gods.

There is a warning in this week's parashah against worshipping God in the same manner as the nations worshipped their gods: "...lest you seek out their gods, saying, 'how (goodly) these nations worshipped their gods, I will do the same'. Do not worship God in those ways, for they did to their gods abominations to the Lord, which He hates, they even burnt their sons and daughters in fire to their gods". (**Deut. 12, 30-31**)

The rabbinic discussion uses this verse (**Sifrei Devarim 81, Sanh. 60b, etc.**) to make a distinction between idolatry "kedarka", worshipping a pagan god in the usual way in which a particular god was worshipped; and between showing honor or understanding to a pagan god in a general fashion, but not worshipping it in the usual manner. The former is forbidden, but the latter is not necessarily forbidden. This seems to be against the plain meaning of the text, as **Ramban** says: "the text says "do not worship God in those ways..." thus, the text is not at all a prohibition concerning worship of pagan gods, rather it is against worshipping God in the same fashion as idols were worshipped, and the reason given in the verse is that the methods of idolatry are hated by God".

Ramban points out that the Torah's warning here is that there are some methods of ritual used which are inherently prohibited, because they are abominations. It is not possible to take any type of ritual used in any other religion and automatically transfer it to Jewish practice. The example given in the Torah is the burning of sons and daughters, which the Ramban says: "is an abhorrent thing in God's eyes to spill innocent blood, and furthermore, to be vicious and not have mercy on children".

The struggle of Judaism with other forms of approaching God, the process of assimilating elements of surrounding culture into Jewish life, all of these are well known to us throughout history. Jews even struggled with the question of allowing child sacrifice (see Prof. Spiegel's, The Last Trial). In our day, and in the face of claims of divine favor for children who blow themselves up, it is not out of line for us to reaffirm the Torah's total opposition to such abominable "forms of worship".

***Deut. 13, 2 - 5**
If there appears among you a prophet or a dream-diviner and he gives you a sign or a portent, saying, "Let us follow and worship another god" – whom you have not experienced – even if the sign or portent that he named to you comes true, do not heed the words of that prophet or that dream-diviner. For the Lord your God is testing you to see whether you really love the Lord your God with all your heart and soul. Follow none but the Lord your God, and revere none but Him; observe His commandments alone, and heed only His orders; worship none but Him, and hold fast to Him.

Parashat Reeh includes one of the most complex of the laws of the Torah, the law distinguishing between false prophets and true prophets. We read:

"If there appears among you a prophet or a dream-diviner and he gives you a sign or a portent, saying, "Let us follow and worship another god"—whom you have not experienced—even if the sign or portent that he named to you comes true, do not heed the words of that prophet or that dream-diviner. For the Lord your God is testing you to see whether you really love the Lord your God with all your heart and soul. Follow none but the Lord your God, and revere none but Him; observe His commandments alone, and heed only His orders; worship none but Him, and hold fast to Him." (**Deut. 13, 2-5**)

According to this rule, the test of a false prophet is all in the content of the message. Signs or portents play no role at all, for even if this person gives a portent that comes true, still if the message is to follow another god then the prophet is not to be believed. This seems very clear and straight forward, and it also seems quite simple to implement. So, it is surprising that this simple way of determining whether or not a prophet is false includes a warning that God is testing us to see if we really love God. The assumption seems to be that if people hear a message to abandon God, accompanied by some spectacular portents that really come true, that despite this ruling they will tend to follow the false prophet.

The whole matter raises the thorny question of God's testing people. **Ramban** explains quite simply that a master will test a servant with hard labor to see how loyal they are to the master. He tells us that people are always undergoing divine testing that reveals the extent of their love for the Lord. (**on Ex. 20, 16**) This approach is quite common in tradition, and yet the weaknesses of this approach are many as we will soon see. **TTT 224 T**

R. Joshua Ibn Shuaib, 14th century, relates to this matter in his book of Derashot, weekly sermons. He cites the parable of the Kuzari of R. Judah Halevi who tells of a physician who was very famous and an expert in healing many types of diseases. The source of his success was his deep study and knowledge of disease and medicine. One time people came to his clinic, but he had gone out. An imposter, who had no medical training, entered the clinic and began to examine people and dispense medicine. Some of the people died as a result of this treatment, but others, by sheer luck, were cured. Many people who met those who had been cured began to believe that this imposter was a fine physician. Ibn Shuaib summarizes the parable thus: "the foolish physicians are those who operate without any knowledge, and foolish people are those who go astray after them." (**Drashot Ibn Shuaib on Reeh**)

Here the test seems to be based on credentials. Can the prophet substantiate any claim of knowledge about what God has said? It is almost as if the content of the prophetic message needs to conform to some body of knowledge available to people or to an intelligent analysis of the situation. People are led astray here because they want to believe the message which seems to bring about cures. They are ignoring the fact that a cure based upon unsubstantiated knowledge is most likely a fluke or a coincidence, and that to accept it as from God is to scorn God's role as the creator of an intelligible universe. To be able to reject non-rational portents because they imply that God throws dice with nature, and rolling a 7 is a sign of love of God. It seems as

if the Midrash agrees with Einstein who said that God does play dice with the universe, but today Einstein is seen to be wrong. Chaos, or randomness, is an inherent part of the physical universe. It is beyond the scope of this book to expand on that topic, but I wanted to register the idea for future discussion.

The Midrash in **Sifrei Devarim, 84**, adds another twist to this story. R. Yosi the Galilean comments that even if the false prophet is accepted by many and establishes rule over people, we are to reject him. R. Akiba thinks that God would not just grant rule to a false prophet in order to test us. So, Akiba interprets our rule to apply to a specific case of a true prophet who has changed into a false prophet, like Hananiah b. Azur. (cf. **Jeremiah 28**) This makes the test even harder. If we know someone to be a true prophet, and then they change their way in life, how do we know? Well, Akiba suggests, we know because the content of the message changes. But, this is difficult for we may not discern the differences, and furthermore there are always people who were loyal to the prophet who will claim that he had done such great things for us until now so that it would be ingratitude to abandon him now, or else claim that those objecting to the prophet now are doing so for "political" reasons. Again it is up to those who hear the prophet to discern if the content of the message goes against God's principles.

Finally, Maimonides deals with the whole question of testing in his **Guide for the Perplexed (Part III chapter 24)**. Maimonides writes: "the subject of trial is very difficult, it is one of the greatest difficulties of the law. Torah mentions it in six passages… What is generally accepted among people regarding the subject of trial is this: God sends down calamities upon an individual without their having been preceded by a sin, in order that his reward be increased. However, this principle is not at all mentioned in the Torah in an explicit text. And there is in the Torah only one passage among the six whose external meaning suggests such notion…" Rambam shows that such a view of testing, the one implied by Ramban, contradicts the very heart of the Torah's view that God is "a God of faithfulness and without iniquity" (**Deut. 32, 4**) That is, if this notion of test was true that would mean that God punishes people who don't deserve punishment merely to see what they will do. Presumably the knowledge gained is by the people involved, for God already knows. It is not fair to put someone through such difficulties merely to provide them with knowledge about their own character. He refers especially to the story of the binding of Isaac, **Gen. 22**, as problematic on this score.

Rambam solves this difficulty by stating that the aim of all the trials mentioned in the Torah is for us to read them and for us to gain knowledge about what is right and proper to do, and in particular that we gain knowledge about the limits of human devotion to God. He writes: "know that God wished to make known hereby to the religious communities the extent of your certitude with regard to His law, and your apprehension of its true reality, and also to make known that you do not let yourselves be deceived by the deceptions of a deceiver and that your faith in God cannot be disturbed."

Rambam writes that when the Torah says that the purpose of the test is "to know" something, that "the meaning of 'to know' here is: in order that people should know. So the test produces knowledge in us, that is, those later generations who read the stories and learn from them. What do we learn? For example, the collection of the

manna has a test attached to it (**Ex. 16, 4; Deut. 8, 2 and 16**), so we can learn that even when all of a person's physical needs are accounted for, one can still maintain trust in God. We might otherwise think that being faithful to God is possible only because we want our needs to be taken care of. This is a crucial lesson, for Rambam is explaining that we need to know that a person's devotion to God does NOT depend solely on their economic status. To think that religious fervor is merely or even solely caused by poverty and the desire to have one's needs taken care of is to not understand that fervor at all. The test here is of our so-called knowledge, particularly in the Western capitalist world, which still seems bound to a simplistic economic explanation for religious fervor. **TTT 224 M and ED**

As to our verses in Reeh, Rambam explains that the lesson we the readers are to know from this rule is that once the people had heard God and accepted their covenantal relationship with the Torah, that no force on earth, even the most spectacular signs and portents, could make them go back on their commitment. This is another aspect of religious feeling which is little understood in modern times. It is not, in Jewish tradition, that we remain fixed on what was said, for after all there is Oral Torah which is flexible and develops. Still, the point is that within the framework of what was accepted we can accept different "hearings" of the voice, but not one which says "give up listening to the Torah in favor of something else". **TTT 224 P**

Finally, Rambam explains what he called the 'great difficulty' of the story of the Akedah. Here the lesson which we learn to know from telling this story is that devotion to God has no bounds. If one has total fear of God, then no moral or practical consideration can turn one aside from acting on that relationship to God. So now we understand that such devotion makes all other considerations meaningless.

While many modern interpreters strive to explain Abraham's devotion in the story into a failure, Rambam wants us to see that it is a test which impresses upon those watching it the lesson that following God's command has no boundaries. Now, this is another aspect of religious devotion which is not understood by moderns. People whose mindset is total devotion, who live in a sense of total subjugation to God are willing to do anything, even the most despicable or immoral acts in the name of that devotion. So, the question of just what are the principles that God demands becomes crucial. Since the Torah tells us that God asks that we choose life (Deut. 30, 19), it becomes possible to read the Akeda as a failure to take into account that the infinite devotion to God is devotion to God's claim on us. It is to life, not to death. TTT 224 "

The relationship between God and Israel is a main subject of the whole Torah, but what is special about these chapters of Deuteronomy is the abstract, almost philosophical, way that the Torah speaks about this relationship. Many of the terms used are central to the Jewish tradition’s basic concepts of relationship.

One such term is based upon the Hebrew root “dbk”, which is the root of terms such as “devekut” (“cleaving”). In our parasha the following verse lists attributes of relationship to God: “Follow none but the LORD your God, and revere none but Him; observe His commandments alone, and heed only His orders; worship none but Him, and hold fast to Him.” (“u-vo tidbakun”) (**Deut. 13, 5**) Here the root “dbk” is translated “hold fast”. But, just what does this concept mean?

The Sifrei puts the word into the context of the verse and simply says "remove yourself from idolatry and hold fast to God" (**Sifrei Deut. 85**). Still, the question is: 'how does one hold fast to God"? The classic formulation of the question is: "how can one cleave to God who is described as a burning fire?" (cf. **Sifrei Deut. 49, also Ket. 111b**) The answer in all of these sources is that one should act for the benefit of the sages by giving them presents, marrying daughters to them, and following their rulings. Indeed, it is this understanding of "cleaving to God" which Rambam interprets as a positive commandment (cf. **Sefer Mitzvot, aseh 6**). **TTT 225 M and T and K and HA**

Ibn Ezra interprets the term as a rational grappling with the knowledge of God all of ones life. The 'cleaving' to God is through an ongoing attempt to know God. Since, this task is one which can consume one's powers of thought and introspection, it is this process that represents the term. (**on Deut. 13, 5**) **Rashi**, on the other hand, defines the term to be one solely of action. He sees the 'cleaving' to God to be an attempt to stick to God's qualities, a view known as imitatio Dei, imitating God's deeds. One must act kindly, bury the dead, visit the sick just as the Holy One did. (**on Deut. 13, 5**) **TTT 225 "**

Still, one looks for a clearer explanation of just what such 'devekut' is. In the Talmud a distinction is made between 'cleaving' ('dbk') and 'attachment' ('tzmd') (**Sanh. 64a**). The Israelites are described as "being attached" to the idol Baal Peor. (cf. **Num. 25, 3**) There are two attempts in this passage to sharpen this distinction. The first attempt is that "nitzmadim" "attachment" is like a ring seal on a jar, whereas "devekim" "cleaving" is like two palm trees intertwined one to the other. The images spell out two different kinds of relationship, both seeming to be close attachment, but the former is 'tight' only temporarily, it is meant to be removed and replaced over and over again. The second is a weaving together of being, so that the branches of each trees, while distinct, seem to be one.

The second attempt likens the attachment to a bracelet ("tzamid") on a woman's hand, whereas the cleaving of God and Israel is "genuine cleaving together" ("devukim mammash"). While the first image is again one of temporary attraction, the second is not totally clear. It seems to be a circumlocution for the attachment of sexual intercourse. This understanding may be bolstered by another Midrash on this theme which explains the term "devekim" to be one of sexual love. This Midrash uses the verse said by the woman "his left hand under my head in embrace", as the explanation of what "cleaving" means. (**Song R. 2:1**)

All of these images are conjured up when we read the Torah in the Synagogue. The announcement of the Torah reading ends with the congregation responding: "while you, who held fast to the LORD your God, are all alive today." (**Deut. 4, 4**) This verse was said of those who did NOT attach themselves to Baal Peor, but rather "held fast" to the Lord. **Ramban** places the emphasis on the word "all". All of Israel is worthy of blessing, since those who replaced the intimate close attachment of cleaving to God with a more temporary one of glitter and convenience did not survive. (**on Deut. 33, 6**) In Avot de-R. Nathan, the emphasis is placed on the word "alive". Israel is called "living" because it cleaves to God. Indeed, this verse is one of the verses used as a prooftext for the doctrine of resurrection from the Torah. "It is clear that they are alive today! But, even when all are dead, Israel will still be called 'alive'." (**Sanh. 90b**)

Indeed, we are "devekim" also in the sense of "the ones being cleaved to". That is, our tradition recognizes that the relationship to God is a mutual one. "Devekut" is one of the terms of endearment and love which God uses when talking about God's chosen, Israel. This is made clear in the Midrash which reads Deut. 4, 4 in this way: "while you, to whom the LORD your God holds fast, are all alive today." (**Gen. R. 80:7**) **TTT 225 K and T**

The verse we proclaim before reading the Torah is chock full of meaning and association. It points to the type of relationship that Jews should have with God and with Torah. A relationship which is reciprocal to the one which God has with Israel. It is a relationship of "devekut", cleaving. It should be intimate and close. It should express itself in every deed and in the way we think about our deeds. Torah is a medium of everlasting life, not an ornament added to make one look beautiful, or to adorn an idea of the hour. Our relationship must be a serious one of commitment and loyalty, one of passion and love. When we prepare to study Torah in the Synagogue we declare that we do so as part of working on such a relationship.

This week's PM is dedicated to 'refua shelema' for Avigail Graetz.

***Deut. 15, 12 - 18**
If a fellow Hebrew, man or woman, is sold to you, he shall serve you six years, and in the seventh year you shall set him free. When you set him free, do not let him go empty-handed: Furnish him ["ha'anayk ta'anik lo"] out of the flock, threshing floor, and vat, with which the LORD your God has blessed you. Bear in mind that you were slaves in the land of Egypt and the LORD your God redeemed you; therefore I enjoin this commandment upon you today…..When you do set him free, do not feel aggrieved; for in the six years he has given you double the service of a hired man. Moreover, the LORD your God will bless you in all you do.

This week's parasha contains many laws concerning support for the poor. In addition we read about Hebrew slaves, **Deut. 15, 12 - 18**:
"If a fellow Hebrew, man or woman, is sold to you, he shall serve you six years, and in the seventh year you shall set him free. When you set him free, do not let him go empty-handed: Furnish him ["ha'anayk ta'anik lo"] out of the flock, threshing floor, and vat, with which the LORD your God has blessed you. Bear in mind that you were slaves in the land of Egypt and the LORD your God redeemed you; therefore I enjoin this commandment upon you today.…..When you do set him free, do not feel aggrieved; for in the six years he has given you double the service of a hired man. Moreover, the LORD your God will bless you in all you do."

Rashi's comments imply a basic question. Since the laws of the Hebrew slave are the first laws of Mishpatim, **Exodus 21, 2**, why is this section 'repeated' here? One of the basic rules of Oral Torah is that nothing is repeated in the Torah, unless the 'repetition' adds something. In this case, **Rashi** tells us that two points are added to the laws found in Exodus. One is that a woman slave is specifically mentioned here, thus telling us that she also must be released after 6 years. The second addition is the command to "furnish him ["ha'anayk ta'anik lo"] out of the flock, threshing floor, and vat" (**v. 14**) **TTT 226 L**

The slave in question is a person who was sold by the court as part of their sentence for theft. The thief must repay double what he stole. If the thief cannot, they are sold

as a slave to work off their debt to the court and to the one who was robbed. Thus, the command to furnish "severance pay" needs to be explained. Rashi comments on the strange Hebrew words "ha'anayk ta'anik". The root of these words only appears in the Bible as a form of jewelry, a kind of necklace. He says: "it is the language of a high form of visibility, that is, it should be seen by all that you have dealt generously with the freed slave."

What Rashi does NOT explain is why? Why should a worker get extra compensation when finishing a contract? Why should a thief, sold into slavery to pay his debt, be given a "golden parachute", when he finishes his sentence? Indeed, in the Talmud there is a discussion of how much the slave is to be given (**Kiddushin 17a**). Rabbi Meir thinks it is 5 selaim for each category mentioned in the Torah, "the flock, threshing floor, and vat". That would mean 15 selaim. Rabbi Yehudah says 30, and Rabbi Shimon says 50, as per the value of an individual's Temple gift for their person! (cf. **Lev. 27, 3**)

One insight into the rationale of this law is found in the Talmud, where the context of the law is emphasized. The context of **Deut. 15** is laws of support for the poor and underprivileged in society. In a series of exegetical comments the Talmud points out that each one of these rules has a double verb associated with it. We are told not merely to "open" ("patoah") our hand to the poor, but "patoah tiftah", "open, surely open" (**15, 8**). We are told not only to "give" ("titeyn"), but "naton titeyn", "give, surely give" (**15, 10**). Similarly, we are told not only to "furnish" the freed slave ("ha'anayk"), but "ha'anayk ta'anik", "furnish, surely furnish". All of these double words come to teach us that in ALL CASES we must be generous. (**BM 31b**) **TTT 226 M and HA**

We must help not only the poor of our own town, but also of other towns. We must give, even if it is a small amount, and we must furnish the slave, even if our household was not "blessed" by their work. One might question all of these conclusions. Why should a person go out of their way, and give up from their own possessions just because another is unfortunate? Even stronger is the question of extra compensation for a worker who is paying off a debt in the first place! Indeed, if the slave's work produced benefit, perhaps they should be rewarded with a kind of premium. But, why does the Torah command me to give them IN ANY CASE, even if there has been no "blessing" in their work?

Indeed, in the Talmud, there is one voice of reservation about the case of furnishing the freed slave. Rabbi Elazar ben Azaryah says that one needs furnish the slave ONLY if blessings accrued to the household because of the slave's labor. When asked how he accounts for the double verb, R. Elazar merely quotes the dictum of the school of R. Yishmael, "The Torah speaks in common human language."

But, the Halakha and subsequent discussions of this issue is NOT according to Elazar b. Azaryah (e.g. see, **Yad, Avadim, 3:14**). So, our question remains: why should one give severance pay to any worker, even if their production was not of the best?

Perhaps we can start to understand the rationale by learning the Midrash on **Prov. 31, 21**: "She is not worried for her household because of snow, For her whole household is dressed in crimson." ("lo tira le-vaytah mi-sheleg ki kol baytah lavush shanim") The verse is part of the famous "eshet chayil", 'woman of valor', passage in

Proverbs. One of the praiseworthy traits of this woman is that her household need not fear the snow, since all its members have heavy crimson overcoats. At least this is the common understanding of the verse. (We will not go into the difficulties of this verse, which could occupy us for several weeks - and I am talking only of peshat.)

The Midrash (in several places, but here from **Pesikta d'rav Kahana, 10:4**), understands the verse as explaining how Jews are protected from the dark coldness of evil ways (or from the six months of snow of the punishment of the wicked). The Jewish household is protected from being wicked because it is dressed in "deeds of two". This Midrash reads the Hebrew "shanim", translated here as 'crimson', as "shenayim", which means "two" or "double" ("lavush shenayim"). Among the list of "twos" is our list: "open, surely open", "give, surely give", and "furnish, surely furnish". Remember that the "eshet chayil" passage is immediately proceeded by the admonition: "Speak up for the dumb, For the rights of all the unfortunate. Speak up, judge righteously, Champion the poor and the needy." (**Prov. 31, 8-9**) That is, the context of the whole passage is one which assumes that the Jewish household must develop sensitivity to the plight of the unfortunate, and must keep all of the deeds of the Torah, which TRAIN US in that sensitivity. **TTT 226 M and K** and ED

Indeed, one modern responsum of the Israeli rabbinical courts upholds the right of all workers to receive severance pay ("pitzuyim"). This responsum relates this right to our halakhic precedent of "ha'anayk ta'anik". The responsum quotes the Sefer ha-Hinukh as explaining this commandment: "the root of this commandment is so that we may acquire in our souls excellent qualities of mercy and compassion…that we should learn to have compassion for those who work for us. We learn that compassion by gracefully sharing with him the bounty we have at our disposal, beyond that which we have stipulated as payment for working." (**Piskei din rabbaniyyim, IV, p. 129, Sefer Hasidim, 13th cent.**)

The responsum goes on to point out that the laws concerning a Hebrew slave no longer apply, since the Temple is destroyed. Nevertheless, "even in our time a wise person will hearken and take to heart the lesson…". As W. C. Fields once remarked, "a rich man is nothing but a poor man with money". If you happen to be the one with the money, the Torah is trying to teach you to not only care for the person without money, but to actually "Champion the poor and the needy." (**Prov. 31, 9**) The Torah strives to inculcate in us moral qualities. One way in which it does that is by making us take the proper perspective on our own possessions. It commands us to share them. Even if we are not satisfied with an indentured servant's performance, we cannot use that dissatisfaction as an excuse to ignore that person's humanity, which is expressed in their needs.

***Deut. 16, 16**
Three times a year - on the Feast of Unleavened Bread, on the Feast of Weeks, and on the Feast of Booths - all your males shall appear before the Lord your God in the place that He will choose....

This week's parasha includes one of the mentions of the three pilgrimage festivals. It also is one of the sources of what is known as the commandment of "being seen" ("re'ayon", **Deut. 16, 16**). JPS translates our verse: "Three times a year - on the Feast of Unleavened Bread, on the Feast of Weeks, and on the Feast of Booths - all your males

shall appear before the Lord your God in the place that He will choose....". The translation "shall appear" just misses the notion of "being seen" by God, which is so clear in the Hebrew use of the passive form of "to see".

This is not nit-picking with the translation, because I would like to emphasize the point about how we are seen by God. The holidays are the opportunity to act out not how we see God, but, how we are seen by God. The Torah, at this point, spells out the manner in which we are to be seen, and this is translated in JPS thus: ".... They shall not appear before the Lord empty-handed, (**17**) but each with his own gift, according to the blessing that the Lord your God has bestowed upon you." The end of v. 16 is seen as the start of a sentence which is continued in v. 17.

We could easily turn this passage into a spiritual message, namely, each person has gifts, talents bestowed on them by God. God wants to see them use those talents to the fullest. When one comes to the holiday or to a daily or weekly prayer service, it should not be a matter of just "showing up" or "appearing". That would be to come "empty-handed", or in the literal translation of the Hebrew "reikam", with emptiness inside. Rather, one should come "using the blessings which God has given you". We should try and get the most out of the intellectual, emotional and artistic talents that we possess when we come before God and the community. **TTT 227 M**

As attractive as this spiritual interpretation of the passage is, the context in the Torah is one of bringing sacrificial gifts to the communal worship at the Temple. In that context, verse 17: "but each with his own gift, according to the blessing that the Lord your God has bestowed upon you" presents some difficulties. The first difficulty associated with this kind of language in halakha is that it is not specifically quantified. Is the amount of what each person gives to be left up to their own estimation of what God's blessing to them has been? That DOES seem to be the case. The **first Mishnah in Peah** lists those things which have NO specified quantity required in order to fulfill those mitzvot, and one of the items on the list is "re'ayon", that is, the gift brought to fulfill our verses! However, Ḥazal did not leave these areas unspecified. Indeed, the Mishnah makes the point that despite the fact that the Torah has no specified amount, the sages DID specify. In the case of "re'ayon", the minimum was fixed at a ma'ah (a silver coin) as the minimum value of the burnt-offering, and two silver coins that of the festival offering (cf. **Hagigah 1:1**) **TTT 227 HA**

The Talmud Yerushalmi interprets the verse as referring to two different cases. The first part of the verse "each with his own gift" is applied to "A poor man who gives generously"; and the second half of the verse "according to the blessing that the Lord your God has bestowed upon you" is applied to a rich man who gives very little (**TY Hagigah 1, 5 - 76c**). This reading makes us work hard. What is the Yerushalmi getting at? There are several ways to understand this, but one way is that the Yerushyalmi views this verse as a warning! Everyone should give "with what they have at hand", and the poor man does NOT have to be overly generous in gifts to God. The second half of the verse is read as an exclamation of astonishment at a rich man who is miserly: "[Is this] according to the blessing that the Lord your God has bestowed upon you"?! Both extremes are not correct fulfillment of this mitzvah.

What then are the criteria for giving? The Mishnah in **Hagigah 1:5** spells this out for us (Soncino trans.). "He that has many to eat [with him] and few possessions, offers

many peace-offerings and few burnt-offerings, [he that has] many possessions and few to eat [with him] brings many burnt-offerings and few peace-offerings. [He that has] few of either, for him is prescribed: one ma'ah of silver', 'two pieces of silver'. He that has many of both, of him it is said: 'every man shall give as he is able, according to the blessing of the Lord thy God, which he hath given thee.' "

The criteria for bringing gifts for a holiday depend on two factors. One is the wealth of the individual, amount of possessions, and the other is how many people are included in the festive meal. This Mishnah interprets our verse as a general rule to give according to how God has blessed you. BUT THIS RULE IS ONLY FOR THOSE WITH WEALTH AND MANY TO FEED. It seems to me that the Mishnah assumes that one who has been blessed with both possessions and family should understand that fact, and thus the verse is directly applied only to those in that class.

The Rabbinic fixing of a minimum of one or two pieces of silver is only for those who are not wealthy, and have few to feed. They do not have to spend large amounts on feeding large numbers, and should not bring expensive gifts for show, "to keep up with the Levis". **TTT 227 HA**

The other categories revolve around the bringing of sacrificial animals. There are two kinds of sacrifices mentioned here: Olot and Shelamim. Shelamim sacrifices always end up in a festive meal, and most of the animal sacrificed is eaten by the one who brings it and their family (cf. **Lev. 7,** etc.). The Olah sacrifice, on the other hand, is totally consumed as a sacrifice to God (cf. **Lev. 1, 9, etc.**). The Shelamim sacrifice is "shared" with God, and is part of the festive banquet of the family; the Olah seems to be "purely" for God, no part of it used by those who bring it.

The Shelamim seem to be a different kind of sacrifice, one in which there is direct benefit to those who bring it. But, we can look on it as a way of helping those who want to be seen by God, but are not in a financial position to give up hard earned possessions to fulfill the mitzvah. They are allowed to come and participate, completely fulfilling the mitzvah, and not having to lose too much. They contribute their participation, and the festive meal is part of that. The analogy would be to lower the actual money that a particular family pays for Congregational dues, but have them contribute their particular talents in "work" on behalf of the congregation.

The beauty of the Mishnah here is that every strata of society can feel that they are fulfilling the mitzvah, disregarding the amount of "cold cash total sacrifice", i.e. Olot, that they can afford. This is even beyond progressive taxation, and takes into account the particular talents and gifts of each person, aside from how many possessions they have. There is a recognition here, that the individuals' particular gifts, when "donated" to the community, is also a "contribution" to the Lord. There is a mixture of individual talent and money which is involved in "being seen" in the community during holidays. Jewish tradition recognized that fact, and did not want to leave "being seen" to MERELY being a function of how wealth was shown off. Thus, the Mishnah both recognizes the mixture and makes room for all parts of the mixture to count as "re'ayon". This is an example of the ethical and social wisdom and sensitivity of Jewish tradition. **TTT 227 M and HA and K**

***Deut. 18, 9 - 14**
When you enter the land that the Lord your God is giving you, you shall not learn to imitate the abhorrent practices of those nations. Let no one be found among you who consigns his son or daughter to the fire, or who is an augur, a soothsayer, a diviner, a sorcerer, one who casts spells, or one who consults ghosts or familiar spirits, or one who inquires of the dead. For anyone who does such things is abhorrent to the Lord, and it is because of these abhorrent things that the Lord your God is dispossessing them before you. You must be wholehearted with the Lord your God ["Tamim tihyeh im Adonai Elohekha"]. Those nations that you are about to dispossess do indeed resort to soothsayers and augurs; to you, however, the Lord your God has not assigned the like.

One of the laws in this week's parasha is the prohibition against consulting soothsayers, diviners, or astrologers. The Torah spells it out: "When you enter the land that the Lord your God is giving you, you shall not learn to imitate the abhorrent practices of those nations. Let no one be found among you who consigns his son or daughter to the fire, or who is an augur, a soothsayer, a diviner, a sorcerer, one who casts spells, or one who consults ghosts or familiar spirits, or one who inquires of the dead. For anyone who does such things is abhorrent to the Lord, and it is because of these abhorrent things that the Lord your God is dispossessing them before you. You must be wholehearted with the Lord your God ["Tamim tihyeh im Adonai Elohekha"]. Those nations that you are about to dispossess do indeed resort to soothsayers and augurs; to you, however, the Lord your God has not assigned the like." (**Deut. 18, 9-14**)

It is clear that the Torah wants to prevent influence of local idolatrous customs on the Israelites after they enter the land. The Ten Commandments include a prohibition against idolatry, serving other gods, and against making graven images to represent God. But, here the prohibition is against other types of activity common in Canaanite and other religions of the region, namely activities that are connected to magic, the supposed power to bend the will of the gods to do one's bidding, or divination, the supposed discovery in advance of what the gods are planning to do. These actions are not strictly idolatry, but they are part of the idolatrous system.

The key phrase in the law is: "You must be wholehearted with the Lord your God" ["Tamim tihyeh im Adonai Elohekha"]. This phrase describes the ideal of relationship to the One God, and also contains within it the critique of the practices which are outlawed. The Hebrew word "tamim" means whole or perfect, and it now becomes a matter of interest what does this mean exactly? How does one need to behave to achieve this state of wholeness?

One Midrash presents, as usual, many answers to these questions, but the total picture inclusive of all the answers is both enlightening and instructive.(**Midrash Tannaim on Deut. 18, 13**)The first interpretation of this verse is directly connected to the context of the verses in the Torah, namely, that it is forbidden to engage in practices of magic and divination, practices of the Chaldeans. It is clear from the Talmud that the practice is astrology, which was prevalent among the Chaldeans. (cf. **Pes. 113b**) The point here seems to be that to be wholehearted with God one cannot adopt practices which have the same characteristics as those spelled out in the Torah,

even though they are not mentioned specifically. Astrology is not specified in the list in Deut., but since it claims to have knowledge of how the gods have arranged for the future, it falls under the same prohibition. **TTT 228 T and HA**

The other explanations deal with the character of the wholehearted person. The first opinion is: "Do not say 'Abraham was wholehearted', Isaac was wholehearted, Jacob was wholehearted' you too must strive to be wholehearted with the Lord your God." This view is crucial, for it makes it clear that the characteristic of "tamim" is not something only for super heroes or special people chosen by God. It is something which any person can achieve, and it is necessary for each person to strive to reach that mode of existence.

Once that is established, R. Eliezer ha-Kappar says that the verse is telling us not to inquire about the workings of God. The point of "tamim" then seems, at first glance, to be related to the use of "tam" in the sense of innocence or unlimited trust. Many people react to this saying by thinking that we are just to accept what happens in the world, understood as what God does, without any attempt to ponder it or to delve into it. Yet, that idea is not what we conclude by looking at the continuation of R. Eliezer's statement. He bases his dictum on the verse "You have but to inquire about bygone ages that came before you" (**Deut. 4, 32**). Perhaps, R. Eliezer suggests, this allows us to inquire about what is before creation, that is, to inquire into God's motives and ways of thinking? No, for the verse continues: "ever since God created man on earth", that is, we may inquire about what happens after creation, but not delve into what happens before. This is not a sweeping ban against studying and learning about the world and how it works, nor even about questioning what happens in our world today, rather it is a demur about trying to fathom God's will or motives, that which is outside of creation. **TTT 228 M**

The next opinion is that of R. Eliezer ben Yaakov that one should not inquire about suffering. This seems to be a refinement of R. Eliezer ha-Kappar's dictum, or rather an expression of how it is to be applied in a specific instance. We should not try and understand God's role in human suffering. The verse which he uses to base this assertion is: "O LORD, my heart is not proud nor my look haughty" (**Ps. 131, 1**). Clearly the implication is that to pretend to understand God's role in human suffering is an act of arrogance. **TTT "**

The next suggestion is without patronymic. The quality of "tamim" is understood here as honesty, integrity, moral soundness. This is the quality which the Torah prescribes for witnesses to a crime who must warn the perpetrator of the consequences of the deed they are about to perform. In Jewish law a person can be convicted of a crime only by testimony of witnesses. In a capital crime, the witnesses need not only to see the crime, but they must also warn the perpetrator that what he is about to do will cost him his life, because they will bear witness to the court of his deed, and he will be convicted by the court on the basis of their testimony. Now, it is clear that this system can only work if the witnesses are totally honest. Indeed, the literature, from the Biblical story of Naboth the Carmelite (cf.. **I Kings 21ff.**), the apocryphal tale of Susanna, and many other stories point to the opportunities to abuse this system for evil.

Our midrash comments on the word "tamim": "one might think that such integrity only applies to the warning of the witnesses, how do we know that it applies also between a person and himself, from the verse "You must be wholehearted with the Lord your God" ["Tamim tihyeh im Adonai Elohekha"]. This is a fascinating interpretation. The Torah is ruling that a person must maintain integrity with themselves, as much as with the court or in the eyes of God. To not bear false witness against oneself is to be "tamim" with God. **TTT "**

This recalls a famous story told about Hafetz Hayyim who was traveling on a train to his city of Radun. A simple Jew was effusively describing to others in the car his pilgrimage to see the great holy saint Hafetz Hayyim. Embarrassed, Hafetz Hayyim, whom no one recognized, commented that the rabbi was not as holy as stated. At this point the simple Jew, enraged at this slur, struck Hafetz Hayyim. When they reached Radun, there was a large crowd who came to accompany Hafetz Hayyim to his bet midrash. The simple Jew was aghast to see that he had struck the holy man himself. Hafetz Hayyim instructed his assistant to bring the man in first before all those waiting to see him. When this man entered, Hafetz Hayyim embraced him tearfully and called him "my rabbi, my teacher". He remarked that although he had written books about speaking ill of others, he learned from this simple Jew the great lesson that one should not speak ill of themselves.

Finally, the last statement affirms this view by commenting that the verse is strange in saying that "You must be wholehearted WITH the Lord your God". It would make more sense to say be wholehearted TOWARDS the Lord, or IN DEALINGS WITH the Lord. The way it is phrased now makes it seem that there is direct contact with God. Indeed, that is the point, says our midrash, if you are wholehearted, you are with God.

So, intellectual and emotional integrity describes the path to be with God. The way to achieve that is by avoiding hubris, being honest with oneself, and admitting the limits of knowledge. Another midrash makes this point in a stimulating way. R. Tobias b. Eliezer, 11th century, wrote a midrash which he called Lekah Tov, and it was published as "Pesikta Zutarta". He asks how Israel could hear God's speaking at Sinai, when God has no mouth, larynx, throat nor any of the organs of speech. He answers that none of the words applied to God in the Torah, like 'wise' or 'heroic' really describe God actually, but they are merely loaned from human activities and applied to God. But, really we know that all of these words are false in actually describing the reality of God. Thus, he says, "it is not fitting to inquire about these matters, rather, as the Torah says "You shall love the Lord your God with all of your heart" (**Deut. 6, 5**), and ""You must be wholehearted with the Lord your God" ["Tamim tihyeh im Adonai Elohekha"], and there are many other verses like these. So, we can relate to God only with the knowledge of the soul and the heart, for our intelligence cannot fathom God at all." (**Pesikta Zutarta on Ex. 20, 2**) **TTT 228 T**

It is not forbidden to ponder God's way, or even to protest them, it is only forbidden to claim that the results of our pondering are somehow "knowledge". In order to have integrity with God, we must eschew all pretence that we know what God thinks or why God acts. We can only "know" God through love. Indeed, can we explain love? We can give all the reasons in the world why we need to help someone,

an ill parent say, but in the end the only reason needed is love. Indeed, love is the only true reason, and it cannot be explained.

"Tamim tiyeh im adonai elohekha" ("Be trusting with the Lord your God") (**Deut. 18, 13**). This verse appears in the context of not using magical or idolatrous means of trying to influence God. It is understood thus in the Talmud as well (**Pesahim 113b**). This also appears as the codified halakha in the Shulhan Arukh (**YD 189:1**), which appears to mean that it is forbidden for Jews to use astrology ("ein shoaleim ... be-kokhavim ve-lo be-goralot...") (this might cause great confusion to Israeli readers of newspapers etc.).

But a more poetic use of this verse, one which is very timely for the High Holiday season is found in **Midrash Tehillim (Buber) on Psalm 119**. The Darshan wonders how it is that this long, alphabet acrostic Psalm begins with the verse: "ashrei temimei derekh..." ("praised be the trusting ones..."), and ends with the letter tav: "Ta'iti ke-seh oved, bakesh avedekha" ("I was straying like a lost lamb, search for your servant"). The lamb is the trusting ones referred to in the first verse, for a lamb is always referred to as "seh tamim" (e.g. **Ex. 12, 5 etc.**). So how is it that the "tamim", the trusting ones, are praised at the beginning of the psalm, and at the end they are compared to straying lambs?

R. Yehudah bar Shalom explains it with a parable: it is the way of the world that if a lamb strays from the flock, who looks for it? Does the lamb look for the shepherd, or does the shepherd look for the lamb? Clearly, the shepherd is looking for the lamb. This is why David, the psalmist, asks God to search for him, as a shepherd searches for a stray lamb.

A lamb does not know that the shepherd is searching for it. It may not even know that it is lost. But, humans can be aware of God's search for us, if we can become trusting of God. We have to admit to God what we have done wrong, but one can make that admission only if one is "tamim", trusting of the one hearing the confession. The goal of Elul, the preparation for the Yamim Noraim is to make ourselves aware that God is searching for us, and that we can permit ourselves to be found. **TTT 228 T**

***Deut. 19, 1 – 5**

When the LORD your God has cut down the nations whose land the LORD your God is assigning to you, and you have dispossessed them and settled in their towns and homes, 2you shall set aside three cities in the land that the LORD your God is giving you to possess. 3You shall survey the distances, and divide into three parts the territory of the country that the LORD your God has allotted to you, so that any manslayer may have a place to flee to. 4— Now this is the case of the manslayer who may flee there and live: one who has killed another unwittingly, without having been his enemy in the past. 5For instance, a man goes with his neighbor into a grove to cut wood; as his hand swings the ax to cut down a tree, the ax-head flies off the handle and strikes the other so that he dies. That man shall flee to one of these cities and live

This week's parasha, Shoftim, contains one of the mentions of the "Ir Miklat", city of refuge. Moses describes a situation where the land has been captured, and Israel has settled in Israel. At that time, three cities should be set aside as cities of refuge to

which a person who has killed another person without intent can flee. The background of this law is the assumption that relatives of the slain person will want to kill the murderer as an act of vengeance for the death of their relative. Since, the killer is not guilty of premeditated murder, they must be saved from such vengeance. The law provides a simple administrative procedure for the killer, that is, they may go to the city of refuge, and, as long as they stay inside the city limits, they are protected from any acts of vengeance. (cf. **Deut. 19, 1ff. et al**)

The crucial point here is that there is no intent to murder, that the death is the result of an unavoidable accident. In the words of the Torah: "one who has killed another unwittingly, without having been his enemy in the past." (**Deut. 19, 4**) At this point, the Torah provides an example: "For instance, a man goes with his neighbor into a grove to cut wood; as his hand swings the ax to cut down a tree ("ve-nidheh yado va-garzen likhrot ha-etz"), the ax-head flies off the handle ("ve-nashal ha-barzel min-ha-etz") and strikes the other so that he dies. That man shall flee to one of these cities and live." (**ibid. v. 5**)

The translation seems very clear and simple. But, the Hebrew is much more ambiguous! Indeed, there is a vigorous dispute about the facts of the incident in the Mishnah and Talmud. Our translation follows one view, but gives us no hint of the other view. In my opinion, that is too bad, because the moral element of the case is smoothed over by this preference. The point of the dispute is, in my view, the question of negligence. It is one thing to claim that a death is caused by an accident, it is quite another matter to show that the accident was not preventable. If the accident was preventable by proper precautions being taken, then the death is a result of the negligence of the killer. In that case, should such an action be protected?
TTT 229 M and HA

The Hebrew is: "ve-nashal ha-barzel min-ha-etz", literally, "the iron dropped off (or: 'was ousted') from the wood (or: 'the tree')". Once we see the ambiguities of the Hebrew, we are better able to understand the dispute in the Mishnah: "If the iron slipped from its handle and killed [somebody], rabbi [Judah ha-Nasi] says he does not go into banishment and the sages say he goes into banishment; if from the split log, rabbi [Judah ha-Nasi]says he goes into banishment, and the sages say he does not go into banishment." (**Makkot 2:1**) Not going into banishment means that the murder is not considered accidental, worthy of protection in a city of refuge. Thus, Rabbi Judah would NOT agree with our translation of the verse. Apparently, R. Judah feels that an ax head flying off the handle of the ax is NOT an accident. Rather, it is a case of negligence, for the woodchopper is responsible to test his equipment and see if the head is fastened tightly enough for the job. Judah admits that if the handle bounces off the tree, or if a piece of wood from the tree flies off in the chopping and kills someone, that THESE cases are unforeseeable accidents.

Rambam seems to prefer the more stringent tests of R. Judah. He cautions that some kinds of 'accidental' killing is: "close to premeditated, and this is like a crime, where one should have taken precautions, but did not, and such a one is not protected by refuge..." (**Yad, Rotzhim, 6:4**). R. Judah, and Rambam, seem to accept as deserving of protection only acts which are "close to being compelled, in which an unusual thing that rarely happens occurs..." (**ibid. hal. 3**).

In the Talmud on this Mishnah, R. Judah is astonished at the sages, since the Torah says that the ax head fell off "ha-etz", the tree or the wood, but not off of "it's wood", that is, the handle. He clearly thinks the exact language of the verse is talking about what we might call a "freak" accident, something which precautions could probably not have prevented. (**Makkot 7b ff.**) **TTT 229 M and HA and H**

But, the Talmud is not satisfied with just this explanation of the basis of the dispute. It adds that this is a dispute over the Masorah, the tradition of the written letters of the Torah, and the Kere, the tradition of how the Torah is vocalized when read. Rabbi Judah follows the written tradition, and thus reads the word "ve-nishel", that is "was ousted". As if the letter yod was written before the shin. This is also the way of vocalizing the active "piel" form of the verb. The sages follow the reading, and we read the word in the simple form, meaning "fell off". A major question is did R. Judah have a text with a yod in the word, or is he just assuming the "piel" reading form? I found no variant of the word with a yod. This question is discussed by many commentators on the Talmud. One of the most fascinating remarks is by the Ritba, R. Yom Tov b. Avraham Alshebili, who says that the whole point of NOT having a yod would be that one can read the word either way!

There is no doubt that the question of negligence is a major question in the world. Especially in the modern world of complex machinery, in which the ax is a very simple tool. How much precaution can one take in order for an accident to be free enough of negligence to afford one protection from being labeled a criminal? It seems as if the Torah, as understood by the halakha, assumed that precautions must be taken. It did not afford 'easy' protection to anyone when it came to safeguarding human lives.

***Deut. 21, 5 - 9**
The priests, sons of Levi, shall come forward; for the Lord your God has chosen them to minister to Him and to pronounce blessing in the name of the Lord, and every lawsuit and case of assault is subject to their ruling. Then all the elders of the town nearest to the corpse shall wash their hands over the heifer whose neck was broken in the wadi. And they shall make this declaration: "Our hands did not shed this blood, nor did our eyes see it done. Absolve, O Lord, Your people Israel whom You redeemed, and do not let guilt for the blood of the innocent remain among Your people Israel." And they will be absolved of bloodguilt. Thus you will remove from your midst guilt for the blood of the innocent, for you will be doing what is right in the sight of the Lord.

The new month of Elul is usually around the time we read this parasha. The days of selihot come upon us, and thoughts of repentance and atonement begin to occupy more and more of our time. The idea of atonement is a major idea in Judaism, and the Day of Atonement ("yom ha-kippurim") is surely the most solemn and respected of the days of the Jewish calendar.

In the Torah, the theme of atonement is connected clearly with sacrifice. In this week's' parasha we find the laws concerning a heifer whose neck is to broken if a murdered corpse is found in an open field. The murderer is unknown, and the Torah specifies an elaborate ritual for "atonement". Those involved are the city closest to the body, the elders of that city, and the Priests and Levites. It is the involvement of the

Priests and Levites which leads the tradition to include this ritual in the category of rituals of atonement.

The ritual is presented in the Torah in this fashion:
"The priests, sons of Levi, shall come forward; for the Lord your God has chosen them to minister to Him and to pronounce blessing in the name of the Lord, and every lawsuit and case of assault is subject to their ruling. Then all the elders of the town nearest to the corpse shall wash their hands over the heifer whose neck was broken in the wadi. And they shall make this declaration: "Our hands did not shed this blood, nor did our eyes see it done. Absolve, O Lord, Your people Israel whom You redeemed, and do not let guilt for the blood of the innocent remain among Your people Israel." And they will be absolved of bloodguilt. Thus you will remove from your midst guilt for the blood of the innocent, for you will be doing what is right in the sight of the Lord." (**Deut. 21, 5-9**)

The role of the priests is not clear from the passage. How is their role connected to that of the elders? One fascinating passage in the Yerushalmi, which deserves a lesson on its own, parses the passage in such a way that the direct speech of **verses 7-8** is divided up among three characters: the elders say ""Our hands did not shed this blood, nor did our eyes see it done"; the priests say: "Absolve, O Lord, Your people Israel whom You redeemed, etc."; and the Divine Spirit (Ruah ha-Kodesh) says: "And they will be absolved of bloodguilt." (**Yerushalmi Sotah, 9,23d, hal. 6**).

This amazing passage, which goes on to read other Biblical passages in the same fashion, clearly places the Priests in the ceremony of the heifer, and clearly marks it as a ceremony of atonement. The major question that assaults us is: for whom is the atonement? Is it for the victim, the city, the elders, the land, or for the murderer!?

An important Sifrei passage also fixes the role of atonement for the Priests. **Sifrei (210, 8)** comments:
"the Priests say: "Absolve, O Lord, Your people Israel"; When it says "whom you redeemed", it teaches us that this [ritual of] atonement atones for those who left Egypt." This comment adds another obstacle to answering our question. What exactly do those who left Egypt have to do with this ritual? In what way is the atonement which the heifer ritual achieves connected to them?

The continuation of this passage helps us to understand ways of answering our major question. It also contains important ramifications for our ritual practice to this very day. The continuation is: " "Absolve, O Lord, Your people", these are the living; "whom you redeemed", these are the dead, this teaches us that the dead also need atonement. Thus, we learn that he who spills blood sins [all the way back] to those who left Egypt. "Whom you redeemed", on THIS condition I redeemed you, that you will NOT have murderers among you." **TTT 229 M and T**

Two directions of understanding the atonement of the heifer ritual appear here. One is that the dead, perhaps the victim of our case, need atonement, and not only the living. This statement is, in sources from the 12th century onward, used by the tradition to explain why Tzedakah is given in the name of the dead before Yom Kippur, and why there is the recital of Hazkarat Neshamot, the mentioning of the dead, on Yom Kippur day. Indeed, the Hebrew name for the day, Yom ha-Kippurim,

is in the plural because it implies atonement is forthcoming on this day for two groups, the dead and the living. That is, these traditions assume that we learn from the ritual of the heifer that the dead need atonement.

The second is that the atonement of our ritual is somehow connected with those who left Egypt. This statement needs explanation. What does it mean? One explanation is found in one of the responsa of R. Eliezer Waldenberg (**Tzitz Eliezer, 12, 39**). Waldenberg explains that the Sifrei text reveals to us that the land of Israel was promised to those who left Egypt on the condition that there be no murderers in their midst (cf. end of Sifrei above). If it happens that the ritual must be performed, that means that the condition has been violated, as it were, retroactively back to those who left Egypt and who had accepted the condition. Thus, the atonement of the ritual goes back in time to include them. **TTT 229 T**

This explication leads Waldenberg to confess that he finds it hard to accept the idea implied in the tradition connecting Yom Kippur and the heifer ritual, namely that this connection implies that the dead ARE ALWAYS in need of atonement. He points out that it is only in cases of murder, where the perpetrator is unknown! Still, at the end of the responsa, Waldenberg accepts the tradition that Yom Kippur atones for the dead as well as the living.

Still, there is one other idea that we must deal with. In the Talmud there is a discussion of the verse: "For on this day atonement shall be made for you to cleanse you of all your sins; you shall be clean before the Lord." (**Lev. 16, 30**) R. Elazar teaches that the emphasis is on the words "before the Lord". That is, only a sin which is not recognized by anyone but the Lord can be atoned for on Yom Kippur. That is, only unintentional sins, or sins that result along a chain of action, the beginning of which was not thought to be a sin, are atoned for on Yom Kippur. If one is aware of their sin, even if no one else knows about it, that sin is NOT atoned for on Yom Kippur. (**Keritut 25b-26a**)

The Talmud, in its fashion, then tries to find specific examples of sins, which have an expiation ceremony connected with them, and where the transgressor is not conscious of his sin. The purpose in this is to say that if Yom Kippur occurs before the expiation ceremony is performed, then the ceremony is cancelled, since Yom Kippur has ALREADY expiated the sin! One example brought is the heifer ritual. If Yom Kippur occurs before the ceremony for a particular victim is carried out, then perhaps we can spare the life of the heifer in that case! Abayye comments that the murderer surely is aware of his sin, and thus this is not a proper example.

Rava indicates that there is additional scriptural warrant for NOT canceling the ceremony, even if Yom Kippur has intervened. Namely, **Num. 35, 33** which implies that there is no way to expiate the LAND except by execution of the murderer or the ritual of the heifer. R. Pappa quotes our verse with its Sifrei explanation, that the atonement goes back to those who left Egypt. That is, even though many a Yom Kippur has occurred between the exodus and the murder, still those who left Egypt would be liable to bring a heifer.

Thus, our understanding of the atonement of the heifer ritual emphasizes that the Torah's ideal is to create a society in which bloodshed SHOULD BE unheard of. In

addition, this ritual and its being tied in with Yom Kippur reinforces the Torah's strong emphasis on the individual's responsibility to correct one's own misdeeds. Yom Kippur atones only for what we have done about which we are unaware. That means that everything else needs to be dealt with openly and forcefully. All other misdeeds must be repaired as best we can in full view of the injured party/parties, just as the ritual of the heifer is in public and in full view. **TTT 229 T and K**

***Deut. 21, 10 - 14**
When you take the field against your enemies, and the Lord your God delivers them into your power and you take some of them captive, and you see among the captives a beautiful woman and you desire her and would take her to wife, you shall bring her into your house, and she shall trim her hair, pare her nails, and discard her captive's garb. She shall spend a month's time in your house lamenting her father and mother; after that you may come to her and possess her, and she shall be your wife. Then, should you no longer want her, you must release her outright. You must not sell her for money: since you had your will of her, you must not enslave her.

The opening of this week's parasha is concerned with the conduct of soldiers in time of war: "When you take the field against your enemies, and the Lord your God delivers them into your power and you take some of them captive, and you see among the captives a beautiful woman and you desire her and would take her to wife, you shall bring her into your house, and she shall trim her hair, pare her nails, and discard her captive's garb. She shall spend a month's time in your house lamenting her father and mother; after that you may come to her and possess her, and she shall be your wife. Then, should you no longer want her, you must release her outright. You must not sell her for money: since you had your will of her, you must not enslave her." (**Deut. 21, 10-14**)

On the face of it, the law of "the beautiful woman" ("eshet yefat toar") seems to be a way of preventing mass rape and misuse of women who are vulnerable to abuse because of the war situation. The Torah acknowledges the lust that arises in men who are engaged in war, and the particular enhanced lust that comes with wielding power over others. At the same time, it legislates control of that lust and curbing of the power.

Still and all, in our day this law is the source of many disturbing rulings, and the halakhic discussion of its ramifications throughout the generations creates even more disturbing moments. For example, the question is asked if this law applies to any woman captured in any war or not. Some say that since the Canaanite nations are subject to "herem", total annihilation, it is clear that the law cannot apply to them. Others disagree, and say that since this law obviously overrides other rules, such as adultery, so it overrides the "herem" rule. Some say that the law does not apply to Israelite women, for example in the wars between Israel and Judah, but again others disagree. **TTT 230 HA and M**

Another example of disturbing discussion is the one about whether an initial rape is permitted before the woman is considered to be protected by the statute. In any case, the substance of this law, as law, is problematic for us in terms of our modern conceptions of the "rules of war". Still, from Madame Butterfly to Miss Saigon to the mass rapes of the Balkan war, the problems and tribulations of captured women who are abused in war and of those who become wives to conquering soldiers is part of the moral grapplings of human civilization in our time as well.

In Hasidic literature the whole law was interpreted in accord with one of the points made in the Talmud, namely, that the law attempts to wrestle with the propensity of people to succumb to lust and appetite. ("yetzer ha-ra" **Kidd. 21b**).

Rabbi Hayyim Ephraim of Sudylkow, in his classic work **"Degel Mahaneh Efrayim"**, explains that the whole text is an allegory. The enemy which is spoken of here is the "yetzer ha-ra", the propensity to succumb to desire. When desire wells up, we need to fight it, and God can help us become victorious in this battle. That is, even if we resist the desire a slight bit, God will then fortify our resistance so that we can overcome the desire. The "eshet yefat toar" is the Shekhina, who is held in captivity by the "yetzer ha-ra". It is clear that the person who is attempting to overcome his propensity for harm to others would prefer to redeem the Shekhina, here seen as the propensity for godly behavior, from its captivity by our drives and desires and make it our wife. (**on ki-tetzei**)

In another comment, R. Hayyim Ephraim writes that the whole idea that one is attracted by the beauty of a certain woman must be carefully checked. That is, one cannot just say that they are enamored of a particular woman and then use this law to have their way with her, but they must first prove that "they cannot live without her". The reason for this careful checking is that if a person has a desire for a beautiful woman, that person might say to themselves that their desire is itself a good thing, for they will be able to fulfill this mitzvah of the Torah by having this desire!

R. Hayyim Ephraim makes an important distinction here. The Torah's rule is not like a mitzvah that one MUST do, that one must strive to fulfill it, rather it is meant as a compromise that is ALLOWED in a situation where the individual's desire is so overwhelming that they might otherwise do things which are much worse if not allowed to fulfill their desire. So, we must check to make sure that we are not USING the Torah law to indulge our cravings, rather we must prove that our situation is so desperate that the Torah rule may be invoked to save us, and presumably the woman, from violent appetite. **TTT 230 M and HA and B**

He illustrates this point with the following parable: "There were two brothers, one rich and the other poor. The poor brother asked the rich one how he had become so rich. He answered him that it was because he did evil and despicable acts that enabled him to amass a fortune. The poor brother left the way of God and started to do evil and despicable acts, but he did not become any richer. So, the poor brother turned to his rich brother and told him that he was doing the same things as him, but he was not amassing a fortune. The rich brother replied that it was because he was doing the evil and despicable acts only in order to become rich from them, whereas he really enjoyed the despicable acts themselves." (**on be-hukkotai**)

Paradoxically, if the desire for this particular woman was merely to indulge a sexual itch, then the use of the Torah rule for that purpose would be a transgression. The law permits sleeping with the woman only if the desire is so great that one would act on it in an evil and despicable manner.

***Deut. 21, 18 - 21**
This son of ours is disloyal and defiant; he does not heed us. He is a glutton and a drunkard." Thereupon the men of his town shall stone him to death. Thus you will sweep out evil from your midst: all Israel will hear and be afraid.

Parashat Ki - Tetzei contains many laws, the most of any Torah portion. One of the laws is that of the "ben sorer u-moreh", the wayward and defiant son. The Torah reads: "If a man has a wayward and defiant son, who does not heed his father or mother and does not obey them even after they discipline him, his father and mother shall take hold of him and bring him out to the elders of his town at the public place of his community. They shall say to the elders of his town, "This son of ours is disloyal and defiant; he does not heed us. He is a glutton and a drunkard." Thereupon the men of his town shall stone him to death. Thus you will sweep out evil from your midst: all Israel will hear and be afraid." (**Deut. 21, 18-21**)

On the face of it this law looks either terribly cruel, or the mere fantasy of parents of a particularly difficult teen-ager. How seriously can one take this? On the other hand, it is a law in the Torah, and thus should be taken quite seriously.

Indeed, the Mishnah, **Sanhedrin chapter 8**, and Talmud delve into the details of ben sorer u-moreh in the same way that they deal with other laws of the Torah. The exact definitions of how one is included in the category are spelled out, and the procedure is enumerated. All of this gives one the impression that this law was part of life.

Yet, even within the legal strata of discussion, there are hints of demur. For example one Mishnah interprets the verses narrowly, and understands that both the father and mother must wish to declare the son wayward and defiant. If one does not wish to do so, then no charges can be brought at all. This Mishnah goes on to say: "R. Judah says: if his mother was not fit for his father, he does not become a ben sorer u-moreh." (**Sanh. 8, 4**) **TTT 230 HA**

The Talmudic discussion on this part of the Mishnah is puzzled by the desire for symmetry. How does one measure "fitness"? Indeed, the Talmud asks: "What is meant by 'NOT FIT'? Shall we say that she is forbidden to him under penalty of extinction or capital punishment at the hand of Beth din; but after all, his father is his father, and his mother is his mother?" The idea that "fitness" might be related to social standing or any other passing criteria is rejected. The Talmud can only make sense of "fit" if it would mean "forbidden" by Torah law. So according to this reading only children who are the result of incest or some forbidden relationship could possibly be defiant sons. Since this is clearly not the thrust of the Torah, this interpretation is rejected.

What "fitness" means is then discussed. R. Yehudah says that it means that the father and mother must be equal in voice, looks and stature, and if there are any differences in any of these qualities then the child cannot be declared a wayward and defiant son. His reason is based on the verse that the parents say: "he does not heed us", which in Hebrew is literally "he does not listen to our voice". Since the word "voice" is in the singular, R. Yehudah learns that both parents must speak with one voice. Since their voice must sound the same, so must their appearance and height be the same.

R. Yehudah has introduced a technicality of the law. According to his understanding, the law demands that the parents be, for all purposes, identical twins! Anything short of that would prevent the law from being applied. Now, it is clear that such a stipulation, in effect, makes it impossible to implement the law. Indeed, the Talmud here continues: "thus we see that the statement: "[a case of] ben sorer u-moreh never occurred, and never will occur in the future. So why was it written? So that we may study it and benefit from our study. [is from R. Yehudah]" This makes it clear that R. Yehudah thinks that the law is merely hypothetical, and is only instructive. It never was applied, nor is it meant to be applied.

This is a striking attitude to take towards a law written in the Torah! Even more striking is the continuation of this Talmudic passage, in which R. Shimon agrees with the above, but his reasoning is based upon moral outrage. "Just because this son ate a tatimar of meat and drank half a log of Italian wine, he is to be stoned? Rather, [a case of] ben sorer u-moreh never occurred, and never will occur in the future. So why was it written? So that we may study it and benefit from our study." The seeming severity of the law as written is used as the justification to declare it a hypothetical law. **TTT 230 HA**

The Talmud then quotes R. Yonatan, who says: "I saw such a case, and I sat on his grave." Clearly, R. Yonatan does not accept the approach of R. Yehudah and R. Shimon. At least, he disputes the fact that the law was never implemented.

This discussion is very interesting. Some of the sages allowed their sense of injustice to influence how they view a law of the Torah. They found it impossible to actually think of the law as worthy of implementation, and could only imagine it relevant as a way of discussing the issues of rebellion and defiance on the part of children. Indeed, one could interpret the demand for a common voice of parents by saying that if there are inconsistencies between what the parents say, that this leads to the child's rebellion. In other words, the wayward son could not be punished unless ALL of the blame was on him. R. Yonatan does not want to allow this approach. Perhaps he was also upset by the severity of the law, but he might have been loath to make it into something symbolic.

Of course, the question for Yehudah and Shimon is why just this law and not others? Where does one draw the line on which rules in the Torah are meant to be implemented and which not? In our day, some rabbis have suggested that this approach be applied to issues of mamzerut, that is a child born out of Torah forbidden sexual intercourse. Still, the codes have codified the discussion of the Talmud, listing all details, while stressing those aspects which make it impossible to convict someone under this law. That is, the rubric of the law has been retained, while the actual implementation has been made almost impossible by the stipulations of the law itself! **TTT 230 HA**

The question of method is crucial. It seems that the halakha, has in general not been favorable to sweeping solutions that would turn out to empty Torah laws of all practical consequence. It has preferred to circle the implementation with so many hedges that the question of implementation becomes moot. Still, today the direction of R. Yehudah and R. Shimon seems more honest and helpful. The debate will no doubt continue.

***Deut. 22, 1 – 4**
If you see your fellow's ox or sheep gone astray, do not ignore it; you must take it back to your fellow. 2If your fellow does not live near you or you do not know who he is, you shall bring it home and it shall remain with you until your fellow claims it; then you shall give it back to him. 3You shall do the same with his ass; you shall do the same with his garment; and so too shall you do with anything that your fellow loses and you find: you must not remain indifferent. 4If you see your fellow's ass or ox fallen on the road, do not ignore it; you must help him raise it.

If you see your fellow's ox or sheep gone astray, do not ignore it ("ve-hitalamtah me-hem"); you must take it back to your fellow." (**Deut. 22, 1**) "If you see your fellow's ass or ox fallen on the road, do not ignore it ("ve-hitalamtah me-hem"); you must help him raise it. (**Deut. 22, 4**)

The two mitzvoth which appear as the heading above are similar in content. They both use the same language "do not ignore it" ("ve-hitalamtah me-hem"). Both seem to be clear cut commands of what we might call "civil duty". The first demands that we respect a person's property and return it to them; and the second demands that we must also help a person as well as respect their property. There is no question that the mitzvah of returning lost property ("hashavat aveidah") is considered a major religious act. It is developed at length both in halakha and aggadahh.

The phrase of the Torah verses which is meant to emphasize the centrality of these mitzvot, "ve-hitalamtah me-hem", affords an interesting case of Rabbinic interpretation and through this interpretation we glimpse a principle of Jewish religion. The simple meaning of this phrase is that you shall not ignore your responsibility. But, in Tannaitic Midrash and in Talmudic literature this phrase is also utilized for exactly the OPPOSITE meaning!

"Do not ignore it" ("ve-hitalamtah me-hem"), sometimes you DO ignore it and sometimes you do NOT ignore it...." (**Sifrei Devarim 222**) The Midrash Halakha here assumes that these words are superfluous. Indeed, the obligation to return property is clear without this phrase; what does it add? The Midrash understands that it adds a condition, if there is a case where one should NOT ignore the mitzvah, then there must be cases in which one DOES ignore the mitzvah. The Midrash gives examples: if a person is a priest and the lost animal is in a graveyard, or a person is elderly and it is undignified for them to run after a lost animal, or if the money lost in dealing with returning the animal is greater than the worth of the animal. In all of these cases the person is exempt from the mitzvah, that is the phrase "ve-hitalamtah me-hem" is read literally, on its own, that is, "you shall ignore it". **TTT 231 HA and B**

It is interesting that the **Midrash Tanaim (to Deut. 22, 4)** begins in the same fashion as the Sifrei, but it adds at the end "but if a person acts piously, and not according to the letter of the law, they are to be praised". Midrash Tannaim apparently is uncomfortable with the whole gamut of exemptions to the basic demand to return lost property, and points out that it is a praiseworthy thing to do, even if one is exempted for the reasons given.

In the Talmudic discussion on this Midrash (**Bava Metzia 30a ff.**), the exemptions are analyzed. For example, it is clear that the priest cannot intentionally make himself

impure just to retrieve a lost animal. It is also defensible that a person not endure monetary loss, by law, in order to keep this mitzvah. But, the one exemption which is most striking is the one concerning the elder's honor or dignity. In the Talmud this is connected with a very important halachic principle "the dignity of people is very great for it pushes aside a prohibition of the Torah" ("gadol kevod ha-beriyyot she-doheh lo taaseh she-ba-Torah") (**Berachot 19b**). **TTT 231 HA and M and B**

In this passage the principle is declared to be a great one. Human dignity and honor are not such light matters that we force a person to give up on them in order to keep a mitzvah. By implication, this is the rationale behind the elders' exemption from the prohibition of "do not ignore them". If the act of retrieving the lost object involves disrespect then they are exempt.

This same principle appears in other cases in the Talmud. Mar is not told that his garment had lost a fringe while walking in the road on Shabbat. He is thus not allowed to continue to carry it, but since it would be undignified for such an eminent man to remove his garment in the street he continues to carry it on Shabbat (cf. **Menachot 37b**) Other examples are in **Shabbat 94b** about carrying a dead person on Shabbat, and in **Shabbat 81b** about violating Shabbat to be able to wipe after a bowel movement. This latter example is codified in the Shulhan Arukh (**OH 312**). In another example, Isserles says that one should not tear clothes made of mixed threads (Kilayim) off a person, because of human dignity (**YD 303**).

All of these are examples of pushing aside Torah prohibitions for the sake of preserving human dignity. It is clear that this was a widely applied principle in Talmudic times (I have only cited a small sample of the Talmudic cases); and that in later times, that is, in the Shulhan Arukh, the applications were limited. Perhaps there was a growing apprehension about this principle being applied too widely, and in general there is a narrowing down of halachic options in the work of the codifiers. **TTT 231 HA**

For me, the principle is very important. It is clear that human dignity was a factor in halachic decision, and that the tendency of the earlier Rabbis is to see it as an important factor which could justify great halachic flexibility. I believe that we must make preserving and honoring human dignity a MAJOR factor in the way we practice Judaism, and in how we make concrete halachic decisions. It is, after all, the way to achieve dignity and honor for ourselves, that is for Torah. "Who is honored, the one who honors others" (**Avot 4:1**). (cf. **Orah Meisharim, "kevod benei adam", p. 25-31** for a complete treatment of this mitzvah).

***Deut. 23, 10**
When you encamp against your enemy, you shall beware of anything which is evil" ("ve-nishmarta mi-kol davar ra")

The laws concerning going to war, found in this week's parasha, are very timely. "When you encamp against your enemy, you shall beware of anything which is evil" ("ve-nishmarta mi-kol davar ra", **Deut. 23, 10**). This is a very general warning, and our tradition struggles with giving it specific content. Thus, rabbinic interpretation of these verses is very diverse, even including the notion that the verse includes a prohibition of speaking maliciously about someone ("lashon ha-ra" **Sifrei Devarim**

354, end; see Tanhuma, Ki-Tetzei 3). The Midrash Halakha teases out a whole spectrum of "evil things" which should be avoided, ranging from ritual impurity, to sexual impurity, to idolatry, to murder and blasphemy.

Ramban explicates this verse as follows: "in my view the substance of this mitzvah is, that scripture admonishes us about the very occasion when sin is most at hand. It is known that when armed camps go to war, that they will eat any abomination, will rob and pillage and not be ashamed even of fornication and licentiousness. Even the most honest of people by nature can be clothed in cruelty and violence when part of an armed camp going out to meet the enemy. Thus, scripture warned "you shall beware of anything which is evil" ("ve-nishmarta mi-kol davar ra"). **TTT 232 M and HA**

In saying this Ramban rejects Rashi's comment that "Satan tempts at the time of danger". Still, both may be saying the same thing, in different ways. Rashi seems to have been based on the interpretation of R. Hiyya bar Ba (Abba, **Yerushalmi Shabbat 2 5b hal. 6**). R. Hiyya wonders why being aware of evil acts is connected to going to war. He asks, if you don't go to war do you not also need to beware of anything which is evil? He answers his own question by saying that "Satan tempts most at the time of danger". I take R. Hiyya to mean that the extreme danger of war, the rush of adrenaline, and the extreme attention to preserving one's own life create a situation where no other person seems to have any worth. Ones own desires must be satiated, and morality becomes irrelevant. The danger and excitement of war creates a situation where being moral is the furthest thing from one's mind. The Torah therefore warns against that situation.

While some may view these commentaries as "explaining" or "apologizing" for immoral behavior in war, clearly the Torah does NOT accept the war situation as an excuse or justification for immoral acts.

As I have written in the past, anyone who gives in to the immorality of the war situation has transgressed this commandment of the Torah, and committed a crime. They should be publicly denounced, even if they are politicians or men of substance. The command to "beware of anything which is evil" ("ve-nishmarta mi-kol davar ra") is for the whole camp ("mahaneh"), and the whole camp is affected if any one individual disregards it.

***Deut. 23, 16 - 17**
You shall not turn over to his master ("adonav") a slave who seeks refuge with you ("asher yinazel aylekha") from his master ("adonav"). He shall live with you in any place he may choose among the settlements in your midst, wherever he pleases; you must not ill-treat him.

One of the laws in this week's parasha concerns a run-away slave. "You shall not turn over to his master ("adonav") a slave who seeks refuge with you ("asher yinazel aylekha") from his master ("adonav"). He shall live with you in any place he may choose among the settlements in your midst, wherever he pleases; you must not ill-treat him." (**Deut. 23, 16-17**) The translation "who seeks refuge with you" captures the sense of the Hebrew words. Literally the Hebrew says "who is saved by [coming] to you". It is understood that the words include the notion that the slave has moved into your camp, and by so doing is saved from or survives his master ("adonav").

The Torah seems to be assuming that if a slave runs away from his master, that it is because the master has treated the slave cruelly, or in a fashion in which one should not treat a slave. Remember, that the Hebrew slave is protected by various rules. There is a limit to the amount of time that one can be a slave (**Ex. 21, 2ff.**). It is forbidden to work a slave cruelly (cf. **Lev. 25, 43, 46**), and a slave must cease work on Shabbat just like anyone else. The legal presumption here seems to be that the master has transgressed these laws, and thus it is our duty NOT to turn the slave back over to his master. **TTT 232 HA and M**

Now, this verse alone seems to be enough. But, the Torah adds a most perplexing verse after that. This run-away slave can live wherever he chooses and cannot be mistreated in any way. What is the purpose of this repetitious law which not only accepts the basic claim of the slave to be free of his master, but makes it a point of stressing that the one who accepts him must make sure of the slaves freedom. No coercion is allowed of this person. **Verse 17** stresses the rights of the run-away slave to be free, to choose his own place of dwelling etc. Indeed, the **Sifrei** on this verse sees each phrase as a different right accruing to the slave (**359**). At the end of this list, Sifrei interprets the case as being that of a non-Hebrew slave who is saved from idolatry! The word "adonav", his master, is taken to mean, "his gods" (cf. **Gittin 55a**). **TTT 232 M and U**

At this point, the law begins to take on new dimensions. It is not necessarily so that law is dealing with a slave that has been mistreated by his master. The interpretation is put forth that the case is dealing with a slave who sees that the worship of idols is futile. One who wishes to make a spiritual change in their life, and runs away to live with Jews in the land of Israel for religious reasons. **Rashi** (**ad loc**) includes an interpretation that includes the case of a non-Hebrew slave who runs away from a Hebrew master living in exile, in order to live in Israel. These interpretations produce a very ironic picture of a non-Jewish slave who becomes a believer in the God of Israel, in the Torah, and/or in the Zionist aspirations of Jews. This slave runs away from an environment, according to Rashi even a Jewish environment, where he cannot uphold these ideals and beliefs! To such a person rights are guaranteed.

Ramban on **this verse** interprets the phrase "in any place he may choose" to mean precisely the choosing of the life of freedom which is the basic assumption of those who worship God. Ramban writes: " 'in any place he may choose', that means that it is a mitzvah that he be a free person, and we, thus, should not put him in servitude. Since we worship God, it is not proper that we should return him to his masters to worship idols."

Ramban seems to have a view that the belief in One God ultimately includes the right of freedom. Ramban adds another reason why these slaves are to be treated fairly and not returned. That is that they will learn the secret ways into the cities, and could thus aid an attacking army if they were returned and were bitter about it. This reason of expediency must be meant for those for whom the first reason of principle would be too hard to accept. **TTT 232 M and T and U**

In any case, this law, as interpreted in our tradition, makes the case for human freedom being a basic right for which we all must struggle, not only for ourselves, but a right which we must uphold for others as well.

***Deut. 23, 18 - 19**
No Israelite woman shall be a cult prostitute ("kedeisha"), nor shall any Israelite man be a cult prostitute("kadesh"). You shall not bring the fee ("etnan") of a whore or the pay ("mehir") of a dog into the house of the Lord your God in fulfillment of any vow, for both are abhorrent to the Lord your God.

Among the diverse subjects contained in this parasha is the subject of prostitution, and the rewards thereof. "No Israelite woman shall be a cult prostitute ("kedeisha"), nor shall any Israelite man be a cult prostitute("kadesh"). You shall not bring the fee ("etnan") of a whore or the pay ("mehir") of a dog into the house of the Lord your God in fulfillment of any vow, for both are abhorrent to the Lord your God." (**Deut. 23, 18-19**)

The JPS translation renders the feminine Hebrew word "kedeisha" as "cult prostitute", and the masculine form "kadesh" in the same fashion. There is an ongoing debate among biblical scholars as to the meaning of these words. Some scholars think that it is simply "prostitute", and has nothing to do with cult. Others think that it is some kind of cultic function, but not necessarily having anything to do with prostitution. For the former, the two verses go together and form one law, for the latter these are two separate laws.

JPS has a note on the phrase "pay of a dog" to the effect that this means "a male prostitute". According to this interpretation there is a parallelism in the verses, the female prostitute's wages are called in Hebrew "etnan", fee, and the male's are called "mehir", pay. The question that remains as to the significance of these two words, and why is the word 'dog' used instead of a more direct word? Early halakhic tradition has assumed that **verse 19** is talking about prostitution in general, and not necessarily something that is connected to idolatrous cults. In addition, this tradition has seen all of verse 19 as talking of the payment to prostitutes, and has, in its own inimitable way, interpreted the words creatively and broadly.

This approach is found in many sources, and I will not spell them out here. Suffice it to say that in the usual halakhic fashion, the terms are quantified, and the boundaries are debated and defined. In general, it seems that the tendency is to define the terms narrowly, but there are other traditions that apply the idea to varied cases. In addition, by products of the fee are allowed. (cf. **Mishnah Temura chapter 6 Gemara 30aff., Parah 2, 3; Tosefta Bekhorot 7, 8; Midrash Tannaim ad loc**) The point of the halakha is that the profit from a forbidden act should not be used for sacred purposes. If a prostitute has vowed to offer a certain amount or object to the Temple, it cannot be the fee or the object which was obtained by the act of prostitution. **TTT 233 HA and M**

Ramban explains that the reason for this is that the motivation for using the exact object is that the person feels that by giving some of their gain for a mitzvah that it will atone for the transgression, and will give them cause to continue in their misdeeds. He interprets, however, the "pay of a dog" in an unusual way relating it to his own experience. Ramban says that this phrase refers to those who use dogs in hunting and as guard dogs, and they breed fierce and violent dogs that do damage to the public. They also feel that if they vow the price of these dogs, which is very high, for sacred purposes that it absolves them of all of the damage that their dogs may do.

He points to a custom in his own day of making wax statues of their dogs and using them as a kind of idol for success. (**on Deut. 23, 19**)

Another interpretation of "pay of a dog" is found in a fascinating and disturbing Talmudic passage dealing with the law that a woman who is not a virgin may not marry a high priest. Questions are raised in terms of distinctions about how the woman lost her virginity. Perhaps the prohibition is only for those who lose it in a normal way, by being married, and thus the widow and divorcee are forbidden, but if a woman lost her virginity in an unnatural way, by forced intercourse, or by having intercourse with an animal, then perhaps they would be allowed to marry the priest.

In discussing this latter possibility the Talmud cites an incident in which a young woman was sweeping the floor and a village dog "covered her from the rear". She was declared fit to marry a high priest by Rabbi Judah ha-Nasi. (Yev. 59a-b) So far, it seems that the tendency is to not censure the woman for something that was not her fault or that she had no control over. On the other hand, it is disturbing that in this same passage it is made clear that if the abusing man who forced the woman was the high priest himself, then she is forbidden to him. Even though, at the end of the passage it is stated that if he did marry her after all, the marriage is valid. Still, the idea strikes us today as unjust, and also inconsistent with the other path of the passage that is less demeaning of the woman.

As noted, the issue of the price which the harlot is paid is permitted to be used at the altar, that is, if she is paid with a cow, the cow is forbidden at the altar, but if the cow gives birth, the calf is permitted. This leads to a discussion of the principle involved. If a cow was used for intercourse, it was to be killed, and if the cow was pregnant at the time, the issue is disqualified for the altar. The reason is that the abuse was for both. Similarly an animal which gored, which was to be killed, but if it was pregnant at the time its issue is forbidden for the altar. Again, the reason is because both were involved in the goring. But, if the animal was designated for idolatry, while pregnant, it's young is fit for the altar. Why is this case different from the other two? Here the Talmud assumes that the person who designated the cow for idolatry did not intend to include the unborn calf, whereas in the two previous cases the calf was involved perforce by being intrinsically part of the mother. (**Temura 30b**)

What is fascinating here is that the actions by which the child is tainted by what happened to the parents are violent actions. The first one, where the animal is sexually abused, they are the victims of violence. The second one, where the animal gores, they are the perpetrators of violence. In both case there is an influence on the children which is unmistakable and inevitable. Even though this strikes us as unfair, it is clear that the children of victims and perpetrators of violence are affected as a matter of fact. In the case of idolatry, which is a matter of conviction and intention, the influence on the children is not as certain or inevitable. Conviction may be strong in the parent, but the child is not bound by that, and is more easily judged as able to be free of the parents' beliefs.

***Deut. 25, 1 - 3**
When there is a dispute between men and they go to law, and a decision is rendered declaring the one in the right and the other in the wrong - if the guilty one is to be flogged, the

magistrate shall have him lie down and be given lashes in his presence, by count, as his guilt warrants. He may be given up to forty lashes, but not more ("lo yosif"), lest being flogged further("pen yosif"), to excess, your brother be degraded before your eyes. ("ve-niklah ahikha le-eynekha")

Towards the end of Ki Tetzei we read about corporal punishment meted out by the courts. "When there is a dispute between men and they go to law, and a decision is rendered declaring the one in the right and the other in the wrong - if the guilty one is to be flogged, the magistrate shall have him lie down and be given lashes in his presence, by count, as his guilt warrants. He may be given up to forty lashes, but not more ("lo yosif"), lest being flogged further("pen yosif"), to excess, your brother be degraded before your eyes. ("ve-niklah ahikha le-eynekha")" (**Deut. 25, 1-3**)

The punishment described is flogging, one of the tractates of the Mishnah, **Makkot**, deals with it. **Deut. 25, 3** seems very concerned with the number of lashes, and with degradation that might occur because of the number of lashes. One immediate question of this verse might be simply, why 40? Is there any significance to this number? Furthermore, the verse makes it clear that there can be no MORE than 40, but is there a minimum? Is the degradation only related to the number of lashes, or is there more to that concept than is immediately apparent from the verses? Finally, we might ask if there are any consequences from these laws applicable today?

The first thing to notice is that the Mishnah reduces the maximum number of lashes to 39. True, R. Yehudah thinks that the full 40 should be administered, but that is not the halakha. Since the number is 39, the principle is established that the number decreed by the court must be a number divisible by 3. (**Makkot 3:10-11**) The Mishnah also includes a Midrash which is widespread in various sources. This Midrash uses the Torah's phrase "your brother" to make the point that after the flogging the offender is totally restored to his former status. That is, those liable for punishment of kareth, who have as part of their trial been punished by flogging, are free of the punishment of kareth. (**Makkot 3:15**)

Now, these two points alone reveal a tendency towards a more humanistic outlook regarding a criminal. We will see that this same tendency is applied to everyone. The point is that the maximum possible extent of punishment is curtailed, and this has to do with sensitivity towards human dignity. In addition, one who has transgressed and is liable to kareth might be viewed as a willful sinner. Kareth is a punishment which is in the province of God, and yet, if the person has been physically punished by the human court, that indignity frees the person from the "outstanding" punishment of kareth. **TTT 233 M and T and U**

Indeed, these two tendencies to show compassion, and to be concerned with a person's dignity, even for a criminal who is to be corporally punished, continue to come into play throughout the sources on this law. For example, if a guilty person begins to receive their lashes, and they soil themselves, this indignity immediately stops the punishment. (**Sifrei 286**) Another example is connected with the idea that the flogging penalty is a substitute for the death penalty. (Indeed, much attention is paid to the possiblity that such physical punishment could result in the death of the guilty person.) But, if that is the case, the Talmud asks, why estimate how many lashes to give? Always give the maximum, and if the person dies, they die! The

answer is again from our phrase that demands attention to the person's dignity, in this case, their dignity is served by their remaining alive! (**Sanh. 10a-b**)

The maximum number in the Torah, 40, also has its explanations. **Ibn Ezra** simply says that the number is fixed because it is a decree from Heaven, and cannot be left up to the whims of a judge.(**on Deut. 25, 3**) One explanation is typified by the Tanhuma's statement: "the person who is created at 40 days, and who transgressed the Torah, which was given in 40 days, receives their punishment of 40 lashes…" (**Num. 23, 27**) The Rabbinic axiom is that a human embryo is fashioned in 40 days. **TTT 233 L**

But, even more interesting are the explanations of why the sages reduced the maximum number to 39. One explanation is that the verse contains 3 phrases limiting the punishment; "but not more ("lo yosif"), lest being flogged further("pen yosif"), to excess, your brother be degraded before your eyes. ("ve-niklah ahikha le-eynekha"). These three cautionary phrases add up to the basic human rights of the sinner, and lead to setting aside one of the lashes. (**Otzar ha-Midrashim, 352**) This idea that we should limit the maximum because of the basic right of all humans to dignity emphasizes this part of our verse which states that specifically. In this same spirit, the **Mahzor Vitri** adds that the phrase "your brother" "ahikha", has the numerical value of 39. (**344**) His very being, as "your brother", has to be reflected even in the punishment meted out. **TTT 233 L**

The principle is extended to say that if we must be careful in not physically abusing a convicted criminal, then SURELY we must be most cautious in not abusing or harming another person at all. (cf. **Rashi there**) The idea is that the Torah prohibits us not only from striking another person, but in addition it prohibits doing so in a way which is disgraceful to that person. The force of the blow is not the only factor, but also the indignity which it may bring about.

Using this understanding of our matter, R. Ovadiah Yosef permits cosmetic plastic surgery. He was asked if a woman may have such surgery done in order to make herself more attractive. His answer is that the halakhic principle that a person cannot harm themselves is not a factor here. For here the single woman may be aided in finding a husband, and a married woman will be more attractive to her husband. So, the surgery is not for disgrace or indignity, but rather to increase a person's self-esteem and to improve their dignity in their own eyes, and in the eyes of loved ones. Therefore, he permits cosmetic surgery. (**Yabia Omer, part 8, Hoshen Mishpat, 12**).

R. Yosef's connecting a woman's self-esteem with being an object of beauty seems to me to be less than positive. Still, the principle that the Torah is concerned with human dignity no less than with mere physical harm is an important one. **TTT 233 M and B**

***Deut. 25, 13 - 16**
You shall not have ("lo yihyeh lekha") in your pouch alternate weights ("even va-even"), larger and smaller. You shall not have in your house alternate measures ("eifah ve-eifah"), a larger and a smaller. You must have completely honest weights ("even shelemah") and completely honest measures, if you are to endure long on the soil that the Lord your God is

giving you. For everyone who does those things ("oseh eleh"), everyone who deals dishonestly ("oseh avel"), is abhorrent ("toevat") to the Lord your God.

The very end parashat Ki Tetzei, the command to remember Amalek, is well known because it is read on Shabbat before Purim. What precedes the command "zachor" is less familiar. It is the command to have just weights and measures. This section reads:

"You shall not have ("lo yihyeh lekha") in your pouch alternate weights ("even va-even"), larger and smaller. You shall not have in your house alternate measures ("eifah ve-eifah"), a larger and a smaller. You must have completely honest weights ("even shelemah") and completely honest measures, if you are to endure long on the soil that the Lord your God is giving you. For everyone who does those things ("oseh eleh"), everyone who deals dishonestly ("oseh avel"), is abhorrent ("toevat") to the Lord your God." (**Deut. 25, 13-16**)

On the face of it, this seems simple and obvious. Weights and measures must be uniform. The Torah forbids us to have in our possession "alternate" weights and measures. Now, it is clear that the verse refers to a system where stones ("even") are marked to use as weights in a scale. If I have a stone which weighs, say, 100 grams, and I mark it 100; and I have another stone, which is similar to the first, but weighs only 80 grams, and I mark that stone "100" as well, then I have transgressed this commandment. According to this verse I cannot even have such alternate standards in my possession, not on my person, nor even in my house.

The assumption of the verses is clear. If one has such diverse weights, it can only mean one thing: you intend to deal dishonestly. But, my question is: why have both kinds of stones to begin with? If you wish to deal dishonestly, just have the 80 gram stone and mark it with 100! If we want to be literal, ala some halakhic discourse, in that case we would NOT violate the Torah law, for the law is that you cannot have TWO kinds of stones.

Just how does this "alternate weight" thing work? Do you use the correct weight of stones to measure for your friends, and the dishonest ones for enemies? What if you reach into your pouch, and intend to cheat someone, and make a mistake and out comes the real 100 gram stone, or vice versa?

It seems to me that this is precisely the point of the Torah's prohibition. If standards that are known and accepted as fair and just are not scrupulously adhered to, then dishonesty reigns, and there can be no more trust in society at all! Why do we need weights at all? Let's say you want to bake some bread. You go to the market and take your own jar that you know holds what you want for making your bread, and you say to the seller, "fill her up". A price can be agreed upon as to what is fair for enough flour to make the bread. If I buy a kilo, say, of wheat, I always get more than I need. Weights, in short, seem impractical, and yet, we cannot seem to find a better way to insure fairness and justice in purchase. That is the whole point of having weights in the first place, and tampering with that social consensus mean introducing dishonesty into society in place of honesty. **TTT 234 HA and M**

This is why the Torah insists on talking about "completely honest weights ("even shelemah")", and contrasts this with to "deals dishonestly ("oseh avel")". The word "shelemah" implies wholeness and harmony, the word "avel" implies fragmentation and discord. This interpretation is bolstered by the way that the Mishnah and Talmud deal with our verses. The halakha understands that the issue here is not so much the technical tweaking of weights, but uniform standard practices that are accepted as fair and just in any given place. That is why in **Bava Batra** the rabbis talk about places where the custom is to heap up the flour and other places where the custom is to level it off. One cannot change from the custom of the place, even if one says that they will change their price in accord with the measure. (**89a**) The verse that proves these halakhot is the dictum that there must be completely honest weights. **TTT 234 M**

The Talmudic discussion notes that the Torah says: "You shall not have ("lo yihyeh lekha")". What does this mean? One might think that you could have such alternate weights if you did not use them. But, our gemara here interprets these words in an active manner. "You shall not have ("lo yihyeh lekha")", teaches us that we must appoint market supervisors to watch over honest weights, but not for supervising prices" (**BB ibid.**). It is not only that you can't have alternate weights, but the Talmud understands that the authorities must MAKE sure that you do not have them. The sugya continues to tell us that supervisors for prices were also appointed, AGAINST the halakha of the hachamim. The astonishing thing is that the gemara tells us this approvingly, quoting R. Yitzhak: "supervisors for both weights and prices must be appointed, because of the swindlers." Rabbinic legislation approves of price regulation, along with weight regulation. Dishonesty in general is the result if these common every day factors are not supervised, and the cheaters feel free to act dishonestly all the time. **TTT 234 HA and M**

The Midrash also notes that the Torah prohibits alternate weights on one's own person, and in one's own home. It is a matter of personally not being prepared to act dishonestly, not only in the business arena, but also at home and among friends. This Midrash notes that if dishonesty is so rampant in society that it is brought into the home, then the state will not be able to withstand any outside enemy that wishes to overrun it. This is why our verses are immediately followed by the attack of Amalek. It is when society disregards all rules of fairness and justice in supply and demand, not only in materiel goods but also in spiritual goods, and in the home, that it is open to attack with impunity by the dishonest. So, we are to remember this lesson, that to prevent Amalek from getting a hold on us, we have to look into our own social practices of fairness and justice, and make them "completely honest". (**Ruth Rabbah 1, 2**) **TTT 234 B and MI**

***Deut. 26, 3**
…I declare today to the Lord your God that I have entered the land which the Lord swore to our ancestors to give to us.

This week's parasha begins with the mitzvah of bringing first fruits to the priest. This passage is famous for its inclusion in the Passover haggadahh as the shortest summary of Biblical history, and for the description of the first fruit ceremony which is popular in Israel on the holiday of Shavuot. For me it presents an opportunity to follow the development of halakha.

When the first fruits are brought to the priest a declaration is made. In addition to the historical summary one says: "…I declare today to the Lord your God that I have entered the land which the Lord swore to our ancestors to give to us." (**Deut. 26, 3**) This declaration is parallel to the declaration, haggadahh, made to progeny at the Passover Seder. It clearly establishes a connection between a family that may have been living in the land for centuries, and the historical process that made the land theirs in the first place. (For a fuller explication of this cf. **my articles: "Zionism and Conservative Theology in the Haggadahh", Proceedings of the Rabbinical Assembly, 1993, p. 83-93; and Three Language Passover Haggadahh, The Masorti Movement, 1992, commentary; and "Omer and Bikkurim", on the theological underpinnings of the Omer and First Wheat offering, Proceedings of Shavuot Conference, Bet Berl College, 1987, in Hebrew**; all available on my blogsite michaelgraetz.com)

The idea of direct identification between a person bringing first fruits to the priest, with God's promise to Abraham leads to a midrash halakha that excludes converts from bringing first fruits. "I have entered the land which the Lord swore to our ancestors, excludes converts". (**Sifrei Deut. 299**) Clearly, the idea is that since the convert's direct ancestors were not those of a born Israelite, they cannot recite the formula as prescribed in the Torah. Thus, if they cannot recite the formula, they are not obligated to bring the first fruits.

Now, this seems to be a straightforward interpretation of the text, and, as such, does not arouse much surprise. However, another midrash halakha of Tannaitic vintage takes the opposite approach. " I have entered the land which the Lord swore to our ancestors, includes converts who bring first fruits and read the declaration, because Abraham was told "I have made you the father of many nations" (**Gen. 17, 5**), thus Abraham is the father of anyone in the world who enters under the wings of the Shekhinah". (**Midrash Tannaim on Deut. 26, 3**) Prof. Auerbach, who published Midrash Tannaim, felt that it was the parallel midrash halakha from the school of R. Ishmael to the Sifrei from the school of R. Akiba. **TTT 235 HA and M and U and P**

The Mishnah, which codifies the halakha, seems to choose both opinions by creating a compromise. The convert can bring the first fruits and participate in this national ritual, but does not read the formula declaring that he is an offspring of Abraham. This Mishnah goes on to say that "if his mother was an Israelite" then he can read the declaration. (**Bikkurim 1, 4**) This addition needs to be dealt with on its own for the implications about fixing Jewish identity according to the mother. This Mishnah goes

on to spell out other liturgical limits for a convert: "when he prays by himself he says "the God of the ancestors of Israel", and when he prays in the synagogue he says "the God of your ancestors", but if his mother was an Israelite he says "the God of our ancestors".

Now this would seem to be a successful compromise. It acknowledges the converts status as part of the Jewish community by allowing him to participate along with everyone else in bringing the first fruits, while remaining true to the literal meaning of the words of the declaration. But, this is not the way the halakaha developed. The development of this dispute is fascinating, but I will cut directly to Maimonides who explains in a responsa that although this is an anonymous Mishnah, and thus we would expect it to be the halakha, that it really is the opinion of R. Meir (the student of R. Akiba) and it is NOT the halakha! (**Teshuvot ha-Rambam 293**)

In his code, the Mishneh Torah, Maimonides codifies this halakha thus: "the convert brings the first fruits and reads the declaration, for Abraham was told "I have made you the father of many nations" (**Gen. 17, 5**), thus Abraham is the father of anyone in the world who enters under the wings of the Shekhinah" (**Yad Bikkurim 4, 3**) In addition, the halakha fixed that the convert when praying always says "the God of our ancestors" (cf. **Bartinoro on Bikkurim 4, 3, et. al.**).

Note that Rambam literally quotes the rationale of the Midrash Tannaim as the basis for his fixing the halakha against the Mishnah. The concept that one who accepts God becomes an offspring of Abraham is more powerful than the literalness of the person's origins. The idea that a person can be "reborn" is familiar in religion, and in this case one who has converted receives all of the rights and privileges. The value of the concept of equality for all who accept Torah, whether by virtue of birth or by choice, becomes the major factor in deciding the halakha. This gives us insight into a methodology where values are central to the development of halakha. **TTT 235**

***Deut. 26, 12 - 13**
When you have set aside in full the tenth part of your yield—in the third year, the year of the tithe—and have given it to the Levite, the stranger, the fatherless, and the widow, that they may eat their fill in your settlements, you shall declare before the LORD your God: "I have cleared out the consecrated portion from the house; and I have given it to the Levite, the stranger, the fatherless, and the widow, just as You commanded me; I have neither transgressed nor neglected any of Your commandments...

Parashat Ki Tavo opens with the command to bring an offering to the priests of the first produce of the field. Part of this ceremony is the declaration recited by the one who brings the offering. This declaration, known in the tradition as "mikra bikkurim", "the public reading of the first produce offering", is familiar to most Jews because of its inclusion in the Haggadahh of Passover.

The bringing of the first produce to the Temple signifies the end of the agricultural calendar in Israel. What follows this section is a continuation of the ritual elements connected with agriculture. "When you have set aside in full the tenth part of your yield—in the third year, the year of the tithe—and have given it to the Levite, the stranger, the fatherless, and the widow, that they may eat their fill in your

settlements, you shall declare before the LORD your God: "I have cleared out the consecrated portion from the house; and I have given it to the Levite, the stranger, the fatherless, and the widow, just as You commanded me; I have neither transgressed nor neglected any of Your commandments..." (**Deut. 26, 12-13**) This declaration is a kind of confessional ("vidui") and is known in the tradition as the "vidui ma'aser" ("the confessional of tithing").

The confessional relates to the proper fulfilling of the commands in **Deut. 14, 27-29**: "But do not neglect the Levite in your community, for he has no hereditary portion as you have. Every third year you shall bring out the full tithe of your yield of that year, but leave it within your settlements. Then the Levite, who has no hereditary portion as you have, and the stranger, the fatherless, and the widow in your settlements shall come and eat their fill, so that the LORD your God may bless you in all the enterprises you undertake." We can easily see that the "vidui ma'aser" requires each person to declare that they have scrupulously kept the taxation commands of the Torah, that is, the commands concerning tithing etc., specifically including the tithing for the benefit of those who have no "hereditary portion".

Quite often we do not really appreciate the meaning or import of these laws. If we start from a premise, which the Torah does, that a part of each person's personal earnings have to be given for other causes, that is, taxation, then we realize that "taxes" are an inherent part of society. Given the Torah's drive to spell out rules for an "ideal" society, it would be very informative to understand how taxes operate in this ideal view.

Rashi's explication of our verses spells it out. We must each be able to confess that we have fulfilled our duty of tithing, that is, truth of disclosure is essential. Secondly, we must show that we have not kept any of what was meant for taxes for ourselves. We give a share directly to the civil service which administers the public welfare. We give another part of our taxes for the purpose of affirmative action for those who do not have an inherited portion of the land. Each part is given in the proper order. This is interesting because, as in many modern systems, the Mishnah tells us that if we give more of the free-will taxes to the poor ("Peah, leket, shichacha"), those are not counted in the amount to be tithed for public service, that is, "charitable deductions" (cf. **Mishnah Peah 1:6**) Since each person gives directly to several different causes, we must keep our records straight so that each cause gets its due properly. Finally, we must make sure that we have recited the proper blessings over setting aside our tithes. **TTT 235 HA and T and B**

I find it hard to imagine any modern person even conceiving of saying a blessing over taxes. Clearly, the Torah views this whole process in a different way from most moderns. One clear difference is the giving to the different causes which each person's tax money supports in a direct fashion. Some is to the priests for administering the Temple and public services, some is to the Levites for administering the roads and water works, some is to the poor to redress the lack of equal economic opportunity (this is how the Torah views the lack of land). Some is used for "internal tourism", that is to bolster the economy by spending holiday vacation money in Israel ("ma'aser sheni").

The Torah sees this whole system as an ideal one, which enables the public welfare to be served, redressing of lack of equal economic opportunity, and clear support of local economy. Because we are fortunate enough to have produce and income we are willing and cheerful participants in all of this, that is, we have the ability and the opportunity to support our society, and for that we say a blessing.

There is a statement in the Talmud which shows that even in the "good old days" there was a movement away from being happy with this ideal view. "Rabbah b. Bar Hanah further said in the name of R. Johanan reporting R. Judah b. Ila'i: Observe the difference between the earlier and the later generations. The earlier generations used to bring in their produce by way of the kitchen-garden purposely in order to make it liable to tithe, whereas the later generations bring in their produce by way of roofs or courtyards or enclosures in order to make it exempt from tithe." (**Ber. 35b**) Already in the Talmud there is a perception that the later generations searched for loopholes to prevent having to tithe honestly.

But, it seems to me that the main view of the Torah is similar to what we read in another passage on the same page of the Talmud (**35a**): "Rab Judah said in the name of Samuel: To enjoy anything of this world without a benediction is like making personal use of things consecrated to heaven, since it says. The earth is the Lord's and the fulness there of." And, on the following page: "R. Hanina b. Papa said: To enjoy this world without a benediction is like robbing the Holy One, blessed be He, and the community of Israel...." (**35b**) Jewish society, the community of Israel, is part of God's world. What we have as profit, made from the world, is a gift from God as well as a result of our own work. Many work just as hard, but do not make as big a profit. So the Torah demands that we realize that we must share our profit with the community of Israel. Our earnings are a blessing in themselves, and blessings are meant to be shared. The tithes are the blessings which we share as we enjoy the profits of this world. **235 HA and T and B**

It seems to me that the Torah assumes that each person is concerned with the welfare of the "community of Israel" and not just with themselves. Each person knows that they and the community are inseparably intertwined, and their own personal gain cannot be a blessing without a strong and just community. Our obligations to God's view of community are our own obligations, and we express them concretely through the system of tithing. In modern times, with an undermining of the sense of the holiness of the community and an overemphasis on the individual's profit, the system of the Torah can seem unrealistic. Religiously, however, it is the only way to be truly realistic. **235 HA and T and B**

***Deut. 26, 16 - 19**
The LORD your God commands you this day to observe these laws and rules; observe them faithfully with all your heart and soul. You have affirmed this day that the Lord is your God, that you will walk in His ways, that you will observe His laws and commandments and rules, and that you will obey Him. And the Lord has affirmed this day that you are, as He promised you, His treasured people who shall observe all His commandments, and that He will set you, in fame and renown and glory, high above all the nations that He has made; and that you shall be, as He promised, a holy people to the Lord your God.

Sometimes words in the Torah are almost impossible to comprehend. The exegetical tradition goes into spasms of creative ideas in order to lend comprehension to such phrases. One such phrase appears in our parasha, and it seems to be a central conception of Jewish thought. We read: "The LORD your God commands you this day to observe these laws and rules; observe them faithfully with all your heart and soul. You have affirmed this day that the Lord is your God, that you will walk in His ways, that you will observe His laws and commandments and rules, and that you will obey Him. And the Lord has affirmed this day that you are, as He promised you, His treasured people who shall observe all His commandments, and that He will set you, in fame and renown and glory, high above all the nations that He has made; and that you shall be, as He promised, a holy people to the Lord your God." (**Deut. 26, 16-19**)

What is so unclear about that, you ask? Well, the translation has to make a choice, and thus it creates a smooth passage. But, the word "affirmed" is a choice of the translator. JPS puts a note by that word, "Exact nuance of Heb. uncertain". What a wonderful expression. Not only is the word unclear, but even the nuance is uncertain! The Hebrew is "he'emarta" and "he'emirekha", respectively, from the root "amar". The verse talks about the very nature of relationship between God and Israel, but it uses a word which no one can understand! **TTT 236 L and H**

Rashbam, for example, goes through a torturous explanation which is, at least to me, as unintelligible as the word itself. He ends his comment by giving the old French word for it. I want to concentrate on two approaches to the meaning of this phrase.

One approach sees the word "he'emir" as related to "hemir", that is, to change or to interchange. This is grammatically problematic, but this group of commentators rely on sound and context to impart meaning to the verses. Indeed, our verse appears in some of the sources which cite the tale of the woman (mostly called Miriam) and her seven sons who are tortured and killed for refusing to bow down to idols. The tyrant brings in the seventh son, the youngest one, and tells him to bow down to the idol. The son replies: "God forbid, I will not bow down to the creation of human hands, for we have sworn to God not to worship other deities, and the Holy One has sworn to us that he will not interchange us for another nation, as it says…(quotes our verses)" (**Eliyahu Rabbah, 28**).

Here the relationship which Israel affirms to God, and God to Israel, is one of fidelity, never to forsake or change the partner of the relationship. **Ramban** sums up this approach by saying: "since you have taken upon yourselves all of the Torah and its interpretations, and its stringencies and its novelties, you thus make God's name great and raise Him up so that the Lord alone will be your God, and you will never acknowledge another deity." (**on Deut. 26, 17**). The difficulty with this approach is that the explanation of the word "amar" is forced. This idea is important, but it appears elsewhere, for example, in the 10 commandments. **TTT 236 T**

Another approach is to be found in a splendid passage in the Talmud Berakhot. There it is posited that God wears Tefillin. R. Nahman bar Yizhak asks R. Hiyya bar Avin, "what is written in the Tefillin of the Master of the world?" He answers: "And who is like Your people Israel, a unique nation ("goi ehad") on earth" (**I Chron. 17, 21**)

But, then the question is asked: "is it so that the Holy One praises Israel?" We would think that it is always the other way around! The answer is, "yes", He does praise Israel. The proof is in our verses. The verses are interpreted thus: "The Holy One said to Israel: you have made me a unique entity ["hativah ahat"] in the world, and I will make you a unique entity in the world." (**Ber. 6a**) The proof of "making God a unique entity" is from the verse, "Hear, O Israel! The Lord is our God, the Lord alone ["ehad"]." (**Deut. 6, 4**) The proof of God's doing the same to Israel is from the verse in **1 Chronicles 17**.

The relationship is founded on singling out the other. Seeing the other as a unique entity. The Hebrew word used "hativah" derives from the use in both of the verses of the word "ehad", One. This Midrash is trying to explain the verses in the sense of choosing a unique object of love, the only object of love. This understanding precedes the notion of fidelity of the first approach. It understands that, as the Rambam puts it, at first God and Israel chose each other out of love, out of desire to see the other as the most unique thing in the world. (**Moreh Nevukhim, II, 43**) **TTT 236 T**

The only problem with this approach is that the root "amar" is not part of this explanation at all! But, there is a parallel source to the Talmud, which uses another word in place of "hativah". In the **Mekhilta d' R. Ishmael** we read, "you have made me an "imrah" … and I will make you an "imrah".". Perhaps the Talmud replaced "imrah" with "hativah". (**be-shalah, Shirah 3, cf. Tosefta Sotah, 7, 10 and Lieberman there**)

But, what is "imrah"? This is the word used for a cuff or hedge around a shirt or skirt. It was used to proclaim the beauty or the importance of the article of clothing to which it was attached. In a discussion of how evil people are known, the Yerushalmi declares "they advertise themselves like a cuff on a mantle" (**TJ, Kidd. 4, 65b**) Ibn Janah, in his dictionary/grammer book, Sefer ha-Shorashim, explains our word "he-emirekha" to mean, "publicized you and your name as a good sign." (cf. **Lieberman, Tosefta Kifshuta, Zeraim, p. 662**).

The advantage of this nuance to our phrase is that it is the same root, "amar". The idea of the relationship is that everything which Israel does in the world, all of its actions, publicizes its connection to God, its love of God. The Torah is not merely a collection of laws, but it is meant to be a "cuff that advertises the garment". The love of God needs to be seen, it should be known by the way that Torah is lived. Our verses make this sense of publicity the essence of the fulfillment of the Torah, and show us the heavy responsibility associated with fulfilling the Torah. **TTT 236 T**

***Deut. 27, 14**
The Levites shall then proclaim ("ve-anu") in a loud voice ("kol ram") to all the people of Israel.

When Israel crosses the Jordan river and enters the Land of Israel they are to assemble between two mountains, Gerizim and Ebal. A ceremony of covenant is to be enacted there. The nature of the precepts that form the content of the covenant apply specifically to a society which is living in its homeland. This covenant is a social contract tailored for Israel as it lives on its own land. This ceremony is reminiscent of the covenant at Sinai, many of the precepts are the same, it takes place

near mountains, and it is written down on stones for preservation. Six tribes are on one mountain and six tribes on the other: "The Levites shall then proclaim ("ve-anu") in a loud voice ("kol ram") to all the people of Israel". (**Deut. 27, 14**) Instead of God's voice being the only one, it is the Levites who declare the articles of the contract, and the tribes respond with "amen".

One of the most important aspects of Judaism is the multivocal interpretation of words and phrases of the Torah. The understanding of the Hebrew "ve-anu .... kol ram" is varied in the tradition. Indeed, I will point to SIX views which explain how the Levites spoke to the nation. **TTT 237 P and T**

The translation "proclaim in a loud voice" is the choice of **Rashi**, who says that every use of the word "anah" means to speak loudly (e.g. on **Psalms 119:172**) Indeed in modern Hebrew "kol ram" means to raise your voice, and a metasthesis of the phrase, "ramkol", means a voice amplification system. So, the important quality of the social contract is that it be heard, that everyone knows what it is.

According to **Metzudat Tzion (on Psalms 88:1)**, the word "anah" always means "to sing". He interprets the Levites voice in our verse as being one of song. I take this to mean that the important thing about a social contract is that it be moving and inspiring, that it appeal to ones sense of beauty and joy.

A third view is that this phrase merely means that the words were spoken in Hebrew (cf. **Talmud Sotah 33a**). For this view the contract for a Jewish society must be tied to Jewish history, tradition and culture. The Hebrew language is the medium of direct connection to all of those, and it is the unchanging substratum of Torah.

Yet another view is that the phrase means "antiphony", that is, responding to the speech of others (cf. e.g. **Yalkut Shimoni on ki-tavo, 938**). The Levites recite the text and the tribes respond. On this view the most important thing about a social contract is that it be reciprocal, relational, and that all parties feel a part of it.

A fifth view can be discerned from a comment of Rashi concerning a phrase which is the opposite of "kol ram". In the scintillating tale of how the Jews managed to annul Roman decrees against the practice of Judaism, it is said that R. Elazar bar R. Yosi "ikeim piv", which Rashi interprets as "did not speak out forcefully as was his custom" ("she-lo amar kol ram ke-minhago" **Me'ilah 17b**, the whole story starts on **17a**). This part of the story has R. Elazar answer an halachic question put to R. Shimon b. Yohai. But, since R. Shimon is his teacher he cannot give the answer loudly and forcefully as he was used to responding to such queries. In order not to transgress the notion of "teaching halakha in front of ones teachers", he spoke quietly. On this view "kol ram" means speaking forcefully and authoritatively. In this view the social contract must have authority behind it, otherwise it will be disregarded.

The sixth view of our phrase is found in the Jerusalem Talmud (**Sotah 21c, hal. 2**). The Levites spoke to all the people "kol ram", which literally means "the voice of the One who is elevated" ("be-kolo shel ram"). God joined His voice in with that of the Levites to declare the social contract. The sound was not loud nor soft, but moderate. What was crucial about it was that it was in partnership with the voice of God. The

social contract must be informed by the Divine voice of justice and compassion, not in a strident fashion, but in a way which brings the spirit of God into the everyday life of society.

***Deut. 27, 15 - 26**
Cursed be anyone who makes a sculptured or molten image, abhorred by the Lord, a craftsman's handiwork, and sets it up in secret.—And all the people shall respond, Amen. Cursed be he who insults his father or mother.—And all the people shall say, Amen…. Cursed be he who misdirects a blind person on his way.—And all the people shall say, Amen….

Parashat Ki Tavo contains the series of curses recited on Mt. Eval. It is a kind of concentration of negative commandments for which one is considered an accursed person:

Cursed be anyone who makes a sculptured or molten image, abhorred by the Lord, a craftsman's handiwork, and sets it up in secret.—And all the people shall respond, Amen. Cursed be he who insults his father or mother.—And all the people shall say, Amen…. Cursed be he who misdirects a blind person on his way.—And all the people shall say, Amen…. (cf. **Deut. 27, 15-26**)

Of this whole list, two mention that the infraction is performed "in secret" ("ba-seter"). One is making and setting up an idol (**v. 15**), and the other is striking one's fellow in secret (**v. 24**). None of the other transgressions mention this. Why is this so?

Rashbam, a grandson of Rashi, explains that there are 12 transgressions which are cursed one for each tribe of Israel. All of the curses are intended for transgressions which are usually done in secret, except for the two spelled out above, for those are sometimes done in secret and sometimes in public. In other words, the Torah specifies that those two when done in secret are cursed, and this implies that the others are always done in secret.

Rashbam explains that when the two mentioned are not done in secret there are prescribed punishments which the courts can carry out. The point of the curse is that these things are done in secret, and no court finds out about it. There is no need to proscribe cursing for sins carried out where people could be caught, tried and punished. Indeed, this is his interpretation of the verse that "the known things are for us and our children", i. e. the courts, and the "hidden things are for the Lord our God" (**Deut. 29, 28**)

This explanation is fascinating. The covenant to which the people vocally accept upon entering the land is not a covenant of laws, but a covenant of conscience. The Torah, according to Rashbam, asserts that it is not enough for a Jewish society to obey laws and rely on a court system to enforce those laws. Each person must declare publicly that they are aware that bad actions done in secret and never discovered by the courts are not free of all consequence. The nation must publicly assert that there is such a thing as a "curse from God", not necessarily something physical or materiel like a court punishment but an inner stigma that brands the action for what it is – immoral and wrong. **TTT 237 T and M**

An example of this is the interpretation of one of the curses, done in secret, "Cursed be he who misdirects a blind person on his way." (**Deut. 27, 18**) In his commentary **on Gen. 27, 12 R**. Menahem b. Shlomo, known as **Sekhel Tov**, uses our verse. Jacob is about to fool his blind father, Isaac. He puts sheep skins on his arms to that Isaac will take him for his brother Esau, who has more hair on his arms. Jacob worries: "If my father touches me, I shall appear to him as a trickster and bring upon myself a curse, not a blessing.".

Sekhel Tov explains: "When I say to him "I am Esau" and he will touch me and find that my arm is smooth, I will be like a one who flounders around on the road, and this will make me accursed, for he will curse me for tricking him, and it is written "Cursed be he who misdirects a blind person". According to this understanding, Jacob understands that his action is wrong, and he is bothered by it. Nevertheless, he does it. In my view, however, the fact that he did feel a curse attached to his action is what motivates him, years later, to make up with his brother, and to attempt to "return to him" the blessing taken away with guile. (cf. **my interpretation of Gen. 33, 10**)

One good example of the difference between a transgression in secret, and one that is known in public is in connection with the verse "Cursed be he who misdirects a blind person". At first glance this may seem to be a restatement of the verse: "You shall not… place a stumbling block before the blind." (**Lev. 19, 14**)

The verse from Leviticus is interpreted to mean that one should not do something publicly which leads an unknowing person, that is a person "blind" about a certain subject, to do the wrong thing. The "stumbling block" here is a known entity, and thus this transgression can be discovered, if it is not immediately obvious. But, the misdirection of a person who is blind about a subject, may never become known, unless the one who misdirects fesses up to it publicly. The illustration of the Sekhel Tov makes this clear. For the first kind of transgression there can be a trial and punishment, for the second kind repentance and good deeds are needed.

The sense that having done an act, one done in secret and never discovered, that deserves to be cursed is necessary for repentance to be possible. In this way the covenant at Eval is a grounding for Yom Kippur.

***Deut. 27, 18**
cursed be one who sends a blind person astray on the road ("mashgeh Iver ba-derekh"), and all the people affirmed 'amen'.

Ki Tavo contains the covenant of blessings and curses, many of which are echoed in other verses in the Torah. **Deut. 27, 18** states: "cursed be one who sends a blind person astray on the road, and all the people affirmed 'amen'. The Hebrew ("mashgeh Iver ba-derekh"), means who causes a blind person to take the wrong road, and conjures up childish pranks such as telling a blind person to turn right, when the sign to where he wants to go points left. This is a nasty trick to play on someone who cannot see, and the people give their unison condemnation of it. Rashi interprets this as giving false advice to someone who does not understand the situation. This is a widening of the simple meaning of the words, but consistent with Rabbinic tradition.

This verse recalls to mind the verse in **Lev. 19, 14** "Do not curse a deaf person, nor put a stumbling block before the blind, you shall fear your God, I am the Lord". Despite the similarities, there are two major differences between these verses. One difference is that the transgression being described is not the same. In Lev. the transgressor actually places a physical stumbling block before the blind person. In Rabbinic literature this is widened to include tempting someone with something that you know they dearly want. You know that it is wrong, but you put it out for them to take anyway. In Deut. the transgressor seems to just lead the blind person astray without any physical temptation. You give false leads, bad advice, taking advantage of the person's lack of knowledge.

Still and all, the transgression seems to be the same in a basic way: taking unjust advantage of a disability. So, the second difference is all the more significant. In Lev. it is God who disapproves of and will not tolerate unfair advantage being taken. In Deut. the transgressor is warned by threat of disapproval of the PEOPLE. It is the people Israel, "kol ha-Am", who one must cross when taking advantage of the blind. **TTT T and M and ED**

At this time of year, when we are dealing with questions of sin, forgiveness, atonement and remembering, we are aware of coming to the Synagogue to address God. But, in Jewish tradition, it is no less important to remember people, and be aware of social disapproval. It is a sign of social health if society disapproves of such callousness. If it does not, how will God's disapproval really be affective?

When R. Yohanan b. Zakkai became ill his pupils came to visit him They asked him for a blessing, and he replied: "May it be God's will that the awe of heaven will be upon you, as strongly as the awe of society". His students were astonished at this seeming blasphemy, but R. Yohanan explained that when someone commits a sin they worry first and foremost that they will not be caught by their friends (**TB Berachot 28b**). The integration of society and God which R. Yohanan spoke seems to be implied in the different conclusions of the two verses concerning the blind person. **TTT 237**

***Deut. 29, 9 - 11**
You stand ("nitzavim") this day, all of you, before the Lord your God—your tribal heads, your elders and your officials, all the men of Israel, your children, your wives, even the stranger within your camp, from woodchopper to waterdrawer - to enter into the covenant of the Lord your God …

What is in a name? This parasha is named "Nitzavim". The Hebrew word "nitzav" literally means "to stand up", and in modern usage it is the word used for movie extras, that is, the people who stand around and wait for their time to stand in front of the camera. This modern usage is interesting because it is based on another modern usage of the word "nitzavim", namely, stalagmites. This usage has roots in the Torah itself. Lot's wife looks back at the destruction of Sodom and becomes "netziv melah", usually translated a pillar of salt. A stalagmite is exactly that, a pillar of mineral. So, a film extra is like a pillar who stands as an adornment to the main actors.

In our parasha, however, the word seems, on the face of it, to carry a more substantial meaning than that: "You stand ("nitzavim") this day, all of you, before the Lord your God—your tribal heads, your elders and your officials, all the men of Israel, your children, your wives, even the stranger within your camp, from woodchopper to waterdrawer - to enter into the covenant of the Lord your God … (**Deut. 29, 9-11**). The occasion has ultimate significance in that the nation is standing before God to enter into a covenant. The standing itself has significance, and this is perhaps why the more common word for standing, "omed", is not used here. **TTT 238 H and L**

Indeed, the midrash halakha on Deuteronomy infers from our verse that the inclusiveness of the list of those "standing" before God to enter the covenant is meant to convey the idea that each and every person is responsible for maintaining the covenant. The word "nitzav" here has the overtone of standing fast, of loyalty and commitment. This midrash points out that if the nation had not "stood up" for the Torah it would have been forgotten. Not only that, but in every generation the Torah is taught and interpreted so that it not be forgotten. That is the primary responsibility of accepting the covenant. (**Sifrei 48**) It is akin to accepting citizenship, for which one announces that they personally accept the obligations of citizenship, and stand up to proclaim it.

In addition, the Torah is ours not merely because our ancestors accepted it, but the idea of "nitzavim" is that each person, no matter how learned or how unlearned, is personally responsible for its existence. (**Sifrei 345**) Thus, "nitzav" here has the implication of taking responsibility personally, being a "stand up person" for Torah. But, the extra is that too. Even the greatest star is also an "extra" on the set, and thus it is with Torah. All of Israel is equal in responsibility and we are all extras in this scene. If we flub our moment, it shows.

One other matter in our verse puzzles the rabbis (**Yer. Horayot 3, 48b-c, halakha 5**). The order of those recounted, in the end the whole nation, begins with "your tribal heads ("rosh"), your elders ("zaken")…" The tribal head ("rosh") is presumably a

political office, part of the bureaucracy of government, while the elder ("zaken") is more like a sage. Why does Moses give preference to the politician over the sage? R. Yehoshua b. Levi interprets that one cannot become a tribal head if they are not also a sage. That is, the first answer to the puzzle is that there is no implication of importance since one must be both. However, he is asked, when Joshua gathers the nation he gathers first the elders and then the tribal heads (**Josh. 24, 1**). This implies that there is a difference, and that Joshua did not agree with the order that Moses had used.

The Yerushalmi offers several distinctions to explain the reversal of order between Moses and Joshua. Since all of them were Moses' students he gave precedence to the politician, but since not all of them were Joshua's students he gave precedence to the sage. It seems that if all are equally students then one who enters the political arena deserves recognition. But, when not everyone is equally a student, then the sage deserves recognition first.

The next suggestion is that since Moses was not going to engage in conquering the land, and thus did not need the sages to be part of that enterprise, he did not defer to them in standing. Joshua, however, did engage in the battle for the land, and needed the sages to be on his side in that effort. Thus, he gave the sages top billing. Finally, we learn that since Moses was not exhausted by his teaching of the Torah he placed the tribal heads first. Joshua, who was exhausted by teaching, places the sages first. If one has enough energy, as Moses had, then one can teach Torah even to politicians. But, if one has other things to do and cannot devote all of their energy to Torah, then one might prefer sages who can "do it for you".

Finally, R. Yehoshua of Sikhnin in the name of R. Levi says that Moses foresaw Israel's troubles among the nations. He foresaw that the nation's political leaders were going to have to be the front line protecting the nation against kingdoms who wanted to exploit them. Thus, he placed the politicians first out of respect for their role as guardians of the nation.

These opening verses of this week's parasha are dramatic. "You stand this day, all of you, before the LORD your God—your tribal heads, your elders and your officials, all the men of Israel, your children, your wives, even the stranger within your camp, from woodchopper to waterdrawer—to enter into the covenant of the LORD your God, which the LORD your God is concluding with you this day, with its sanctions; to the end that He may establish you this day as His people and be your God, as He promised you and as He swore to your fathers, Abraham, Isaac, and Jacob." (**Deut. 29, 9-12**)

The conclusion of a covenant with God is indeed a momentous occasion. What is particularly interesting in this passage is the inclusion of everyone as part of God's people. Lest one think that only the 'tribal heads, elders and officials' are included, the verse spells out that all are included, including the stranger! But, one phrase is particularly intriguing for its inclusion, namely, "from woodchopper to waterdrawer". Who are these people? The list seems inclusive enough without those categories. Why would one think that a list which includes men, women, children and strangers should specify "from woodchopper to waterdrawer"? What does this add?

Of course, the inclusion of strangers also seems strange. However, we know that the stranger is included in other mitzvot as well, e.g. Shabbat, or the Paschal sacrifice, if circumcised (cf. **Ex. 12, 43**). So, there is precedent for including residents who are non-Jews as part of the covenant. But, who then are the woodchoppers and waterdrawers? **Rashi**, conflating the traditions of **Yevamot 89a** and the **Tanhuma Nitzavim 2**, interprets that they are the Gibeonites who wanted to convert in the days of Moses, since they are referred to in this manner in **Joshua chapter 9**. Moses did not accept them as converts, but includes them in the covenant in positions of menial labor. According to this view there are three categories included in the covenant: Israel, resident strangers living with Israel, and foreigners who wish to join in with Israel, who are given tasks of manual labor. **TTT 238 M and P and U**

One might take the skeptical view that Rashi's interpretation supports the notion that Jews could not be referred to as menial laborers. Indeed, part of the idea of some of the schools of Zionism was to correct the "inverted pyramid" of Jewish economic life. That meant holding up physical labor as an ideal. The assumption was that Jews had shunned manual labor, and that this was one 'flaw' in Jewish society that would make it impossible to create a state unless corrected.

However, some interpretations include the "woodchoppers and waterdrawers" as part of Israel. Tanhuma Nitzavim 5 learns from the list in our verses not only that all are included, but that all are equal in the covenant ("kulam shavim lefanai")! It sees the list as not only inclusive, but as saying, the tribal heads, elders and officials are equal to the women, children and woodchoppers and waterdrawers! This Midrash also interprets this equality to mean that all are equally responsible for each other ("kulechem areivim zeh ba-zeh")!

The Midrash goes on to say that even though we have the notion that a whole generation benefits from the merit of one Tzaddik, this verse shows that ALL are responsible for the generation in an equal fashion! Equal opportunity and equal responsibility is the message of this list. Jews can and should be involved in manual labor. It is wrong to assign a lower status to such people. Indeed, this Midrash makes it clear that the prevailing ways of assigning status to people by virtue of their social positions or incomes, even by virtue of the test of righteousness (tzidkut), cannot blind us to the fact that in God's eyes all are equal in the covenant both in terms of rights and in terms of obligations. We are called upon to remember this truth so that injustice is not done in society. **TTT 238 "**

***Deut. 29, 12 – 14**

12to the end that He may establish you this day as His people and be your God, as He promised you and as He swore to your fathers, Abraham, Isaac, and Jacob. 13I make this covenant, with its sanctions, not with you alone, 14but both with those who are standing here with us this day before the LORD our God and with those who are not with us here this day.

Jewish tradition posits that there is a tremendous obligation upon us to fashion the spiritual heritage that our children will be receiving from us. This week's parasha talks of the covenant between Israel and God before entering the Land of Israel. It is at this point that Moses reveals that the point of this covenant is "that God establish you today as a nation unto Him." (**Deut. 29, 12**) Furthermore, he spells out that this

covenant is "not only with you who are here present ("'omed") today... but also with those who are not here today" (**Deut. 29:14**) **TTT 238 B and ED**

In what sense are those not present at the actual ceremony of the covenant involved? The Midrash Tanhuma on this passage spells out that "the generations to come were there... this means that all the souls (of the future generations) were there, even though their bodies had not yet been created....that is why the word 'omed ("present") was not used for those not here" (**Buber, Nitzavim, 8**). I take this to mean that the spiritual tradition which we create in our own day, the relationship between ourselves and God which we develop in our own lives, this is the tradition that will be available for our children and grandchildren. We should develop and cultivate those parts of our tradition which express the vision of what a person can be at their best, of what humanity can be at its best.

In Judaism, the vision of the future is found in the prophets of the Hebrew Bible. Their vision of the future always includes the following elements: 1) freedom for Israel, and all nations 2) a situation where all men are at peace, and there is no more war, 3) a universal recognition of God as the father of all men, i.e. feelings of closeness between all human beings on the basis of the recognition of one universal Father for all humanity. **TTT 238 U and P**

The universal vision of the future in Judaism is found in the prophet **Isaiah**: "My Home 'Baytee' will be a 'home of prayer' for all the nations"(**56,7**), a verse which is repeated again and again on the Yamim Noraim, to emphasize that our task is to cultivate this vision.

The groundwork that we lay down today, between Jews and other religions will be the "covenant" which those not yet born will inherit when their bodies are created. It is a great obligation, may the works of our hands be established for righteousness and justice.

***Deut. 29, 13 - 14**
not with you alone, but both with those who are standing here with us this day before the LORD our God and with those who are not with us here this day.

Parashat Nitzavim begins with a declaration of a "brit", a covenant, between God and Israel. The covenant is the major apparatus for viewing the relationship between God and Israel, and as such is a major concept in talking about that relationship. This section (**Deut. 29, 9ff.**), not only describes the covenant at the time just before entering the Land of Israel, but sets out the claim that this covenant is for all time, that it is "not with you alone, but both with those who are standing here with us this day before the LORD our God and with those who are not with us here this day." (**vs. 13-14**) **TTT 238 T**

One of the unique features of this description in this passage is the fact that the word covenant ("brit") is always accompanied by another word "alah" (cf. **v. 11, 13 etc.**). The two seem to go together, and yet, it is not clear what is being indicated here. There are two distinct approaches in the sources to understanding the meaning of the word "alah". Each understanding is based on the use of the same word in other verses, so each one has good prooftexts. However, each understanding produces a

totally different view of the relationship between God and Israel, so the understanding of that word is not a trivial matter. **TTT 238 T and H**

One understanding of the word "alah" can be found in different versions in several of the collections of Aggadic Midrash. This approach points out that God made three covenants with Israel. The first was when they left Egypt, the second was at Sinai, and the third is the one in Nitzavim. Why was there a need for the third covenant? According to this approach, since Israel had annulled the second covenant by making the golden calf, it had to be renewed. But, because of the experience of wanton abandonment of God, God made the renewed covenant with sanctions. This approach views the word "alah" as meaning "kelalah", which is a curse, warning or sanction. This is, indeed, the meaning of the word in **Num. 5, 27** in the context of the Sotah ritual. The suspected woman becomes accursed, if she is guilty.

This Midrash ends with the idea that just as the Sotah is warned to keep her covenant with her husband by means of curses, so Israel is warned to keep its covenant with God in the same fashion (**Tanhuma, Buber, Nitzavim 6**). The image of the relationship between God and Israel is that of a suspicious husband and his wife. Israel must always live in fear of being cursed. Israel is always totally subservient to God's dictates. This understanding is the way that the JPS translation takes the word "alah". Although this may be the "peshat" it is too bad, in my opinion, that the other view is not referenced at all. **TTT 238 T**

The other view is that the word "alah" means an oath. This is clear from another verse in the Sotah section where the oath and "alah" are used together (**Num. 5, 21**). But, what is the nature of the covenant that the word "oath" bespeaks, as opposed to the word "curse"? To fully understand this let us examine another Midrash. This Midrash relates to the covenant at Sinai. This covenant is accompanied by a sacrificial ritual. Moses reads the laws to the people and they accept them by saying: "All the things that the LORD has commanded we will do!" (**Ex. 24, 3**) Then Moses prepares an altar for the sacrificial rite. They take the blood from the sacrifices and divide it into two parts, as is written: "Moses takes half the blood" ("hatzi ha-dam", **Ex. 24, 6**). The Midrash asks simply: "How did Moses know how much was half the blood?"

What a wonderful question! Indeed, what was his secret regarding knowing the exact amount of volume of liquid? This Midrash gives 5 answers to this question! R. Judah b. Ilai said that the blood just was divided properly by itself. It just happened. No divine or human intervention, merely the way things work in the world. This is a position which reminds me a great deal of Isaiah Leibowitz, z"l. R. Natan said that a miracle happened, and half the blood turned black in color and the other half was red. Everything is miraculous, and the miracle is perceived by some external clear sign. This reminds me of a Hasidic approach, perhaps Habad. R. Yitzhak said that a heavenly voice ("bat kol") told Moses where to stop at the half. Here there is a special Divine revelation to the religious leader. This is somewhat like what is said of certain "gedolim", that they operate by Divine voice. Bar Kappara said that an angel in the appearance of Moses descended from on high and divided the blood into equal parts. This smacks of some approaches today which make religion dependent on "tzaddikim" who are the earthly embodiment of heavenly forces.

Finally, the school of R. Ishmael said that Moses was well trained in the nature of the flow of blood, the natural rules about its volume and how it divides. Moses had done his scientific research, and was able to devise instruments that showed him where half the blood divided. Moses uses his acquired knowledge to fulfill the Divine will regarding the ceremony. This is more to my taste. This is the opinion with which the Midrash carries on. As in many such sources, the preferred opinion comes at the end. But, what is most important is the image of the covenantal relationship that this explanation entails. Israel is an equal partner to God! (**Lev. R. 6,5**)

This Midrash goes on to spell out the partnership. God swore allegiance to them (Israel) and they swore allegiance to God (the prooftext being our verse **Deut. 29, 11**). Moses asks God what to do with the half of the blood which is "His", and God replies that he is to sprinkle it on Israel, and the half which is "Israel's" is to be sprinkled on the altar, that is the physical symbol of God's presence. As in many such rituals, blood is exchanged. The creation of the partnership is mutual.

One aspect of this relationship, however, is not totally mutual. This Midrash must also account for Israel's breaking of the covenant at Sinai. It posits God thinking that just as Israel rejected God, He will be free to reject Israel. But, the Midrash says, Israel acted as "a human" (cf. **Hos. 6, 7**, "ke-adam avru berit"), but God clearly declares that "I am God and not a human" (**Hos. 11, 9**). That is, Divine mercy is assured even against those who transgress God's covenant. Man's task is to strive to imitate God. In this case it means to strive to be faithful to others, even if they seem not to deserve it. This is one of the main elements of Yom Kippur, namely, that even for those who have transgressed, God's trust in them does not waver. **TTT 238 T**

***Deut. 29, 18**
When such a one hears the words of these sanctions, he may fancy himself immune, thinking, "I shall be safe, though I follow my own willful heart"—to the utter ruin of moist and dry alike.

The first half of parashat Nitzavim, has many elements that are considered to be more "philosophical". These relate to elements of Torah and commandments beyond behavior, and have to do with belief and psychology. Still, the element of God's anger at those who spurn the commandments is present. However, there is a unique attempt to try and understand the inner world of those who do not keep the commandments. The JPS translation reads: "When such a one hears the words of these sanctions, he may fancy himself immune, thinking, "I shall be safe, though I follow my own willful heart"—to the utter ruin of moist and dry alike." (**Deut. 29, 18**)

This sentence is so difficult that even the translation, whose task is to be smooth and understandable, seems obtuse. The end of the verse, "to the utter ruin of moist and dry alike", is explained in JPS by the footnote, "i.e. everything". An expression which includes two opposites is a way of saying "everything", like "from A to Z". The Hebrew, however, is much more complex and is much harder to understand in this way. Also, the phrase, "willful heart", in Hebrew is not easy. The word "bi-sherirut", translated "willful", is unusual, and thus, it is not clear what it means. The phrase "fancy himself immune" is also difficult. In Hebrew, "ve-hitbarekh be-levavo", is literally "blesses himself in his heart", which may imply immunity, but really points

to something active rather than passive. In short, this is a very difficult sentence which means that our tradition contains diverse and fascinating commentary on it. **TTT 239 H and L**

Rashi explains that the phrase "fancy himself immune" ("ve-hitbarekh be-levavo") is based upon the concept of "blessing" ("berakha"). The person in question thinks that he is "all right", that none of the bad things that come about from flaunting the law, or from ignoring the responsibilities inherent in the nature of the law, can happen to him. The "self-blessing" here is a kind of arrogance associated with people who think that rules "are meant to be broken". This person is unaware that true blessing is bestowed by others, as a result of good deeds, and that one cannot decide to "bless themselves". I think this is precisely Rashi's point, namely, that a person CAN indulge themselves, but they mistake their self indulgence for a blessing! (**on Deut. 29, 18**) **TTT 239 M and T**

The reason for this arrogant attitude is that that this person acts with a "willful heart" ("bi-sherirut libo"), which Rashi interprets as "whatever his heart envisions". He takes the Hebrew root of the word "sherirut" to be "shur", which means "to see". That is, the person indulges their desire for what their heart "sees", notwithstanding that the heart's desire may be evil or may cause pain to others. The rules are meant to be a yardstick by which to measure the heart's desires, in order to decide which of them to follow and which to reject. **TTT 239 "**

The mechanism of following one's desires without any inquiry by the criterion of the rules, is addictive. Rashi interprets our phrase "to the utter ruin of moist and dry alike" as expressing the decline into addiction to self-indulgence. The Hebrew word "sfot", moist or satiety, stands for unintentional sins, and the Hebrew word "tzemeiah", dry or thirsty, stands for intentional sins. Rashi implies that the attitude of totally ignoring the rules, which are meant to enhance the quality of one's life, almost makes the difference between intentional and unintentional sin a moot point. For such a person it would be hard to claim unintentional sin ("shogeg").

Ibn Ezra illumines the process from a different perspective. He understands the self-blessing to be a kind of assigning of powers that prevent the consequences of their actions from affecting them. They believe that their own desire becomes a kind of demigod which itself can protect them from harm. Thus, their desire leads them to override any sense of fairness or morality. They believe that they are protected from the upshot of their immoral actions. Ibn Ezra understands that they reach this conclusion as a result of thinking "I will live because of the righteousness of the just ones ("tzaddikim"), for they are many, and I am only an individual who sins." (**on Deut. 29, 18**) **TTT 239 1044 M**

Ibn Ezra's point is fascinating. These people know that they are violating the commandments, but they feel that since others are not violating them, they will survive. If most people are not doing bad things, one person doing wrong will not change the overall situation. They justify their own lack of responsibility, by assuming that there is enough of it to go around.

The Torah is so strident about the depth of this sin, because it is the antithesis of the basic virtue of the Torah, namely, personal responsibility for the consequences of my

actions. Furthermore, as Ibn Ezra and others point out, this total disregard for the rules leads one to break more and more rules. The Hebrew word "sfot" is connected to the word for "more" ("tosefet"). But, this word literally means to quench a thirst, and the word "tzemeah" means thirst. But, the meaning of the verse is that the quenching of the thirst leads to greater thirst. (cf. also **Ramban on Deut. 29, 18, Rambam, 8 chapters, chapter 3**) **TTT 239 B**

One might conclude from all of the above that the heart's desires drive one to ignore or to flaunt the rules. There is a midrash which adds another dimension to this issue. This midrash senses that how one follows the rules influences the direction of the heart. If a person foolishly chooses to ignore the rules, which means ignoring the consequences that may happen when the rules are ignored, then that behavior will create a foolish heart. (**Otzar ha-Midrashim, p. 407**) The process is not one-way, but it is mutual. A certain lust of the heart may prod one to action which is wrong, but the action reinforces and further develops that tendency of the heart. **TTT 239 M and B**

There are many social phenomena in our society which seem to be illustrations of the processes outlined here. In Israel there is too much ignoring of the rules, for all of the reasons spelled out here, and this can be sensed from the highways to the army to the way ignoring of laws leads to cruelty towards foreign workers to the way that Israel's resources are mistreated. There are so many people who feel that they need not be responsible for how they personally keep the Torah, since there are others "doing it for them." It is almost trivial to draw out these illustrations. Yet, our enhanced understanding of the mechanisms involved may help develop better techniques for educating for the importance of Torah and mitzvot in our lives. **TTT 239 ED and M**

***Deut. 31, 7**
Be strong and resolute ("hazak ve-ematz"), for it is you who shall go with this people into the land that the Lord swore to their fathers to give them, and it is you who shall apportion it to them.

We are reaching the end of the Torah. Moses is about done with his final speech, and as part of the end of his life he calls his successor, Joshua, in order to hand over the leadership of the nation to him. How does he do it? We read: "Then Moses called Joshua and said to him in the sight of all Israel ("le-einei khol yisrael"): "Be strong and resolute ("hazak ve-ematz"), for it is you who shall go with this people into the land that the Lord swore to their fathers to give them, and it is you who shall apportion it to them." (**Deut. 31, 7**)

Moses transfers power to Joshua and gives him a charge. The interesting thing is that this is done "in the sight of all Israel ("le-einei khol yisrael")". It is clear that Joshua's inauguration as leader needs to take place in public, not in some smoke filled room. The phrase "in the sight of all Israel ("le-einei khol yisrael")" appears several times in the Bible. It appears in the very last verse of the Torah, indeed, this phrase ends the Torah. It describes the fact that the activities of Moses' life were all done in the open in plain sight.

The fact that all the nation sees its leader and his actions seems to be a good thing here. Yet, the phrase also appears in connection with the transgressions of Avshalom who sleeps with his fathers consorts in plain sight of all (**2 Sam. 16, 22**) There are times when it is positive that the leaders actions are in the spotlight, and there are other times when openness causes disgrace. **TTT 240 M**

One could merely say that Moses is obeying God's command. God tells Moses to appoint Joshua as his successor. He specifically tells Moses to have Joshua appear before the people, and that they should hear Moses' charge to him. (**Num. 27, 18-20**) The Midrash halakha on Deuteronomy remarks that the charge to Joshua is just that, not a commandment, but it is meant to inspire him and spur him on in the task. It interprets the words of the charge "Be strong and resolute ("hazak ve-ematz")" as "be strong in Torah" and "be resolute in good deeds". (**Sifrei Devarim 29**)

The Sifrei, thus, understands Moses' words not as commands, but more like an ethical will that is left to give moral guidance for future generations by spelling out for them what is important and what is not. In this case, Torah and good deeds is all you have to know. Another tradition has Moses' words being words of practical advice, namely, be wary of Israel they are stubborn insolent nudniks. Judging by the rough time that Moses had with the nation, this does seem like something he would want to pass on to his successor.

Ramban rejects this interpretation of Moses' words. His rejection is based specifically on the fact that the charge is delivered in public in front of the whole nation. That is not an appropriate venue to rant and rave about the bad qualities of the nation in their face. Perhaps, Ramban, surmises, Moses told Joshua those things, but that must have been in private. If Moses were to have said those things in public, it might cause

the nation to become heretical. Besides, Moses knows how to reprove the nation directly if he wants to, he does not need to do it in the limelight of the public transfer of power. (**Ramban on Num. 27, 19**)

He believes that Moses instructs Joshua, in sight of all, in the rules of good leadership and of judgment, that is of decision making. This, he says, is important for the nation to see and know that their new leader has heard the analysis of a master on how to lead and how to be a righteous judge by making careful and considered decisions. This will bolster the confidence of the nation in Joshua. They rely on him to follow the path of his teacher, and strive for justice and truth in all of his dealings with the nation.

Even though Joshua was not elected by popular vote, still the Torah prescribes that the leader appear in sight of all the people and explain to them what he knows about leading and about his process of decision making. It appears that this aspect of our present day democratic life was thought to be essential to the transfer of power.

***Deut. 31, 9**
Moses wrote down this Teaching ("Ha-Torah ha-Zot") and gave it to the priests, sons of Levi, who carried the Ark of the LORD's Covenant, and to all the elders of Israel.

Some times the plain meaning of the text causes consternation concerning the order of events. In parashat "va-Yelekh" we are told that: "Moses wrote down this Teaching ("Ha-Torah ha-Zot") and gave it to the priests, sons of Levi, who carried the Ark of the LORD's Covenant, and to all the elders of Israel." (**Deut. 31, 9**) This is connected with Moses calling to Joshua, in front of the whole nation, and charging him to be the leader of the people. However, in the same chapter in verses **24-26**, we read: "When Moses had put down in writing the words of this Teaching ("Ha-Torah ha-Zot") to the very end, Moses charged the Levites who carried the Ark of the Covenant of the LORD, saying: Take this book of Teaching and place it beside the Ark of the Covenant of the LORD your God ("mi-tzad aron berit adonai"), and let it remain there as a witness against you."

The problem is clear. How many Torahs did Moses write? To whom did he give them? Where were they placed? In verse **9** Moses writes a Torah, and gives it to the priests. What do they do with it? We are not told. In verse **24-26**, he writes a Torah and gives it to the Levites, and tells them to place it "beside" the Ark, as in our translation, or "inside the Ark on the side", as it might be understood.

Now, hold on a minute, you might say. This may be talking about different scrolls, or texts that Moses wrote down. The first one charging Joshua with leadership, and the second being a text of the poem, or song, which Moses recites in the next parasha. This may work well for someone who reads the text outside of tradition. But, for the Jewish tradition, there is only ONE Sefer Torah, which Moses wrote. The problem is, when did he write it, to whom did he give it, and where was it put?

Ramban makes a brilliant attempt at harmonizing these verses with the tradition that Moses wrote down all of the Torah at the end of his life. Ramban needs to harmonize, not only the Biblical verses, but the disparate traditions from the Talmud about these verses. Ramban says that Moses wrote down all of the Torah, except the

final poem. He gave the Torah to the priests, and did not tell them where to put it. Afterwards, he wrote down the poem, and taught it to all of Israel, and thus, added it to the Torah. Only after the poem had been added, was the Torah completely finished, and then he told the priests to put it in the Ark, as in v. 26. It is not totally clear from the Ramban's comments if the poem was written as a separate parchment or if it was added as part of the Torah, as we have it today. (**Ramban on Deut. 31, 34**). **TTT 240 T**

Be that as it may, Ramban's attempt is a bit shallow. This is especially so when compared with the extreme intellectual grappling about this issue in the Talmud. In **Baba Batra 14ff.** we learn of the sages attempts to understand how Moses wrote the Sefer Torah, and how we do it today. This includes a most detailed and complex discussion of the exact dimensions of the Sefer Torah. Indeed, according to one calculation, it is almost impossible to write a Sefer Torah to the correct dimensions.
What is most fascinating to me, however, is the discussion about where the Sefer Torah which Moses wrote was placed. As I pointed out, the Hebrew phrase "mi-tzad aron berit adonai" is ambiguous. Rabbi Meir interprets the verse: "There was nothing inside the Ark but the two tablets of stone which Moses placed there…" (**I Ki. 8, 9**). Since there are double limiting clauses, "nothing inside" and "but", this implies that something else WAS IN THE ARK. What was it? The Sefer Torah which Moses wrote at the end of his life.

Rabbi Yehudah does not agree. He points out that there were columns made on the side of the ark, interpreting **Song of Songs 3, 9-10** to refer to columns at the side of the Ark. He points out that the coffer of ransom sent by the Philistines was placed on these columns (cf. **I Sam. 6, 8**). On top of that WAS PLACED THE SEFER TORAH OF MOSES, as per our verse of **Deut. 31, 26**.

When Rabbi Yehudah is asked what was in the Ark besides the two tablets, as R. Meir's understanding of the verse, he replies that it was the fragments of the first tablets which were broken. When asked where the Sefer Torah was placed, BEFORE the pillars were made to accommodate the Philistine coffer, he replies: "A ledge projected from the ark, and on this the scroll was placed" (**BB 14b**). How does R. Meir understand "beside" the ark. He replies: "This is to indicate that the scroll is to be placed at the side of the tablets and not between them; but even so, it was in the ark, only at the side."

The reason that I find this debate fascinating is because it is literally about "what is the place of the Sefer Torah as a document of Revelation?" Of course, literal place reveals attitudes about figurative place. There is no question that we are talking here of TWO SEPARATE ENTITIES, the Tablets from God and a Sefer Torah written by Moses. That the Tablets from God must be placed in the Ark seems to be unquestioned. Indeed, even the fragments are inside the Ark. But, what of the Torah? Is it inside the Ark, but at the side, or is it outside of the ark on a shelf connected to the ark? **TTT 240 T**

Does the difference in "place" imply a difference of holiness? The Tablets may be holy because they are the work of God, and a symbol of DIRECT REVELATION. But, the Torah, even if it is the word of God, is written down by Moses, filtered through his brain and his being.

Perhaps the two places imply a difference of accessibility? Indeed, Ramban, in his account, prefers R. Meir's view that it is inside the Ark, precisely because in there it cannot be touched at all, neither to be added to nor detracted from!! Does this imply that according to R. Yehudah, the Torah is outside the Ark to signal to us that it can be emended?! To me, it seems that the crux of the matter has to do with these issues. My inclination is to prefer R. Yehudah's picture of a visible Torah, which can be further developed. Still, the debate in the Talmud remains a most significant one till this day.

"Moses wrote this Torah and gave it to the Priests, the sons of Levi, who carry the ark of the Lord's covenant and to all of the elders of Israel" (**Deut. 31, 9**). The rabbis used this verse as a proof text for the halakha that a Kohen (Priest) is called first to the reading of the Torah and then a Levi and finally an Israelite, "for the sake of peace" (**Gittin 59a**). This is a very clever use of the verse, which is seemingly a simple description of how Moses wrote down the Torah and to whom he gave it. The exegesis is on the phrase "Priests, the sons of Levi". Is it not obvious that the priests are the sons of Levi? Surely, the Torah is not telling us something so simple! It is to tell us that first a Priest approaches the Torah and then a Levite. **TTT 241 HA**

Rashi quotes an interpretation which is exactly the opposite of this one. He recounts that when Moses gave the Torah to the sons of Levi (including the Priests): "all of Israel came before Moses and said to him: "Moshe Rabbenu, we also stood at Sinai and received the Torah, and it was given there to us!! How can you suddenly install your tribe to rule over us? Some day in the future they can say to us, Torah was not given to you but it was given to us!!!!" After hearing this emotional plea of the people Moses rejoiced, and said to them "Today you have become a nation...." (**Deut. 27, 9**). "This day I understand that you cleave to God". In this account the result of the way Moses passed on the Torah was to abolish any hierarchy as regards "ownership" of the Torah. According to this approach there should not be any stratifying of who is called to the Torah first, but everyone is equal. **TTT 241 "**

The sense of there being closer strata and further strata from the Torah is, perhaps, inevitable when people get down to building society. Still, the ideal of Torah being for everyone, regardless of birth status, is very powerful. Indeed, Rashi's aggadahh seems to be born out by the Torah itself, for the very next verse begins the command of "Hakhel", where everyone, must hear the Torah "men, women and children, and the stranger who lives in your midst". (**Deut. 31, 10-13**) **TTT U and P**

I believe that we must inculcate this sensibility in Jews today. Dare we dream of a mass demonstration and revolt of Jews at the mere rumor that Torah is to be reserved for only the well-born? We should pour our energy and our intelligence into created such desire amongst our people. We should be the first to want our people to take Torah for their own, even if in the process they challenge our "hegemony" over Torah. Moses was happy at the challenge, let us dare to follow his example.

***Deut. 31, 12**
…in order to listen ("le-maan yishmeu") and "in order to study ("u-le-maan yilmedu"), to be in awe of the Lord your God, and to keep all the words of this Torah.

In va-Yelech we find the mitzvah of "Hakhel". During the Sukkot festival of the Sabbatical year, the whole congregation of Israel, "the men, and the women, the children and the non-citizen who lives with you," is to come to the central sanctuary "in order to listen ("le-maan yishmeu") and "in order to study ("u-le-maan yilmedu"), to be in awe of the Lord your God, and to keep all the words of this Torah". (**Deut. 31, 12**). This is a use of the holiday period, during the Sabbatical year when the land cannot be tilled, as a time for mass study and renewal of the covenant. It is a kind of reenactment of Mt. Sinai, when all of Israel accepted the Torah. As such, the list of those who should come echoes **Ex. 19, 3**, which is interpreted as refering to men and women.

There are several issues which one can deal with in this verse. One of these issues is the role of men and women in the study of Torah. Traditionally, women were not seen as obligated to study the Torah, even though this verse, in its simple meaning, seems to say that they are so obligated. The most widespread use of this verse to diminish women's role in Torah study is in the interpretation found in the Talmud. There the verse is interpreted thus: "if the men come to study, and the women come to hear, why do the children come? In order to give reward to those who bring them" (**Hagigah 3a, etc.**) This interpretation assumes that the specification and separate delineation in the verse of studying and hearing (the repetition of "le-maan"), was meant to apply each activity to different segments of those commanded to come. Still, this interpretation can only be understood if we assume that there is a prior bias preventing women from studying. For otherwise, following the logical order of the verse, it would imply just the opposite, men come to hear and women to study!! **TTT HA**

Indeed, **Ramban** disputes this interpretation of the verse. He says that both of the specified activities are for "the men and the women, for the women also hear and learn to be in awe of God". He thinks that the double "le-maan" strengthens the idea that all have to learn the awe of God. For Ramban, the goal of Hakhel is the same for both men and women. We might conclude from this that therefore the means to achieve that goal, namely study of Torah, must be the same as well. **TTT HA**

Ibn Ezra stresses another aspect of Hakhel, which he sees as parallel to Shabbat. In his commentary on **Ex. 20, 8**, he writes that the meaning of the "holiness" of Shabbat is that it is a day designated for the soul to achieve more wisdom. He says that the Shemittah year is similar to Shabbat, and thus God commands to read and study the Torah during that year. Just as Shabbat is meant to enable us to increase our appreciation of God's creation and to study Torah, because when a person is busy all week with their own needs they cannot attend to study. So it is with the Sabbatical year.

The issue here is the use of free time. How does one react when there is no "work" to be done. Torah sees those times as special, "blessed" periods of time when sanctity can be infused into our lives. How is this done, by study of Torah, talk of Torah, and appreciation of God's deeds. So, just as we read Torah on Shabbat, we are commanded to read it on Sukkot of the 7th year. The implication here is that the command to decease from labor, "lo taaseh kol melacha", is equivalent to saying, "spend your time in developing the awe of God". It is not merely a cessation from work, but it is turning the focus and energy which we give our work to another task,

the task of getting closer to God. If that is the interpretation, then the emphasis on the fact that such activity is for all, male and female, is clear from Shabbat as well as from Hakhel, since the mitzvah of Shabbat also specifies, both men and women (cf. Ex. 20, 9). All Israel needs to learn to balance work and self-interest with study and "Other"-interest. **TTT 241 HA and M and ED and U and P**

***Deut. 32, 1**
Give ear, O heavens, let me speak; Let the earth hear the words I utter!

The famous poem, Ha'azinu, the Song of Moses is the focal point of this week's parasha. It begins with the words: "Give ear, O heavens, let me speak; Let the earth hear the words I utter!" (**Deut. 32, 1**) The great Midrash on Deuteronomy known as Sifrei deals extensively with this verse. I wish to call attention to a small part of that corpus.

The first issue that arises is the seeming contradiction between these words of Moses and the words of another prophet, Isaiah. Isaiah says: "Hear, O heavens, and give ear, O earth, For the Lord has spoken: "I reared children and brought them up—And they have rebelled against Me!" (**Isa. 1, 2**) Isaiah has transposed the verbs of hearing. For Moses the heavens "give ear" ("ha'azinu") and the earth "hears" ("tishma'"), but for Isaiah it is the opposite. Why?

One key to understanding this question is to ask what is the difference between "give ear" ("ha'azin") and "hears" ("shma'")? The word "ha'azin" is a forceful active verb made out of the root "ozen", which means "ear". The word "shma" is the normal word for hearing. Our Midrash explains the switch in language from Moses to Isaiah in terms of closeness and distance. It explains that Moses was closer to Heaven, so he addressed it with the word "give ear", but since the earth was further from him, he used the word "hear". But, Isaiah was further from Heaven, so he asks Heaven to "hear", and he felt closer to earth so must "give ear". (**Sifrei 306**) It seems to me that near and far refer to emotional or psychological closeness. Perhaps the Midrash implies that Moses felt closer to God, and was less in tune with the people. In this scheme the word "ha'azin connotes talking in a more intimate way. The word "shma" would be more formal.

Such a construction implies that when we ask others to listen to us, the way we speak the message may tell the others how close or far we are from them. In this case it is the language itself, but it may be other aspects of what we say or of how we say it. This is a very important consideration in any human relationship, and particularly in those which are closest to our own souls, such as family. Isaiah is able to rebuke people because he is closer to them; Moses end up threatening, perhaps out of distance. **TTT 242 T and ED**

One of the most illuminating of the Midrashim in our section has precisely to do with the threats of Moses' song. The impression one gets is that if the nation does not follow God's ways they will be punished by having the heavens close up and not give rain, but if they follow God's ways they will have open bounty all the time. Rabbi Yehuda interprets these words in simple moral terms. He sees them as metaphors for what happens in human society. He says simply that the song does not mean that there is a judge for those who act righteously, rather righteous acts yield benefits to all of society. Evil acts impoverish society. (**Sifrei 306**) Thus, this Midrash seems to imply that Moses is not talking about some automatic punishment or reward that falls down upon people from above, rather he is telling us that the more people do bad the spareness and the harshness of society increases, while the

more good that is done increases the feeling of winning and advantage. **TTT 242 M and T and B**

The invocation of heaven and earth is classically seen as invoking witnesses that will come forth to testify about Israel's actions throughout time. Rabbi Meir makes a striking statement that "when Israel was worthy they would testify about each other". Only when they corrupted their worthiness other witnesses were found, until, finally, the only ones who are incorruptible are found, namely heaven and earth. (**Sifrei 306**) This is a powerful idea. Ideally there is no need for outside corroboration. Only when there is a sense that corruption is abroad in the land do we need commissions of inquiry. The goal is to make Moses' song a fiction. The idea is to take ourselves in hand so that integrity rules. This is indeed the challenge of the days of awe. **TTT 242 M and B**

***Deut. 32, 2**
May my discourse come down as the rain ("ya'arof ke-matar likhi"), My speech distill as the dew ("tizal ke-tal imrati")

The Torah reading is a poem, and as such is chock full of metaphorical language. The clear use of metaphor is a sign that the Midrash will use all of its imaginative tools to enlarge the possible understandings of the Torah text. On the one hand, metaphors can be simple and express accepted truths; on the other hand, if the metaphor itself is taken in new and creative ways, it may reveal more subtle truths.

The second verse reads: "May my discourse come down as the rain ("ya'arof ke-matar likhi"), My speech distill as the dew ("tizal ke-tal imrati"), Like showers on young growth, Like droplets on the grass." The JPS translation adds the following note after this verse: i.e. may my words be received eagerly; cf. **Job 29, 22-23**. Their interpretation of the metaphor links the joyful eagerness with which rain is accepted; and applies it to the words of God.

In the Talmud the phrases are interpreted in an ever widening context, so that more subtle lessons are derived. Rain itself is seen in the tractate Ta'anit as a metaphor for the revival of the dead (cf. **Ta'anit 2a ff.**). Just as the rain causes the parched earth to bring forth life, so God will revive the dead. Our passage is placed in that context by paying attention to an inherent feature of metaphor, namely that metaphor can quite often be built on comparing a weaker event with a stronger one. That is, some metaphors are used to enhance our appreciation of a certain phenomenon by comparing it to a greater phenomenon. If we take the metaphor of revival being like rain to be one of that usage, than a rainy day is actually a greater event than the revival of the dead! **TTT 242 T**

Rabbi Abbahu seeks to explain in what way is a rainy day greater than the revival of the dead. He points out that: "The day when rain fails is greater than [the day of] the Revival of the Dead, for the Revival of the Dead is for the righteous only whereas rain is both for the righteous and for the wicked." Note that his assumption is that only the righteous will be revived. This is a subject of some dispute in Jewish sources, but not our concern here. What is most instructive is R. Abbahu's sense that what is beneficial to ALL is greater than something that is beneficial to some. **TTT 242 T and M and B**

The continuation of this passage has Rava, disputing the view of Rav Yehudah, declaring that a rainy day is greater than the day the Torah was given!! Rava distinctly points to the feature of metaphor which I mentioned to say that the "lekah", i.e. Torah, is compared to rain, thus, rain is the greater phenomenon. **TTT 242 "**

Another fascinating aspect of this verse is the attempt to understand the differences between the two parts. Most of the commentators express the difference between "matar" and "tal" as that between heavy rain and gentle rain. Rashi, for example, points out that everyone is happy with "tal", a gentle rain, but that "matar" can be detrimental to those traveling. Indeed, in the Talmudic passage cited above (**Ta'anit 7a**) the difference is seen as one which might even be described as "either/or". That is, the two types of rain are not taken as symmetrical or complementary, but as opposites. Either you have one or the other.

This approach, in my interpretation of this passage, is needed to enlarge the circle of meaning to which the metaphor refers. Since we have already established the following references: rain -> the giving of the Torah; rain -> Torah; we now add a bit to the circumference of the metaphor and conclude rain -> the sage who teaches Torah. Rava says that "tal" refers to a sage who is a worthy person ("hagun"), but if the sage is unworthy, they should be "dropped like a heavy rain". The later phrase, as we shall see, relies on the usage of "araf" to mean "kill". That is, the indecent or dishonest sage should be shunned as if not existing.

The distinction between "worthy" and "unworthy" is embellished in the continuation of this passage. A sage who is devoted to Torah for its own sake makes the Torah into an elixir of life, like the gentle rain ("tal"). But, a sage who is devoted to Torah for personal gain or honor turns Torah into a poison, an elixir of death. This is known from our verse, "May my discourse come down as the rain" ("ya'arof ke-matar likhi"). Since the verb "araf" means to kill (cf. **Deut. 21:4**), we are told that God's discourse can be destructive like the heavy rain, if those teaching it are not decent human beings. **TTT 242 M and HA and ED and B**

One further example of how this verse is applied to Torah is most instructive. R. Meir (**Sifrei Deut. 306**) reads the verse in a most astonishing way. He takes it as a command "you shall cut short ("araf" meaning literally to cut down or clip short) my Torah ("likhi") like a heavy rain". "One should always receive the words of Torah by general principles, for if you gather them by details they [the details] will tire you out, and you will not know what to do..." R. Meir seems to be cautioning us to NOT become too involved with the details of Torah, as that only tires us out and leaves us confused. We should always look for the general principles involved, in order to avoid confusion. Apparently, the metaphor here is that it is easier to collect heavy rain than gentle rain, if it is collected in large containers and not in myriad's of smaller buckets. **TTT 242 HA and T and B**

Now, the approach in this aggadic tradition caused me to wonder, and after a few seconds I realize two things. One is that my wonder is based upon the assumption that the "straight" conservative theology of orthodoxy of the 19th century was always the accepted point of view. So, what seem to be statements that could be interpreted in the most liberal and open fashion must have been made out of failing to

understand that their words could be understood this "modern" way. The second thing is that often the author of a statement can never fully know what other people will make of it.

The comments of Rava on this verse (**Ta'anit 7a**) which we have shown distinguish between two types of rain seem to throw in black note. There is a contradiction between 'rain' and 'dew'! As we have seen, there is also a contradiction between the verbs used to describe 'rain', namely "ya'arof", and that used to describe 'dew', namely "tizal". Even blacker is the lesson that Rava learns from this contradiction: "[The implication here is] if the scholar is a worthy person then he is like unto dew, but if he is not then drop him like rain. [lit. 'wring his neck like a hard downpour']" Rava, along with a widespread midrashic tradition, understands the verb "ya'arof" to mean "breaking a neck" (cf. **Deut. 21, 2ff.**)

In the context of the midrashic tradition, the rain is called, "my discourse", "likhi", and stands for Torah. But, Rava is cautioning us that this verse implies that Torah, rain, is not always "good"! It all depends on the moral qualities of the scholar teaching the Torah. Indeed, there are Torah scholars who are worthy, but there are others who are not.

In the great Midrash Halakha on Deut., Sifrei, there is a long section expounding this verse. (**Sifrei, 306, 2**) The basic premise of a contradiction between 'rain', a destructive force, and 'dew', a constructive force, is clear in this section. Here, the application is not to scholars, but to Torah itself! For example: "…"as the rain", just as rain means life for the world, so words of Torah are life for the world. But, what of [the fact that] part of the world rejoices over rain, but other parts mourn it. He whose cistern is full of wine, or his threshing floor ready for threshing mourn it, could it be the same for words of Torah!? We are taught, "My speech distill as the dew". Just as the whole world rejoices at the dew, so words of Torah [must be such] that the whole world will rejoice in them."

This midrash implies that some Torah may be counter-productive. In order to give life, words of Torah must be the kind that do not crush with their weight, as the large drops of rain may. Rather, they must be like the gentle drops of dew that always nourish and never crush the crops.

This idea is expanded in this section of the Sifrei, using several striking images. R. Nehemiah interpreted 'May my discourse come down as the rain' to mean that one should always learn, (lit. 'gather in'), words of Torah in the broadest view, or according to grand principles. Now, lest one think that the same way should be employed in teaching them, the Torah tells us differently. Thus, 'My speech distill as the dew' comes to teach us that we must teach Torah in small digestible bits, bits that are concrete enough so that an average person can understand them. He describes the verb "ya'arof" in the way it is colloquially used, namely "to make change". This folk expression is probably related to the notion of 'cutting down to size'. But, the image is clear. While the scholar may, should, accumulate bills of very large size, when he comes to spread them around, they should be changed into smaller denominations.

Along this same line, R. Meir also said that the scholar should learn the larger principles of Torah, for if he is to learn each detail by itself, it would wear him out. His image is of a man going to the market wanting to buy 200 dollars, say, worth of goods. He cannot go carrying it all in pennies, for that would wear him out. He is best off taking larger bills, and changing them as the need arises.

Finally, Torah is described as rain in another aspect. Just as the rain falls on the trees and gives them life, but it also enables each tree to "develop its own taste according to what each one is" ("ve-noten bahem matamim ke-khol ehad ve-ehad le-fi mah she-hu"). "The vine develops as it is, the olive in its own way, and the fig in its way; so too are words of Torah, it is all one [thing], but [what develops out of it] is written Torah, oral Torah, Talmud, halakhot, and aggadot." (**Sifrei, ibid.**) **TTT 242 K and P and ED**

Now, it is clear why Torah, in order to sustain life, must be of two kinds. The gentle dew-like kind, falling in small discrete bits, which is informed by higher principles, represented by the larger drops of rain that satiate the earth. It is because it must be able to produce various kinds of "tastes". Torah cannot be one thing that squashes anything different. That would be like the hard rain, which if was the only kind of rain might damage the crops. Thus, we also need the dew, non violent, in order that individuals can develop, and in order that all of its parts, Bible, Talmud, halakha and aggadahh have representation. **TTT 242 P**

In another metaphor, Torah is compared to fire, which also brings life to the world. The comparison is from the view of kindling fire. "Just as a small fire can light a big fire, and a big one can light a small one, so in words of Torah, an unlearned person learns from a learned person, and the learned person learns from the unlearned…." (**Mekhilta d'R. Shimon b. Yohai, 19, 18**) **TTT 242 U and K**

Did these sages really mean that Torah had to be humane and accessible in order to sustain life? Did they really want to say that individual approaches to Torah, each with different essences, was the way God meant it to be? Did they really caution the sages to be open to learning Torah from the unlearned? Well, just maybe they did! In any case, if we combine the last source with the others, we have a comprehensive approach to learning Torah and to teaching Torah in a way that will produce life, sustenance and strength.

***Deut. 32, 4**
The Rock! -His deeds are perfect, Yea, all His ways are just; A faithful God, never false, True and upright is He

One of the most important questions that we struggle with during this period of forgiveness and repentance of the month of Elul is the question of our own faith. Faith is a complex issue, childhood tales and wishes mixed together with adult sophistication and skepticism and sprinkled with experiences which have elevated us, along with those that have caused us to momentarily disavow the very faith with which we struggle. In order for us to adequately grapple with our faith we must first acknowledge the complexity of it. **TTT 243 T**

Among the issues of faith which are most troubling are those that have to do with theodicy, acknowledgment of divine justice. In this week's parasha, **verse 4** is interpreted to be a classical statement of justification of God's ways: "The Rock! -His deeds are perfect, Yea, all His ways are just; A faithful God, never false, True and upright is He" (JPS). In one of the most tragic story's of martyrdom, that of R. Hanina b. Teradyon and his wife (and daughter), they quote from this verse to acknowledge God's justice, even as they are being put to death. Indeed, this use of the verse under those circumstances, seems to be so unusual that it prompts Rabbi to exclaim the righteousness of those people, "who could conjure up those verses of righteousness just at the time when God's righteousness needed justifying" (cf. **Av. Zarah 17b-18a**)

In the Sifrei, the Midrash halakha on Deut., this verse is interpreted in a much more complex way. **Chapter 307 of Sifrei** is an example of the intricacy and depth of thought in Rabbinic Midrash. On the one hand, the Midrash tells us that when Moses descended from Mt. Sinai all Israel gathered around him and asked one question: "what is the nature of God's justice 'up there'?" This formulation emphasizes how central this question is to human faith in God. They did not want to know how God looked or sounded, but they did want to know 'is there justice in the way things work?' Moses answers the people thus: "It is trivial to say that God's justice is to acquit the righteous and to find guilty the wicked, rather even if it seems to be reversed "A faithful God, never false" (**Deut. 32, 4**)"

The counter tale to that of R. Hanina is the reaction of Moses when he views the death of R. Akiba (**Men. 29b**) or the angels reaction to Akiba's execution (**Ber. 61b**), where justification of Akiba's death is by fiat and not a sense of solid faith which is not swayed by particular events. Moses says our verse as an expression of a faith which should stand as a justification for God, no matter what injustice seems to us to be perpetrated. In this Midrash the verse seems to be an answer to Moses own outburst at seeing Akiba killed. The faith being described here is a kind of "presumption" that humans hold about God's justice. As if the verse said: "A God deserving of our faith, never false or unjust".

I have called this the "classic" position, but in the same chapter of Sifrei appears another interpretation of the verse. **TTT 243 T** Literally the verse reads: "God of faith, no injustice". What is God's faith? The verse seems to imply that the faith in question is not that of human beings, but of God! Thus the Midrash takes it quite literally: " 'God of faith' ("El emunah") he had faith in the world and created it." This reading turns our understanding on its head! God had to believe in the world before creating it, or more specifically in humankind. The Midrash continues " 'never unjust' ("ve-ein avel"), humans were NOT created to be evil, rather to be righteous ..." We see that God needs faith in people for they are not fulfilling the role for which they were created. True, they are in God's image and thus have free will and can choose to do great evil, but it is just this misuse of the powers given to them which make it necessary for God to have faith in them.

Our revered teacher, Rabbi Abraham Joshua Heschel, used these categories from the Midrash to stress God's faithfulness toward humankind. We can see the Midrashic roots of Heschel's powerful book "God in search of Man" (cf. also **Mid. Tehillim 92:14**). But, in addition the placement of these two views in the same chapter, one towards the beginning and one towards the end, leads me to think that the Sifrei

wanted to stress the reciprocal nature of faith. Man's faith and God's faith in each other are both tested. How can we know which one is harder to stick with? Man has disappointed God at least as much as the other way around. We are both in the same boat needing to believe in each other to keep up faith in righteousness and justice. Faith becomes a double challenge when we realize that our own grapplings with what we believe about God, FORCES us to call ourselves into account and grapple with what we believe about ourselves. Is it so easy to put ourselves in God's place and have faith in humankind? **TTT 243 T**

The struggle against evil, against forces which try to oppress others, and against misuse of human power, is a common struggle of both humans and God, trying to turn our mutual faithfulness from a source of discomfort into a source of blessing.

***Deut. 32, 17**
They sacrificed to demons ("la-shedim"), no-gods ("lo eloha"), Gods they had never known, New ones, who came but lately ("hadashim mi-karov baoo"), Who stirred not your fathers' fears." ("lo sa'aroom avoteikhem")

One of the warnings that Moses addresses to the people is against serving false gods. He says: "They sacrificed to demons ("la-shedim"), no-gods ("lo eloha"), Gods they had never known, New ones, who came but lately ("hadashim mi-karov baoo"), Who stirred not your fathers' fears." ("lo sa'aroom avoteikhem")" (**Deut. 32, 17**) The ancient Hebrew is most difficult. The phrases I have cited are all problematic. The smooth JPS translation presented here also includes the usual footnote, "meaning of Hebrew uncertain". This translation follows exactly the commentary of **Rashi** (**on Deut. 32, 17**); who in turn follows exactly the comments of the **Sifrei** on Deuteronomy (**318**).

Rashi does add one new comment of his own. The word "sa'aroom", here rendered as "fear" may be read as "se'irim", another word for demons. Rashi seems to suggest emending the text here, so that the end of the verse will be parallel to the beginning of the verse. He bases his suggestion on the usage in **Isa. 13, 21**. What is instructive is that Rashi makes this suggestion not as a Midrash, but as a possible explanation of how to read the word, perhaps having seen a text where the letter "vav" appears to be a "yod". In any case, the question of variant texts of the Torah is relevant to this verse in a piquant way, as we will discover later.

The Midrash found in Sifrei is puzzled by the phrase "no-gods" ("lo eloha"). What could it possibly mean to call something a "no-god"? Obviously there is only one God, so everything in the world is a "no-god". Well, you may think, the phrase refers to what other nations take to be gods, and the idea is that Israel will adopt those notions. The Midrash is more specific than that. The scorn of Moses is not merely because Israel adopted worship of gods, but in particular of the most idiotic representations of gods. The Midrash says that if Israel had worshipped the sun or stars, some so-called gods that brought benefit to the world, perhaps Moses' anger would have been less. But, he foresaw that they would worship the silliest gods, things that bring no benefit to the world, such as idols made of wood or stone.

The interpretation of "sa'aroom" as fear is connected to the Hebrew word "sa'ar", which means "hair". Our Midrash relates that when people are afraid, their hair

stands on end. Thus, these idols are so benign that they inspire fear in no one. Hair does not rise up when seeing them, thus they are wimpy gods, not worthy of loyalty.

Most interesting of all these difficult phrases is "New ones, who came but lately" ("hadashim mi-karov baoo"). The Hebrew word "hadashim" does indeed, mean "new ones", and the word "baoo" does indeed mean "who came". The word "karov", however, means near in space, and not "lately" in time. The English translation here is depending on another Midrash, not the Sifrei. This Midrash understands that one of the prime characteristics of idolatry is that it is always seeking something "new". A god needs to be "the latest thing". OK, those who know me will nod their heads and say, ok, so gadgets are his god. I do like to have the latest electronic gadgets, it somehow gives one a sense of well-being, but it is definitely short lived. This Midrash describes this affliction rather well: "if a person had a god made of gold, but needed to use it, so he made one out of silver, and if he needed the silver, he made one out of copper… and so on." (**Mekhilta d'R. Ishmael Yitro, ba-hodesh 6**) Whatever the latest craze, let us worship it. R. Yitzhak adds: "if [the Torah] would have specified every name [of every possible god worshipped by mankind] all of the parchment scrolls in the world would not be enough to write them all down." **TTT 243 T and K and ED**

So, our phrase, "New ones, who came but lately" ("hadashim mi-karov baoo"), refers to fads; fads of belief and gullibility. Be it the latest diets or the latest pantheistic theology, it becomes a trend mostly because it is new. The phrase, however, served the halakhists, authors of responsa, in a slight variation. "New ones, who came but lately" ("hadashim mi-karov baoo") referred to new customs that popped up somewhere, and were considered sacred even though they had no real halakhic basis, or were even transgressions of former halakhic rulings. The "Humra of the month" was described by our phrase.

Magen Avraham uses our phrase to describe the addition of more kaddishim at the end of the service (**Magen Avraham on OH 54, 3**). R. Avraham ben ha-Rambam uses our phrase to describe a blessing recited before reciting the Shema at bedtime. Apparently, this blessing gained widespread popularity, but Avraham writes: "this blessing has no foundation and it is forbidden to recite it". He goes on to say: "Such customs are "New ones, who came but lately" ("hadashim mi-karov baoo"), and such mistakes multiply and grow to become customs which those not truly learned will scrupulously keep and then vociferously defend them." (Resp. **R. Avraham b. ha-Rambam, 89**)

Rashba (in a teshuva **attributed to Ramban, no. 232**) uses our phrase in referring to texts of the Torah which do not follow the Masorah in terms of full or defective use of vowel letters. Apparently there were Torah scrolls where verses were copied based upon knowledge of the Talmud, where often in the published edition, a Torah verse appears with an extra vav or yod that helps one to read the text, but which are missing in the Masorah version of the Torah texts. The question was asked if it was permitted to use such scrolls that deviate from the Masorah for reading the Torah in public. Rashba decides that if the local rabbi is not an expert ("baki") in these matters, that the scroll can be read as it is found.

He bases his ruling on the Talmudic discussion about the letter vav in the word "gahon" (**Lev. 11, 42**), which is said to be the exact middle of the Torah in terms of the total number of letters in the Torah. When asked if the vav in gahon belonged to the first half of the number of letters or the second half, the rabbis had a Torah brought in to count. But, the Talmud remarks, "they were experts in the defective and full readings, but we are not". (**Kidd. 30a**) That is, only one who truly knew every letter of the Torah, and if a single letter was a mistake or not, could count all the letters and know if the vav of gahon was in the first half or the second half. The implication of this passage is that by the time of the Talmud's redaction, the sages were not sure about this, and thus, says Rashba, we may read from the scrolls as we find them. I could not help wondering if Rashi had seen a text in which the vav of "sa'aroom" looked like a yod, so that the word might be read "se'irim". We may never know that for sure, but, the prevalent usage of our phrase in this manner in the halakhic literature does fortify the lesson of our teacher Rabbi Abraham Joshua Heschel, namely, that a halakha or a custom can become a vehicle of idolatry. **TTT 243 HA**

***Deut. 32, 26 - 31**
26 I might have reduced them to naught, Made their memory cease among men, 27But for fear of the taunts of the foe, Their enemies who might misjudge And say, "Our own hand has prevailed; None of this was wrought by the LORD!" 28 For they are a folk void of sense ("oved eitzot"), Lacking in all discernment. 29Were they wise, they would think upon this, Gain insight into their future: 30"How could one have routed a thousand, Or two put ten thousand to flight, Unless their Rock had sold them, The LORD had given them up?" 31For their rock is not like our Rock, In our enemies' own estimation.

We are all familiar with the famous debates of the halakha: Bet Shammai and Bet Hillel, R. Akiba and R. Ishmael, Abaye and Rava, to mention only a few. But, we are less familiar with ongoing debates in Aggadahh. One of the greatest, both in quantity and quality, are the famous debates between R. Judah and R. Nehemiah. It is not totally clear which Judah and Nehemiah are referred to, Tannaim or Amoraim (cf. **Margolioth, ELHT, vol. 2, p. 665-667**). Still, the continuous presentation of their views is one of the most enriching of all experiences in studying Aggadahh. Indeed, our teacher Rabbi Abraham Joshua Heschel in his monumental work "Torah Min Ha-Shamayim" shows that there is depth, self awareness and even system in the aggadic statements of the early rabbis, primarily of the land of Israel, who created and formulated what we know as Rabbinic Judaism; those same rabbis who created the classic aggadahh as we know it.

Among the many disputes one of the most fascinating is on this week's parasha, Haazinu. In Moses' song the following lines are the subject of their debate:
"26 I might have reduced them to naught, Made their memory cease among men, 27But for fear of the taunts of the foe, Their enemies who might misjudge And say, "Our own hand has prevailed; None of this was wrought by the LORD!" 28 For they are a folk void of sense ("oved eitzot"), Lacking in all discernment. 29Were they wise, they would think upon this, Gain insight into their future: 30"How could one have routed a thousand, Or two put ten thousand to flight, Unless their Rock had sold them, The LORD had given them up?" 31For their rock is not like our Rock, In our enemies' own estimation." (**Deut. 32, 26-31**)

The translation seems to yield a coherent text, but that is the luxury of translations, which must be intelligible. The original Hebrew is very difficult. The overall sense is the same as we read in the translation, namely that God's protection is often not acknowledged, or to put it another way, it is taken for granted. The debate between our two giants is not over a particular word or phrase, but over a more basic issue: to whom are these words addressed? They are addressed, as we read in verse 28 to "a folk void of sense, Lacking in all discernment". Who is this folk, who is so senseless as to not be aware of God's presence? **TTT 244 T**

R. Judah interprets it in connection with Israel, and R. Nehemiah in connection with the nations. In the **Sifrei**, where this debate is reported, R. Judah says that Israel is the folk who forfeit sense by forfeiting the Torah, the good advice which God gave them. Thus, they are unable to discern that it is God who enables them to defeat their enemies. Now that the enemies of Israel rule over them, not one of them is able to understand that it is because they have forsaken God, and that means that God is not protecting them.

R. Nehmiah, on the other hand, interprets the verses as applying to the nations. They have forfeited keeping the commandments of Noah, the seven basic commands of humanity. They are incapable of understanding that even though they rule over Israel now, in the future they will not. What they do not understand is that their ability to rule Israel is only because God has given Israel up.

Judah concentrates on the present. In the past, Israel easily defeated their enemies, but since Israel has forsaken the Torah, now they are on the run. Israel's present plight is a result of punishment for not keeping Torah. Nehemiah concentrates on the future. In the present the nations easily rule Israel, but they do not understand that in the future Israel will rule them, because now, in their rule over Israel, they have forsaken the basic values of humanity. God will forsake the nations in the future because they have given up the seven Noahide commandments. Or, perhaps, Nehemiah is saying that the nations do not understand that the only reason that they can rule Israel, is because God has given up on Israel. Up to this point, the Midrash is ambiguous.(**Sifrei Deut. 322**)

But, then the Midrash gives a "ma'aseh", a 'true' tale. During one of the persecutions of the Jews, a Roman soldier on a horse was chasing a Jew in order to kill him. Before he reached the Jew, a snake bit him on the heel. The Jew said to the soldier (presumably as he died) "this is so that you should not think that we fall into your hands because you are so mighty, but because God has given us up." A similar tale, perhaps an offshoot of this Midrash, is told of Ben Koziba (Bar Cochba, **Yalkut Shimoni on Ha'azinu, 946**). Ben Koziba's head is brought to Hadrian, who is upset and wants to see the whole body. When the body is uncovered it is discovered that a snake was coiled around his heel. Hadrian remarks that if God had not killed him, they would not have been able to do so, in order to fulfill the verse "unless God had given them up."

Now, which opinion does this tale support? It seems to support R. Nehemiah, in that the soldier is told that he should know that their ability to rule the Jews is NOT due to their power. But, one could very well ask, why does God give the Jews up? The answer would seem to be that of R. Judah. That is, these two opinions seem to rely

upon each other, they almost seem interlaced. It is the combination of the abandonment of Torah by the Jews, and the abandonment of morality by the nations that leads to the gloomy situation of the Jews in the world. One would not be possible without the other! **TTT 244 T**

Indeed, it is just this approach which is the only way I can explain what seems to be a contradiction in the **Ramban's** commentary on the Torah. In his comment on o**ur verse in Deut.**, Ramban says clearly that the verse refers to the nations, as the opinion of R. Nehemiah. Yet, in his comment on **Ex. 32, 25**, "Moses saw that the people were out of control" ("ki farua hu"), Ramban states that the word "parua" is described by our verse "void of sense" ("oved eitzot"). Ramban even proves that it is so, by quoting **Proverbs 1, 25** where the word "parua" is combined with the word "eitzah". That is, to be void of sense is to be out of control. In this comment he applies the verse to Israel. I can only explain this by seeing that to be void of sense of God's rules, the rules of Torah or the 7 Noahide rules, leads to being out of control. This applies both to Israel and to the nations equally.

Deut. 32, 39 - 40
See, then, that I, I am He; There is no god beside Me. I deal death and give life; I wounded and I will heal: None can deliver from My hand. Lo, I raise My hand to heaven And say: as I live forever…

The poem of Ha'azinu contains reference to the two polarities of Jewish existence, exile and redemption. The state of exile, that is, not living in one's own land, is expressed by images of the desert wanderings and by images of defeat at the hands of Israel's enemies. The state of redemption is expressed in a particularly strong image:
"See, then, that I, I am He; There is no god beside Me. I deal death and give life; I wounded and I will heal: None can deliver from My hand. Lo, I raise My hand to heaven And say: as I live forever…"(**Deut. 32, 39-40**).

The themes of God's power over life and death are certainly major themes of the season of the High Holy Days, and fit into Shabbat Shuvah, the Shabbat between Rosh HaShana and Yom Kippur. But, one part of this image is problematic. God's power is expressed in **verse 40**: "Lo, I raise My hand to heaven And say: as I live forever". What is the nature of this action? The earliest Midrashim see the "raising of a hand" as an act of taking an oath. (**Midrash Tannaim ad loc; cf. also Sifrei Devarim, 330**) Indeed, Ramban points out that the "peshat", simple meaning, of the text is that God takes an oath by touching His throne, just as a human who takes an oath touches the object by which he is swearing. (**Ramban ad loc**)

This Midrash contrasts this oath taking with the creation of the world. Creation was accomplished only by speech, so what need is there for an oath? The very question of the Midrash is striking. The Midrash is asking: is God's word not good enough, does God also have to take an oath?! The very notion of oath versus speech, or word, brings to mind the opening prayer of Yom Kippur, Kol Nidrei. We KNOW that our own word is NOT always kept, so we take oaths to reinforce it. In Kol Nidrei we acknowledge that our oaths as well may not be meticulously maintained. In what way could this syndrome be applied to God?! **TTT 244 T**

This Midrash answers that God is "forced" to take an oath, because of those who are lacking in faith. But, this laconic answer leaves us more confused than ever. What sort of oath does one take if one is confronted by untrustworthy partners? Some help is forthcoming in another version of this same Midrash. Here R. Yehoshua b. Levi says that two or three times, God had to restrain himself by this oath from bringing about an end to Israel (**Pesikta Rabbati 31**). Instead, the oath caused God to comfort them.

Now, we see that the idea is that the oath which God takes here in helping Israel out of their troubles is one of restraint! They may not really deserve God's help, but God IS remaining faithful to the covenant. Still, God has to take an oath to refrain from "paying back" what they have coming to them. Indeed, Ramban, after explaining the "peshat" as noted above, explains that the "emet", true meaning of the verse, is that God's hand is raised on high to help Israel after they have been thrown down by the same hand because of their sins. TTT 244 T

We now have two different types of oath: one is an oath to establish credibility, and the other is an oath of restraint in the face of provocation. The first kind may be worthless, as we announce in the Kol Nidrei. The second kind expresses the greatest qualities of Divine power, God's compassion and mercy. As we search for repentance the example of God's lovingkindness should be uppermost in our minds. God's oath of restraint from revenge can be a most powerful model in our own process of trying to forgive ourselves and others. **TTT 244 M and T**

***Deut. 32, 47**
it is not an empty ("rayk") thing for you ("mi-kem")

Moses leaves this poem as a legacy, as a clear text that can be studied and lessons drawn from. It both admonishes and encourages, teaching us how to get the most out of life. Of the Torah, God's word, Moses admonishes that "it is not an empty ("rayk") thing for you ("mi-kem")" (**Deut. 32, 47**) The interpretation of "mi-kem" as "for you", is difficult linguistically, even though it fits the context. I should expect "la-chem", if the meaning is "for you". The word "mi-kem" implies an empty thing "from you", which in simple language is very awkward, almost without plain meaning. But the Midrashic tradition explains it very simply, that the verse should be read: "it [Torah] should not be empty of your input", and if Torah appears to be empty, it is because you do not know how to interpret it (cf. **Gen. R. 1:14 etc.**). If you study Torah you can find a way to make it meaningful, if you PUT YOURSELF INTO IT. **TTT 245 K and P and ED**

Another interpretation of that same verse uses a parable to make another point. The parable is of a person who collected taxes for the government, and wrote out receipts for what he had collected. "His father said to him: 'my son be particularly careful about accurate receipts, for your life depends on them." (**Num. R. 17:5**) If he forges receipts to get more "credit" in the eyes of the government, he will be killed for cheating. If he does not collect enough, he will be killed for not producing his quota.

The parable is about our keeping the Torah. The receipts for what we do should be correct. We should not take credit when it is not due to us. On the other hand, if we do nothing, we have no receipts, and that is not good either. Thus God said to Israel:

"it should not be empty of your deeds". Each mitzvah is important, and the quality of your life depends on it, for as the verse continues: "for it is your life".

Parashat Ve-Zot Ha-Brakha **וזאת הברכה**

***Deut. 33, 1**
This is ("ve-zot") the blessing with which Moses, the man of God, bade the Israelites farewell before he died

In Israel Shemini Atzeret and Simhat Torah are both the same day, which causes a very long day in the synagogue. There is the usual 7 hakafot for Simhat Torah, the very long Torah readings in which everyone gets an Aliyah to the Torah, and then on top of that we have Yizkor. I call it "Yom Kippur with schnaps", that is, the service is as long as Yom Kippur, but we get to drink schnaps between the hakafot.

The parasha which ends the Torah, Ve-Zot ha-Beracha seems to be a fitting climax to the life of Moses. After all of his struggles with the people of Israel and with God, he makes peace with both. He blesses Israel in a very magnanimous way, and he refers to every tribe in his blessing.

Two midrashim reveal the depth and breadth of this blessing. When Jacob dies he also blesses his children, the progenitors of the tribes. The Torah introduces this blessing with the same word "ve-zot", "These ("ve-zot") are the words which their father spoke to them..." (**Gen. 49, 28**). A Midrash in Gen. R. connects Moses' blessing up with Jacob's, since both begin with the same word. Jacob is foretelling Moses: "in the future a man will bless you as I have, and his blessing will continue from where I left off." (**Gen. R. 100:13**) Jacob blesses his children with visions of a bountiful land and freedom, but we know that there was much trouble in between. Israel was enslaved for a long period, and only after Moses and God had struggled to free them, did they reach the land. There Moses continues Jacob's blessing. **TTT 245 H and L**

The Midrash connects the blessing not only with the land, but also with Torah, and with circumcision, the spiritual and the physical Covenant with God. This is because the same word, appears for both: "This ("ve-zot") is the Torah" (**Deut. 4, 44**) and when God says to Abraham "This ("zot") is my Covenant (circumcision)" (**Gen. 17, 7**). We recite the former verse when we lift the Torah after reading it in the Synagogue, and the Midrash leads us to understand that this symbolic action is both a reaffirmation of the spiritual covenant and a showing of the blessing, as bread was shown in the Temple.

It is not enough to just be blessed, but there must be a continuation of the blessing through each generation. We are reminded that our task is to continue the blessings which our fathers handed down to us. The arenas in which those blessings can be continued are Torah and Jewish life, the guarding of the Covenantal relationship with God and the Jewish people. **TTT 245 M and ED and K**

One of the most fascinating midrashim connected with this verse is found in **Deut. R. (Lieberman).** When Moses came to bless Israel, he added to the blessings which Balaam, the evil prophet, had blessed them. Balaam had blessed Israel with three blessings (cf. **Num. 24, 10**), and Moses added four blessings bringing the total up to 7. Balaam should have blessed Israel with 7 blessings because of the 7 altars (**Num. 23, 1, etc.**) which he always built, but because he was so full of hatred against Israel, he could not give the full blessing, it just wouldn't come out of him. Moses, however,

was generous and loved Israel, so he was given the honor of filling in four blessings to reach the desired number of 7. (**R. Bahya spells out the four blessings which Moses added to the three of Balaam: Ex. 39, 43; Lev. 9, 23; Deut. 1, 11, and "ve-zot ha-beracha"**.)

Not only do we learn that it is our job to continue to add to the blessings of those who came before us, but we also learn that we can add to the blessings of those who were not totally good people. Even Balaam, who was wicked, did some good. The fact that he was wicked should not cause us to shy away from acknowledging the good that he did, nor from continuing it generously. Many times we tend to dismiss certain individuals because of bad deeds that they did, and what we do is to ignore the good that they did.

Moses, because of his love and generosity, was able to overcome the hatred which Balaam had in his heart towards Israel. Not only that, he was able to acknowledge Balaam's blessings and add to them. This quality is praised in the continuation of our verse where Moses is described as "a man of God" ("ish ha-elohim"). His devotion to God enabled him to continue what Balaam had started, and it is that devotion which characterized his magnanimity and made the good that he did a greater blessing.

APPENDIX A: Selected Special Shabbatot

APPENDIX B: Selected Haftarot

Special Shabbatot

Shabbat Shekalim

The special Shabbat of Shekalim takes us back to the beginning of parashat, Ki-Tissa. "[11]The LORD spoke to Moses, saying: [12]When you take a census of the Israelite people according to their enrollment, each shall pay the LORD a ransom for himself on being enrolled, that no plague may come upon them through their being enrolled. [13]This is what everyone who is entered in the records shall pay: a half-shekel by the sanctuary weight—twenty *gerah*s to the shekel—a half-shekel as an offering to the LORD. [14]Everyone who is entered in the records, from the age of twenty years up, shall give the LORD's offering: [15]the rich shall not pay more and the poor shall not pay less than half a shekel when giving the LORD's offering as expiation for your persons. [16]You shall take the expiation money from the Israelites and assign it to the service of the Tent of Meeting; it shall serve the Israelites as a reminder before the LORD, as expiation for your persons."

The general sense of this command is to create a census of the numbers of the adults in Israel. The need for numbers is quite clear. Any administration or government needs statistics to be able to operate the projects of the government, army, public service etc. So one reason for this census is the administrative needs of Moses and the Tabernacle. But, rather than just counting heads, the method of collecting the statistics is unique. Each person is to give a coin, half a Shekel, and the coins are to be counted. One reason for that procedure is also clearly stated, namely, this assures income to operate "the service of the tent of Meeting." In the tradition it is assumed that the money collected was used for purchase and maintenance of the public sacrifices. In later tradition we learn that this money was also used for public road and water works, so that people could easily reach the Temple. So, the need for statistics for government administration is very cleverly joined with the need for a steady income to maintain the Temple service.

However, there is a third element in this command which is much more difficult to interpret, namely the question of a "ransom for himself" ("kofer nafsho"), which insures that "no plague may come upon them through their being enrolled." We all know that Jewish tradition frowned on direct counting of people, and the basis of that demurer is in these verses. The story of David's misconceived census is also related to the fact that he transgresses this commandment (cf. Berachot 62b). What are the nuances of a "ransom for oneself" ("kofer nefesh")?

R. Bahya (on. Ex. 30, 12) sees the phrase "kofer nefesh" as indicating a new stage in the life of the nation. Up until this point the nation was judged as a whole. But, the giving of the exact same coin, by everyone, signifies an acknowledgment of the change to INDIVIDUAL responsibility. From this time on, when there is an altar and way of admitting and atoning for sins as individuals, each person announces their commitment to individual responsibility by giving the half shekel. **TTT 252 M and B and T**

Seforno (on the same verse) sees the idea behind the half shekel as a way of giving thanks to God for being alive. The whole need for the census, Seforno points out, is because the numbers of the nations population change, and they change because

people die and are born. Those who are alive give the half shekel in order to reveal their deep sense of gratitude that they can be counted. It is not the giving that counts, but the giving is what enables us to be counted.

Rashi sees the meaning of the half shekel in relationship to another verse, Proverbs 13, 8 "Riches are ransom for a man's life ("kofer nefesh"), The poor never heard a reproof." Rashi interprets this verse in a conditional fashion. Riches are charitable contributions which one gives to the poor, and this charity is an act of atonement. But, those riches are ransom for life, or atonement, only IF they are given to the poor with NO reproof. This, Rashi says, is the beauty of the half shekel. Each person is giving charity to the public welfare, but since everyone is giving the same half shekel, no matter whether they are rich or poor, there CAN BE NO reproof to the poor. The half shekel is a fitting atonement for the person, because it is constructed that way. Otherwise, says Rashi, a rich man who gave more to the Temple might be tempted to say to the poor "my part in the sacrifice is greater than yours". **TTT M and B**

In the Talmud we read the statement that "blessing" is found only in things which are hidden from the eye. This idea is also formulated in an halachic fashion. The halakha concerns one who has worked hard and harvested a crop, and put the crop in the granary, and then goes in to measure the harvest. There is a blessing to be said. Even if one has started to measure the harvest, there is a blessing to be said. But, if one recites a blessing AFTER measuring the harvest, this is a prayer said in vain!! Once the object has been quantified directly, it is not a proper source of blessing.

How are we to understand this dictum? One part of this idea must be that the blessing of the grain is in its being there. Our attitude of gratitude should exist without any reference to the exact quantity. Knowing the exact quantity can only spoil any sense of real blessing and gratitude we might have had from just experiencing the grain.

People love numbers. We want to know how much something costs, how many people attended an event etc. We tend to think that if we know the number that we then know something meaningful about the event. For example, if we know that one country has an army of 1 million soldiers, and another has an army of only 300,000, we tend to take it as simple truth that the larger army can defeat the smaller one. But, that is not necessarily the case. We are all taken in by numbers, and what we think they represent.

R. Bahya, in his introduction to the parasha, connects this halakha to the reason for not counting people directly. If you count people directly, you diminish the potential for us to SEE the blessing in them, because we think the numbers tell us something about quality. They do tell us something, but not everything. For example, if we know that a mentally retarded person has an IQ of 80, this tells us nothing about the blessing that this person brings to those who love them and to those whom they love. If we know that a wedding cost $1,000 a plate, do we know that it was very happy and joyful? **TTT 252 M and ED**

The blessing in each person is not countable. We must cultivate a mystery about the quantity of the nation, in order to forestall false assumptions about what blessings

we will find there. Once we know the exact numbers we tend to close off room in our minds for blessing, that is, we close off options for seeing much more blessing that is potentially there. We think it is NOT there because a certain number has been specified. It is this limited vision of blessing which is called "ayin ha-ra", literally a "bad eye". The bad eye is the eye which is blind to people's real potential because we think we know what they are capable of because we have quantified them. Thus, this "bad eye" really does prevent blessing.

How we "see" things relates to the mysterious relationship between the physical and the spiritual. Both have their blessings, but they are not the same blessings, and one cannot take the place of the other. Indeed, we are so influenced by the physical, that it's blessings or lack of them, can blind us so that we do not "see" spiritual or emotional blessings. The coins collected, that represent many individuals, bring their own blessing. But, we cannot confuse that with the blessings of the individuals themselves.

I am struck by how pervasive this confusion is in our lives. The gold of the victims of the Holocaust cannot be confused with their lives. It is merely an indication, and cannot be allowed to blind us to the real loss of human life. There is no bank from which we can reclaim the lost poems, commentaries, sonatas, laughs, weeping, or the human dignity of the victims. Yes, we must reclaim their possessions, but only as an aid to more successfully remember their lives.

THOUGHTS FOR SHABBAT ZACHOR

I felt the need to send out something for Shabbat Zachor, since we have an "act of Amalek" which occured this last week in Jerusalem and Ashkelon. I have different thoughts on the subject, most of which I have already sent out in the past, but think that it might be useful this particular week as well.

1. "What are we to remember on Shabbat Zachor?" (from PM #19)

If we do not stress the inherent evil in the ACT, but focus on the pain caused to the victims alone, we run the risk of not being understood.... The same is true in this week's special Torah reading, Shabbat Zachor. Note the verse "zachor et asher asah lekha Amalek..." (Deut. 25, 17) "Remember what Amalek DID to you....". The Torah stresses that what we must remember, in order to combat, is the DEEDS of Amalek. We are commanded "timcheh et zecher Amalek mi-tachat ha-shamayim..." (25, 19) "wipe out Amalek's CHARACTER/REPUTATION in this world". The Hebrew word "zecher" means reputation or character. Our teacher Avigdor Shinaan points this out in regards to the phrase zatzal, "zecher tzaddik li-veracha", or Ḥazal, Hachameinu zichram le-tovah.

We are not bidden to wipe out a particular nation, or any human being because of their national identity. It is not Amalek that must be destroyed, but Amaleks' deeds. The kind of character or reputation which follows from such deeds should be removed from the world. Indeed, such deeds or such a character can be found even within the Jewish people. The thrust of Shabbat Zachor is that of a universal moral imperative, not revenge of a particular people or group. What we must remember to combat may be found in our own midst, and is to be resisted just as mightily within as without. Perhaps Ḥazal fixed this Shabbat before Purim, davka, so we would get that message, and not be fixated on whoever the present foes of Israel may be at any given point in history.

2. "Critique of the religious principles which supposedly support terror"

First Principles: Deut. 30, 19 "life and death I have set before you the blessing and the curse, choose life so that you may live you and your children". This is about choosing between two ways which seem to be at odds, ways in which strength is shown or human identity is formed: one way is by having power over others, being able to put them to death, it is a powerful show of strength and command, to be able to kill someone. The other way is to keep that person alive, to work for the enriching and lengthening of life. The Torah's preference is clear. One mankind created in the image of God, demands to choose life, not spill blood of others. Any other approach is avodah zarah.

3. "Critique of thinking that peace and prosperity alone will stop terrorism

It would be a grave mistake to think that economic growth, by itself, can end religious extremism. A full stomach does not put an end to the desire for self-esteem and for a sense of community committed to the same ideals. Of course economic success is vital, but we should not delude ourselves into thinking that it is everything in life. We must develop tools for creating community which eschews extremism. We

should support the moderate forces in every religion who work for enriching life through religious practice, without harming others. Such a social and religious campaign, coupled with economic success is crucial so that there will not only be food on the table, but a vision of a meaningful life beyond the dinner table. **TTT 246 M and B**

Tetzaveh Shabbat "Zachor" 5764

The Shabbat before Purim is the special Shabbat of "zachor". We are commanded to "remember", "zachor", what Amalek did to Israel on its way out of Egypt: "Remember what Amalek did to you on the road on your way out of Egypt" (Deut. 25, 17). Amalek attacked Israel by sniping at the weak and weary who straggled at the end of the line. But, it is clear that they wished to kill as many of the Israelites as they could. The language of the passage is refrained in the special Haftarah which we read this Shabbat. Samuel reproaches Saul for showing mercy during a war with Amalek. Samuel says: "Thus says the Lord of Hosts, I have noted ("pakadati") what Amalek has done to Israel, laying in wait for them by the side of the road out of Egypt" (I Sam. 15, 2)

The language of the Torah and the Haftarah is parallel. In Deut. we are told to remember, and in Samuel we are told that God noted. The Lekah Tov commentary on the Midrash states simply that "noting" ("pekidah") and "remembering" ("zechirah") are the same thing. However, the root "pakad" can mean "taking note", "to count", "to deposit", and in the strong form "to command". The form "pekudah" refers to commandments or rules that are given by an authority. The word "pikadon" denotes a deposit. Is there, really, any connection at all between "remembering" and "noting", "counting", "depositing" and "commanding"? In addition I ask why does our tradition prefer the term "mitzvah" to the term "pekudah"?

One midrash deals extensively with the verb "pakad". It gives, incredibly, 20 different contexts for the word in the Bible! For each context the midrash supplies the verse that reveals the use of the word. It arranges them in a litany which begins "yesh pekidah l..." there is a "pekidah" for and then it lists a given item. The litany is: "there is a pekidah for blessing, burying a loved one, redemption, faithfulness, spirit, counting, war, troubles, enemies, improper attire, retribution from idolatry, the flocks, prosperity, redemption, life, land, angels, leviathan, nations, and children.

This impressive list understands that the word "pekidah" implies, first and foremost, a command from the Creator of the world. The word does not stand alone. There is no such thing as a command without a subject. Thus, the verse in Samuel is a command for war against Amalek. (Peskita Rabbati, 42 ed. Ish Shalom)

But, is this not the command of Deuteronomy? Is remembrance not of the command to make war against Amalek? Our Midrash does not seem to think so. Indeed another Midrash agrees that there is a process here. At first Amalek attacked Israel (Ex. 17, 8), then we were commanded to remember what Amalek did to us (Deut. 25, 17), and finally we were enjoined to fight and destroy Amalek by a "pekudah", command. (Midrash Shmuel 18, 1 ed. Buber). This view seems to be that remembering what Amalek did, after they had been defeated, and fighting them when they attack again are two different things.

The remembering of Amalek has to do with their war against Israel. It is considered to be a war not only against the people Israel, but also a war against God. The explanation that Amalek gives for their actions have nothing to do with power, insult or riches, rather it is that since Israel represents the moral force of God in the world they must be destroyed so that this moral force will not impose itself on the strong nations of the world. This is why of all of the nations that attacked and mistreated Israel only Amalek is singled out as the one to be perpetually remembered. (cf. Akedat Yitzhak gate 42, Tiferet Shlomo on Holidays, Purim) **TTT 246 "**

The connection between "pakad" as command and as deposit is made in another midrash. Whatever deeds one deposits with God, are returned in kind. Amalek deposited only evil deeds, and so God commands Israel, through Samuel, to fight them. On the other hand, Sarah deposited only good deeds, and God commands that she bear a son. In both of these verses the word "pakad" figures as the operative term for God's action. (Gen. R. 53, 5)

From all of this emerges a fascinating web of ideas. The commands of God are played out in actions in the world. But they are based on memory. Memory cannot be ignored. If God commands Israel to remember Amalek that means that some time in the future if there is another attack by Amalek, then Israel must again go to war. In a sense this also expresses the idea that history has a claim on future generations. The "commands" of the past should not be ignored in the present or in the future.

It seems to me that the idea of "pakad" is that it expresses the notion that God works in the world. But, it also leaves room for the notion that God works in the world through human actions. God enjoins us to remember, to learn and seek lessons, but the very act of learning the lesson implies an obligation to act. Mitzvot are God's commands, but Pekudot are God working through human initiative. Both are necessary, and both are implied in the texts of Shabbat Zachor. **TTT 246 M and B**

Va-Yikra/Zachor

This is another special Shabbat, Zachor, the Shabbat before Purim. The Mitzvah is to read the section about remembrance ("zachor") of Amalek from Deut. 25, 17-19, in public, i.e. at the regular public Torah reading on Shabbat. The section itself is, however, replete with difficult language and syntax. **TTT H and L**

"Remember what Amalek did to you on your journey, after you left Egypt—how, undeterred by fear of God, he surprised you on the march, when you were famished and weary, and cut down all the stragglers in your rear. Therefore, when the LORD your God grants you safety from all your enemies around you, in the land that the LORD your God is giving you as a hereditary portion, you shall blot out the memory of Amalek from under heaven. Do not forget!".

Amalek is a violent immoral nation who attacks the weak. We are commanded to remember this behavior, and, as is made clear in the Midrash Halakha, this means to read it aloud (cf. Sifra, Be-Hukkotai, 1). We are all aware of the value of historical memory. The Sifra here adds the fact that this verse is not talking about memory

alone, but about ritual. It is not enough to feel obligated to remember something, but we are also told that we must have a public ceremony in which we pronounce the memory out loud. The combination of historical knowledge and memory together with public ritual has a deep impact on character formation and on the way we view and talk about our own reality.

This seems clear, but the end of the passage is most confusing. "Therefore, when the LORD your God grants you safety from all your enemies around you, in the land that the LORD your God is giving you as a hereditary portion, you shall blot out the memory of Amalek from under heaven. Do not forget!" If we are commanded to remember Amalek, why in the end are we commanded to "blot out the memory of Amalek"? The only simple way to explain this seeming contradiction is to note that the end refers to a time when Israel has NO enemies around it and lives in safety. Thus the plain sense of the passage is: "as long as you are under threat of extinction and you are fighting enemies, you must keep the memory of Amalek's deeds alive. But, when there are NO more enemies you shall CEASE to remember Amalek", or, to use a modern phrase, "just use the delete button". The Hebrew "timheh" can mean merely "erase" or "delete". If this is the plain sense of the passage, then it is a caution against keeping old animosities alive long after there is any empirical reason to do so. **TTT M and HA**

Still, no traditional commentary takes the passage in this fashion. There are two major trends concerning what is meant by "blotting out the memory of Amalek". One is that this means that Israel has a "holy" task to make war on Amalek and to physically destroy the whole nation. One of the most piquant formulations of this position can be found in a Teshuvah by Ovadiah Yossef in his "Yehaveh Daat" (I, 84). There R. Ovadiah quotes the opinion of Sefer ha-Hinuch (R. Aharon ha-Levi) that women are exempt from hearing the reading of Zachor. The reason is that since the whole purpose of the reading is to fire Israel up to go to war against Amalek, and since women do not go to war, they are exempt.

Rabbi Ovadiah points out that this interpretation is disputed by others who point out that the war against Amalek is a "war of obligation" ("milhemet mitzvah"), i.e. a war which is a mitzvah of the Torah, and for such wars, "even the bride goes out to war from her wedding canopy" (Sotah 44b). Still, R. Ovadiah finds a way to understand Sefer Hinuch's ruling by pointing out that even though women are obligated to take part in a war of obligation, they are not expected to take up weapons and fight in the war, but merely to supply the men so that they can fight. We learn that women should not carry weapons from the verse "a woman should not carry a man's implement" (Deut. 22, 5, verse rendered as in Nazir 59a) After all, Yael killed Sisera with a tent-peg and not a sword, a real weapon of war (Judges 5, 26, Rashi on Nazir) What is clear from this discussion is that the point of zachor is to make war against Amalek.

However, there is another approach. Midrash Tanhuma notices the strange context of our verses. What immediately precedes Zachor? Deut. 25, 13-16: "You shall not have in your pouch alternate weights, larger and smaller. You shall not have in your house alternate measures, a larger and a smaller. You must have completely honest weights and completely honest measures, if you are to endure long on the soil that the LORD your God is giving you. For everyone who does those things, everyone

who deals dishonestly, is abhorrent to the LORD your God." In classic Midrashic fashion, Tanhuma wonders what is the connection between this and what follows? The Midrash either assumes a connection or informs us that there is NO connection. Tanhuma chooses, in this case, to inform us of the following connection: "Rabbi Benaah quotes: "False scales are an abomination to the LORD" (Proverbs 11, 1), if you see a generation whose measures ("qualities") are false, know that the kingdom provokes them.... R. Berekhiah in the name of R. Abba bar Kahana quotes "will I acquit him despite wicked balances And a bag of fraudulent weights?" (Micah 6, 11) .... R. Levi said: even Moses foretold this in the Torah as it says: "You shall not have in your house alternate measures", why? "everyone who deals dishonestly, is abhorrent to the LORD your God". And what comes immediately after this? "Remember what Amalek did..." This Midrash is used by Rashi in his commentary. Amalek is abhorrent to the Lord, and a dishonest person is abhorrent to the Lord. The Midrash sees this as an analogy.

This Midrash is saying that to remember and fight against Amalek means to fight against dishonesty in society. A society in which people always wonder if they are being cheated, is a society which is open to being treated accordingly by other nations. If there is general dishonesty of one citizen towards another, what can you expect from outside enemies? Furthermore, it should be clear that such internal sense of mistrust would make it impossible for such a society to stand up and fight its enemies. **TTT 247 M and B**

For this Midrash, Amalek is the embodiment of dishonesty. Remember what Amalek did, that is, Amalek acted unjustly. It is the example given to illustrate the behavior forbidden in verses 13-16, and an illustration of the consequences of such behavior. For this explanation the fight is not against enemies outside of Israel, but against the enemy of greed, dishonesty and injustice WITHIN Israel. The Zachor verses can be read as follows: "as long as you are under threat of extinction and you are fighting EXTERNAL enemies, you must keep the memory of Amalek's deeds alive so as to be able to have enough social cohesion to stand up and fight them. But, when you reach a stage of peace, when you are not obligated to fight the external enemies, then you must WIPE OUT ANY MEMORY OF DISHONESTY from your midst, otherwise you will not be able to maintain society, even though the external enemies are impotent."

For this approach, the fight against Amalek is an internal struggle against immorality, for general dishonesty in society destroys that society's integrity, and diminishes that society's ability to "extend its days in the land".

"Tezave/Shabbat Zachor"

The Haftarah for Shabbat Zachor has been the subject of much discussion particularly in modern times. It has been seen as another example of the question of human moral clarification versus Divine command. It has been treated in the same terms as the Akedah, as another example of the problematics of a Divine command which seems to be outside of universal moral discourse. **TTT 248 M**

The case in question involves the Divine command found in Deut. 25, 17-19: "Remember what Amalek did to you on your journey, after you left Egypt—how, undeterred by fear of God, he surprised you on the march, when you were famished

and weary, and cut down all the stragglers in your rear. Therefore, when the LORD your God grants you safety from all your enemies around you, in the land that the LORD your God is giving you as a hereditary portion, you shall blot out the memory of Amalek from under heaven. Do not forget!" The offense of Amalek is clear. They murdered the weak and weary. That their deeds deserve punishment is clear. But, what is not clear is, what exactly is Israel commanded to do in this case?

Samuel seems to interpret the words "blot out the memory of Amalek" as a Divine command to kill all Amalekites. This understanding is surely bolstered by the account of the incident in Exodus 17, 14-16: "Then the LORD said to Moses, "Inscribe this in a document as a reminder, and read it aloud to Joshua: I will utterly blot out the memory of Amalek from under heaven!" … The LORD will be at war with Amalek throughout the ages." Here it is clear that God will wage war against Amalek, and that God will blot out their memory. Is Israel commanded to do so as well? I have suggested above that the intention is to blot out "what Amalek did". That is, Israel is to prevent any such deeds happening, to any nation, and even within Israel itself.

Still, there is no doubt that Samuel interprets God's command to mean that Israel should kill all of the Amalekites. Shaul spares Agag, the king of Amalek. Samuel rebukes Saul: "the LORD sent you on a mission, saying, 'Go and proscribe the sinful Amalekites; make war on them until you have exterminated them.' Why did you disobey the LORD and swoop down on the spoil in defiance of the LORD's will?" (I. Sam. 15, 18-19) To this Shaul replies: "Saul said to Samuel, "But I did obey the LORD! I performed the mission on which the LORD sent me: I captured King Agag of Amalek, and I proscribed Amalek, and the troops took from the spoil some sheep and oxen—the best of what had been proscribed—to sacrifice to the LORD your God at Gilgal." (ibid. 20-21).

What is fascinating here is that there is NO hint in the text of the predicament of which the modern writers speak. Shaul does not say "Does God not prefer mercy to justice?" On the contrary, Shaul insists that he HAS not strayed from God's command! The conflict is NOT one of Divine command versus human moral sensitivity, but the conflict is over the correct interpretation of Divine command. Radak understands Shaul's contention as being that he HAS followed God's command by bringing Amalek with him to Samuel. True he did not kill him with the rest of them, but, as Radak puts it, he has kept him and not set him free, and he will be killed here (Radak on 15:20). I understand Radak to imply that Shaul has every intention of killing Agag, he just did not do it yet. Samuel's accusation is unfair in Shaul's eyes. It seems to be a mere pretext to remove him as king.

Indeed, Radak points out that Samuel's answer to Shaul's insistence is: "For rebellion is like the sin of divination." (15, 23) Radak asks why is rebellion equated with divination? His answer is that divination is a great transgression because it removes one's trust in God, and transplants it to trust in magic. The rebellion of Shaul is one of lack of trust in God. Rebellion may come out of a relationship of trust with God. Such a rebellion struggles with God in an attempt to establish trust. Such is the case of Abraham struggling with God over the fate of the righteous people in Sodom, or Moses struggling with God over the fate of Israel. These are rebellion's against God's decisions, no less than that of Shaul. Yet, they have the character of rebellion that is

akin to Divine service. That is, they attempt to make it possible to get closer to God. **TTT 248 T**

Shaul's decision is not out of mercy, but out of lack of trust in God. Samuel senses that it might be a form of appeasement of the gods of Canaan, a kind of divination. FOR THIS, Shaul is deprived of the kingship, not because he failed to kill Agag immediately. There is a thin line which is difficult to fathom between rebellion out of desire to become closer, and rebellion out of lack of trust. **TTT 248 T**

My understanding is that if we struggle with what is taken to be Divine command out of a sense of trying to get closer to God, that it would be proper, or even praiseworthy, to OBJECT to the mass killing of the Amalekites. What is wrong with Shaul is not what he did, but the motivation which prompted him to do it. Because of that he cannot continue as king. There is, however, no connection between that and between killing Agag. It is hard for me to see how Samuel's precipitous killing of Agag furthers trust in the Lord, and I agree with most of the modern writers who criticize Samuel for that. Agag's fate is not bound up with the fate of Shaul. In my view, the fact that Samuel tied them together only makes Samuel's action more open to criticism. **TTT 248 T**

To me one of the most astonishing passages about the power of teshuva, and the power of Torah to spread light is the one which talks of enemies and evil people, who became, or whose descendants became, Jews through conversion. The grandchildren of Haman, according to these passages, studied or taught Torah in Bnei Brak. (Gittin 57b; San. 96b)

This passage counts Haman's offspring as converts who taught Torah to Israel! One might wonder how Haman had grandsons if he and all of his sons were hung. Maharsham, R. Shalom Mordecai Shwadron, states that it must have been the sons of Haman's daughters. (Maharsham III, 272) This he states in the context of a fascinating halakhic debate that reverberates throughout the literature. **TTT 249 HA and B**

The debate is over a passage in the Mekhilta of R. Ishmael, which interprets the verses that refer to the war against Amalek. R. Eliezer says that this shows that any person from any nation can be accepted as a convert, EXCEPT from Amalek. (Mekhilta d'R Ishmael, masechta d'amalek, 2) Our Talmud passages seem to contradict this Midrash Halakha. Maharsham's point is that perhaps the prohibition against Amalekite converts is only for offspring of men and not for offspring of women.

What makes the debate even more interesting is that Rambam seems to accept the idea that Amalekite offspring may be accepted as converts. The proof brought in support of the Mekhilta's position is from the case of David, who kills the Amalekite convert. (I Sam. 1, 13 ff.) First, this incident shows that there were gerim from Amalek. Secondly, the context of David's killing him is that he had slain Saul. In any case, Rambam does not refer to this case as an impediment to accepting Amalekites, and he says that there were many gerim from all the nations during the time of David and Solomon. (Issurei Biah 13, 15)

Many later halakhic writers assume that Rambam rejects the Mekhilta, as halakha, in favor of the Talmud. (cf. Tzitz Eliezer 13, 71) Indeed, when Ovadiah Yosef writes a ruling about accepting the kashrut of children of apostates or mosrim he cites our Talmud passage and says: "If even from the seed of the evil Amalek, may his name be erased, holy people can sprout, then certainly from families whose origin is in the nation Israel, good people may descend from them." (Yabia Omer 8, HM 10, 3)

So, not only is conversion welcome, but the source of the convert is not an issue. Indeed, Chief Justice Barak wrote in his explanation of his decision:

"The Jews in Israel are not conceived of as "one religious denomination" ("eidah datit ahat"). The conception that the Jews are a "religious denomination" ("eidah datit") is that of the mandatory-colonial British crown. [the state's case against registering our converts included the argument that legally all the Jews in Israel are "one religious denomination" ("eidah datit ahat") with one official Rabbinate at its head.] [But, now] Israel is the state of the Jewish nation ("ha-am ha-yehudi"), and it [the State] is the instrument of expression of "the right of the Jewish nation ("ha-am ha-yehudi") to national revival in its Land". In Judaism there are different streams operating in Israel and outside of it. Every stream operates according to his own world view. Every Jew in Israel – like all persons who are not Jewish – have freedom of religion, conscience and assembly. Our most basic conceptions bestow on every individual the freedom to decide their own membership in any of the streams they choose."

The distinction between the mandatory view of Jews as an "eidah", a denomination, and the High Court's view of the Jews as a nation, "am", with multiple denominations is central to understand the conceptual victory we have gained with this decision. So, any person who sees light in Judaism in Masorti Judaism, even if they are offspring of Haman, need to be accepted by the State as part of the Jewish nation after they have completed their conversion. **TTT 249 HA and P and B**

On this Shabbat we read that we are to blot out the memory of Amalek. How does one do that? There are many sources in our tradition which propose that the way to do that is to destroy every person who is Amalek. But, the sources we learned today, about Haman's grandchildren teaching Torah hint at another way. This is a way which will expose those offspring to the light of Torah in a human and humane way. To bring them close to Judaism by love and compassion, until they themselves may wish to join the Jewish nation as converts. At the very least, they will see the light of Torah and learn to respect it enough so that hatred will vanish from their hearts.

Shabbat Parah

This week is another special Shabbat. We read the portion about the Red cow, whose ashes were placed in water and this solution was used to purify ("tahor") all those who were impure ("tamei").

There are three passages in the Torah which begin with the words "zot Hukkat ha-Torah" "this is a Ruling of the Torah". One is the passage which we read this Shabbat about the waters which purify. The first passage, chronologically, is about who is obligated to and permitted to eat the Paschal sacrifice (Ex. 12, 43ff.). The point is that one who is impure ("tamei") is not allowed to bring or eat of the Paschal sacrifice. We read this special Maftir in order to remind us to maintain our purity so that we will be in a fit state to sacrifice the Paschal lamb. The common language between these two passages also establishes a connection between them. (The third passage, Num. 31, has to do with laws concerning spoils of war, and is also connected with purity.)

Still, the Midrash asks which of these two "Rulings of the Torah" is greater? Both start out with the same language, "and yet you do not know which Ruling is the more important one?" (Ex. R. 19:2) The Midrash puts its answer in the form of a parable of two women who seemed to be equal in status. In order to decide which one was more important we have to see which one is escorted home by whom. Which Ruling is greater? It is the Ruling of the Parah, since those coming to eat the Paschal sacrifice must be pure. In terms of the parable, their coming to the Temple to partake in the Holiday ritual must be accompanied, a priori, by their being pure. One could interpret this Midrash to fix a certain priority. Even though the celebration of rituals is important, one must celebrate them in a state of purity or refinement. The actual performance of ritual, in order to be genuinely a "Ruling of the Torah" implies a precondition of purity, which is a greater Ruling.

This Midrash is even more meaningful when we take it in the light of the Haftarah for this Shabbat, Ezekiel 36. There the prophet transfers the connotation of pure ("tahor") from a purely ritualistic context to a context of morality. Becoming impure ("tamei") is not merely a matter of coming into contact with death or blood, as in Leviticus, but it is a result of "desecrating God's name" ("hillul ha-shem" cf. v. 23). The water sprinkled on Israel is to remove the stigma of those actions which Israel has performed which have desecrated the Name. **TTT 250 T and M and HA**

Indeed, the prophet speaks of the change wrought by the waters of purity as an internal change, and not merely an external cleansing of ritual impurity (vv. 24-27). "I will take you from among the nations and gather you from all the countries, and I will bring you back to your own land. I will sprinkle clean water upon you, and you shall be clean: ..... And I will give you a new heart and put a new spirit into you: I will remove the heart of stone from your body and give you a heart of flesh; and I will put My spirit into you. Thus I will cause you to follow My laws and faithfully to observe My rules."

The internal, spiritual change is signified by the "new heart" and the "new spirit". To become pure needs a spiritual effort, and is not achievable merely by ritual alone. The prophets' words "Thus I will cause you to follow My laws" are the subject of a

dispute. The Hebrew for this phrase is very difficult, on the one hand God is the active one "ve-asiti" translated as "I will cause you", on the other hand the people are "going in God's ways" a phrase which is almost always associated with choice. **TTT 250 M and T**

Ramban, in his commentary on Deut. 30, 6 "Then the LORD your God will open up your heart and the hearts of your offspring to love the LORD your God with all your heart and soul, in order that you may live.", feels a contradiction between this verse and Ezekiel. Ramban accepts the idea that Ezekiel means that God "will cause" people to follow God's ways. But, Moses implies that God will give people a heart that chooses to follow God's ways out of love.

Is it a good thing that Ezekiel foresees? Ramban applies this verse to the Talmudic interpretation of the verse from Kohelet: ".... those years arrive of which you will say, "I have no pleasure in them" (12, 1). Those years are the days of the Messiah, for they contain neither "rights" ("zechut") nor "liabilities" ("hovah") (Shab. 151b). The Talmud seems to be implying that there is something not entirely positive about the days of the Messiah. There is no choice. Ramban takes this to mean that God will change the nature of things, so that a person will always do the good, and there will be no more free will. If there is no free will, there is no meaning to categories of rights and liabilities. Ramban seems to explain Ezekiel as talking about the Messianic times when human nature will change, and people will automatically fulfill the Torah. Even so, he implies a criticism of this vision. How meaningful can it be when people do things which are not the outcome of choice? **TTT 250 T and M and HA**

Radak accepts the implied criticism of this view. Perhaps, he does not want to contemplate a time when moral choice has been obliterated. His comment on Ezekiel's concept of the "new heart" is that it means "a heart which listens and a spirit which is willing to accept God's words with love." For Radak the only meaningful fulfillment of God's word is by loving choice. **TTT 250 "**

The person who prepares the ashes of the cow becomes impure. Tradition saw a big paradox here, the very essence of the stuff that cures impurity causes someone to become impure. Can something which is totally pure, sacred, be the cause of its opposite, impurity, defilement?

One way to make sense of this paradox is according to the philosopher Alistair MacIntyre who makes the case that rationality is only within a tradition. So the rationality of pure and impure states of ritual only exists and applies within a tradition based upon a sacrificial model. What happens when the world changes, or new people are introduced? McIntyre talks about "translation" of the terms of the tradition into other areas, and when Torah study takes over the role of altar sacrifices, the translation is made using the root ideas of tamei, impure, and tahor, pure in the context of morality. The terms remain the same, but the tradition within which they apply is changed. This obviously leads to different meanings, or at the very least nuances, of the terms themselves. Tamei, impure, no longer refers to a physical act, for example contact with the dead, but now refers to an immoral act which may have nothing to do with death at all. **TTT 251 T**

Shabbat "Parah" 5764

On the special Shabbat of "Parah" we read the maftir portion about the Red Cow, in preparation for the Passover season. This begins with the words: "The Lord spoke to Moses and to Aaron saying: this is the law of the Torah which God commanded saying speak unto the children of Israel…" (Num. 19, 1-2). The verses continue to spell out that the red cow is to be handed over to Elazar the priest, who is to take it outside of the camp and slaughter it there. Elazar is to sprinkle blood from the red cow toward the front of the Tent of Meeting, then the whole carcass of the cow is to be burned in his sight ("ve-saraf et ha-parah le-einav"), and a priest is to add cedar wood, hyssop and crimson stuff ("sheni tolaat") to the fire. (Num. 19, 3-6)

The midrashic tradition comments on the fact that this command seems to be addressed in a most puzzling way. It starts out as being addressed to Moses and Aaron, as are many other commandments, but then it is also addressed to all of Israel. The inclusion of more people being spoken to by God to fix this commandment needs to be explained. The Midrash explains it in a very special way: "The cow must come with support of and inclusion of all of the public, not from any specific family, not only from converts, not only from women, not only from slaves. How do we know that ALL are to be included, since it says "to Moses" this includes specific individuals, since it says "the children of Israel" it includes converts, since it says "and say unto them" it includes women and slaves…" (Sifrei Zuta 19, 2).

The repetition of addressees is meant to teach us that the instrument of purification for ALL of Israel, cannot be supplied by any one segment of the nation. It must be forthcoming from ALL sectors, and, in this case, that means being purchased by public funds to which ALL have contributed. But, the idea here is that there are some issues, issues which have to do with the welfare of the public at large, that cannot be left to any specific interests of society, but must be served by all. **TTT 251 M**

Now, the verses which describe the burning of the cow in front of Elazar, and which describe "a priest", not necessarily Elazar himself, adding the other ingredients to the fire, all of this leads to another conclusion by this same midrash. That conclusion is that not only must the cow itself come from all of the nation, but all the nation needs to be represented in the whole process of its preparation. At least there needs to be representatives of the nation who are involved. These are called "gizbarim", treasurers of the nation. They are its representatives to oversee the process of preparing the red cow.

Our midrash makes it clear that the oversight of many gizbarim is necessary to prevent any untoward use of the red cow. The ashes of this cow are precious. Mixing them with water gives one the magic formula for purifying the impure. What if an unscrupulous priest were to pocket some of the ashes, and use them for profit outside the public framework? The midrash can conceive of a kind of "purity gouging", using the public property for private gain. Or perhaps a priestly family would withhold all of the ashes in order to hold all of Israel in its power. In order to prevent such possible abuse there needs to be oversight over the whole process. (cf. also Sifrei Ba-midbar Piska 124)

Another midrash imagines that one could use the cow for some other purpose, using it for some form of work of advantage even before it is slaughtered. Thus, the whole process from the time of selection and decision that this cow is indeed a red cow which can be used for making the waters of lustration up to and including the burning of the cow and turning it into ash needs to be supervised by the public. (Sifrei Ba-midbar ibid.)

These midrashim learn from the laws of the red cow about proper handling of important public decisions. The priest who is in charge, even Moses and Aaron themselves, need supervision when the issue is one which is so central to the nation. The spiritual status of Israel as a nation of priests who can serve God in purity depends upon being faithful to the ritual. It is not so much the cow which is central here, rather it is the faithful and unselfish carrying out of the process that must be guarded. Any corruption along the way renders the whole process unfit, and thus the nation is called upon to be the overseers, the gizbarim, for every stage of the process. In the end it is the responsibility of the people, and their involvement in the preparation of the waters of purification that is an essential element of its power.

This week is Shabbat Parah, the Shabbat preceding Rosh Hodesh Nisan. The reason for the timing of this additional Torah reading is that before Nisan we recall the procedures for ritual purity. This is because the Paschal sacrifice is to be done by every family in Israel, and thus, everyone must take exceptional care to remain ritually pure.

The text of the extra reading concerns the ritual apparatus for purifying someone who has had contact with death. A red cow is burned to ashes, and those ashes are put into pure water. This solution is known as "water of lustration" (cf. Num. 19). The sprinkling of the water of lustration on a person is the last stage in the process of becoming ritually pure, that is, being allowed to approach the holy areas and to bring sacrifices to the priests. This water is also used to purify the altar itself on those occasions when this is prescribed.

The regulations surrounding the red cow have been discussed throughout Jewish history. They represent a concrete translation into ritual acts of transcendent issues surrounding death. Indeed, many of the issues surrounding death, such as, is death connected to punishment for sin, how do the living cope with contact with death, how can one partake in the sacred after contact with death, are expressed by the rituals of the red cow.

Yet, as with any system of ritual acts, a preoccupation with the acts themselves can lead to a widening of the gap between the ritual and the issues which it expresses. There is a danger that the issues are forgotten, and all thought is focused on the acts themselves. The acts take on a life of their own, and are justified for their own sake. This can lead to an obsession with defining and refining every detail of the acts, which, in turn, can lead to exaggerated acts being treated with the utmost seriousness. **TTT 251 HA and B**

The Mishnah tractate of Parah deals with the rules of the red cow. There is a dispute among scholars as to the date of the materiel in this tractate. However, there are references to religious disputes between the sages of the Mishnah and the Sadducees

over certain aspects of how the law is implemented. These disputes reveal a tension within Judaism which continues to our own day. They also, in my view, set a certain boundary to ritual practice which we should be careful about crossing.

One of these disputes is found in Parah 3:7: "The elders of Israel used to precede them on foot to the mount of olives, where there was a place of immersion. The priest that was to burn the cow was (deliberately) made unclean on account of the Sadducees: in order that they should not say, 'only by Those on whom the sun has set must it be prepared'." This Mishnah informs us of a dispute concerning the degree of certainty about the purity of the priest who is to burn the cow. The Sadducees thought that only a priest for whom the sun had set, that is, had finished all of the time period of purification, was allowed to perform the act. The sages, however, thought that if the priest had immersed in a mikveh, that is, had done the ritual of purity, he did not have to wait.

The remarkable thing about this Mishnah is that the sages deliberately made the priest impure so that their, less stringent, view would be the practice. Indeed, the Tosefta includes a tale of a Sadducee who had waited the proper time and came to burn the cow. Rabban Yohanan ben Zaccai put his hands upon the priest, thus rendering him impure, and told him to go and immerse himself and return to complete the burning! The priest answers Ribaz scornfully, and within three days dies. (Tos. Parah, 3:8) The sages here take a clear stand on a more flexible and realistic standard of purity. They are NOT trying to enforce some "ideal" standard of purity. It is reminiscent, to me, of the principle enunciated in Mishnah Pesahim about searching for Hametz, "ein la-davar sof", that is, since there is NO limit to how far one can go in ritual matters, we, the sages, MUST place a limit! (Pes. 1:2) **TTT HA and B**

This same mechanism is at work in another section dealing with the rules of the red cow. The Mishnah suggests that in order to avoid any suspicion of ritual impurity because of a grave, that houses were built on rock over hollow air, that is, not on the ground where there might be a grave. Pregnant wives of priests would deliver their babies in those houses, and the children were brought up there, so that there would be no suspicion of their having been susceptible to impurity. (Parah 3:2) These children were the ones who would fill stone cups, because stone is not susceptible to impurity, with water from the Siloam spring. The ashes of the red cow were sprinkled on this water in order to create the water of lustration.

The Mishnah suggests a complex way of having the ashes sprinkled and mixed into the water, using a male sheep with a rope tied between its horns. A leafy branch was tied to the rope and thrown into the container with the ashes. Then the animal was struck so that it would rear backwards, and the branch would come flying out of the container and spread some of the ashes into the waiting container of water. R. Yose attacks this inventive method by saying: "do not give the Sadducees ammunition against us, rather let the child go and take the ashes and put them in the water and mix it." (Parah 3:3)

I take R. Yose to be saying: "do not be more Sadducean than the Sadducees. We do not need to make up such stringent and far-fetched machinations." Once again an approach which sets a boundary to severe ritual strictness is manifest in the

Mishnah. The sages preserved these sources about the regulations of the red cow, even though a case can be made that they were NOT anxious to restore the Temple and its attendant priestly caste. They fixed the Haftarah of Parah to be from Ezekiel, in which God directly is the one who purifies Israel by sprinkling cleansing water on them. (Ezek. 36, 25-26) The priestly caste and ritual of the red cow is superfluous altogether in this passage. God is directly the source of cleanliness, and because that is the case purity here is not only ritual purity, but also moral purity. The water which God sprinkles leads to a new heart and a new spirit. **TTT 251 HA and B and M**

Recently some Jewish groups have proposed restoring the Temple in the same manner as prescribed in the Mishnah (even though that itself is not crystal clear). They have searched for a red cow, and have proposed raising infants in purity, a la the Mishnah in Parah chapter 3. It is time for religious Jews everywhere to disavow these proposals. Jewish religion will not be served by a fanatic attempt to restore animal sacrifice and a priestly caste. If there is to be a restored Temple it must be a place which brings all humans to a heightened awareness of the spiritual. It must be a place which functions to bring all men closer to God and to restore the human heart and spirit of those who come to it, in the spirit of Micah 4, 1-5 and of Ezekiel 36.

Micah 4

1. But in the last days it shall come to pass, that the mountain of the house of the Lord shall be established in the top of the mountains, and it shall be exalted above the hills; and people shall flow to it.
2. And many nations shall come, and say, Come, and let us go up to the mountain of the Lord, and to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths; for Torah shall go forth from Zion, and the word of the Lord from Jerusalem.
3. And he shall judge between many peoples, and shall decide concerning far away strong nations; and they shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation, nor shall they learn war any more.
4. But they shall sit every man under his vine and under his fig tree; and none shall make them afraid; for the mouth of the Lord of hosts has spoken it.
5. For let all people walk everyone in the name of his god, and we will walk in the name of the Lord our God for ever and ever.

Shabbat Ha Hodesh

The Shabbat before Rosh Hodesh Nisan is designated Shabbat Ha-Hodesh. There is a special Maftir reading about the special mitzvoth associated with Rosh Hodesh Nisan, the marking of the first of the month so that the lamb for the Paschal sacrifice can be taken as prescribed. This is the ritual which led up to the Exodus from Egypt. It includes the roasting and eating of the lamb in the house that is prepared for this feast. The ritual is reenacted in later years, but features of the original sacrifice and meal are retained.

In our reading this Shabbat we read: "They shall take some of the blood and put it on the two doorposts and the lintel of the houses in which they are to eat it." (Ex. 12, 7) The reference is to the smearing of blood from the lamb on the door of the house so that the plague of the firstborn will not enter the houses so marked. But, we learn something else from this verse, namely that the lamb must be eaten in the house so marked. However, another verse reads: "It shall be eaten in one house: you shall not take any of the flesh outside the house; nor shall you break a bone of it." (Ex. 12, 46) It is not clear where the sacred meal is to take place. According to verse 7 it appears that each family eats in its own house, and yet, verse 46 might be taken to mean that all families must eat in one house! This reading, while seemingly impossible, at the very least needs to be clarified. **TTT 253 H and L**

The Midrash halakha spells it out for us. From the point of view of the one who is eating the sacrifice it must be in one house, that is, a single person cannot move from one festive meal to another. But, from the point of view of a group of people eating together ("havura") each group can eat in their own house, so that there are in effect many houses where the meal is consumed. So, there are many houses, that is each group in its own designated place, and yet for each individual in the group there is only one house, the one that he or she is eating the meal in. (Mekhilta d'R. Shimon bar Yohai 12, 7)

The concept of "havura" is an important idea, namely that groups of people can agree beforehand to band together to eat the paschal meal together. Once they have agreed on this, they constitute a "havura" and from then on they are bound to be together, and, as we have just seen, one person cannot leave the group and go somewhere else for the meal. The essence of this halakha goes to the heart of the matter of the relationships between individuals and groups to which they belong, both family groups and other groups created by common agreement. It is not possible to expect that all people will belong to the same group, be in 'one house'; but even though there be many groups, many 'houses', each person has a responsibility to maintain loyalty to the group they have joined. **TTT 253 M**

The Mishnah takes this scenario another step forward. What is the halakha if two groups, "havurot", share one house? Do we assume that the two groups can merge into one, or do we mandate each group to keep its own particular make up and remain separate from the other group even though they share the same space? The Mishna makes it clear that each group needs to maintain its separate space in the same house. "If two companies ("havurot") are eating in one room, these may turn their faces in one direction and those may turn their faces in another direction, with the boiler ("meiham") in the middle." The hot water boiler, used to dilute the wine,

can be used by both groups, but each group must maintain its own identity. (Pes. 86a)

In the Talmudic discussion on this Mishnah the many aspects of this situation are delineated. For example, if a person from one of the groups is serving both groups, he can eat with his group, but not in two places. The Talmud, as it often does, asks according to which Tanna is this halakha. The answer is that it is according to Rabbi Judah, but in so finding out the source of our rule we find out that there is another opinion. Rabbi Shimon thinks that one may eat the meal in more than one place, and thus, the waiter may be able to partake with both groups!

The difference between R. Judah and R. Shimon is fascinating. Are we to think that groups which form must always remain separate and that there can never be any contact between them? That is the impression that the Mishnah gives, but once we know that there is another opinion the matter becomes more complex. Even more fascinating is the reasons that the Talmud supplies for each side of this debate. R. Judah relies on verse 46 to the effect that each person must eat in only one place, whereas R. Shimon relies on verse 7 which implies that one may eat in many places. The practical difference is spelled out: if, for example, if suddenly a barrier appears within one havura eating the meal, in effect creating two havurot, according to one who feels that one may eat the same lamb in two places they may continue to eat, but according to the other view they must stop eating. Conversely if there was a barrier between two havurot and suddenly it collapsed, thus turning what was the one place of each group into a wholly different place, if one may eat in two places they can go on eating, but if one thinks otherwise they must stop.

Does the creation of a barrier within one group create two groups? Does the removal of a barrier change the nature of the place thus created? The Talmud leaves this question up in the air. It is too difficult to decide on the spot. Maimonides decides that they must stop eating. (Yad, Hilkhot Korban Pesah 9, 5) Still, it seems to me that the Talmud is more correct in this case. The matter of the relationships between the individual and the group to which he belongs is weighty. It is clear that it is preferable for each person to maintain loyalty to a group he identifies with, and yet people need some amount of freedom to move if there is good reason to do so. Furthermore, the description of the factors of space, common utilities, and of those who serve both groups creates many dimensions which need to be explored in each instance so that we can arrive at a reasoned decision. **TTT 253 HA and P**

The special reading this week really kicks off the Passover season. Shabbat Ha-Hodesh relates to the command of the Passover ritual which Israel performed in Egypt. This formative rite can be seen as a test of belonging, a test of faith in God and God's values. As I wrote in my commentary on the Passover Haggadah:

"Jewish tradition interpreted the paschal sacrifice as a test: who will be willing to endanger themselves in order to leave bondage for freedom? There were 9 plagues, and in each one Moses had assured the people that the plague would bring their freedom. But, despite the fact that each plague was worse than the previous one, Pharaoh continued to refuse to release the people. True, Pharaoh showed some weaknesses here and there, but in the end all of the 9 plagues failed to achieve their

goal. Until this moment, the children of Israel had waited for God's salvation, but they were probably disappointed by the results. Now, Moses asks them to believe that after 9 failures, this time the 10th plague will work. What is more, this time the people have to prepare something. They have to prepare a sacrifice and to mark their homes with blood, as a sign that they are going to be freed. The children of Israel are slaves under a regime of taskmasters and guards. What will the guards say when they see a house whose doorframe is smeared with blood? What can a Jew answer to the guard's question: "why have you put this blood on your doorframe?" A truthful answer can only be interpreted by the Egyptian as a provocation against Pharaoh, a rebellion against slavery. The demands of this sacrifice are severe. Only someone who truly was committed to pursuing freedom would be capable of placing himself and his family in such danger. Whoever said, to himself 'I will wait and see if this time the plague really convinces Pharaoh to release us', would not be saved. And, according to the Midrash, only a small minority of Jews performed the sacrifice and left Egypt. On the verse: "Hamushim (Hebrew not clear: but the root is Hamesh-five) the children of Israel left Egypt" (Ex. 13, 18) the Midrash says that only one in five left, and some say one in 50 and some say one in 500 (Mechilta 12)!" [the whole commentary can be found at: http://en.michaelgraetz.com/ideas-and-research/essays/sabbath-and-festivals/a-commentary-on-the-passover-haggadahh/]
This ritual is central to the creation of the Jewish nation, and central to the commitment of the Jews to God's Torah. The Midrashim have analyzed this ritual in all of its details to understand more deeply how each detail can contribute to our understanding of HOW WE BELONG TO JUDASIM, TO GOD'S TORAH. **TTT 253 T and B and K**

One of the details is the smearing of blood on the doorposts ("mezuzot") and the lintel ("mashkof") of the door of the house: "They shall take some of the blood and put it on the two doorposts and the lintel of the houses in which they are to eat it." (Ex. 12, 7) The Mechilta asks if this blood is smeared on the "inside" of the door or on the "outside" of the door? R. Shimon infers from the phrase which God says: "I will see the blood" ("ve-raitee et ha-dam", Ex. 12, 13) The blood is seen by God, that is from the outside, but not by anyone else. R. Nathan disagrees. He cites the verse "and the blood shall be a sign for you" (ibid.). It is to be seen by the Israelites, and not by anyone else. That is, it must be inside the door. R. Isaac says that it must be on the outside of the door, so that the Egyptians would see it and their stomachs would churn. (Mechilta d'R. Ishmael, Bo, 6)

This dispute is intriguing. The central symbol of faith, of belonging, must be seen. But, the question is by whom and in what fashion is it to be seen? Is the sign of faith meant for God, for ourselves, or for others? When we practice Jewish life, perform Jewish deeds, to whom is our action directed? It seems to me that the answer must be to all three. The blood should be visible both outside and inside. The ritual must speak to us, to our inner being, and if it does, then it will be a sign for God and for other humans. **TTT T and B**

But, this is only one of the questions raised in this source. Our verse says: "put it on the two doorposts and the lintel of the houses." The Midrash ponders if this ORDER of putting the blood is mandatory. That is, if one puts the blood FIRST on the lintel and AFTERWARDS on the doorposts, has one fulfilled the obligation? The answer is

that we have another verse which says: "apply some of the blood that is in the basin to the lintel and to the two doorposts." (Ex. 12, 22) Here the order is reversed!! Thus, the Midrash concludes that there is no significance to the order. One may start with the lintel or one may start with the doorposts.

But, the Midrash continues to speak: "thus we learn that there were THREE altars for Israel in Egypt, the lintel and each one of the doorposts. R. Shimon says, there were FOUR altars, because the "threshold" ("saf") was also used for the Paschal sacrifice. Now, in the light of this comment the question of order is even more significant than it seemed at first. Each element of the door is a DIFFERENT ALTAR. Each one represents a DIFFERENT approach or a different understanding or a different spiritual path to God. And our Midrash tells us that the Jew can choose the order in which he/she will "enter" Judaism! **TTT 253 HA and P**

Still and all, the most significant thing is that the Midrash sees each part of the door as a SEPARATE ALTAR. One might wonder, why not just ONE?! If each altar symbolizes a different "way in" to Judaism, then the point is clear. Each Jew must somehow "touch" each way. It is not enough to START from the individual's preferred point of beginning. They much somehow reach the other points of other Jews. In each person there are many ways, not just one, and each way has some of the characteristics of other people's ways. Each person will be lenient on some matters, and strict on others; more traditional in some things, and more experimental in others. The four different altars must all be included in each Jews ritual of belonging. **TTT 253 "**

Even more than that, the Midrash continues to examine the verse: " in which they are to eat it." We might think that the ritual, creating the outward clear sign of faith and belonging applies only to those houses in which the ritual will actually be done! So, what about the houses in which people might merely sleep, but not actually eat the Paschal sacrifice? It would seem that they do not have to be marked. They appear to be unconnected to the sanctification of the houses that perform the ritual. The Midrash DENIES this interpretation. It cites the verse: "on the houses where you are staying" (ibid. 13). Every house should be MADE READY to find its way into faith and belonging. It does not matter if the house does not perform all the details of the ritual or not; it must be prepared for sanctity. This is especially important in the light of the fact that one can find their own way "through the door"; that the exact order of ritual does NOT prevent one from being a full participant. The sum total of this Midrash is to create the opportunity for all Jews to become attached to the faith in their own way, to enable each person to find their way to belong. **TTT 253 HA and P**

Passover is getting closer. We read a special maftir this week that recounts God's commands to Israel to prepare a paschal sacrifice, and to prepare for leaving Egypt. This section is also known in tradition as the section which begins the commandments to Israel. This section opens with the words: "The Lord said to Moses and Aaron in the land of Egypt: This month shall mark for you (plural, "lachem") the beginning of the months; it shall be the first of the months of the year for you. Speak (plural, "dabru") to the whole community of Israel ("el kol adat Yisrael") and say that on the tenth of this month each of them ("va-yikhu lahem ish") shall take a lamb to a family, a lamb to a household." (Ex. 12, 1-3)

Why is the verse about the first month addressed only to Moses and Aaron? Surprised at that assertion? Look again, God speaks to Moses and Aaron and says that this month shall mark for YOU ("lachem") the first month. It is as if this command is specified for Moses and Aaron only. This understanding of the verses is supported by the continuation: " Speak ("dabru") to the whole community of Israel ("el kol adat Yisrael") and say…". After God speaks to Moses and Aaron he tells THEM to speak to Israel. The English translation, "speak" conceals the fact that the Hebrew word "dabru" is plural. Both Moses and Aaron, who have just been spoken to by God, must now speak, together, to the people.

The Talmud already interprets the word "you" ("lachem") as implying the important principle that the sanctification of the month, the fixing of the first day of the month by sighting of the moon, is in the hands of the human court. Unlike Shabbat, which is fixed by the setting and rising of the sun, which every person can see, the month is fixed by the more problematic sighting of the new moon, and must be confirmed by testimony before a court of experts. (Rosh Hashana 25b) Ramban, in his comment on our verse 2, uses this halakha to explain that God is speaking to Moses and Aaron, the judges of their day, and specifying that the fixing of the new month will be in the hands of judges, not the nation as a whole.

However, Ramban also tries to understand the word "you" ("lachem") in the plural as having meaning for all of Israel. He points out that Israel not only counted, but named its months in relation to this first month. That is, in the Torah months are called, first month, second month, seventh month, etc. He cites such verses as Ex. 19, 1; Numbers 10, 11 and Numbers 29, 1 to make his case. Thus, says Ramban, every mention of a month will remind the people of the great miracle which occurred for them in the first month. (Ramban on Ex. 12, 2)

The second command is to Moses and Aaron to speak, "dabru" in the plural, to all of Israel and explain to them the Passover ritual. There are literally dozens of (over 50) places in the Torah where Moses is told to speak to Israel. Moses is the prophet who tells God's commands to the people. What is the point that in this case, BOTH Moses and Aaron are commanded to speak to the people?! Indeed, both of them are told to speak to the people only three times in the whole Torah. Here, about the laws of the Paschal sacrifice, the laws of Kashrut, which animals are forbidden and which permitted (Lev. 11), and the laws of bodily emissions and the states of impurity and purity (Lev. 15).

Even more puzzling is exactly how does this work? Can two people speak at once without a cacophony of sound? Do they speak responsively? Just what is the Torah getting at by having Moses and Aaron do the speaking? This is the problem highlighted in the Mekhilta d'R. Ishmael: "R. Ishmael says: and did they both speak at once? For we find [over and over] "you [Moses] speak to the children of Israel" (Ex. 31, 13)". (Massechta dePasha, bo, 3)

There are three opinions in this Midrash on how it works. R. Ishmael's answer to his own question is: "When Moses would speak, Aaron would incline his ear in awe to listen, and the Text considers this [listening] as if he had heard it from the mouth of the Holy One." For R. Ishmael, one who listens with reverence to words of Torah, it is

as if those words have been revealed directly to such a person. The act of listening with awe, is thus akin to speaking, it is an act that has significance in the transmission of the Torah. Yet, this approach leaves Aaron as a passive listener. To what extant can we accept the notion that listening is akin to speaking? **TTT 254 HA and T**

The second opinion is that of R. Ahi ben R. Josiah who also asks: "did, then, both of them speak, etc.? But, when Moses spoke, Aaron stood on his right, and Elazar on his left and Itamar on the right of Aaron and the speech would emanate from between them as if both of them were speaking". R. Ahi is also of the opinion that only Moses spoke. But, he says that when a leader speaks, those standing next to him are included in the sense that people have about the speech. It seems as if the speech is coming from both of the leaders standing together. Here the idea is that if you appear together with someone who makes an important speech, it is as if you had spoken too. But, this approach also leaves Aaron passive, not really speaking himself, which is what the Torah seems to imply.

The third opinion is not only the most fascinating; it is, to my mind, the most fruitful as well. R. Shimon ben Yohai says: "Moses would give honor and respect to Aaron saying to him "teach me"; and Aaron would give honor and respect to Moses saying to him "teach me", and the speech would emanate from between them as if both of them were speaking."

Rashbi doesn't think they spoke at once. Both Moses and Aaron speak, neither one is passive. Each one spoke in their turn. But, how did they speak? Each one acknowledged respect for the other, and acknowledged that they had much to learn from the other. Moses would say his teaching, and then Aaron would say his teaching, and the total of Torah or Halakha that they spoke seemed to have come from the both of them. **TTT 254 T and HA and P**

Torah cannot be spoken in cacophony, but it also cannot be spoken in a tyrannical fashion. In order for Torah to be truly Torah, those who speak it must know how to respect and honor one another, and to be open to being taught by the other. This does not mean that there will not be disagreement, nor does it mean that a particular teaching by one will not be rejected by the other. But, it does mean that whatever is taught, must be listened to or must be entertained with reverence. In that fashion, even if the voices seem to part ways, or to teach non-compatible directions of practice, still Torah seems to be spoken with one voice, the voice of respect and the voice of desire to be taught. **TTT 254 "**

Shabbat ha-Gadol

This is a special Shabbat, Shabbat ha-Gadol, that is the Sabbath before the holiday of Passover. What is special on this Shabbat is the Haftarah taken from the prophet Malachi.

The prophet Malachi reproves Israel and prods them to give up corrupt actions for a better way of living. Among the things of which he accuses the nation is a verse which needs explanation. The prophet declares: "Ought man to defraud God? Yet you are defrauding Me. And you ask, "How have we been defrauding You?" In tithe and contribution." (3, 8)

We find the following explanation in a Midrash: "... after this you went back on your promise and defrauded me by annulling them [tithes and contributions]. As is said: "Ought man to defraud God?" [the Hebrew word "kava"] means to steal..." (Midrash Psalms 57,2). This explanation is spelled out in the Midrash Tanhuma: "our sages said: the generation of Malachi [was contentious]. The prophet would chastise them and they would answer back. He would say to them: "Ought man to defraud God?" And they would reply by scoffing "And you ask, "How have we been defrauding You?" ... But, [the prophet] explains to them that by not giving the tithes and contributions properly, [that is how they are stealing from God]" (Tanhuma, Terumah, 7,7). That is the Hebrew word "kava" means to steal. The nation which is not living up to its obligation of tithes and contributions is considered as having stolen from God. **TTT 255 T and M**

But, one may ask: the tithes and contributions are meant for public good. What kind of theft is there against God? Perhaps there is theft from the priests or the public, but why against God? The answer to this is found in the Talmud, Berachot 35b where we read: "R. Hanina b. Papa said: To enjoy this world without a benediction is like robbing the Holy One, blessed be He, and the community of Israel, as it says. "Whoso robs his father or his mother and says, It is no transgression, the same is the companion of a destroyer"; (Prov. 28, 24) and 'father' is none other but the Holy One, blessed be He, as it says. "Is not He your father that has gotten you;(Deut. 32, 6) and 'mother' is none other than the community of Israel, as it says, "Hear, my son, the instruction of your father, and forsake not the teaching of your mother."(Prov. 1, 8)"

Whoever gains enjoyment from this world, even enjoyment which comes as a result of one's own work and investment in the world, but does not bless, that is does not prove his gratitude by thanking God; and who does not include the needy in his own enjoyment, is like one who steals. As the Midrash spells out, steals both from God, by not expressing gratitude for the very enjoyment, and steals from Israel by not supporting the needy, thus weakening society as a whole. TTT 255 "

The conception is that that the tithes and contributions, for example, are not a burden or a fine that one must pay. Rather they are an expression of gratitude for the good that one has been able to receive. At the same time, they are a privilege to be able to give to society. Because one has been privileged to receive a living, one must help others to live. If a person does not give the tithes and contributions, one withholds the expression of gratitude, it is like stealing from God the provider and from Israel by weakening the social fabric.

This conception is expressed beautifully in a statement of Ben Zoma: "Look at how hard Adam had to work to eat a piece of bread: he plowed, planted, reaped, piled up, threshed, winnowed, sieved, ground, mixed, kneaded, baked and only after ALL that did he eat. But I awake every morning and find ALL OF THESE laid out before me." (Ber. 58a) Ben Zoma expresses the partnership between God and people and between people and people. To make a loaf of bread is a long and involved process, which includes all kinds of people and all kinds of tasks. Yet, we bless the bread, as if God brings it directly from the earth. Clearly, the blessing is a collapsing of this whole process, using the beginning and end of the process to signify the whole: "earth" and "bread". When we say the blessing we praise God, people and the cooperation necessary to have bread on our table. **TTT T and M and K and U**

As we prepare for the holiday of Passover, the holiday of freedom, it would be well to internalize this conception. Life in a sovereign society makes it imperative that all citizens operate by these two principles of gratitude for what we have, and the privilege of helping others, and that we recognize the partnership necessary for it all to work. This is what enables and strengthens freedom.

Selected Haftarot

Haftarah for Va-Yishlah
***Obadaiah 1, 10-12**
"For the outrage to your brother Jacob, Disgrace shall engulf you, And you shall perish forever. On that day when you stood aloof, When aliens carried off his goods, When foreigners entered his gates And cast lots for Jerusalem, You were as one of them. How could you gaze with glee On your brother that day, On his day of calamity! How could you gloat Over the people of Judah On that day of ruin! How could you loudly jeer On a day of anguish!"

One puzzling aspect of the Rabbinic tradition is the extremely negative portrayal of Esau as evil. While in the Torah itself Esau is clearly no "tzaddik", still he does not seem to be the incarnation of evil. He is portrayed as a person who has trouble controlling his impulses, and thus he makes rash decisions. For example, he quickly gives up the birthright for some lentil stew. But, he is also not portrayed as a person who does not hold a grudge. He quickly becomes angry and he quickly forgets his anger. At least, in terms of deeds Esau does no great evil.

He thinks about killing his brother, but he never does. Who knows if he would have carried out his plot if Jacob had not fled to Aram? Jacob is afraid of Esau's threats. That is clear from the fact that when he hears that Esau is coming to meet him with 400 men he immediately thinks that it is war. The fact is that when Jacob finally returns and meets Esau again, at the beginning of this week's parasha, Esau is all smiles, hugs and fond words for his brother.

Is there another source, besides the obvious ones alluded to above, for the idea about Esau's evil streak? Perhaps an answer can be found in the way that Esau-Edom is portrayed in the Haftarah of this week's parasha, the book of Obadiah. This one chapter of prophecy deals only with Esau-Edom's treachery and evil towards Jacob-Israel. For example (**Obadiah 1, 10-12**):

"For the outrage to your brother Jacob, Disgrace shall engulf you, And you shall perish forever. On that day when you stood aloof, When aliens carried off his goods, When foreigners entered his gates And cast lots for Jerusalem, You were as one of them. How could you gaze with glee On your brother that day, On his day of calamity! How could you gloat Over the people of Judah On that day of ruin! How could you loudly jeer On a day of anguish!"

Prof. Mordechai Cogan is the author of the commentary and explanation of Obadaiah in the Mikra le-Yisrael series. He is also a member of Congregation Magen Avraham in Omer. Prof. Cogan notes that the most likely context for such words is the destruction of Jerusalem and the Temple in 586 B. C. E. He places the prophet's words in the context of the pain and suffering which accompanied the destruction. The background for the extreme castigation of Edom (Esau) is the constant skirmishes between Edom and Israel over control of the Negev. The main point is that this rivalry led to Edom being "neutral" in Israel's war with Babylon. Not only did they not help their "brother" Israel, but they even mocked them, rejoiced at their losses, and used the opportunity to gain control over areas of the Negev.

The Rabbinic Midrashim continue the portrayal of Edom as evil, but apply the appellation to Rome. As Cogan points out, the verse: "The voice is the voice of Jacob, yet the hands are the hands of Esau" (**Gen. 27, 22**) is applied in the Midrash to "Hadrian the emperor who killed 80,000 (?) people in Beitar" (**Gen. R. 65,21**).

There is another aspect to this situation. On the verse " How could you gaze with glee On your brother that day, On his day of calamity! How could you gloat Over the people of Judah On that day of ruin! How could you loudly jeer On a day of anguish!" (**Obad. v. 12**); Rashi comments: "You should not have gazed and stood idly by". The idea of standing idly by while your brother is being destroyed is emphasized as a particularly heinous act.

Another Midrash shows that while Edom is guilty of the moral deficiency of watching violence and not going to the aid of the victim, it is ONLY because of this that they are vilified. The same test would be applied to any person. On the verse: "A close neighbor is better than a distant brother." (**Prov. 27, 10**), the Midrash (**Yalkut Shimoni, Shoftim, 65**) comments: "Yitro who was far away [only related by marriage] was greater than Esau [who was a twin brother], for Yitro became close by rejoicing with Israel when they were freed from Egypt, but Esau, the wicked, rejoiced at Israel's losses (Obad. V. 12)" This Midrash goes on to point out that Abimelech, the Philistine, gave honor to Abraham. Thus, he was greater than the Jew Abimelech, the son of Yerubaal, who killed his brothers (cf. **Judges 9 ff**.). One's ethnic origin makes no difference as to judging moral character. Anyone who stands by and watches when others are being murdered deserves the name "evil one". **TTT 256 M**

I want to suggest that the fact that Esau just happens to be around, with 400 soldiers, when Jacob returns from Aram implies that he saw Laban's pursuit of Jacob. He saw Jacob in trouble, in physical danger, and was in a position to intervene to help his brother. Yet, he did not. He waited to see what would happen. Maybe his desire to kill his brother had faded by then, but he was not about to take action to help him. Perhaps this accusation of apathy and inaction, which is applied to Edom by Obadaiah, really begins with Esau "sitting on his hands" when Jacob is in trouble.

Haftarah for 1st Shabbat of Hanukkah

In the Haftarah for Shabbat Hanukah we read Zechariah's vision of the Menorah (**Zech. 4, 1-7**). What is striking is the similarity between the picture which Zechariah sees and the emblem of the State of Israel. Both include as the main features a seven branched Menorah and olive branches (with fruit). In the prophets vision there is oil running out of the olives through a bowl and somehow feeding the flame of the Menorah (the actual details of the picture are not clear). What is most striking is the explanation of the picture: "this represents God's word to Zerubabel: not by power and not by strength but rather by my spirit says the Lord of Hosts" (**4, 6**).

Two questions arise: (one) what is the meaning of this phrase, and "what" is it that is not to be achieved by power and strength? ; (two) how does the image convey this meaning?

Rashi (and others) interprets this phrase to mean that just as the olives and the oil are produced by themselves, running automatically according to God's word, so you will not be able to rebuild the Temple by your own strength, but must rely on God's power. Rashi explains that God's spirit will influence Darius so that he will allow you to complete the Temple, and even assist in its rebuilding by giving food and grants. Malbim takes this idea even further, saying that since it is faith in God which causes God to fight for Israel, so those who stay behind the battle and who pray and express great faith in God's power to save Israel have the main part in success in war (**Malbim on I Sam. 30, 23**).

For this interpretation, the main feature of the image is the way that the olives turn into oil and then into light with no apparent human effort. This means that trust and belief in God brings about an automatic power of accomplishment, because God does for those who trust in Him.

This explanation seems to be at odds with **Deut. 8, 17-18**. There Israel is warned not to be arrogant about its own power, but rather "you shall remember that the Lord your God is the one who gives you strength to achieve the power ...". There it is clear that God is the source of strength and power, but it is not automatic. The power is given by God to humans and they are to use it to further the covenant. God's spirit in those verses, is a source of power. Faith may confer power on those who are faithful, but it does not constitute the activation of Divine power. **TTT 256 T and K**

Indeed, Joseph Albo sees the Menorah vision in that way. He points out that while it is true that God does not favor the violent or mighty, still there is a continuum of will from God to man, and faith is placing oneself on the continuum and becoming part of the process of making God's power manifest in the world (**Ikkarim III chap. 24**). Jerusalem is rebuilt because of human effort continuing God's covenant, just as food is produced by human work which continues the rain that God brings down upon the earth. **TTT 256 K**

R. Nahman of Braslav also interprets the phrase "but by my spirit" in the sense of the "spirit of life". When a person strives for faith, strives to embody God's spirit through study of Torah or prayer, this is a way of clarifying the good from the evil. The interpretation of the vision of the Menorah according to R. Nahman is that the vision

insists that faith and the human effort to embody God's spirit is like an act of pressing olives to get the oil out from them, and then using that oil in the making of light (**Likkutei Moharan, mahadura kamma, 8:8**). It is a process which requires hard work and bringing to bear all of the intelligence, ability and compassion that God has given us.

There are two conceptions of the vision. One is that it tells us that living by God's spirit means that God will do wonders for us. The other is that living by God's spirit means a constant process of struggle to clarify our deeds in order to preserve and enhance life. For this view there is nothing automatic about having faith, rather faith is meant to enhance life and it does so only with great effort.

Haftarah for first Shabbat of Hannukah [the haftarah of our son Rabbi Tzvi Graetz when he was 13, and he read it on the day of his bar mitzvah]

With thanks and gratitude to God for enabling me and Naomi, along with all of our immediate family and many close friends, to celebrate the ordination of our son, Tzvi Yehudah Graetz, as a Masorti Rabbi.

What does it mean to praise God and to express our thanks? What does the word 'God' signify in this phrase? Are we thanking some kind of general "thing out there" that has bestowed on us a bit of luck? Can we be more specific in describing what we, or at least I, mean by using the word "God" in this context? The great modern Jewish philosopher Emmanuel Levinas described human relations. He thought that at a certain moment in those descriptions words like "God" or "creation" became necessary. (*The Face of the Other & The Trace of God*, NY, 2000; p. 250) If God created life, created existence, than all of those people who brought me up, who nurtured me, who taught me how to live, who taught me what was good and what was bad, they are all in a sense "sent by God" for my benefit. That is, they were made available by God, and they contributed to my own being. **TTT 256 T**

This is the profound meaning of the old joke about the man in the flood who turns away rescue attempts by saying that God will save him. That man relied on the general "thing out there" to relate to him in a particular way, and he did not realize that the "thing out there", the power that we call God, related to him through all of the other people that God created. The manifestation of God's power of rescue was sure and concrete, it just came in a materiel human form. **TTT 256 T**

This Shabbat we read the Haftarah for the first Shabbat of Hanukah. It includes the vision of the prophet Zechariah which was the model for the symbol of the State of Israel. This vision represents the saying: "not by might nor by strength, but by my spirit says the Lord". It seems to me that the vision shows that the intellect and human creativity is from God's spirit. Technology, turning olives into oil, and oil into light, is something which only a creature endowed with God's image could figure out. So the image concretely represents the creativity which humans' exhibit and tells us that this is from God. But, even more than that it shows that intelligence can go beyond mere technology to create a Menorah, a symbol of the very spirit of God that made its own creation possible!

The message of the vision of the Menorah at the end of the Haftarah is that humanity can only survive when it understands that people will become a community not by force but by sharing the spirit of God. The light of the Menorah, created by technology, by the intelligence that makes light from raw olives, continues to give light only when technology is guided by the spirit of God, the spirit of declaring light in the midst of darkness, the spirit of creation and of life.

In a way it is a metaphor for the creation of an adult human being out of a tiny speck of egg and semen, through birth, and through nurture by community. When the adult senses their own gratitude for the nurture by community, and decides to pay back to community, that is the continuation of the light, the oil flowing on and continuing the light. It is no wonder that this process relies upon what is an innate trait of every human, a trait like intelligence which is associated with the image of God, and that is responsibility for others. The drive to share is inherent in responsibility, and it is the reason that we need to stress this trait as a goal of our education. The model, again, is the vision of the Menorah. What is shared are the special qualities of each ingredient which come together to create the light. **TTT 256 M and T**

We need to treasure our community sense of responsibility and nurturing, and we need to cultivate it. In that way we can truly represent the thought: not by power or by might but by God's spirit.

HAFTARAH 2ND SHABBAT OF HANUKKAH

The infrequent occurrence of a second Shabbat on Hanukkah means that we tend to forget the Haftarah for this occasion. In keeping with the theme of Hanukkah, namely dedication of the Temple, and in keeping with the Maftir portion, the dedication of the Tabernacle, the Haftarah recounts the "setting up" of the First Temple. Indeed, this Haftarah seems to be merely a listing of the vessels made for the Temple. It appears prosaic, and without any major point, except the very dedication of the Temple.

There are many interesting possibilities that can be 'spun off' of the Haftarah, such as the background of Hiram (**1 Kings 7, 13 ff**.), and the various vessels and workmanship. But, what can we make of the Haftarah itself? One thing catches our interest among the various vessels: "Then he made the tank ["ha-yam", lit. "the sea"] of cast metal, 10 cubits across from brim to brim, completely round; it was 5 cubits high, and it measured 30 cubits in circumference. There were gourds below the brim completely encircling it—ten to a cubit, encircling the tank; the gourds were in two rows, cast in one piece with it. It stood upon twelve oxen: three facing north, three facing west, three facing south, and three facing east, with the tank resting upon them; their haunches were all turned inward. Then he made the tank of cast metal, 10 cubits across from brim to brim, completely round; it was 5 cubits high, and it measured 30 cubits in circumference. There were gourds below the brim completely encircling it—ten to a cubit, encircling the tank; the gourds were in two rows, cast in one piece with it. It stood upon twelve oxen: three facing north, three facing west, three facing south, and three facing east, with the tank resting upon them; their haunches were all turned inward." (**ibid. v. 23-25**)

The translation of the Hebrew word "yam" is 'tank'. Literally, it is a sea. Most commentators describe a large tank, like a pool, standing on bronze oxen. In the Haftarah, this vessel is described as it is put into its place: "the one tank with the twelve oxen underneath the tank" (**v. 44**) It is like a portable Mikveh, in which the priests can purify themselves before service.

What is most intriguing is the name of this vessel, "a sea". Indeed, one source takes up the challenge with enormous creativity and imagination, connecting the Torah reading for Hanukkah with "Solomon's sea". "This is why the chieftains brought a bowl, as a symbol of the sea which surrounds the whole world and is shaped like a bowl. Why was the bowl's weight 130 shekels? When God gathered all the seas together on the third day of creation he called them "seas" ("yamim"), and the Hebrew word "yamim" has the numerical value of 100… Along came Solomon and added one more sea to the Temple so that the priests could immerse in it, and its size was 30 amot, thus the weight of the bowl brought to the Tabernacle was 130, representing all of the seas and Solomon's sea ("yam shel Shelomo")." (**Num. R. 13, 14**)

One of the major rabbinic ideas is reinforced. Humanity must add to God's creation, indeed, help God perfect creation. As one Midrash has it, everything in creation needs work in order to make it better. (**Gen. R. 11, 6**) Solomon adds a sea! If water is a purifying element, an element of life, surely human's task is to add to the waters, to make them better. The placing of a "sea", and a new one at that, in the confines of the

Temple is a powerful statement. Creation can be represented indoors, we should always be mindful of the task of never destroying creation, but always adding to it. **TTT 257 T and B**

Our Midrash goes on to how do we know that the seas are in the shape of a bowl, and that the world is spherical? The answer comes from the Mishnah and Talmud Yerushalmi, citing that an idol which holds in its hand a ball, this ball represents the world! Strange that a conception of idolatrous statues should be taken as a fact. Perhaps, the rabbis relied on the science of their day, even when it was used in idolatrous representations. At any rate, they were not members in the "flat world society."

Finally, what are we to make of the shape of Solomon's sea? Why is the "sea" resting on twelve oxen, three facing each one of the four directions? One fascinating response to these questions is found in Likkutei Moharan of R. Nahman of Bratslzav. R. Nahman wonders why do we close our eyes when reciting Shema Yisrael. Reciting Shema is an act of accepting the Kingship of Heaven, that is affirming our citizenship in Malkhut Shamayim. Malkhut Shamayim ("the Kinghsip of Heaven"), is for R. Nahman, the Queenship of Heaven, that is the Shekhinah, an Eshet Hayil, a "woman who fears the Lord" (**Prov. 31, 30**) She is represented by the "sea of Solomon" which rests on 12 oxen, which are the twelve tribes of Israel (**cf. Zohar, vaYehi, 241**) "When a person accepts the kingship of heaven with these verses, he includes his soul in the soul of the twelve tribes of God.

HAFTARAH 2ND SHABBAT OF HANUKKAH

In those years where there are two Shabbatot on Hanukkah on the second Shabbat we recite the Haftarah from I Kings about the vessels of the Temple that Solomon built. This order seems odd, since the Temple of Solomon was before the prophecy of Zechariah which is about the second temple. One source, the Kolbo, asks this question and answers that since the story and miracle of Hanukkah are part of the history of the second temple that passage is read first. (**Kolbo siman 20**)

There is, however, one aspect of this Haftarah which is puzzling. We read in the Haftarah: "And Solomon made all the furnishings that were in the House of the Lord: the altar, of gold; the table for the bread of display, of gold; the lampstands ("ve-et hamenorot")—five on the right side and five on the left—in front of the Shrine, of solid gold; and the petals, lamps, and tongs, of gold…" (**I Ki. 7, 48-49**) According to this passage, Solomon created 10 Menorot for the temple, while in the Torah Moses commands to make only one! Jeremiah recounts the vessels taken from the Temple and names 10 Menorot (**Jer. 52, 13 and 19**). The parallel to our Haftarah in Chronicles states specifically: "He made ten lampstands of gold as prescribed, and placed them in the Great Hall, five on the right and five on the left…. the lampstands and their lamps, to burn as prescribed in front of the inner Sanctuary, of solid gold…" (**2 Chron. 4, 7 and 20**).

Did Solomon take it upon himself to change the commands of the Torah? Was the great Menorah with its flowers and buttons as described in the Torah insufficient for Solomon? These are the questions that bothered the commentators of our tradition as they struggle to explain Solomon's actions. Rashi cites a tradition which assumes that

Solomon understood that making 10 Menorot was what the Torah prescribes. It is a classical Midrashic approach to the Torah text, and Solomon had, obviously, absorbed this approach thoroughly. The verse from 2 Chronicles states that Solomon made the Menorot "as prescribed" ("ke-mishpatam"). Well, how else would he make them, anyway he felt about it? The Bible never tells us anything superfluous, so the words "as prescribed" ("ke-mishpatam") are telling us something other than their simple meaning. They are telling us that if we look at the commands to fashion the Menorah in the Torah we will see that the total of flowers, buttons and almond shaped cups that are part of the making of the Menorah total 70. That is, there must be 10 Menorot each with 7 arms in order to fulfill the mitzvah in the Torah. Rashi reports this in the name of his uncle, his mother's brother, R. Kalonymus son of Yehudah, and Rashi adds this is a Midrash! **TTT 257 H and L and K**

Solomon was not violating the Torah, but rather using the tools of the Oral Torah to understand exactly what the Torah was asking, but, then, other problems arise. One problem is where are these Menorot placed? Our verse states "five on the right side and five on the left", which implies to the north and south of the Temple. But, if 5 are put in the south and 5 in the north, then we violate the Torah's command that the Menorah be in the south. In the Yerushalmi the answer to this problem is simple: what it means is 5 are placed to the right of Mose's Menorah and 5 are placed to the left of it, and all are in the south. From this it is clear that in Solomon's temple there were 11 Menorot. One made by Moses, presumably still from the tabernacle of the wilderness, and 10 made by Solomon which framed Mose's Menorah. (**Yerushalmi, Shekalim, 6, hal. 3**)

This explanation leads to a dispute in the Yerushalmi. The gemara there states that even though there were 11 menorot standing there, only the menorah of Moses was lit, as we read: "they kindle the golden lampstand with its lamps burning each evening". (**2 Chron. 13, 11**) When those faithful to the temple of Solomon berate the followers of Jereboam for starting their own temple, they recount how they are faithful to the Torah, presumably the way Solomon operated the temple. They talk about one Menorah being lit. However, Rabbi Yose bei Rabbi Yehudah says that all of them are lit, as we read: "the lampstands and their lamps, to burn as prescribed" (**2 Chron. 4, 20**), using the plural.

What is the dispute? To my mind, this is a very central issue in the development of Judaism. First, Jewish religion develops on the premise that we can interpret the Torah, and that those interpretations "turn into" Torah itself. That is, it is incumbent upon us to carry out the interpretations as well as what we take to be the plain meaning of the Torah text precisely because those interpretations are as the plain meaning of the Torah itself. Our dispute here in the Yerushalmi carries this idea even further. Everyone agrees that the original Menorah is made by Moses, and everyone agrees that this must be lit in the temple. But, are the other Menorot also to be lit? Does the interpretation carry the same holiness, the same kedusha, as the original? This is an issue that goes beyond the question of obligation. Even if one agrees that the obligation of the dicta of the Oral Torah are as great as those of the Written Torah, do we agree that the holiness is the same? Well, in our case there is a dispute about that. **TTT 257 HA and B**

Each side brings a verse to support its view. But, Rabbi Yose's verse describes Solomon's actual practice, whereas the gemara's verse is taken from the polemic of Judah against the northern temple. Thus, it seems as if Rabbi Yose's approach has greater weight. A later Midrash seeks to explain this dispute in broader terms, and, as is usual, to satisfy all sides of the dispute. This Midrash simply states that Mose's Menorah is lit first, and the other 10 are lit afterwards, saying that both verses are true, it is just one after the other and not simultaneously. Thus, even though the obligation is the same, and the holiness is the same, there is still a ritual sign of deference to the original. But, even more interesting is the case this Midrash makes for why Solomon made 10 Menorot. He did so to be in consonance with the 10 commandments. Thus, the Menorot signify the revelation of God, each Menorah standing for one of the primary obligations of Jewish religion. But, beyond that this Midrash adds them all up, 10 Menorot of 7 arms each, and we have the number 70 which represents the nations of the world, all of humanity. This Midrash implies that the reason that all 10 must be lit is to reflect the subjugation of all humanity to the 10 commandments. (**Otzar ha-Midrashim 474**) **TTT 257 T and U**

A MODEST SUGGESTION CONCERNING THE ORIGIN OF THE CUSTOM OF KINDLING LAMPS ON HANUKKAH.

We have been dealing a great deal with Hanukkah, the lessons of our celebration, fanaticism, and the recent killing of Rabin. Many explanations have been given of the motivation of the rabbis to revise Hasmonean history. Most of these explanations look to the areas of politics and religious sectarianism, e.g. objection to the dynasty of Herod, rival religious claims between the rabbis and the Hasmoneans as to who was descended from David etc. There is no doubt that these forces played a role to some extant or other in the way that the Maccabean wars were sublimated into the spiritual messages of Hanukkah.

I would like to suggest another factor in this process, a factor which I believe was central in motivating the revision of Jewish historical awareness of what happened during the Maccabean revolt. That factor is the emotional and spiritual reactions to the events as they were expressed by Jews, the people, not necessarily the leadership.

The main mitzvah of Hanukkah, lighting lights, supplies the clue to this analysis of the emotional and spiritual reaction of Jews to the war. I wish to suggest that the real origin of the custom to light lights was the emotional and spiritual reaction of most of the Jews who actually lived through the war. It was a reaction of memory for those killed or tortured in the war. I suggest that the origin of Hanukah lights was as memorial lights for the dead.

No historical source about the Maccabean wars, or of the original celebration of Hanukah mentions "lamps", YET it is clear from Josephus (**Antiquities 12:325**), and even more so from the Mishnah (**BK 6:6**), that it was a universal, well-known and accepted custom of all Jews to light "Hanukah lamps", special oil lamps for Hanukah, and place them in front of their doors. The Mishnah preserves the custom and testifies to the fact that it was a very widespread custom, but does not fix it as halakha. Yet, the people, the Jews, kept on doing it, so that eventually the rabbis HAD TO grant "mitzvah status" to that popular custom. Why was lighting lamps such a popular and universally accepted way of commemorating Hanukah?

One talmudic answer is because of the "miracle" of the jar of oil. But, that is 1) unhistorical (first appears in Talmudic period, **Shabbat 21b**) 2) not the "miracle" refered to in the "al ha-nissim" prayer which is meant to specifically commemorate the "miracles" of Hanukkah. Another talmudic answer is the story of the temporary Menorah which the Maccabees lit after conquering the Temple (**RH 24b-25a, see also Pesikta Rabbati 2**). The advantage of this explanation over that of the "jar of oil" is that it connects the lights with the victory and dedication of the Temple, which are the miracles mentioned in the "al ha-nissim" prayer.

However, if we study 3 and 4 Maccabees we learn of the terrible period of suffering and sacrifice which the people of Israel went through on the way to achieve the victory. The well known tales of the woman and her 7 sons, and the tale of the torture of the old priest Elazar are found here among many others. No family was untouched by tragedy. I suggest that the people lit lamps as Memorial lamps to remember the high price of victory. The miracle of the victory was a partnership of God and man. We can never be indifferent about Judaism, our way of life and its values. For it to continue to flourish we must be willing to fight for it. In some cases, that means being willing to die for it.

Antiochus posed a threat to the spiritual existence of Judaism. There was no threat to the Jewish people's physical existence, if they were willing to give up their spiritual ideals and values. The "miraculous" was that they were willing to place their physical safety in danger, IN ORDER NOT TO VIOLATE THE SPIRITUAL! The appropriate way to mark this was to light lamps: as a memorial tribute to the sacrifice of men, women and children and as a symbol of the spiritual, which makes life worth living.

In some ways this might have been a popular emotional and spiritual counter-response to the militaristic heroism of Maccabees 1 and the religious triumphalism of Maccabees 2. Maccabees 3 and 4 are philosophical and speak of the control of individual impulses for a higher and greater good. Memorial lights may have been the popular reaction to military heroics, proclaiming with their light "look at the price, only by the souls of men, the light of God (cf. **Prov. 20, 27**) are these victories won". The rabbis seem to have picked up that message of spiritual power and the preciousness of each life vs. a message of military victory. God was not on our side, we were on God's side, even when that cost us our lives. We must remember the casualties, the deaths and martyrs, in order to preserve life. There is implied criticism of the military regime of the Hasmoneans in the lighting of the lights, and the irony is that the rabbis made that criticism the symbol of Hannukah. (In a paper I wrote on this some years ago, I traced the custom of lighting lamps for the dead, and the bottom line is that is was probably a pagan custom which was adopted by Jews)

I was reminded of this while reading the discussions about Hanukkah after the murder of Rabin. Anyone who listened to Yizhak Rabin in his later years, will realize that the emotional and spiritual reaction that motivated our rabbis in transforming Hanukkah is what motivated him. He spoke again and again of the "human price of war", and of the need to give young people a vision of their own personal future that did not include either killing or being killed.

It is amazing that the overwhelming instinctive reaction of hundreds of thousands of Israelis was to light Memorial candles for Rabin. The same message of spirit overcoming force, as in the ritual for Hannukah was being expressed. The haftarah for Hanukkah ends with “lo be-hayil etc.”, "not by force... but by My spirit", and the question, of course, is “lo” "NOT" what? Jewish people will NOT survive, a Jewish state will NOT be able to exist by relying on force, but only by the spiritual, by grasping onto God’s spirit of life and responsibility and making it the main value in our own life.

The lamp is a means of seeing, of searching, but it is also a means of being seen. A light enables us to see, but it also enables others to see us. The Hanukkah lights are ONLY TO BE SEEN. They are lights from which we can receive no benefit, only the BENEFIT OF SEEING THEM. If a soul is God's lamp, than we look for each others soul. We strive to reach the truth that we all are in God’s image. We can look for that light of God in others, to see their souls. He who honors others is truly the person of honor (**Avot 4:1**). We lose no honor by extending honor to others. Just as the Midrash tells us that spirituality is like "one who lights a lamp from another lamp, the lamp is lit and the other lamp does not lose its light" (**Num. R. 13:20**). The Hanukkah lights which we light should help us see that. **TTT 257 T and M**

HAFTARAH for Va-Yigash
***Ezekiel 37, 15-17**
15The word of the LORD came to me: 16And you, O mortal, take a stick and write on it, "Of Judah and the Israelites associated with him"; and take another stick and write on it, "Of Joseph – the stick of Ephraim – and all the House of Israel associated with him." 17Bring them close to each other, so that they become one stick, joined together in your hand.

Va-yiggash is one of the Parshiyot where the connection between the Torah reading and the Haftarah is clear. In the Torah we have the reuniting of the children of Jacob, the future tribes of Israel. The hatred which split them apart is overcome. Time and circumstances have led both Joseph and his brothers to overcome their past feelings and be mutually interested in reuniting. In the Haftarah, the prophet Ezekiel takes in his hands two pieces of wood. He writes the names of Judah and Joseph (Ephraim), who have been split apart, one on each piece of wood. He then dramatically brings the pieces together "one towards the other to be for you one piece of wood, and they will be united/together (?) ("ahadim") in your hand" (**Ezek. 37, 17**).

In the first part of Chap. 37 Ezekiel sees the whole house of Israel as a valley of dry bones, which come together, and are resurrected from the grave. This sensational vision is a parable for the return of Israel from its various diasporas to the land of Israel. It is a vision of lost hope turned into a bright future. In terms of the Joseph story, what causes Joseph to eventually forgive his brothers, and what causes them to accept him as one of them? Is it expediency? Is it the changed power relationship between them, or a combination of all of this? In Ezekiel 37, what happens when the land is settled and the end of hopelessness has been achieved? How do the various parts of the nation which have been seperated not only phsyically but also spiritually get back together? **TTT 258 T and B**

The symbol of the wood is essential to complete the vision, for Ezekiel senses that the physical resurrection of the people alone is not enough. The nation had been divided not only by territory, but by different approaches to Jewish life and Jewish belief. The symbol of the wood coming together, is essential to maintain the optimistic future of the vision of the dry bones coming to life.

Yet, the words of Ezekiel's vision are ambiguous: "and they will be united/together (?) ("ahadim") in your hand" (**Ezek. 37, 17**). The Hebrew word "ahadim", means literally "a few", and although it is from the word "ehad", one, its connotation is NOT "oneness" or "unity" but fragmentation, there may be closeness,"ve-karav", between the pieces, but they are NOT all one seamless piece.

There are different approaches to understanding the word "ahadim". Metzudat David (R. David and R. Yehiel Hillel Altshuler 18th cent.) interprets it to mean that they will miraculously become actually one whole piece of wood. On the other hand, **Kohelet Rabbah** (**3:2**) uses this verse to explain the verse: "and a time to sew up" (**Ecc. 3, 7**). That is, the word "ahadim" does not express becoming one whole piece, but is like a garment which is sown. It looks like one, but is held together by stiches, and a close examination shows that the pieces are separate. According to the first interpretation, national unity means that all agree, and it is a miracle. The second sees national unity as not precluding differences being maintained.

The word "ahadim" appears only 5 times in the Bible. Some of the times it clearly means "a few", separate items, e.g. **Gen. 27, 44** "stay with him a few days ("yamim ahadim")", **Gen. 29, 20**, "they were like a few days in his eyes (ke-yamim ahadim"), or **Daniel 11, 20** "will be brought down in a few days" ("be-yamim ahadim"). The only other place where the word is used in an ambiguous fashion, as parallel to "oneness" is in **Gen. 11, 1** in describing the generation of the tower of Babel: "The whole world was of one language and of a united/together (?) purpose". Here too, there is a dispute about "ahadim", but Rashi and others tend to think that it means that DESPITE DIFFERENCES OF OPINION, DESPITE DIFFERENT APPROACHES TO THE MEANING OF LIFE "THEY ACTED WITH RESPECT AND LOVE BETWEEN THEMSELVES". . **TTT 258 T and M**

On this view, Ezekiel envisions that the nation resurrected on its own land would not mean an end to dispute or differences of vision, but that the disputes would be carried on in a manner of "ahadim", a manner of mutual respect and honor between debating groups. The pieces of wood, even though bearing different names, standing for different worlds of meaning, can be close enough to each other, and with enough respect for one another, that unity is maintained. TTT B and P

Haftarah of "Tazria"
***II Kings 5, 15 - 19**
Now I know that there is no God in the whole world except in Israel! So please accept a gift from your servant." But he replied, "As the LORD lives, whom I serve, I will not accept anything." He pressed him to accept, but he refused. And Naaman said, "Then at least let your servant be given two mule-loads of earth; for your servant will never again offer up burnt offering or sacrifice to any god, except the LORD. But may the LORD pardon your servant for this: When my master enters the temple of Rimmon to bow low in worship there, and he is leaning on my arm so that I must bow low in the temple of Rimmon—when I bow low in the temple of Rimmon, may the LORD pardon your servant in this." And he said to him, "Go in peace.

The story of Elisha and Naaman is a dramatic encounter of the idol worshipper with the "man of God". Naaman, the commanding general of Aram, is afflicted with leprosy. His wife's servant is a young Israelite girl who was captured by Aram. She tells Naaman that he can be cured by going to the "man of God" in Israel. The story has many aspects to it, but the bottom line is that Naaman, at first skeptical, is cured by bathing in the Jordan river 7 times.

He returns, overjoyed at his cure, to pay the man of God. We read: "Returning with his entire retinue to the man of God, he stood before him and exclaimed, "Now I know that there is no God in the whole world except in Israel! So please accept a gift from your servant." But he replied, "As the LORD lives, whom I serve, I will not accept anything." He pressed him to accept, but he refused. And Naaman said, "Then at least let your servant be given two mule-loads of earth; for your servant will never again offer up burnt offering or sacrifice to any god, except the LORD. But may the LORD pardon your servant for this: When my master enters the temple of Rimmon to bow low in worship there, and he is leaning on my arm so that I must bow low in the temple of Rimmon—when I bow low in the temple of Rimmon, may the LORD pardon your servant in this." And he said to him, "Go in peace." (II Kings 5, 15-19)

The Aramean general becomes a worshipper of the One God, and vows to give up idolatry and worship the Lord exclusively. This sudden and complete conversion from idolatry is made even more poignant by Naaman's curious worry. He knows that when he accompanies his king to the temple of Rimmon, that the king will lean on his arm. When the king bows, Naaman who is being held by the king, will perforce bow down as well. Naaman, a true convert to God, is afraid that God will think that he is backing down on his new faith, so he request forgiveness in advance for this. He is explaining that he is being forced into this, but he does not really believe in Rimmon anymore.

Elisha's response is ambiguous, "Go in peace." Is this acceptance of Naaman's request for forgiveness in advance, or is it a dismissal? Jews have always had a difficult time in dealing with the spirituality of non-Jews. On the one hand, there is an enormous effort to develop rigorous demands of ourselves in order to maintain a separation of Jews from others. On the other hand, these demands are kept hidden from others, so that even if one of them would desire to behave in such a fashion, we would not find favor with it. The reason for this may be that Jews were proud of

their distinctiveness, but also, perhaps, Jews were afraid to acknowledge that others could reach the same heights of spirituality that Jews could reach. **TTT 258 M and U**

This ambiguity is found in the Talmudic discussion of Naaman's demur. (**San. 74b – 75a**) Elisha seems to countenance Naaman's pretense of idolatry, and the Talmud justifies it by distinguishing between bowing to an idol in the presence of gentiles or in the presence of Jews.

HAFTARAH of Devarim Shabbat Hazon

***Isa. 1, 15**

And when you lift up your hands, I will turn My eyes away from you; Though you pray at length, I will not listen. Your hands are stained with crime ["damim" = 'blood']

Parashat Devarim is always connected to "Shabbat Hazon", which refers to the Haftarah. The foreshadowing of Tisha Be-Av is so strong, that the whole Shabbat is colored by the powerful words of Isaiah. These words not only decry the sins of the nation the consequences of which will be destruction, but they also give direction on how to deal with those sins and avoid destruction.

One thing is clear, God, through the voice of the prophet Isaiah, tells Israel that their sacrifices and holiday worship make God sick. Why? Because there is no justice and no compassion in society. This is a common theme in many of the prophetic books. Worship of God at the Temple does not compensate for overlooking the needs of people who are disenfranchised. But, Isaiah adds one point which is new: "And when you lift up your hands, I will turn My eyes away from you; Though you pray at length, I will not listen. Your hands are stained with crime ["damim" = 'blood']" (**Isa. 1, 15**) Isaiah includes PRAYER in the activities which God disdains, if NOT accompanied by justice and morality. **TTT 259 M and PR**

Indeed, this text is used as a basis for a halakha, namely that a priest who has murdered someone is not allowed to perform the priestly blessing. The phrase of "lifting up the hands" implies that the prayer in question is that of the priestly blessing which is accompanied by lifting the hands. This is the rule stated in the name of R. Yohanan in the Talmud, **Berakhot 32b**. It is codified as halakha. Notice, that the interpretation of the word "damim" here is literally, bloodshed. The Talmudic interpretation narrows the meaning of the verse to Priests, but at the same time the idea that priests are so commonly guilty of murder adds force to the depth of depravity of society about which Isaiah is talking.

Indeed, R. Yosef Karo, sees a progression in the verses of Isaiah. Since, the priests hands are stained with blood they cannot bless the people with the priestly blessing. The priestly blessing is intended to bring peace among the Israelites. So, by their own crimes the priests are preventing peace from among Israel altogether, and thus the destruction of society follows. In order for the priests to restore peace, that is, be able to recite the priestly blessing properly, they must "Wash yourselves clean; Put your evil doings Away from My sight." (**vs. 16**), and then they can "reach an understanding" with God (**v. 18**). (cf. **Bet Yosef, OH 575, 2**) **TTT 259 HA and M**

The understanding that "damim" means bloodshed, seems obvious from the usage of that word in the "first" murder case, Cain and Abel (cf. **Gen. 4, 10**) The word is also used in the sense of "bloodguilt", that is, one who is guilty of shedding blood, or of murder, as in: "If the thief is seized while tunneling, and he is beaten to death, there is no bloodguilt ["ein lo damim"] …." (**Ex. 22, 1**) Indeed, this word appears in this meaning many places in the Bible (e.g. **Deut. 19, 10; and I Chron. 22, 8**, where God tells David that he will not build the Temple because he has shed so much blood ["damim"]).

Still, our translation above [JPS] chooses to translate "damim" as "crime", a generic term, and not the specific crime of "bloodshed". This usage is found in other places in the Bible. The word "damim" is found as a parallel word to "fraud, infamy, and evil" in **Isa. 33, 15**: "He who walks in righteousness, Speaks uprightly, Spurns profit from fraudulent dealings, Waves away a bribe instead of grasping it, Stops his ears against listening to infamy ["damim"], Shuts his eyes against looking at evil." In other verses it is parallel to "crime" and "deception" (cf. **Ezek. 7, 23; Psalms 5, 7**).

Is the prophet chastising Israel for being literally murderous or for being saturated with crime and evil? Or, is he chastising the priests for being murderous, and preventing the blessing of peace from taking hold in Israel society? Either interpretation is chilling, and yet it seems to me harder to picture a totally murderous Jewish society, with bloodshed as a norm. It is not so difficult to imagine a totally corrupt Jewish society where the poor and needy are mistreated as a rule. **TTT 259 M and B**

Indeed, we find a connection between ignoring the downtrodden and murder. This connection is made in the Mishnah dealing with the rite of the broken necked heifer (cf. **Deut. 21**). If a murdered body is found outside a city, the elders of the city must proclaim that they have not spilt this person's blood. The Mishnah asks: "do we really think that these elders are guilty of murder?" The answer is: "they mean by this declaration that this person was not denied food and sustenance when he came to them, nor did they leave him abandoned and unattended when he went on his way. (**Sotah 9:6**) The declaration states that there is a connection between abandoning the unfortunate and murder. One can lead to the other. It is the duty of the citizens of any city to provide for all. If there is no "damim" meaning evil or crime; then there will be no "damim" meaning bloodshed.

Still, I wish to propose one other possible understanding, one that might seem more to fit our own times. The word "damim" is also used in the Mishnah and Rabbinic literature in the sense of "money" or "payment". Perhaps Isaiah is complaining that the people come to pray to God, with their hands full of money. They think they can buy God's favors, or they think that what they show off in their hands gives them stature. Isaiah reminds them that fistfuls of dollars do not impress God at all. Caring for the health and wellbeing of all is the prerequisite to getting God's attention. **TTT 259 M and B**

HAFTARAH Ki Tavo

***Isaiah 60, 19 - 20**

No longer shall you need the sun For light by day, Nor the shining of the moon For radiance [by night]; For the LORD shall be your light everlasting ("le-or 'olam"), Your God shall be your glory. Your sun shall set no more, Your moon no more withdraw; For the LORD shall be a light to you forever ("le-or 'olam"), And your days of mourning shall be ended.

The Haftarah for this week's parasha seems so familiar. The language seems to be almost memorized. The reason for this feeling is that so much of the style and expressions found in this chapter of Isaiah are used as the basis for the piyyut "lekha dodi". Ironically, the familiarity we feel with the words of the prophet Isaiah is due to our familiarity with the piyyut.

Our colleague, Rabbi Reuven Kimelman, has enlightened us on these connections (cf. for starters, **RA Proceedings, 1997, p. 143ff**.) He emphasizes the play on words in Lekha Dodi" of "or" "light", with an alef, and "'or" "skin", with an 'ayin. He also points out how the usage of the theme of "light" as connected to redemption leads Alkabetz to alter the first verse of our Haftarah in the piyyut, changing the last word from "zarah" to "niglah".

In the Haftarah, however, "light" appears not only as a metaphor for redemption, but in a more general way. In **Isaiah 60, 19-20**, we read:
"No longer shall you need the sun For light by day, Nor the shining of the moon For radiance [by night]; For the LORD shall be your light everlasting ("le-or 'olam"), Your God shall be your glory. Your sun shall set no more, Your moon no more withdraw; For the LORD shall be a light to you forever ("le-or 'olam"), And your days of mourning shall be ended."

God's "light", is an eternal one, "or 'olam". It is a light that enables one to see, replacing the sun and the moon. It is a light which enables glory, and it is a light which can end mourning. It is "light" used as a metaphor for vision or spiritual perception, for dignity that comes through moral action, and for compassion and mercy.

In those senses, God's "light" leads one on their way. It is the goal that is above earthly goals, the vision of which pulls one up to higher levels. As one Midrash puts it: "Jerusalem is the "light of the world", as it says, [in our Haftarah] "and nations shall walk by your light" (**Isa. 60, 3**). But, who is the "light" of Jerusalem? The Holy One, as it says, "For the LORD shall be your light everlasting ("le-or 'olam")" (**ibid. 19**). That is, Jerusalem can only become a "light for nations" if it is lead by the light of God.

One amazing Midrash deepens our understanding of the problematics of this metaphor, as well as deepening the possibilities of understanding when using this metaphor. Israel is commanded to kindle a "ner tamid", an "eternal light" in God's sanctuary (**Lev. 24, 2 ff.**). Israel asks God a good question: "If we learn that "by your light do we see light" (**Ps. 36, 10**), then how can You command us to kindle lights before You?" (**Tanhuma Tezaveh, 4**) If God is the source of light, and if God's light is eternal, what good could it be for humans to kindle lights? **TTT 260 T and B**

The Midrash gives two parables, each one proposing a way to answer this question. The first parable is a house that is full of lights, and the owner of the house tells his servant to kindle a light in the courtyard. The servant asks: "the whole house is full of light, why should I light more?" The owner responds by saying that these lights are for the servants!

The Midrash explains that God's sanctuary must be dark, as it is written: "Moses could not enter the Tent of Meeting, because the cloud had settled upon it and the Presence of the LORD filled the Tabernacle." (**Ex. 40, 35**) Moses could not enter, because a dark cloud filled the Tabernacle, and he could not find his way in!! The Midrash spells it out: "bring to you…[Moses, oil to kindle lights]" (**Lev. 24, 2**), for your sake, so that you should be able to see how to enter and how to leave the Sanctuary." (**Tanhuma ibid.**)

God's light is limited. We need human light, in order to be able to even enter into a place where we can BEGIN to enjoy God's light. The parable imagines the Sanctuary, the presence of God, to be dark and cloudy. Human light can enable us to find the door handle. Without the human light, first of all, we may never be able to enjoy the Divine presence. **TTT 260 K and U and P**

Now, this parable is quite daring. But, not nearly as daring as the second parable. A sighted person and a blind person were walking together on the road. As night was falling, the sighted person told the blind person: "go out and kindle some lights for US" ("tzei ve-hadlik lanu ha-ner"). The blind person replied: "until now YOU have lead ME in the murky black, and I do not even see at all, why do you tell me to kindle lights." [emphasis mine] The Midrash itself then tells us that the sighted person stands for God, and the blind person for Israel (humans).

It is as if the Midrash is alarmed at its own metaphor. It seems to be thinking over what the parable implies, namely, that somehow God NEEDS the light that humans kindle. After all, the sighted person BECOMES EQUAL to the blind person at night. Without the lights which the blind person kindles, the sighted person CANNOT continue to lead them both on the way after dark. But, this is precisely what the Midrash is about. It makes this known by its rhetorical question: "and in what way does He [God] need us?" ("ve-heiakh hu tzarikh lanu"?). **TTT 260 T and K and U and P**

The Midrash ends by saying that God's "everlasting light", the light of spiritual perception, of dignity that comes through moral action, and of compassion and mercy, will remain dim UNLESS we kindle our version, our own imitation of that light in this world and by our own actions. In the words of the Midrash: "Said the Holy One to Israel, IF you kindle your lights, THEN I can illuminate you from the Great Light of the future, as it is written: "For the LORD shall be your light everlasting ("le-or 'olam"), Your God shall be your glory".

The light everlasting ("le-or 'olam") of morality, compassion and mercy doesn't shine from above on its own. Indeed, it may even become darkened, like nightfall, if we do not keep it burning. The Midrash implies a continuous process. God's leading light should inspire us to moral and compassionate actions. Those actions feed and enlarge God's light, preventing it from being eclipsed. God's light can shine and

illumine, but only if we kindle our lights in everyday living. The more we "turn on" or "ignite" our inner compassion, the greater and brighter will be God's everlasting light. The total of light will be greater than the mere total of human deeds, for God's light will be added to our own, when once we have kindled them. **TTT 260 T and B**