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President of the Conference of European Rabbis (CER)

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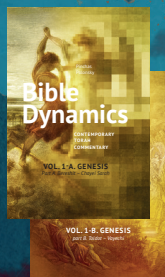


Pinchas Polonsky was born in Moscow in 1958, and from 1975 was active in Russia's religious Jewish underground. After emigrating to Israel in 1987 and settling in Samaria, he continued to study and teach at the Bar Ilan and Ariel universities.

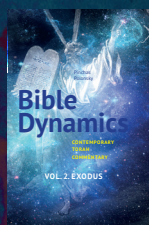
Dr. Polonsky is among the most popular Russian-language authors, having published over twenty books on Jewish practice and philosophy, of which the best known are: *Gates of Prayer*; *Rabbi A. I. Kook*; *The Jewish view on Christianity*; and *Israel and Humanity – a New Stage of Development*.

His life quest is modernization of Judaism within the traditional framework.

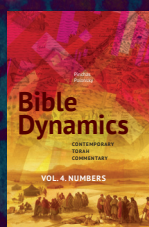
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Bible Dynamics
DEUTERONOMY

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Bible Dynamics

CONTEMPORARY
TORAH
COMMENTARY

VOL. 5. DEUTERONOMY

Пинхас Полонский

בִּיבְלֵיָסָא דִּינָמִיקָא

Комментарий к Торе

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לפי תורתו של הרב המקובל יהודא-ליאון אשכנזי (מניטו)
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כרך 5. ספר דברים

Pinchas Polonsky

BIBLE DYNAMICS

Evolving Personalities and Ideas

Contemporary Torah Commentary

**Following the teaching of
Rabbi Yehuda Leon Ashkenazi (Manitou)
and Rabbi Ouri Cherki**

VOL. 5. DEUTERONOMY

**Translated from the Russian
by Betzalel (Todd) Shandelman**



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OROT YERUSHALAIM

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Ilia Salita

(1967–2020)

the president of Genesis Philanthropy Group
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whose life was dedicated to strengthening bonds
between Israel and the Diaspora



We are very grateful

to Mikhail Fridman

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of the "Bible Dynamics" commentary into English



The preface, explaining the particular features and objectives of the Bible Dynamics commentary, can be found in the beginning of volume 1-a.

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Pinchas Polonsky



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§ 1. THE BOOK OF DEUTERONOMY: GENERAL OVERVIEW

§ 1.1. THE NAME OF THE BOOK AND ITS CONTENT

The book of Deuteronomy is Moses' farewell address to the Jewish people at the conclusion of their forty years of wilderness wanderings. The nation now stands on the very threshold of entry to the Promised Land. But although it is Moses' fondest wish to enter the land with them, he knows that that cannot happen, and he must die without crossing the Jordan into the Land of Israel. God has declared it so, and that decision is therefore irreversible.

Therefore, for a period of some five weeks leading up to his death, Moses addresses the people at great length and in great detail – an address that will become, essentially, the fifth of the five books of the Torah – the book of Deuteronomy that opens here. It is Moses' "religious and political testament."

The central theme of Moses' address is instructions to the nation for realizing the commandments of the Torah within the framework of the Jewish state in the Land of Israel. It is a fundamental principle of Judaism that the Torah can be fully and properly implemented only at the national, not the individual level. Thus, the religious aspect of this book of Deuteronomy is inseparable from the state-political aspect. The Jewish religion is realized through the nation as a whole, and within the structure of their communal and political life, not merely by individuals engaged in their personal dialogue with God.

The previous books of the Torah laid the foundation of general principles for building a religious life. But once the nation has crossed the Jordan they will have to take up the practical implementation of those principles. Moses must therefore complement the teachings that he transmitted to the people earlier with an elaboration of their state-political aspects. The Jewish state is constructed such that holiness can and will become the foundation of Jewish life not only for the individual, but for the entire nation as a unified whole.

It is important to bear in mind the context in which Moses is delivering this address to the Jewish nation. Because he knows that the Almighty will not allow him to cross the Jordan with the people and lead them in the conquest and possession of the land, Moses' approach is therefore now changing – from direct leadership in real time to formulating general instructions that the people will carry out independently. Instead of leading Israel like a schoolteacher who actively guides his students every step of the way, he must now release his students into the real world, so that they can begin to live their own independent, self-sufficient lives. This change of approach is the reason for the correspondingly abrupt change in the style and nature of the presentation. The book of Deuteronomy differs in many respects from the first four books of the Torah. We will cover these points in more detail below.

The book of Deuteronomy is essentially a repetition of what was stated in the Torah previously, but from a new point of view. Some aspects remain unchanged, some are amended, and certain new features are added. But overall it is of course still the same Torah, except that it is restated in consideration of new conditions that now (or very soon will) obtain.

Because this is the character of the book of Deuteronomy, in ancient times the book was known as *Mishneh Torah*,¹ literally, “the repetition of the Torah.” (The actual expression *Mishneh Torah* appears in Deut. 17:18, where its meaning is somewhat different, namely: a copy of the

¹ “Mishneh Torah” as referring to the book of Deuteronomy must not be confused with the fourteen-part work of the same name by Maimonides, which has no direct connection to Deuteronomy. Although it is a completely different work, that book too bears the name “Mishneh Torah” because it is, as it were, an halachic “repetition of the Torah.”

canonical text of the five books of the Torah as it appears in a Torah scroll.)

Greek culture (and, later, Christianity as well) had a rather one-dimensional view of the Torah as simply “law” – a perspective that is much narrower than the true understanding of the Torah as “teachings” or “doctrine.” The term *Mishneh Torah* was therefore translated in the Septuagint (the original Greek translation of the Torah), whence it passed likewise into the general Christian culture, as *Deuteronomion*, a word that derives from Greek *deuter*, “second” + *nomos*, “law.” But in fact, “Second Teachings” would be a more correct translation of *Mishneh Torah* than “Second Law.”

When Jewish tradition later transitioned from naming the books of the Pentateuch according to their main themes to naming the books based on their opening words, this book came to be known as *Devarim*, “words,” taken from the opening passage of the book: “These are the words that Moses addressed to all Israel” (Deut. 1:1).

Thus, the name “Deuteronomy” is the authentic title of the book, even if that title is somewhat inaccurately translated. Therefore, in this commentary we will use that name to refer to the book as a whole, while we use *Devarim* to mean the first of the book’s eleven weekly portions as they are read aloud in the synagogue.

§ 1.2. THE CHARACTER AND STRUCTURE OF THE BOOK

Tradition considers Deuteronomy the most systematized of the five books of the Pentateuch, because it is Moses’ “unified, final address.” In this book the teachings of the Torah in their entirety are presented in a new arrangement.

The book of Deuteronomy is given to the Jewish nation at a turning point in their history – as its “educational phase” draws to a close and the people of Israel transition to their life of national independence. This shift in the perspective of the picture changes important elements within it, and yet it remains fundamentally the same. Therefore, in the book of Deuteronomy Moses repeats not all the provisions of the Torah, but only those requiring repetition or correction due to the change of circumstances.

Earlier in this *Bible Dynamics* commentary we have mentioned that the weekly portions in the first books of the Torah occur in pairs. Each pair of weekly portions gives us an “internal” view and an “external” view of their topic.²

In the book of Deuteronomy, however, because the presentation relates to the life of the people in the Land of Israel, those two dimensions, the internal and external, are further supplemented by yet a third dimension: the synthesis of the first two aspects as seen within the context of the Land of Israel specifically. Thus, the weekly portions of this book are grouped not in pairs, but in groups of three:

The first three weekly portions are a retrospective of Israel’s path (in both the literal and figurative senses) up to this time:

- (1) *Devarim*: a retrospective of how the nation came into being.
- (2) *Va’etchanan*: a retrospective of the giving of the Torah.
- (3) *Ekev*: the special character of the Land of Israel – its unique combination of material and spiritual.

The next three portions present the actual commandments that pertain to life in the Land of Israel:

- (4) *Re’eh*: the centralization of religious life.
- (5) *Shofetim*: the structure of the state.
- (6) *Ki Tetze*: the commandments that each individual within society is expected to observe.

The next three portions speak of the renewal of God’s covenant:

- (7) *Ki Tavo*.
- (8) *Nitzavim*.
- (9) *Vayelech*.

² More detailed coverage of this point can be found in the preface to the *Bible Dynamics* commentaries on the books of Genesis and Exodus. The divisions of the weekly portions of the Torah were chosen by the Talmudic sages of Babylon, and are not a part of the Written Torah itself. But nonetheless, Rabbi Zvi Yehuda Kook is of the opinion that those divisions are an integral component of the tradition of the Babylonian Talmud, that is, of the Oral Torah, and are thus important for a proper understanding of the Torah text.

And the last three weekly portions are the completion of the Torah:

(10) *Ha'azinu*.

(11) *Ve-zot Ha-Berachah*.

(+) The book of Joshua.

Strictly speaking there are eleven weekly portions in the book of Deuteronomy. But the book of Joshua, which follows immediately after this book, can be seen as its “twelfth weekly portion,” because it is Deuteronomy’s historical continuation.

The events described in the book of Joshua take place after Moses’ death, and therefore represent a lower level of prophecy. But without them the structure of the Torah is incomplete, for it lacks its rightful conclusion at the same level of prophecy. The Torah’s story was originally supposed to have ended with the conquest of the land realized at Moses’ level of prophecy, and then the world would have achieved its perfection. But the story went differently, and the history of the conquest of the Land of Israel was not included in the Torah.

In this sense the Torah still to this day seeks its completion, and the mission of the Jewish people in the world remains likewise unfinished. Just as humans (as individuals, and also all of mankind together) are born imperfect, and need ample time to improve, so was the Torah given to us in an incomplete state for that very reason – its completion must become a part of the Messianic process.

§ 1.3. TWO RETROSPECTIVES AT THE BEGINNING OF THE BOOK

The book of Deuteronomy opens not with a discussion of the commandments, but, rather, with an historical retrospective, because unless one has an accurate grasp of history it is impossible to understand the commandments. We must first understand how history unfolds, and evaluate the ideals that we wish to actualize with our actions; only then can we proceed to discuss the rules that govern our actions. The Torah as a whole has the same structure. First, the book of Genesis lays the groundwork, through its discussion of history and of ideals.

The commandments follow only after that, some ten chapters into the second book of the Torah, the book of Exodus.

At the beginning of Deuteronomy we find two distinct retrospectives. The first, a “national” retrospective, is an account of the Jewish nation’s early history, while the second retrospective has a “religious” character, as it refers to the giving of the Torah. This sequence emphasizes that the very existence of the nation and its functioning as a society are given priority. The Torah and the commandments follow only after that.

The first (national) retrospective begins with the instruction: “You have stayed long enough at this mountain [Sinai]” (Deut. 1:6). In other words, “You have spent enough time only studying the Torah. Now you need to go and conquer the land.” But the retrospective account that begins there skims over the initial stages of the nation’s birth – the Exodus and the giving of the Torah – because the Jewish people during those periods were mere “objects,” as it were, who made no decisions of their own, but only executed orders in linear fashion. They were not yet “subjects” – participants in the process. After leaving Mount Sinai, however, the people began to act independently, and from that moment a retrospective of their independent activity begins.

In speaking of the events of the forty-year wilderness journey Moses touches only on the high points and omits the details. This helps us understand which moments in Jewish history were especially important and which were less so.

For example, Moses recounts in detail how the judges were appointed, because it is essential for an independent people that a fair and just legal system be established. For a healthy national organism that is an absolute prerequisite.

And equally important is the episode of the spies, which was the reason for the Divine decree that the nation would wander in the wilderness for forty years, until the entire generation of the Exodus died out.

On the other hand, Moses omits the incident of the golden calf from this “national” retrospective, because it is not an element of the nation’s history, i.e., it did not leave a lasting imprint on the nation’s future. At the time of the incident of the sin of the golden calf, it caused serious problems, needless to say, but there were no major changes at the national scale. Only those who had been directly involved in the idolatry perished, while the rest of the people rebuilt and moved on. (Note,

however, that later in the book of Deuteronomy, as part of a different retrospective, Moses will in fact recount the incident of the golden calf in great detail. See Deut. 9:8-21.)

Thus, this retrospective with which the book of Deuteronomy opens teaches us, *inter alia*, that within the broad perspective of Jewish history the nation's neglect of their mission and their refusal to conquer and possess the Land of Israel was a much more serious crime than their sin of idolatry.

§ 1.4. THE CONTRADICTIONS BETWEEN DEUTERONOMY AND THE EARLIER BOOKS OF THE TORAH

The presentation of historical events and even some of the commandments in the book of Deuteronomy differ significantly from what we find in earlier books of the Torah. Here are only some of the most notable examples.

- The book of Numbers (20:12) says that God did not allow Moses to enter the Promised Land because of what happened at the Waters of Meribah, when Moses, to extract water from the rock, struck it twice with his staff, rather than speaking to the rock as God had instructed him to do. But according to Deuteronomy (1:37), the reason for that decree was the sin of the spies thirty-nine years earlier.
- Many other details in the story of the spies are also presented differently. For example, in Numbers (13:28-33) the spies are blamed for the refusal to conquer and possess the land, but Deuteronomy (1:26-27) says that it was the people who were to blame.
- The book of Numbers (20:14-21) informs us that Edom refused to allow Israel to pass through its lands, while Deuteronomy (2:27-29) states that Edom, like Moab, did in fact grant such permission.
- The retelling of the appointment of judges differs significantly from the corresponding account in the book of Exodus (18:25).

In Deuteronomy (1:11-15) this event occurs at a different historical moment; Jethro's role is not mentioned at all; and Moses, rather than acting entirely at his own discretion, seeks the consent of the people.

- Many commandments, such as tithing and the sanctification of firstborn cattle are presented very differently in Deuteronomy (14:23 and 15:19) as compared with the earlier presentation in the book of Numbers (18:21 and 18:15). The differences are so significant, in fact, that it is not clear how the two versions can even be reconciled in practice.

We have two options for dealing with such contradictions in the Torah text: harmonizing the contradictions, and explicating the contradictions.

Option 1: Harmonizing the contradictions

This approach endeavors to achieve harmony by reconciling the verses and eliminating the contradictions entirely. It is this approach that dominates in the Talmud, which considers the formulation of Halachah – Torah law – the highest priority. When legislating we must create a consistent, unambiguous system; otherwise, any such legislation will be impossible to apply.

With this approach small discrepancies are eliminated by establishing that they refer to different aspects of the given commandment or different use cases for fulfilling it. And when the contradiction is so great that it cannot be reconciled in practice, the commandment might even be divided into two entirely separate and distinct commandments. For example, if one verse (Num. 18:21) states that tithes must be given to the Levites, while another verse (Deut. 14:23) says that the person who offers the tithe should eat it with his family in the Temple, the Oral Torah and the Talmud explain that these are two completely different tithes – “First Tithe” and “Second Tithe,” respectively – two distinct and otherwise unrelated tithes.

Where we find discrepancies not on legal issues, but, say, between different versions of “historical” Torah accounts, this approach will usually assume that the details of the second version only complement what was described in the first. For example, the first chapter of the book of Genesis says that God made plants and trees on the third day of the creation of the world, and that man was created after them, on the sixth day. But at the same time the second chapter of Genesis tell us that “no shrub of the field was yet on earth and no grasses of the field had yet sprouted.” How is this contradiction to be explained?

According to the harmonization approach, this means that on the third day the plants were created and first blossomed, but they could not develop fully to fruition until the sixth day, when humans came on the scene and rain began to fall, which allowed the plants and trees to grow. Thus, it turns out that there is no actual contradiction between the two chapters on that point; the second account merely adds supplemental details that were missing from the first. Taking their cue from the Talmud, this is, generally speaking, how the majority of classical Jewish commentators address the problem of such contradictions.

Because the goal of the Talmud was to formalize Jewish law, this approach was absolutely necessary at that stage. However, this approach is not the only tenable one. Its primary shortcoming is that although it resolves the contradictions, the reason for their presence in the Torah at all is not discussed. The “union and harmonization” approach leaves unanswered the question of why the Torah felt it necessary to include such contradictory propositions at different locations, and why certain details appear at one location in the Torah, and the remaining details at another.

Option 2: Explicating the contradictions

This approach does not try to smooth over the contradictions, but, on the contrary, it emphasizes them. It asks the question: what is the meaning of the contradictions and what additional understanding can we derive from them, when we consider the actual context of some element of a given historical account or commandment.

This approach does not deal with issues of Halachah – on the contrary, it becomes feasible only after the Talmud has already carried out

all the necessary harmonization in the domain of law. In this second approach it is ideals, not laws, that occupy the central position, and they, unlike laws, may well contradict each other.

Ideals such as mercy and justice, freedom and obligation, ethics and aesthetics are often in conflict, but living a full life requires that we acknowledge and accept that these contradictions will never be resolved unambiguously according to some set of formalized rules. And likewise, the Torah – which is always true to life – will inevitably admit many of those same contradictions. The methods we employ for studying the Torah as a book of laws will necessarily and materially differ from the methods we use for studying the Torah as a book of ideals.

This approach has always existed in the Kabbalah – Judaism’s esoteric, mystical tradition – but it was transmitted only to a very select cabal of disciples. (The word “cabal” itself derives from the word “Kabbalah.”) Only in our times have those teachings achieved widespread religious discussion, because only fairly recently has modern man’s public consciousness advanced to the point where there is room in it for dealing with significant contradictions. The dissemination of this approach is associated primarily with the names of Rabbi Abraham Isaac Kook, the founder of the modernization approach in contemporary Orthodox Judaism, and after him Rabbi Mordechai Breuer, Rabbi Yehuda Leon Ashkenazi (Manitou), and his eminent disciple Rabbi Uri Amos Cherki.

The second of the two approaches is the one that we follow in this *Biblical Dynamics* commentary.

§ 1.5. MORE ABOUT THE “EXPLICATING THE CONTRADICTIONS” APPROACH

In Talmudic literature, the method for reconciling contradictory verses in the Torah is elaborated in *The Baraita of Rabbi Ishmael on the Thirteen Principles of Biblical Interpretation*. (A *baraita* is an “external” foundational Talmudic teaching, so called because it was not included in the corpus of the Mishnah.) The last of those thirteen principles states then when two verses of the Torah contradict each other, there

must be a third verse that resolves the contradiction. And on that basis the manner of implementing the commandments can then be properly established.

Note that the discussion here opens with the situation where “two verses of the Torah contradict each other.” Thus, it begins with the premise that Scripture can and actually *does* at times contradict itself – i.e., such contradictions between verses of the Torah actually do exist. They are not merely imagined, but very real.

Moreover, when the *baraita* says that there is a third verse that *resolves* the contradiction of the first two, it is by no means asserting that the third verse eliminates the contradiction. Rather, it only resolves the contradiction regarding questions of the particular law under discussion, allowing it to be observed in practice, but the contradiction itself remains. And this is an essential point. In other words, the Talmud itself understands and acknowledges that the harmonization approach is not complete in any comprehensive sense, but applies it nonetheless for legislative purposes.

The Almighty has created a world full of contradictions. But our world, after all, is itself a manifestation of the Divine. And because the Torah is God’s second revelation to mankind after the Creation, neither can the Torah be devoid of contradictions, for that would mean that the Torah is an unrealistic representation of this world, and inadequate to serve as a guide for living in this world.

The contradictions of this world create tension in human existence. But it is from that dialectic of contradictions that a person can discover his own true path in the journey of life.

These contradictions arise because the universe – and the Torah – have many more dimensions than any one person can encompass in a single view of the world (and even in any one approach to Torah study). The Divine is infinite, while anything human is necessarily limited. Therefore, any projection of the Divine onto the human must give rise to contradictions.

But those are given to us not so that we can simply “abolish” them, but so that we can rise to a higher level of development based on those contradictions. We can compare this to the different projections of sunlight striking a vertical drinking glass. The vertical projection is a circle, while the horizontal projection is a rectangle, clearly these two

geometric shapes contradict each other. But we need not smooth over such contradictions (that is, there is no need to “round off” the corners of the rectangle), but quite the opposite – one must treat this contradiction as a motivation to undertake a three-dimensional examination of all objects.

The simple, straightforward meaning of the Torah text (the *peshat*) can be understood in different ways. One of these is the halachic line of interpretation (as presented, for example, in Rashi’s classic Torah commentary), which follows the harmonizing path. But another option, the philosophical approach to understanding the text of the Torah, is a non-harmonizing approach to dealing with contradictions.

Different eras and different readers need different approaches. But because the modern reader very often sees the second of the two options as more interesting, and finds that it best addresses his concerns about how to understand the text, it is that approach that we choose to follow and present in this *Bible Dynamics* commentary.

§ 1.6. THREE REASONS FOR THE VARIATIONS IN THIS BOOK

At a high level we can identify three reasons for the variations that we see between how events are told in the book of Deuteronomy and the presentation in the earlier books of the Torah: the underlying essence of the events themselves, the new generation of free people whom Moses is addressing, and the dynamics of Moses’ own personal development.

Moses in the book of Deuteronomy, which is his farewell address, speaks to the new generation of Israelites who grew up in the wilderness. As we know, during the thirty-eight years of wilderness wanderings the people learned the Torah directly from Moses. (In fact, this was the people’s only occupation throughout that entire period, seeing that the Almighty Himself directly addressed all their basic, day-to-day needs – food, water, clothing, and protection from the elements.)

Thus, all the people of Israel were Moses’ disciples, and they all knew perfectly well what their fathers and grandfathers had experienced at the Exodus, for they had assimilated all those lessons that Moses taught them earlier. Moses therefore proceeds in this address from

the position that his listeners are conversant in the previous books of the Torah, and that they are fully aware that any discrepancy between Deuteronomy and the previous books is not a repudiation or retraction of those earlier teachings, but only additions or refinements of them.

There are three possible explanations for why the presentation of the events of Israel's national history in Deuteronomy differs from what is found in Exodus or Numbers. We list those reasons below, while leaving a more detailed analysis of each to the commentary on the respective passages within the Torah text.

1. The underlying essence of the events rather than a factual description of them

Because the books of Exodus and Numbers describe an immediate sequence of events, they provide a factual, external picture of what is happening. But here in Deuteronomy this is a retrospective: Moses, after the fact, ponders the actual essence and meaning of the events. He now views them with different eyes and retells those events differently. It is an internal description that focuses less on the details of what happened, and more on their meaning and significance.

Since his listeners are already well acquainted with the factual side of the events he is recounting, Moses' task in Deuteronomy is to stress the importance of those events differently – to emphasize their underlying essence, because that is what needs to be fixed in the national memory and consciousness.

Thus, for example, in the matter of appointing judges, the external, factual aspects of the problem as set forth in the book of Exodus highlight Moses' physical and technical inability to cope with the people's numerous requests. Moses therefore accepts Jethro's recommendation to delegate to other judges. But the real essence of the problem was that it was wrong for Moses alone to execute judgment, because the people, whenever possible, must function independently. Therefore, changing the judiciary was per se essential, and not merely a technical necessity because of Moses' practical limitations.

And on the question of why God did not allow Moses to enter the Land of Israel, we likewise see a difference in how Moses reports it. According to the Book of Numbers, Moses learned of this decree only after

he mistakenly hit the rock with his staff at the Waters of Meribah.³ But after the fact, here in Deuteronomy, as Moses ponders the course of events, he comes to understand that that decision had actually been made thirty-eight years earlier, in the episode of the spies.

2. A generation of free people vs. a generation of slaves

The telling of events in the book of Exodus was addressed to the newly freed slaves who had just left Egypt. But in Deuteronomy, Moses talks to the new generation who grew up free as free people and are able to see things with different eyes.

Thus, for example, in the book of Exodus Moses appoints judges of his own choosing, without asking the people for their opinion, because that is the only way to lead people who still have a slave mentality. But in a different version of the same events as told in Deuteronomy, Moses consults with the people and invites them to nominate their own candidates for those leadership positions, because for a free people no other form of government is even conceivable.

Similarly, as we read the presentation of the episode of the spies as told in the Book of Numbers, we understand that because slaves tend to blame others even for their own mistakes and failures, the guilt is placed primarily on the heads of the spies for having led the people astray. But in Deuteronomy the people are already free and autonomous, and all responsibility therefore lies with them.

3. The changes in Moses' duties and status

In Exodus and Numbers Moses is actively leading the nation in every sense, but in Deuteronomy he has already been removed from office. He will not cross the Jordan, and he cannot continue to govern the people. Therefore, rather than addressing the people as their leader he explains

³ The incident at Mei Merivah, the "Waters of Contention," is recounted in the book of Numbers: "The Israelites arrived in a body at the wilderness of Zin on the first new moon [of the fortieth year], and the people stayed at Kadesh. Miriam died there and was buried there. The community was without water, and they joined against Moses and Aaron" (Num. 20:1-13).

to them the path that they will need to follow on their own. This fundamental change is the reason that we see such an obvious change in Moses' position and his style of presentation, which differ in many respects from what we were used to seeing in the previous books of the Torah.

§ 1.7. CONTEMPORARY DEMANDS FOR UNDERSTANDING THE TORAH TEXT: IDEALS, NOT HALACHAH

In this *Biblical Dynamics* commentary our focus is not on Halachah, Jewish law, but on the ideals that the Torah conveys. We therefore strive not to smooth over every contradiction, but, on the contrary, to highlight their features and to ponder them. We pay special attention to the development over time of Moses' own point of view as expressed in the differences between Deuteronomy on the one hand, and the books of Exodus and Numbers on the other.

We must do so because of the level of intellectual interest in our times among persons wishing to gain an understanding of the Torah. Readers' needs are different in each era, but at all times the crucial task facing writers of commentaries on the Torah has always been to adequately respond to those needs. Rabbi Abraham Isaac Kook emphasized in particular that the modern dynamics of life and the corresponding, ever-evolving nature of the demands of those who wish to understand the Torah are themselves manifestations of "ongoing Divine revelation." Any change in how readers perceive the Torah facilitates the realization of new levels of Divinity that are constantly revealed to us in the same measure as the general spiritual progress of mankind, and which enable us to perceive those dynamics.

Let us now consider in greater detail some aspects of the changing human dynamics and lifestyle in our times that necessitate finding new approaches to reading and understanding the Torah.

1. The secularization and dynamism of modern life

In past generations most individuals who studied the Torah were religious people, who related to it as as a repository of Divine, unconditionally obligatory commands. They saw the Torah, first and foremost,

as instructions for action, and justification for those instructions was a matter of secondary importance to them. The guiding principle was: “First you must observe, and then you will come to understand why it is necessary.” But today, given the pervasive secularization that has taken hold throughout the Western world, Torah study will attract the general readership only if it addresses their questions about life and opens up new vistas and perspectives. Moreover, the “first do and then you will understand” approach to observing the commandments of the Torah is not really sufficient. One first needs to understand in order to know what action to take.⁴

Our modern, evolving society views dynamics and ongoing development not as a shortcoming, but as an absolutely essential aspect of life. Achieving a proper understanding of the Torah is therefore impossible without an understanding of the development of its eminent personalities and ideas.

2. The restoration of Jewish life in Israel and the spiritual significance of life’s “secular” aspects

The creation of modern Israel as the independent state of an autonomous Jewish people has materially altered how Jews view the world, and has led to a much better understanding of national Jewish life than had ever been possible in the Diaspora. Moreover, thanks to life in their own land Jews understand much better that even life’s “secular” aspects are no less valuable in the spiritual, Godly sense than life’s classically “religious” aspects.

3. Jewish tradition’s appeal to the nations of the world

These changes in the Jewish understanding of the biblical text are also influencing how the Jewish scriptures are understood throughout the world at large.

Jewish life in the Diaspora, in exile, focused on simple survival – on how the Jews could protect themselves and survive difficult times, which in those disadvantaged eras was physically challenging, and even in the

⁴ See also below, the *Bible Dynamics* commentary to Deut. 5:24.

more prosperous periods proved psychologically difficult, when it came to preserving the nation and its traditions.

When after the creation of the State of Israel the period of exile ended and the Jewish people returned to their land, they began to relate to their situation very differently with respect to the peoples of the world. New questions arose, concerned not only with Jewish survival, but with what new lessons Jewish tradition can teach mankind.

It therefore follows that the Jewish people must read the Torah anew today, not only for their own benefit, but for all of humanity as well.

From the perspective of the nations of the world, the halachic reading of the Torah (and, accordingly, the harmonizing approach to explaining its internal contradictions) is not all that important. In the nations' view it is not the study of laws that is essential, but the analysis of ideals and principles for life. Thus, a new level of Torah study that is possible only when the Jewish nation lives in the land of Israel must focus on clarifying not the halachic content of the Torah, but its ideals. And any commentary that aims to accomplish that must be aimed not toward harmonization, but, quite the opposite, on emphasizing both contradictions and dynamics. This orientation of reaching out to all of humanity allows the Jewish people to understand the Torah at a much higher level and, as they pursue that goal, to advance and improve themselves as well.

§ 2. MOSES' TRANSFORMATION AND HIS NEW APPROACH TO GUIDING THE PEOPLE

§ 2.1. MOSES SPEAKING FOR THE DIVINE IN HIS OWN FIRST PERSON

The very first words of Deuteronomy are key to understanding the book: "These are the words that Moses addressed to all Israel." The Torah is emphasizing that the entire content of this book, including its commandments, are spoken by Moses at his own initiative, and in the first person. This feature of Deuteronomy highlights fundamental changes within Moses himself. Moses, who at the onset of his journey was not able to speak with the people at all, has now acquired this facility – which also raises the question of human participation in the acquisition of Divine knowledge.

The first four books of the Torah are written in the third person, and God's commandments as transmitted by Moses to Israel are almost invariably introduced by the words, "The Lord spoke to Moses, saying..." (or similar). In Deuteronomy, however, Moses himself presents the commandments to the people, speaking *on behalf of* the Almighty. Notwithstanding the introductory phrase at the beginning of the book, "Moses addressed the Israelites in accordance with the instructions that the Lord had given him for them," (i.e., the teachings of the Torah as a whole were given to Moses by the Almighty), the text of the book of Deuteronomy – not only its narrative portions, but all of its commandments as well – are stated in the first person, with Moses speaking in his own words.

Two questions arise in this connection. First, how can we reconcile Moses' first-person address in the book of Deuteronomy with the fundamental principle that the entire text of the Torah was dictated from Above? And second, what is achieved by having Moses himself formulate the text of Deuteronomy?

The answer to the first question is fairly simple. Many passages in the Torah were expressed by various individuals, e.g., Adam, Noah, Abraham, Joseph, and even Pharaoh. And yet all of them without exception are included in the text of the Torah by the Divine will. Abraham's and Pharaoh's words were included in the Torah not only because Abraham and Pharaoh said those things, but because God commanded Moses to write their words in the Torah.

Those words, although first spoken by humans, were subsequently written in the Torah at the direction of the Almighty. And the issue of the authorship of the book of Deuteronomy is resolved in the very same way. Moses compiled the content of the book of Deuteronomy on his own, but did not write it down "as dictated from Above" until the Almighty approved his words and commanded Moses to write down those words, which then became the fifth book of the five books of the Torah. The content of this book is the Divine word created by man but then approved by the Almighty; thus, these words are simultaneously both human and Divine.

However, the second of those two questions seems to be more important: what is the significance of the fact that the book of Deuteronomy, the fifth and final book of the Torah, was formulated by Moses himself? The answer is that the Divine text, for the sake of its completeness, must also contain a section composed by a human. The Torah would not have been complete if it did not include a book written by Moses himself.

We are accustomed to thinking that the Written Torah in its entirety was given to us from Above, while the Oral Torah is the result of a collaboration between man and God. But that is not quite accurate, since the Written Torah too is the result of joint activity between man and God, for if that were not the case, it could not have been "affirmed from below." In our discussion of the second tablets of the Ten Commandments (in the *Bible Dynamics* commentary to the book of Exodus), we elaborated in detail the idea that anything given from Above without human participation cannot be preserved below, and will immediately break down.

Therefore, in the Torah text, as with the second tablets, apart from the “immediately Divine” part there must be a human component – which in this case is the book of Deuteronomy as formulated by Moses.

That is also why Deuteronomy book begins with the word *eileh*, “these,” without the conjunctive letter *vav* (*ve-eileh*), which would give it the meaning “and these.” (In fact, the book of Exodus begins just that way: *ve-eileh shemot*, “And these are the names...”). Thus, this book is set apart from the previous books of the Torah, which are “directly Divine” in origin, while Deuteronomy is the Divine that has come to us through human agency.⁵

The human component of the Divine is important also because the goal of the Divine is not merely to convey information from above, but to awaken and inspire people such that the Divine becomes an integral part of their being – it “speaks through them.” In the book of Deuteronomy Moses supplemented the Divine with the human, so that the Divine would not disintegrate when the idea descended into the lower world.⁶ But Moses did even more: he was able to achieve that the Divine was speaking from within him – from the man himself. Moses in this book is not a mere transmission link, as it were, between God and the people, but he appears as a human being with his own style and approach.⁷ And this takes him to a yet much higher level.

Moses’ words thus became a part of the Torah, which means that at the end of the journey complete mutual understanding has been achieved. In the Waters of Meribah incident, when Moses struck the rock twice with his staff, we see that he misunderstood the Almighty’s intentions. But from the book of Deuteronomy we see that that problem has now been fixed.

⁵ This is the classical understanding of the difference between *eileh*, “These are,” and *ve-eileh*, “And these are,” in the language of the Torah. For more on this point see the commentary on Deut. 1:1 below.

⁶ This idea is elaborated in detail in the *Bible Dynamics* commentary on the book of Exodus, § 28.4 on Exod. 34:1-4, where the Torah describes the second tablets.

⁷ Deuteronomy’s style is thus Moses’ own style, which is why it differs from the style of the four previous books of the Torah. The book of Joshua, written by and named for Moses’ most distinguished disciple, is also very close in style to Deuteronomy.

§ 2.2. MOSES' PERSONAL DEVELOPMENT: HE BECOMES "A MAN OF WORDS"

In the book of Exodus, when God informs Moses that it is his mission to lead the Jewish people out of Egypt, Moses at first refuses the mission, with the words *lo ish devarim anochi*, "I have never been a man of words." But this fifth book of the Torah begins with the phrase: "These are the words that Moses addressed to all Israel." And the book, Moses' book, takes its very name, *Devarim*, "words," from that opening passage. Thus we see that Moses has now indeed become an *ish devarim*, "a man of words"!

This is an enormous change in Moses himself. He has now mastered the art of using words, to such an extent that besides being understood by his fellow humans, he can ever add his own words to the Divine. It is fair to say that as concerns Moses' personal development, this is truly one of the crowning achievements of his life.

The transformation that Moses undergoes between Exodus and Deuteronomy parallels the transformation of the Jewish people. At the outset Moses was not a "man of words," and not only because he could not speak himself, but also because none of the peoples, not even the Hebrews, could understand his words. Moses was too close to God and too distant from people. He was severely tongue-tied in the manner that is often experienced by people who have close contact with the Divine, because it cannot be expressed in conventional terms and is difficult to explain to humans.

It is not by mere chance that the book of Exodus even calls Moses a god and appoints Aaron to be his prophet: "The Lord replied to Moses, 'See, I place you in the role of God to Pharaoh, with your brother Aaron as your prophet'" (Exod. 7:1). At that time Moses could not appeal to the people directly, because his speech was incomprehensible. But here, as the journey draws to a close, the situation is quite different. Both Moses and the people have changed. Moses has learned to speak differently, and in parallel with this the new generation, because they grew up within a Torah framework, are now able to comprehend the meaning of Moses' words. Moses has acquired the gift of speech – his own voice – and has finally become a "man of words." Without this, the advance in Mo-

ses' development, and with it the development of the Torah itself, would not have been complete.

§ 2.3. THE ADVANTAGES AND DRAWBACKS OF MANAGING SLAVES

Nor was it mere happenstance that originally Moses was not a “man of words.” Moses had learned his leadership style in Pharaoh’s palace, where he was taught how to deal with slaves. Rather than speaking with slaves, one simply barks orders at them.

From the very beginning of his leadership journey, and then also throughout almost his entire life, Moses adheres to that “directive” style of leadership. He has no ability to communicate. He essentially just gives orders.

For the generation of the Exodus, this style was quite adequate and, in fact, only this kind of leader could have led a nation of slaves out of Egypt. The people needed to have “faith in the Lord and His servant Moses” (Exod. 14:31), which an authoritarian leader could provide much better than a democratic one could. But forty years later this is a new generation. A free people needs a different kind of leader. The old style of leadership has led to a crisis.

§ 2.4. MOSES’ TRANSFORMATION BETWEEN NUMBERS AND DEUTERONOMY

Even at the end of the book of Numbers, Moses is not yet a “man of words.” We see this in his inability to speak with the people, which also spills over into his inability to extract water from the rock with words, as the Almighty had ordered. Instead, Moses strikes the rock, after which the Almighty informs Moses of the decree that he will not enter the Promised Land, and that the leadership of the nation will instead transition to Joshua.⁸

⁸ We have covered this incident in detail in the *Bible Dynamics* commentary to Num. 20:1-13.

Moses, however, was able to perceive this decree of the Almighty as a sign not that he had failed in life, but that he had to change himself. As Moses now understood that his direct leadership after the nation's crossing of the Jordan would be impossible, he becomes, in the fortieth year of the wilderness journey, a "man of words," in order to describe and explain, through his communication with the people, the problems that they are destined to face in the future. This change made possible the creation of the book of Deuteronomy, and its opening passage, "These are the words" (not "And these are the words"), emphasizes Moses' transformation, and his break with the past.

The Almighty would not allow Moses to enter Canaan, and placed a barrier before him to prevent it. But Moses would not stop, and accepted that decree not as a problem but as a challenge, successfully applying it for his own advancement and development. Such are the ways of a truly great man, who perceives the obstacles in his path as tools for his own ascent. And this is the monumental personal achievement in the life of Moses.

§ 2.5. FROM OBEDIENCE TO INDEPENDENCE

The book of Numbers emphasizes Moses' unparalleled humility, how he strived to make everything happen only according to the will and instructions of the Almighty: "Now Moses was a very humble man, more so than any other man on earth" (Num. 12:3). Moses demonstrates no personal independence whatsoever, nor does he allow any room for independent development among the people. He takes it as a given that the people need only to accept and follow the instructions of their leaders. This approach corresponds to the circumstances of Israel's forty-year wilderness journey, where only the Almighty speaks.

In the Land of Israel, however, the situation is quite different: every individual speaks and makes his own decisions. As he approaches Canaan, Moses changes, and the degree of his independence increases (and likewise that of the people along with him). Consequently, in the book of Deuteronomy we see a completely different Moses – not only does his leadership style change, but even his approach to perceiving the Divine.

Although Moses is unable to change sufficiently to continue as the leader of the Jewish people and to bring them to the Land of Israel, he nonetheless can now see the world from the perspective of the land. And he independently develops the concept of life in that land. It is he, actually, who formulates the commandments for a new national mode of existence. And the Almighty confirms the correctness of those commandments.

The primary theme of the book of Deuteronomy is the autonomous life that the Jewish nation will soon be living in the Land of Israel. It was therefore essential that Moses himself, proceeding from his own newfound understanding and perception of the world, would transition from merely transmitting God's words to a mode of independence, and be able to comprehend the new challenges that the land would bring.

§ 2.6. THE CHANGES IN THE FORTIETH YEAR

We have noted above that at the beginning of the fortieth year of wilderness wanderings, in the incident of the Waters of Meribah, Moses had not yet attained the level of "a man of words," which is why he struck the rock instead of speaking to it, as God had instructed him. This must mean that it was only during the final, fortieth year of the wilderness journey that Moses became "a man of words" – that is, he learned how to speak with the people.

Three factors were most influential in Moses' transformation.

The first of those was the death of Aaron at the beginning of the fortieth year, which left Moses with no choice for that whole year but to speak with the people without an intermediary. Until then it is believed that God would first speak with Moses, and Aaron would then convey his words to the people. But with Aaron now gone Moses must relate actively and equally both to God and to the people.

The second of the three factors is that the final year of wilderness wanderings was a different kind of experience – a year of practice, not theory.

For all the previous years in the wilderness, Israel lived in isolation from other peoples and occupied themselves primarily with studying the Torah. Moses taught the people only the teachings that he had received

from the Almighty. It was a one-sided process, and because Moses had no reason to speak with the people or to be involved in their lives, he took no notice of the internal changes that the people were experiencing. The book of Exodus (34:29 ff.) describes how upon Moses' second descent from Mount Sinai his face was radiant, and he covered it with a veil, which he removed only at those moments when he was engaged in dialogue with the people, i.e., those moments when he was teaching them Torah. The result was that Moses had no awareness of the life that was going on around him, because his face was hidden from it.

But in the fortieth year, the situation changed. As they left the wilderness and entered inhabited lands, the Jewish people now had to engage with other nations. Suddenly Moses is faced with the task of guiding the people in their practical lives, determining the trajectory of their movement, building relationships with the surrounding nations, and resolving issues of war and peace. Moses is no longer just a teacher; he is now becoming an active political leader.

We can say, essentially, that during their years of wanderings the people received their theoretical training, after which follows, in the fortieth year, a regimen of "real-world, practical experience," as it were. And because Moses undergoes this transformation together with the people he is now finally in touch with the real life of the people. This final year thus brought about an enormous shift in the people's consciousness and also in Moses' own character – he now sees and understands how this new, liberated generation of the wilderness differs from their predecessors, the generation of the Exodus. All these processes are reflected in Deuteronomy's different style vis-à-vis that of the earlier books of the Torah.

The third factor consists in the fact that, as also already mentioned, God had removed Moses from his position of leadership, which forced Moses to abandon his authoritarian style, and to begin teaching the people what they needed to know in order to advance toward their new, future reality. Although God's decree prevented Moses from entering the Promised Land, Moses was allowed to view the Land of Israel from a distance, and he understood the land so well that he could even explain to the people in great detail how they were to live correct and productive lives in that land.

However, as noted above, even all these changes could no longer restore Moses to the position of a leader. Firstly, Joshua had already been appointed to succeed Moses, and there was no way that that appointment could be undone. And secondly, Moses' authority was so completely dominant that it would only have hindered the new leader's success, and deprived the people of their independence. The Midrash compares Moses and Joshua to the sun and the moon, respectively, and explains that in order for the stars to appear, the sun had to depart and give way to the moon. The leadership authority had to be diminished in order to make way for a new leader.

The result of the decree that Moses could not enter Canaan was, that although it became his personal tragedy, it also served as a foundation for his accelerated personal development. We could say that for Moses the obstacle served as a springboard.

The vicissitudes that we experience in life, although they often deprive us of the opportunity to realize our earlier plans, must be perceived as challenges that give us new, completely unexpected and previously unplanned opportunities for our personal growth.

WEEKLY
PORTION 1

DEVARIM

§ 3. MOSES' OPENING ADDRESS: A NATIONAL RETROSPECTIVE

§ 3.1. THE OPENING PASSAGES THAT ESTABLISH THE BOOK'S HISTORICAL CONTEXT (1:1-5)

א אלה הדברים אשר דבר משה אל-כל-ישראל בעבר הירדן
במדבר בערבה מול סוף בין-פארן ובין-תפל ולבן וחצרת ודי
זהב: ב אחד עשר יום מחרב דרך הר-שעיר עד קדש ברנע: ג והי
בארבעים שנה בעשתי-עשר חדש באחד לחדש דבר משה אל-
בני ישראל ככל אשר צוה יי אתו אלהם: ד אחרי הכתו את סיחן
מלך האמרי אשר יושב בחשבון ואת עוג מלך הבשן אשר-יושב
בעשתרת באדמע: ה בעבר הירדן בארץ מואב הואיל משה באר
את-התורה הזאת לאמר:

(1) 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,

(2) it is eleven days from Horeb to Kadesh-barnea by the Mount Seir route. –

(3) 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,

(4) after he had defeated Sihon king of the Amorites, who dwelt in Heshbon, and King Og of Bashan, who dwelt at Ashtaroth [and] Edrei.

(5) On the other side of the Jordan, in the land of Moab, Moses undertook to expound this Teaching. He said:

(1) These are the words: The first verses of Deuteronomy set the tone of the book, establishing its position within the five books of the Torah.

Tradition understands the word *eileh*, “these,” as separating from what came before it, and even standing in opposition to it.⁹ Contrast this with *ve-eileh*, “and these,” in which the prefix ‘ve, “and,” has quite the opposite effect: it establishes a connection between whatever it introduces and the preceding text¹⁰ – even when introducing a new chapter, or even an entirely new book.

Here, too, the opening word of Deuteronomy, *eileh*, is intended to contrast Deuteronomy with the first four books of the Torah. That is, everything that was said in the previous books will now be reworked and restructured from the perspective of the Land of Israel.

Words: Stylistically speaking, the term *devarim*, “words,” has a rather harsh and critical flavor. I.e., “These are the words of criticism, censure, reproach.” Such is Deuteronomy, a book full of warnings against the practice of idolatry, especially in connection with future life in Canaan, and the danger of adopting the local customs.

That Moses addressed: The content of this book of the Torah is Moses’ own words conveyed in the first person – as if it is he who is giving the people the commandments. As noted above, this is one of the aspects that notably distinguishes Deuteronomy from the the other books of the Torah.

⁹ See, for example, Gen. 2:4: “Such (*eileh*) is the story of heaven and earth when they were created,” which opens the Torah’s second version of the Creation story. The word *eileh* there sets that version apart from the first version that was told in the preceding (opening) chapter of Genesis.

¹⁰ The book of Exodus begins with the words *ve-eileh shemot benei yisrael*, “And these are the names of the sons of Israel,” because Exodus is, as it were, a continuation of the book of Genesis.

To all Israel: Moses speaks not only to the heads of the tribes, or to Aaron, or to the Levites, but to the entire nation. Each of the previous books of the Torah focuses on a particular subset of the people. Genesis is the book of the Patriarchs. The central characters in the book of Exodus are Moses and Aaron.¹¹ The book of Leviticus is addressed primarily to the *kohanim*, the priests, and in the book of Numbers the Levites are prominent.¹² But the fifth book of the Torah is addressed to the nation in its entirety – a national organism soon to be living in its own land.

Addressed to all Israel on the other side of the Jordan: Although the Israelites have not yet crossed the Jordan, the entire book of Deuteronomy is written from the perspective of Jewish life in the Land of Israel. And that is why the steppes of Moab, where the action of this book takes place, are called “the other side of the Jordan,” even though Israel is still on that side.

Through the wilderness, in the Arabah near Suph, between Paran and Tophel, Laban, Hazeroth, and Di-zahab: This is the first geographical positioning of the book of Deuteronomy relative to the surrounding locales. However, the individual places indicated here are difficult to identify geographically. Some of them that appear earlier in the Torah refer to locations in the wilderness, not on the steppes of Moab, while others are not even mentioned anywhere else at all.

¹¹ This is expressed in the fact that Moses and Aaron appear in the book of Exodus as Israel's primary leaders, while no other prominent personality occupies an active role there. Accordingly, the weekly Torah portions of Exodus are divided between Moses and Aaron, because they demonstrate two different worldviews. For additional details see the introduction to the *Bible Dynamics* commentary on the book of Exodus.

¹² Numbers is the “book of the road”: the people are on the move and have no permanent place. Thus the Levites (for whom that will in a large sense become a lasting condition) are at the center of the story, which begins with the Levites replacing the firstborns. Even in the Land of Israel the Levites will have no territory of their own – they are essentially nomads. This important quality of the Levites, by creating a certain level of separation from the land, protects the nation from being devoured by it. For more details see the *Bible Dynamics* commentary on the book of Numbers (see § 2.5, 3.2 and others).

The Midrash therefore regards these names not as actual geographical identifiers, but as Moses' way of reproaching the people, i.e., by reminding them of those encampments where, as everyone of that generation knew well, the Jewish nation had behaved badly, challenging the Almighty.

This enumeration therefore begins with the phrase “near [or opposite] Suph” – that is, Moses is rebuking Israel in connection with what had happened at Suph. *Suph* means “reeds,” and is short for *Yam Suf*, the Sea of Reeds, and a reminder: “They rebelled at the sea, at the Sea of Reeds” (Ps. 106:7). And so likewise with the other place names that Moses enumerates here – they are rebukes by allusion.

This approach deciphers the places list as follows:

- Suph alludes to the quarrels at the Sea of Reeds (Hebr., *Yam Suf*).
- Tophel and Laban – complaints about the manna (*Tophel*, from *taphel*, “flavorless food,” and *Laban*, “white,” also a description of the manna. See Exod. 16:31).
- Paran – the sending of the spies from the wilderness of Paran.
- Hazeroth – the conflict involving Miriam and Korah's uprising, both of which happened there.
- Di-Zahab – the incident of the golden (Hebr., *zahav*) calf.

Thus, the book of Deuteronomy begins with a reminder of past mistakes and improprieties, which are meant to serve as a warning before the laws governing proper conduct in the Land of Israel are presented.

(2) It is eleven days from Horeb: This is the second geographic positioning relative to the starting point of the wilderness wanderings. From a geographic point of view it yet again conveys no actual information, and the Midrash therefore interprets these words too as a reproach: “The journey from Horeb (Sinai) could normally be traversed in a mere eleven days, But it took you *forty years*! All because of your unwillingness to trust in the Almighty and to take possession of the Land of Israel.”

To Kadesh-barnea by the Mount Seir route: This section of the route has been covered in the final, fortieth year. Moses is telling the people that although early on they had behaved badly and therefore had to endure seemingly endless wanderings, they have improved significantly over the past year.

(3) It was in the fortieth year, on the first day of the eleventh month: Here, the time is specified with reference to two parameters: how much time has passed since the Exodus – forty years – and how much longer Moses has left to live – somewhat more than a month (seeing that he died on the seventh day of the twelfth month). During this interval Moses delivered the entire message of the book of Deuteronomy.

That Moses addressed the Israelites in accordance with the instructions that the Lord had given him for them: This passage is saying that all of Moses' address that follows is a retelling of what "the Lord had given him." But the story proceeds differently, for it contains many new commandments, and even many of the previously known commandments are given a very different form. Therefore, the words "in accordance with the instructions that the Lord had given him" should be understood as a rethinking of the Torah – Moses integrated everything that he had been commanded earlier, but he reworked it with new and different stipulations.

(4) After he had defeated Sihon ... and ... Og: All of Deuteronomy presents the Torah from a national-political perspective. The victories in the battles with Sihon and Og made it possible for the nation to realize itself as an independent state, thus establishing the Israel as a recognized historical entity. Before Israel achieved military success its teachings were of no interest to anyone, and as they had no sense of their own strength; they were unable to clearly formulate any notion of statehood even in their own minds. All that became possible only after their military victories.

(5) On the other side of the Jordan, in the land of Moab: The foundation of the entire Torah is the Revelation at Sinai, supplemented and elaborated, however, in the Tabernacle of the Covenant and on the steppes of Moab. This book of Deuteronomy describes that covenant as

the renewal of the original covenant with God, but under entirely new circumstances.

We know from later Jewish history that Ruth, David's great-grandmother and thus "the matriarch of the Jewish kingdom" will descend from Moab. As Moab embodies the regal component that is essential to Israel, it is no coincidence that the "Torah of the Jewish kingdom," the national-political interpretation of the Torah, is presented on the steppes of Moab.

Moses undertook to expound: The word *ho'il* can mean "began," but more specifically, "decided, made up his mind, resolved independently." The commentators therefore emphasize that it was Moses' own decision to present to the people a new view of the Torah. God had not instructed him to do so.

To expound this Teaching: The word *bei'eir* means "to explain," i.e., to elucidate what was said earlier. Initially the Torah existed in an absolute, abstract form, but now there is an "elucidation," that is, an explanation of its application to real life. The Torah describes three levels of Covenant: the Covenant of the Patriarchs, the Covenant of Sinai, and the Covenant on the steppes of Moab. These three covenants correspond to the three stages of the Jewish people's birth and development: the Jewish family, the Jewish nation, and the Jewish state. The covenant of the steppes of Moab is the *bei'ur* (the nominal form of the verb *bei'eir*) – the "commentary" at the state-political level that Moses presents here.

According to the Midrash, the term *bei'eir* means that Moses expounded the Torah teachings in the seventy languages of the nations of the world. Humanity (seventy nations, see Gen. 9, as represented by seventy languages) cannot comprehend the Torah as long as it remains heavenly – i.e., only theoretical. The nations can understand the Torah only when it is presented to them in earthly form. And that is what the Torah's political implementation, as described in the book of Deuteronomy, achieves.

§ 3.2. LEAVING SINAI TO CONQUER AND POSSESS THE LAND (1:6-8)

ו יי אֱלֹהֵינוּ דִּבֶּר אֵלֵינוּ בְּחֵרֵב לֵאמֹר רַב־לָכֶם שְׁבֵת בְּהַר הַזֶּה:
ז פָּנּוּ | וּסְעוּ לָכֶם וּבְאוּ הָרָה אֲמֹרֵי וְאֶל־כָּל־שְׁכֵנֵי בְּעֶרְבָה בְּהָר
וּבְשֹׁפְלָהּ וּבְנֶגֶב וּבְחֹף הַיָּם אֶרֶץ הַכְּנַעֲנִי וְהַלְבָּנוֹן עַד־הַנָּהָר הַגָּדֹל
נְהַר־פָּרָת: ח רְאֵה נָתַתִּי לִפְנֵיכֶם אֶת־הָאָרֶץ בָּאוּ וּרְשׁוּ אֶת־הָאָרֶץ
אֲשֶׁר נִשְׁבַּע יי לְאַבְרָהָם לְיִצְחָק וְלִיִּשְׁכָּב לָתֵת לָהֶם
וּלְזֶרְעָם אַחֲרֵיהֶם: בְּעֶשְׂתֵּת בְּאֶדְרָעִי: ה בְּעֶבֶר הַיַּרְדֵּן בְּאָרֶץ מוֹאָב
הוֹאִיל מֹשֶׁה בָּאֵר אֶת־הַתּוֹרָה הַזֹּאת לֵאמֹר:

(6) The Lord our God spoke to us at Horeb, saying: You have stayed long enough at this mountain.

(7) Start out and make your way to the hill country of the Amorites and to all their neighbors in the Arabah, the hill country, the Shephelah, the Negeb, the seacoast, the land of the Canaanites, and the Lebanon, as far as the Great River, the river Euphrates.

(8) See, I place the land at your disposal. Go, take possession of the land that the Lord swore to your fathers, Abraham, Isaac, and Jacob, to assign to them and to their heirs after them.

(6) The Lord our God spoke to us at Horeb: Horeb is another name for Mount Sinai.

You have stayed long enough at this mountain: Moses' first address is a national retrospective. To explain the Torah's teachings, one must first understand the course of history. Moses therefore begins not with the giving of the Torah (he will return to it later), but with the departure from the Mount Sinai and creation of the national organism. A healthy national organism must precede any realization of the Torah. Without a Jewish nation, the Torah can find no "vessel" on earth to contain it, and it has no place there.

(6-7) You have stayed long enough at this mountain. Start out: The Hebrew here for "start out" is actually *penu*, which means "turn." Rather than merely commanding them to "get moving," God tells Israel

to take an entirely new direction. Likewise, “stayed” here in the Hebrew is *shevet*, literally, “sitting.” The people have sat at Mount Sinai long enough, and that “sitting” must now end. “Sitting at the mountain” means studying theory; “moving away from the mountain” means taking decisive action.

“Sitting at Mount Sinai” for too long can lead to the erroneous conclusion that the teachings received at Sinai are *per se* paramount. But the Torah must be fulfilled, and not merely studied. There comes a point where one must leave the classroom and embrace real life. The Jewish nation must reorient itself from Sinai to Zion.

And make your way: The journey is not only about physical movement, but psychological state as well. Moses is telling the people: “You’ve spent long enough in mere study. Ascend to a new level, be prepared for change and for making independent decisions.”

And make your way to the hill country of the Amorites: The peoples of Canaan are collectively called Canaanites and Amorites. These designations are more geographic than ethnic. The inhabitants of the lowlands are called Canaanites (from *kni`ah*, “lowering oneself, submission”), and those living in the central mountain range are called Amorites (from *he’emir*, “to raise, glorify”).

The land of the Canaanites, and the Lebanon, as far as the Great River, the river Euphrates: The borders of the Land of Israel extend much further than those of Canaan – they include Lebanon and even as far as the Euphrates River. Those boundaries delineate the land of the ten nations of which God spoke to Abraham (Gen. 15:18-21). They are mentioned again here, because at the outset of the wilderness journey a general direction is given. However, when it comes to the actual boundaries of the initial conquest, only the narrower boundaries are indicated – “the land of the seven nations” (Num. 34, Deut. 7:11).

(8) See, I place the land at your disposal: Here “see” (*re’eh*, not *re’u*) is in the singular, because it is an appeal to the entire nation as one. But later in this book of Deuteronomy both singular and plural forms of address are interspersed, for they are two different levels of appeal to the people: as individuals, and also as a unified, organic collection of many individuals.

Go, take possession of the land: Although the Almighty has already given this land to the Jewish people, they nonetheless must exercise decisive action in order to make the possession actually happen, hence the instruction: “Go, take possession of the land.” All Divine decisions and decrees are realized only through human agency.

Go, take possession of the land: This instruction applies not only to that generation, but for all time. The Jewish people are commanded not only to live in the Land of Israel, but also to possess it, a commandment that can be fulfilled only by the Jewish people as a whole, within the framework of the Jewish state.

§ 3.3. REFORMS IN THE NATION'S GOVERNMENTAL AND JUDICIAL SYSTEMS (1:9-15)

ט וְאָמַר אֲלֵכֶם בְּעַת הַהוּא לֵאמֹר לֹא־אוּכַל לְבַדִּי שְׂאֵת אֲתֶכֶם:
י יי אֱלֹהֵיכֶם הִרְבָּה אֶתְכֶם וְהִנֵּכֶם הַיּוֹם כְּכֹכְבֵי הַשָּׁמַיִם לְרֹב: יא “
אֱלֹהֵי אֲבוֹתְכֶם יִסֹּף עֲלֵיכֶם כָּכֶם אֶלֹף פְּעָמִים וַיְבַרֵךְ אֶתְכֶם כְּאֲשֶׁר
דִּבֶּר לָכֶם: יב אֵיכָה אֶשָּׂא לְבַדִּי טַרְחֲכֶם וּמִשְׁאָכֶם וְרִיבְכֶם: יג הֲבֹ
לָכֶם אֲנָשִׁים חֲכָמִים וְנִבְנִים וַיִּדְעִים לְשִׁבְטֵיכֶם וְאֲשִׁימָם בְּרֹאשֵׁיכֶם:
יד וְתַעֲנֶנּוּ אֹתִי וְתֹאמְרוּ טוֹב־הַדָּבָר אֲשֶׁר־דִּבַּרְתָּ לַעֲשׂוֹת: טו וְאֶקַּח
אֶת־רֹאשֵׁי שִׁבְטֵיכֶם אֲנָשִׁים חֲכָמִים וַיִּדְעִים וְאֶתֵּן אוֹתָם רֹאשִׁים
עֲלֵיכֶם שְׂרֵי אֲלָפִים וְשְׂרֵי מֵאוֹת וְשְׂרֵי חֲמִשִּׁים וְשְׂרֵי עֶשְׂרֹת וְשֹׁטְרִים
לְשִׁבְטֵיכֶם:

(9) Thereupon I said to you, “I cannot bear the burden of you by myself.

(10) The Lord your God has multiplied you until you are today as numerous as the stars in the sky. –

(11) May the Lord, the God of your fathers, increase your numbers a thousandfold, and bless you as He promised you. –

(12) How can I bear unaided the trouble of you, and the burden, and the bickering!

(13) Pick from each of your tribes men who are wise, discerning, and experienced, and I will appoint them as your heads."

(14) You answered me and said, "What you propose to do is good."

(15) 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.

(9) Thereupon I said to you: The episode of the appointment of judges is told twice in the Torah, in the book of Exodus and again here. That earlier presentation (Exod. 18:13-27), which differs significantly from the one here in Deuteronomy, is as follows:

(13) Next day, Moses sat as magistrate among the people, while the people stood about Moses from morning until evening.

(14) But when Moses' father-in-law saw how much he had to do for the people, he said, "What is this thing that you are doing to the people? Why do you act alone, while all the people stand about you from morning until evening?"

(15) Moses replied to his father-in-law, "It is because the people come to me to inquire of God.

(16) When they have a dispute, it comes before me, and I decide between one person and another, and I make known the laws and teachings of God."

(17) But Moses' father-in-law said to him, "The thing you are doing is not right;

(18) you will surely wear yourself out, and these people as well. For the task is too heavy for you; you cannot do it alone.

(19) Now listen to me. I will give you counsel, and God be with you! You represent the people before God: you bring the disputes before God,

(20) and enjoin upon them the laws and the teachings, and make known to them the way they are to go and the practices they are to follow.

(21) You shall also seek out from among all the people capable men who fear God, trustworthy men who spurn ill-gotten gain. Set these over them as chiefs of thousands, hundreds, fifties, and tens, and

(22) let them judge the people at all times. Have them bring every major dispute to you, but let them decide every minor dispute themselves. Make it easier for yourself by letting them share the burden with you.

(23) If you do this – and God so commands you – you will be able to bear up; and all these people too will go home unwearied.”

(24) Moses heeded his father-in-law and did just as he had said.

(25) Moses chose capable men out of all Israel, and appointed them heads over the people – chiefs of thousands, hundreds, fifties, and tens;

(26) and they judged the people at all times: the difficult matters they would bring to Moses, and all the minor matters they would decide themselves.

(27) Then Moses bade his father-in-law farewell, and he went his way to his own land.

Thus we see that in the book of Exodus the suggestion to appoint judges came from Jethro, and was motivated by technical difficulties that Moses was experiencing: “You will surely wear yourself out, and these people as well. For the task is too heavy for you; you cannot do it alone” (Exod. 18:18). Even Moses himself gave no thought to Jethro’s proposed solution, but only agreed to implement it: “Moses heeded his father-in-law and did just as he had said” (Exod. 18:24). In contrast, here in Deuteronomy Jethro is not even mentioned. The decision to appoint judges is presented as Moses’ own initiative, and dictated by substantive considerations: “Thereupon I said to you, ‘I cannot bear the burden of you by myself. The Lord your God has multiplied you until you are today as numerous as the stars in the sky’ ” (Deut. 1:9-10).

We also see here (Deut. 1:12) that Moses shifts “the trouble, the burden, and the bickering” onto the shoulders of the judges; that is, he transfers to them the political, spiritual, and judicial leadership. And yet, the status of those leaders here in Deuteronomy is portrayed differently from how it was described in Exodus.

The main theme of the book of Exodus is the Torah, so the task of the leaders, first and foremost, is to teach the Torah to the people: “Moses replied to his father-in-law, ‘It is because the people come to me to inquire of God. When they have a dispute, it comes before me, and I decide between one person and another, and I make known the laws and teachings of God’” (Exod. 18:15-16). Of course, the best way to study the Torah is to receive knowledge directly from an optimal teacher, from a great man. Moses was therefore not interested in having assistants – he wanted the questioners to come to him personally, to study the Torah from his lips. Moses wanted to achieve personal contact with everyone.

From that point of view, the appointment of intermediate leaders can be justified only on the basis of technical complications, i.e., that it was physically impossible for Moses to speak with each Israelite individually. Moses appointed no assistants until Jethro made that recommendation, in order that it would be clear to all that it was only a forced, technical decision, and that it would of course still be better to learn the Torah from Moses directly.

But the situation is different here in Deuteronomy, where local leaders are appointed not to teach the Torah, but to create a healthy national organism. Moses therefore initiates their appointment at his own initiative, for it is an essential requirement in and of itself. A free people must solve day-to-day issues on the spot, taking into account the particular needs of each tribe, clan, and family. If each such problem must instead be passed on to the supreme leader for resolution, then that national organism is not viable.

Based on Israel’s total population of six hundred thousand men of military age, the number of judges appointed at all levels was very great – more than seventy-eight thousand persons (a number of officials over thousands, hundreds, fifties, and tens for six hundred thousand men). Such a large-scale reorganization underscores Moses’ preparation for the conquest of the land.

We note once again that our approach to analyzing these differences (like our analyses that will follow of similar contradictions between Deuteronomy and the previous books of the Torah) does not allege that Moses in his farewell address to the people is deceiving them by offering them a different version of their national history. Moses’ address, the

book of Deuteronomy, in no way negates the contents of the book of Exodus or any other part of the Torah.

The generation whom Moses is addressing has studied the previous books of the Torah over the many years of their wilderness wanderings, and is of course well aware of these differences in interpretation. Moses' task in this book is to present a different point of view, to show the reasons that events developed as they did, and to offer lessons for the future. Thus, the objective of our analysis is to understand what exactly Moses, by retelling earlier events differently, wished to teach the new generation (and us too together with them).

At the same time, the initial episodes of national history, which in fact involved a generation of slaves who had just left Egypt, in Deuteronomy are often reworked so as to give the impression that they happened to a free people who was very much like the new generation that grew up in the wilderness. Moses deliberately retells these events in the manner of a projection onto the new generation, in order to teach them correct behavior for the future. And because reality is so multifaceted, neither version is any less true than the other.

Thereupon I said to you: Literally, "I said to you at that time." In Exodus the appointment of leaders is presented as a precursor to the giving of the Torah, but here in Deuteronomy as an event that occurred later – during the departure from Mount Sinai, as the first act of national organization – because a judicial system is essential to the proper functioning of society. We will see later (in weekly portion *Shofetim*) that the appointment of judges must precede even the organization of central political power.

I cannot bear the burden of you by myself: In the book of Exodus Moses uttered no such words when appointing judges. But in a different story, the appointment of Moses' seventy prophet-assistants as told in the book of Numbers, those words do appear: "I cannot carry all this people by myself, for it is too much for me" (Num. 11:14).

It is noteworthy, moreover, that in Numbers Moses says those words to God, but here in Deuteronomy – to the people. As mentioned earlier, in the interval between those two books, Numbers and of Deuteronomy, Moses' view of the people has changed, and he understands that any

appeal to a free people requires elaborating the rationale for the decisions made. Imperious directives passed down from the central authority are no longer sufficient.

(10) The Lord your God has multiplied you until you are today as numerous as the stars in the sky: The origin of this comparison of the Jewish people to the stars of the heavens is found in God's blessing to Abraham: "He took him outside and said, 'Look toward heaven and count the stars, if you are able to count them.' And He added, 'So shall your offspring be.'" (Gen. 15:5, see also Gen. 22:17). And note that the comparison to the stars, in addition to its quantitative meaning, is meant qualitatively as well. Each star is special and unique. The people must not be viewed as a monolithic mass, in which no person is individually significant. On the contrary, each member of the Jewish nation is an entire world to himself or herself, with a unique personal mission.

(11) May the Lord, the God of your fathers, increase your numbers a thousandfold, and bless you as He promised you: Moses teaches us here the correct manner of addressing the people. Even if a blessing (in this case the precipitous population growth) has become the cause of a problem, that blessing must not be disparaged; a solution must always be found by which to increase that blessing even more. In this case the solution is to give the people as many leaders as their numbers require.

(12) How can I bear unaided the trouble of you, and the burden, and the bickering!: The Midrash adds that the task of a Jewish leader is especially difficult, because (as the modern aphorism would have it) "wherever there are two Jews, there are three opinions." They are people who can never seem to find agreement even among themselves. Constant conflicts and disputes are their normal condition.

(13) Pick from each of your tribes men who are wise ...: The Hebrew for "Pick" here reads, *Havu lachem*, "Get you," but even more literally: "Get for yourselves." I.e., propose and decide on your own who those men will be. Free people must choose their own leaders. But as it is told in the book of Exodus, the appointments came from above – it was Moses who chose the leaders.

Men who are wise, discerning: In the book of Exodus different criteria for choosing judges are mentioned: “You shall also seek out from among all the people capable men who fear God, trustworthy men who spurn ill-gotten gain” (Exod. 18:21). In a centralized system of government for ruling slaves, the primary responsibility of the local leadership is to faithfully and honestly follow directions handed down by the central authority.

Such leaders are themselves only subservient officials. The main pitfall is corruption, and therefore, the qualities needed are “men who fear God, trustworthy men who spurn ill-gotten gain.” But when we speak of free people, who choose leaders at their own prerogative (and, if necessary, will most likely re-elect the same persons), those leaders must be qualified to render decisions. Thus, “men who are wise and discerning” becomes the primary criterion.

And experienced: The Hebrew, *yedu'im*, derives from the very common Hebrew verb *yado'a*, “to know.” But two interpretations are still possible: 1) “knowing, knowledgeable” (or “experienced,” as translated here); 2) “known, eminent, renowned.” The passive form of the verb strongly suggests the second of those two meanings (although the former is defensible as well).

If we follow the latter meaning (“known, renowned”), it means men who have already established themselves, and whose authority is recognized by the people. This additional requirement shows that it is not enough for a leader to be wise and honest. A leader must also be qualified to lead. But it is very difficult to know in advance whether a candidate meets that requirement. Moses therefore chooses leaders from those men who have already won respect for their authority among the people, and have already demonstrated that they possess this quality.

From each of your tribes: Below (Deut. 1:15) Moses says that he chose “the tribal leaders,” i.e. he takes into account that the nation is divided into tribes, because each tribe has its own unique characteristics. (In the Exodus account there is no mention of any division by tribes; there is only a numerical division into tens, fifties, hundreds, and thousands.)

This view of the people that considers the characteristics of each tribe demonstrates that the nation has an organic (and not merely mechanical) structure, in which unity is combined with diversity.

And I will appoint them as your heads: Moses proposes that the people should choose their own leaders. He takes individuals who have already established themselves as leaders, and now merely gives them a formal status that they did not previously have.

This difference between the account here and that of Exodus is apparently due to the fact that in Exodus the people appear to us as a large, homogeneous crowd, a single collective mass having no organic, hierarchical structure. But here in Deuteronomy (as we have already seen in Numbers) the situation is different. The people have an internal structure and are divided into tribes. Each tribe has its own leaders and consists of families, all of whom are enumerated. And those families too have their own leaders and governors.

This kind of hierarchical system had of course existed since the Egyptian era, but its manifestations were not initially detectable. However, as soon as the people began to live a completely free lifestyle, the need for such a system became dominant. Such a system requires support, but will not allow external forces to interfere with it.

(14) You answered me and said, What you propose to do is good: The Hebrew is, *Tov ha-davar asher dibbarta la'asot* – literally, “The thing that you have spoken is good [for us] to do.” Note how they word that: “that you have spoken,” not “that you have commanded.” Moses speaks with the people, seeking their consent.

But in Exodus this is not so. Moses acts, and the people have no say. It was natural for a generation of slaves to be governed by directives imposed from above. But appointing leaders over a free people without their consent is impossible.

(15) So I took your tribal leaders, wise and experienced men: Just above (Deut. 1:13) Moses had proposed to appoint “men who are wise, discerning, and experienced.” But here he appoints “wise and experienced men.” The Talmud satirically remarks: “But as for discerning leaders, none could be found among them” (Talmud, Nedarim 20b).

The Midrash defines wisdom as “the ability to solve an existing problem” and discernment as “the ability to avoid a problem that is yet to arise.” Wisdom reacts after a problem has been discovered, and is therefore much more obvious to onlookers – as opposed to discernment, which presupposes taking control over a situation even before the problem has appeared on the horizon. Wise men therefore gain renown, popularity, and recognition, while people of discernment much less so, and far less frequently.

And appointed them heads over you: chiefs of thousands, chiefs of hundreds, chiefs of fifties, and chiefs of tens, and officials for your tribes: The Hebrew word *shoterim* is here translated as “officials” (in modern Hebrew it means “policemen”). The Midrash, however, connects it with the *shoterim* mentioned in Exodus (5:14, translated there as “foremen”): “And the foremen of the Israelites, whom Pharaoh’s taskmasters had set over them, were beaten. ‘Why,’ they were asked, ‘did you not complete the prescribed amount of bricks, either yesterday or today, as you did before?’”

The Midrash believes that the *shoterim* here are those very same men who held leadership posts in Egypt. Some of them remained so respected by the people that even after the Exodus they were again appointed as leaders.

§ 3.4. PRINCIPLES OF HONEST AND EQUITABLE JURISPRUDENCE (1:16-18)

טז וְאָמַרְתָּ אֶת־שֹׁפְטֵיכֶם בְּעֵת הַהוּא לֵאמֹר שָׁמַע בֵּין־אָחִיכֶם
וּשְׁפָטְתָם צֶדֶק בֵּין־אִישׁ וּבֵין־אָחִיו וּבֵין גֵּר׃ יז לֹא־תִכְזְרוּ פְּנִים
בַּמִּשְׁפָּט בְּקֶטֶן כְּגֹדֶל תִּשְׁמְעוּן לֹא תִגְזְרוּ מִפְּנֵי־אִישׁ כִּי הַמִּשְׁפָּט
לְאֵלֵהֶם הוּא וְהַדָּבָר אֲשֶׁר יִקְשֶׁה מִכֶּם תִּקְרְבוּן אֵלַי וּשְׁמַעְתִּיו׃
יח וְאָמַרְתָּ אֲתֶכֶם בְּעֵת הַהוּא אֵת כָּל־הַדְּבָרִים אֲשֶׁר תַּעֲשׂוּ׃

(16) 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.

(17) 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."

(18) Thus I instructed you, at that time, about the various things that you should do.

(16) I charged your magistrates at that time: The word *shofetim*, "judges," presumes not only judicial power, but also political and spiritual leadership (as later described, for example, in the book of Judges).

As follows: The principles below give priority not to a judge's formal knowledge of the law and its correct implementation, but, rather, to the importance of listening to people attentively and being honest in every situation. For that is the foundation of the life of a healthy national organism.

(16-17) 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: The following are the essentials of a fair and just court system:

- A judge must listen impartially to all the parties involved in a conflict.
- All parties must be treated equally: rich and poor, strong and weak, indigenous peoples and newcomers. (The Hebrew for "You shall not be partial in judgment" is *lo takiru panim*, literally: "You shall not recognize faces." I.e., look not at faces, but at the facts and the arguments.)
- The prohibition of oppressing aliens is a feature that distinguishes the Torah from many other legal systems where foreigners are socially disadvantaged. (But on the other hand, even in Judaism it is important to note that in political matters aliens are not on par with indigenous folk in every respect. They cannot be appointed to leadership positions, for example. But this is a separate topic, to be treated elsewhere.)

- The court must remain entirely independent of all other authority and influence. A judge must never succumb to pressure from political or social forces.

In our times, universal equality before the law, regardless of social status, is everywhere taken for granted as the unshakable foundation of a normal society. But for those times (and even in much later eras) this idea was unusual and revolutionary.

For judgment is God's: Fairness in judgment is one of the primary manifestations of Divine light in our world. Thus, ensuring that justice will be done in human courts too is the most important criterion for the spiritual viability of any society.

And any matter that is too difficult for you, you shall bring to me and I will hear it: Within the given context of appointing local leaders, Moses seems to be offering encouragement: “You need not fear or hesitate to take on this job. But if it proves difficult, just reach out to me, and I will help.”

At the same time, however, according to the Midrash Moses' choice of words was incorrect, and were the source of a series of mistakes. Moses' overly confident belief in his own abilities to cope with any problem whatsoever actually proved quite dangerous. The Midrash sees a parallel here to the case of the prophet Samuel, who told Saul, “I am the seer” (1 Sam. 9:19). Thereupon the Almighty immediately stripped Samuel of his prophetic gift, with the result that Samuel failed to recognize in David the future anointed king (1 Sam. 16:6).

The Torah famously describes Moses as “a very humble man, more so than any other man on earth” (Num. 12:3). His approach was in principle correct, and all difficult matters should rightly have been brought to him. After all, Moses was unique in that he could approach God directly at any time with any problem. But even for Moses this formulation, “Any matter that is too difficult for you, you shall bring to me and I will hear it,” turned out to be incorrect, and led to later errors.

We must always bear in mind that it is not only the substance of our words that matters, but also how we phrase them. Incorrect

wording can lead to improper attitudes, which will often lead to improper actions.

(18) Thus I instructed you, at that time, about the various things that you should do: The precise meaning of this verse is not immediately obvious. It seems to emphasize that Moses conveyed to those leaders not merely laws to be promulgated from the bench, but an actual program of action that they were charged with implementing. This demonstrates that these leaders, in addition to their juridical function, had also an important political role that they were expected to carry out.

§ 3.5. THE EPISODE OF THE SPIES (1:19-40)

יט ונסע מחרב ונלך את כל-המדבר הגדול והנורא ההוא אשר ראיתם דרך הר האמרי כאשר צוה יי אלהינו אתנו ונבא עד קדש ברנע: כ ואמר אלכם באתם עד-הר האמרי אשר-יי אלהינו נתן לנו: כא ראה נתן יי אלהיך לפניך את-הארץ עלה רש כאשר דבר יי אלהי אבותיך לך אל-תירא ואל-תחת: כב ותקרבון אלי כלכם ותאמרו נשלחה אנשים לפנינו ויחפרו-לנו את-הארץ וישבו אתנו דבר את-הדרך אשר נעלה-בה ואת הערים אשר נבא אליהן: כג ויטב בעיני הדבר ואקח מכם שנים עשר אנשים איש אחד לשבט: כד ויפנו ויעלו ההרה ויבאו עד-נחל אשכל וירגלו אתה: כה ויקחו בידם מפרי הארץ ויורדו אלינו וישבו אתנו דבר ויאמרו טובה הארץ אשר-יי אלהינו נתן לנו: כו ולא אביתם לעלת ותמרו את-פי יי אלהיכם: כז ותרגנו באהליכם ותאמרו בשנאת יי אתנו הוציאנו מארץ מצרים לתת אתנו ביד האמרי להשמידנו: כח אנה | אנחנו עלים אחינו המסו את-לבבנו לאמר עם גדול ורם ממנו ערים גדלות ובצורת בשמים וגם-בני ענקים ראינו שם: כט ואמר אלכם לא-תערצון ולא-תיראון מהם: ל יי אלהיכם ההלך לפניכם הוא ילחם לכם ככל אשר עשה אתכם במצרים לעיניכם: לא ובמדבר אשר ראית אשר נשאף יי אלהיך כאשר ישא-איש את בנו בכל-הדרך אשר הלכתם עד-באכם עד-המקום הזה: לב ובדבר

הַזֶּה אֵינֶכֶם מֵאֲמִינִים בְּי אֱלֹהֵיכֶם: לֹג הַהַלֵךְ לִפְנֵיכֶם בְּדֶרֶךְ לְתוֹר
 לָכֶם מָקוֹם לַחֲנֻתְכֶם בְּאֵשׁ | לַיְלָה לְרֹאשְׁתְּכֶם בְּדֶרֶךְ אֲשֶׁר תִּלְכוּ-בָּהּ
 וּבַעֲנָן יוֹמָם: לֹד וַיִּשְׁמַע יי אֶת-קוֹל דְּבָרֵיכֶם וַיִּקְצֹף וַיִּשָּׁבַע לֵאמֹר:
 לֹה אִם-יִרְאָה אִישׁ בְּאֲנָשִׁים הָאֵלֶּה הַדּוֹר הַזֶּה אֶת הָאָרֶץ הַטּוֹבָה
 אֲשֶׁר נִשְׁבַּעְתִּי לָתֵת לְאֲבֹתֵיכֶם: לו זולתי כָּלֵב בֶּן-יִפְנֶה הוּא יֵרָאֶה
 וְלֹא-אֶתָּן אֶת-הָאָרֶץ אֲשֶׁר דִּרְדְּ-בָהּ וּלְבָנָיו יֵעַן אֲשֶׁר מִלֵּא אַחֲרֵי יי:
 לו גַּם-בִּי הִתְאַנֵּף יי בְּגִלְלַתְכֶם לֵאמֹר גַּם-אֶתָּה לֹא-תִבָּא שָׁם: לֹה יְהוֹשֻׁעַ
 בֶּן-נֹון הָעֹמֵד לִפְנֵיךְ הוּא יִבֹּא שָׁמָּה אֲתוּ חִזֵּק כִּי-הוּא יַנְחִילָהּ אֶת-
 יִשְׂרָאֵל: לו טֹפְכֶם אֲשֶׁר אָמַרְתֶּם לְבִי יִהְיֶה וּבְנֵיכֶם אֲשֶׁר לֹא-יִדְעוּ
 הַיּוֹם טוֹב וְרָע הֵמָּה יִבְאוּ שָׁמָּה וְלָהֶם אֶתְנֶנָּה וְהֵם יִירְשׁוּהָ: מ וְאַתֶּם
 פָּנּוּ לָכֶם וְסָעוּ הַמִּדְבָּרָה דֶּרֶךְ יַם-סוּף:

(19) We set out from Horeb and traveled the great and terrible wilderness that you saw, along the road to the hill country of the Amorites, as the Lord our God had commanded us. When we reached Kadesh-barnea,

(20) I said to you, “You have come to the hill country of the Amorites which the Lord our God is giving to us.

(21) See, the Lord your God has placed the land at your disposal. Go up, take possession, as the Lord, the God of your fathers, promised you. Fear not and be not dismayed.”

(22) Then all of you came to me and said, “Let us send men ahead to reconnoiter the land for us and bring back word on the route we shall follow and the cities we shall come to.”

(23) I approved of the plan, and so I selected twelve of your men, one from each tribe.

(24) They made for the hill country, came to the wadi Eshcol, and spied it out.

(25) They took some of the fruit of the land with them and brought it down to us. And they gave us this report: “It is a good land that the Lord our God is giving to us.”

(26) Yet you refused to go up, and flouted the command of the Lord your God.

(27) You 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 skyhigh, and even Anakites.'

(29) I said to you, "Have no dread or fear of them.

(30) None other than the Lord your God, who goes before you, will fight for you, just as He did for you in Egypt before your very eyes,

(31) and in the wilderness, where you saw how the Lord your God carried you, as a man carries his son, all the way that you traveled until you came to this place.

(32) Yet for all that, you have no faith in the Lord your God,

(33) who goes before you on your journeys – to scout the place where you are to encamp – in fire by night and in cloud by day, in order to guide you on the route you are to follow."

(34) When the Lord heard your loud complaint, He was angry. He vowed:

(35) Not one of these men, this evil generation, shall see the good land that I swore to give to your fathers –

(36) none except Caleb son of Jephunneh; he shall see it, and to him and his descendants will I give the land on which he set foot, because he remained loyal to the Lord.

(37) Because of you the Lord was incensed with me too, and He said: You shall not enter it either.

(38) Joshua son of Nun, who attends you, he shall enter it. Imbue him with strength, for he shall allot it to Israel.

(39) 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.

(40) As for you, turn about and march into the wilderness by the way of the Sea of Reeds.

The episode of the spies: The details of the story as laid out here are quite different from the account given in the book of Numbers. Here is the story as it appeared there (Num. 13, 14:1-10, 20, 23, 24):

(13:1) The Lord spoke to Moses, saying,

(2) "Send men to scout the land of Canaan, which I am giving to the Israelite people; send one man from each of their ancestral tribes, each one a chieftain among them."

(3) So Moses, by the Lord's command, sent them out from the wilderness of Paran, all the men being leaders of the Israelites.

(17) When Moses sent them to scout the land of Canaan, he said to them, "Go up there into the Negeb and on into the hill country,

(18) and see what kind of country it is. Are the people who dwell in it strong or weak, few or many?

(19) Is the country in which they dwell good or bad? Are the towns they live in open or fortified?

(20) Is the soil rich or poor? Is it wooded or not? And take pains to bring back some of the fruit of the land." – Now it happened to be the season of the first ripe grapes.

(21) They went up and scouted the land, from the wilderness of Zin to Rehob, at Lebo-hamath.

(23) They reached the wadi Eshcol, and there they cut down a branch with a single cluster of grapes – it had to be borne on a carrying frame by two of them – and some pomegranates and figs.

(26) They went straight to Moses and Aaron and the whole Israelite community at Kadesh in the wilderness of Paran, and they made their report to them and to the whole community, as they showed them the fruit of the land.

(27) This is what they told him: "We came to the land you sent us to; it does indeed flow with milk and honey, and this is its fruit.

(28) However, the people who inhabit the country are powerful, and the cities are fortified and very large; moreover, we saw the Anakites there.

(29) Amalekites dwell in the Negeb region; Hittites, Jebusites, and Amorites inhabit the hill country; and Canaanites dwell by the Sea and along the Jordan.”

(30) Caleb hushed the people before Moses and said, “Let us by all means go up, and we shall gain possession of it, for we shall surely overcome it.”

(31) But the men who had gone up with him said, “We cannot attack that people, for it is stronger than we.”

(32) Thus they spread calumnies among the Israelites about the land they had scouted, saying, “The country that we traversed and scouted is one that devours its settlers. All the people that we saw in it are men of great size;

(33) we saw the Nephilim there – the Anakites are part of the Nephilim – and we looked like grasshoppers to ourselves, and so we must have looked to them.”

(14:1) The whole community broke into loud cries, and the people wept that night.

(2) All the Israelites railed against Moses and Aaron. “If only we had died in the land of Egypt,” the whole community shouted at them, “or if only we might die in this wilderness!

(3) Why is the Lord taking us to that land to fall by the sword? Our wives and children will be carried off! It would be better for us to go back to Egypt!”

(4) And they said to one another, “Let us head back for Egypt.”

(5) Then Moses and Aaron fell on their faces before all the assembled congregation of the Israelites.

(6) And Joshua son of Nun and Caleb son of Jephunneh, of those who had scouted the land, rent their clothes

(7) and exhorted the whole Israelite community: “The land that we traversed and scouted is an exceedingly good land.

(8) If the Lord is pleased with us, He will bring us into that land, a land that flows with milk and honey, and give it to us;

(9) only you must not rebel against the Lord. Have no fear then of the people of the country, for they are our prey: their protection has departed from them, but the Lord is with us. Have no fear of them!”

(10) As the whole community threatened to pelt them with stones, the Presence of the Lord appeared in the Tent of Meeting to all the Israelites.

...

(20) And the Lord said, “I pardon, as you have asked.

...

(23) shall see the land that I promised on oath to their fathers; none of those who spurn Me shall see it.

(24) But My servant Caleb, because he was imbued with a different spirit and remained loyal to Me – him will I bring into the land that he entered, and his offspring shall hold it as a possession.

We see that in Deuteronomy the roles of all the actors – the spies, the people, Moses, and even God Himself – are all presented very differently from the descriptions in the book of Numbers. The main differences are:

- The initiative to send the spies: in Numbers it is the Almighty who initiates that undertaking, but in Deuteronomy it happens by request of the people.
- The dispute over whether Israel should go to Canaan and conquer the land: in Numbers the spies were the disputants, but in Deuteronomy it is Moses and the people.
- Who are the main culprits: in Numbers it is the spies who are charged with slanderous the land, but in Deuteronomy the blame lies with the people.
- The reason that Moses could not enter the Promised Land: in Numbers the reason given is that Moses, in the fortieth year of the wanderings, struck the rock with his staff at the Waters of Meribah, but Deuteronomy says that the reason was the incident

of the spies, which happened decades earlier in the second year after the Exodus.

(19) We set out from Horeb: After recounting the story of the appointment of the judges, which was for the people a step in the right direction toward becoming independent, Moses proceeds to retell the episode of the spies, which demonstrates how the people's independence can be realized incorrectly.

This story highlights the primary sin of the Exodus generation: severing the living bond between the people and the Land of Israel. The people refused the opportunity they were given to fulfill their mission, and were therefore punished with forty years of wanderings and the death of that entire generation.

And traveled the great and terrible wilderness that you saw: This description emphasizes that the wilderness journey was something unusual and even extraordinary, which under normal circumstances they never would have undertaken. Moses is saying that after all the miracles that the Almighty showed you during those wanderings, there is no basis or justification to fear conquering the land.

Along the road to the hill country of the Amorites, as the Lord our God had commanded us. When we reached Kadesh-barnea: At the onset of the journey from Sinai you obeyed the Almighty's instructions and followed the path to Canaan.

(20) I said to you, "You have come to the hill country of the Amorites which the Lord our God is giving to us: Because you have successfully completed the first stage of the journey, you can now go on to conquer the land.

(21) See, the Lord your God has placed the land at your disposal. Go up, take possession, as the Lord, the God of your fathers, promised you. Fear not and be not dismayed": In the book of Numbers we see no such fear until after the spies returned from their mission. But here in Deuteronomy Moses in his address raises the issue of that fear even before mentioning the spies at all. The words "fear not" clearly demonstrate that the people were even then already fearful; and this dread influenced the behavior of both the spies and the people.

(22) Then all of you came to me and said, “Let us send men ahead to reconnoiter the land: In Numbers this initiative came from Above, from God. Moses then obeyed and sent the spies. But in this retelling of the incident, the initiative for sending the spies comes from the people.

The slave generation did not act independently, nor feel any responsibility for their actions. They only followed orders. But free people understand that they are expected to act independently and assume responsibility for their decisions.

Let us send men ahead to reconnoiter the land for us and bring back word on the route we shall follow and the cities we shall come to”: The Hebrew verb *leragel* denotes deploying military intelligence. (See, e.g., Gen. 42:9, where Joseph accuses his brothers of being *meragelim*, “spies,” from the same Hebrew root.) In contrast, the book of Numbers uses the verb *latur*, which means “to scout out the land,” referring mainly to gathering economic (not military) intelligence. This once again emphasizes that from the very start the generation of the wilderness was motivated by fear. The people’s refusal to conquer the land was not just a tactical mistake, or due only to the influence of the spies.

Let us send men ahead: Notice here that Moses says, simply, “men,” with no qualifiers or modifiers. For gathering military intelligence ordinary “men” can be sent with no indication of any formal status they might have already had, since such status plays no significant role in military affairs.

But in Numbers that status is in fact indicated, and the Torah even adds there, “all the men being leaders of the Israelites” (Num. 13:3). The goal of gathering economic intelligence is to create a positive attitude in the minds of the people toward the Land of Israel. The people must themselves want to settle in the land, and not feel that it is someone else’s decision being imposed on them. This required choosing recognized authority figures from among the tribes.

(23) I approved of the plan: Here Moses takes responsibility for the decision to send the spies. In Numbers there was none of that, because that action was undertaken by a Divine order. Throughout the

retrospective here in Deuteronomy we hear the echo of a repeating idea: “We are ourselves to blame for anything untoward that has happened to us” (instead of the earlier attitude of “God told us to do this”). This understanding of personal responsibility is essential for the people’s correction.

And so I selected twelve of your men, one from each tribe: In Numbers there was an addition, “all the men being leaders of the Israelites,” which intensifies the guilt of the spies, because they were the authority figures of their tribes. But here in Deuteronomy, it is not the spies who are blamed but the entire people, which is why the prominence of the spies is deemphasized.

(24) They made for the hill country, came to the wadi Eshcol, and spied it out: In Numbers the long route that the spies followed is enumerated in detail. But here only one place is highlighted, the wadi of Eshcol. It is the most important of all those places, because it is associated with the samples of the fruits that the spies carried back with them.

(25) They took some of the fruit of the land with them and brought it down to us. And they gave us this report: It is a good land that the Lord our God is giving to us: Although the motivation for sending the spies was collection of military intelligence, the Torah here stresses the positive behavior of the intelligence officers, who did not fail even to mention the superiority of the land. In Numbers, when the spies discuss those merits, they immediately add a qualification: “However, the people who inhabit the country are powerful” (Num. 13:28), which is their attempt to dissuade the people from pursuing the conquest. But here in Deuteronomy there is no such qualification.

(26) Yet you refused to go up, and flouted the command of the Lord your God: Once more the point is stressed that it was not the spies who were to blame, but the people.

(27) You sulked in your tents: The Hebrew here is *va-teiragenu*, an uncommon word more usually taken to mean “grumbling,” or even “calumniating” (as supported by what immediately follows: “It is because the Lord hates us...”). Not only did you dig in your heels and refuse to go, but you even slandered and accused the Almighty.

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: This is a grievous accusation. In Numbers it is more tempered: “All the Israelites railed against Moses and Aaron. ‘If only we had died in the land of Egypt... Or if only we might die in this wilderness. Why is the Lord taking us to that land to fall by the sword? Our wives and children will be carried off! It would be better for us to go back to Egypt!’ And they said to one another, ‘Let us head back for Egypt’ ” (Num. 14:2-4).

Slaves are concerned only with their own fate, and are completely oblivious to the motives and actions of others, including even those of the Almighty. But here in Deuteronomy the people make an attempt to interpret and understand the Almighty's motives. Although this leads them to an erroneous conclusion (“It is because the Lord hates us that He brought us out of the land of Egypt”), the attempt itself can only be considered a positive development.

The people's wish to return to Egypt is likewise not mentioned in Deuteronomy, because it has no relevance to the new generation.

(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 sin of the spies themselves is mentioned only at this point, after we have heard from the people, which tells us that the origin of the sin lay not in the spies but in the people. A free person is responsible for his actions even if others incited him to commit the sin. After all, it is no one's fault but his own that he succumbed to temptation.

(29) I said to you, “Have no dread or fear of them: The book of Numbers makes no mention of how Moses reacted to the people's complaints, because there Joshua and Caleb responded to the people. But here in Deuteronomy, on the contrary, Joshua and Caleb's reaction is not mentioned. We can surmise that in fact all three men addressed the people's grievances, but what they actually said is reported in different books, because Joshua and Caleb's arguments in Numbers differ significantly from Moses' arguments in Deuteronomy.

(30) None other than the Lord your God, who goes before you, will fight for you, just as He did for you in Egypt before your very

eyes: As Moses puts it, the conquest of the land will resemble the victories over Pharaoh and Amalek. In the former instance, Moses needed only to pray, and God split the sea and drowned Pharaoh and the Egyptians. And in the latter engagement, Moses raised his hands, the people turned their minds to Heaven, and Amalek was defeated.

In Moses' view, the conquest of the land was to be no less wondrous. "Just go there, look upward toward Heaven, and God will take care of the rest: your enemies will simply disperse in every direction." But this position, although quite suitable during the forty years in the wilderness, could not hold true for the natural conquest of the land. This erroneous position is the reason that Moses will be denied the opportunity to enter the land and lead the people in conquering it.

(31) And in the wilderness, where you saw how the Lord your God carried you, as a man carries his son, all the way that you traveled until you came to this place: The phrase "the Lord your God carried you, as a man carries his son" is mainly intended to convey how deeply God cares about His people. But it also shows that God's attitude to the people at that time was like that of a father to an infant who is incapable of independent decisions and actions. And that kind of relationship is very far from ideal.

(32) Yet for all that, you have no faith in the Lord your God: The Hebrew here, *ma'aminim*, is the verbal form of *emunah*, which, contrary to conventional translations and usages, actually means "trust," not "faith."

(33) Who goes before you on your journeys – to scout the place where you are to encamp – in fire by night and in cloud by day, in order to guide you on the route you are to follow: "Don't worry about anything. God will fight for you." This approach means that the people are not able to act independently; their destiny is simply to obey God and trust Him to solve all their problems.

But Joshua and Caleb's position as reported in the book of Numbers is entirely different. They rely not on miracles but on the independent actions of the people, in which the Almighty gives His assistance, but does not do the people's work for them.

Moses' approach, which is based on the idea of supernatural intervention, is his primary shortcoming, and because of it he will not be allowed to enter the Promised Land, while Joshua and Caleb will.

(34) When the Lord heard your loud complaint, He was angry. He vowed: We can see God's wrath as serving an exclusively educational purpose. When the Almighty says that He is angry, people should understand the egregious impropriety of their actions.

(35) Not one of these men, this evil generation, shall see the good land: Note the contrast here: "Not one of these men, this evil generation, shall see the good land." They claim that the land is bad, but in fact the evil is in themselves, not in the land.

That I swore to give to your fathers: God's oath remains in force, but it will be fulfilled not for this generation, but for the next. Those who refused to enter the land when it was offered to them will never have the chance to enter it. History often presents us with unique opportunities, but if we do not avail ourselves of those, the next opportunity might not appear very soon again. And perhaps not until the next generation.

(36) None except Caleb son of Jephunneh; he shall see it: The words "none except" refers to both Caleb and Joshua, as we shall soon explain.

And to him and his descendants will I give the land on which he set foot, because he remained loyal to the Lord: Moses says that Caleb will enter the land because "he remained loyal to the Lord." But Moses himself could not enter the land, which must mean that he, by contrast, did not "remain loyal to the Lord."

To "remain loyal to the Lord" does not mean to follow orders precisely; rather, it means to be open to perceiving changes in the world (since it is the Almighty who is the cause of those changes), and to act accordingly. The Exodus was a supernatural event, but the conquest of the land had to come naturally. Caleb and Joshua sensed this and were guided by the actual might of the people, but Moses was not.

(37) Because of you the Lord was incensed with me too: Because Moses, as the people's leader, failed to correctly influence them to want

to conquer Canaan, he is held accountable for their improper behavior. However, the words “because of you the Lord was incensed with me” of this verse can also be understood in a different sense – see the commentary to Deut. 3:26 below.

Because of you the Lord ... said: You shall not enter it either: Moses now sees the past in a new light, and explains to the people that he has been denied entry to the land not because of the two blows to the rock at the Waters of Meribah, but because of the incident of the spies. Already from the moment that the people refused to proceed to the land that path was closed to Moses, because he too is an inseparable component of the Exodus generation.

You shall not enter it either: Note that Aaron is not mentioned here at all. But later (Deut. 9:20) we will learn that the reason that Aaron too was prevented from entering the land had nothing to do with the incident at the Waters of Meribah. The real reason was his involvement in the sin of the golden calf.

(38) Joshua son of Nun, who attends you, he shall enter it: “He” is emphatic here. He, but not someone else. This is much more obvious in the Hebrew, *hu yavo shamah*. In biblical Hebrew, unlike English, the subject of a verb can usually be omitted, because the form of the verb is normally sufficient to indicate who is performing the action.

Here, too, the word *hu*, “he,” Joshua, could have been omitted, but is included for special emphasis – to highlight the difference between Joshua and Moses. Because Moses failed to persuade the people to proceed to the land, he is condemned to die in the wilderness along with them; that is, he shares their fate. But although Joshua and Caleb failed likewise to persuade the people, they *will* enter the land, and will not perish with the people in the wilderness. Thus, Joshua and Caleb’s fate differs from that of the people, and of Moses himself.

How is this to be explained? The difference lies in the nature of their arguments, as explained earlier. The objections that Joshua and Caleb raised in their exchange with the people were entirely adequate for the situation: “Let us by all means go up, and we shall gain possession of it, for we shall surely overcome it with the Almighty’s help.” But Moses was relying on miracles, which was the wrong argument.

This also comes to teach us that we should not be following Moses' example in each and every detail. For example, Moses lacks the qualities of the Messiah, but it is precisely those qualities that become increasingly more important as history develops – both the history of the Jewish people and the history of all of mankind.¹³

Imbue him with strength, for he shall allot it to Israel: The sequence of events is important for understanding this passage:

- (i) Caleb remained loyal to the Lord.
- (ii) God was incensed with Moses.
- (iii) God instructed Moses to imbue Joshua with strength.

Because Caleb's words were an inspiration for the people, we can say that he "remained loyal to the Lord." But Moses' words, by contrast, only weakened the people's motivation. "Imbuing Joshua with strength" means that Joshua had to be resolute in taking the position of Caleb, i.e., relying on the abilities of the people, and not on a miraculous victory as Moses did.

Joshua was Moses' most prominent disciple and his spiritual heir, which is why he was chosen to lead the nation after Moses' death. But his close relationship with Moses may have led him to adopt Moses' erroneous attitudes in matters of war. Moreover, Joshua had himself already waged a war in which the victory came miraculously, not naturally – the war with Amalek: "Then, whenever Moses held up his hand, Israel prevailed; but whenever he let down his hand, Amalek prevailed. But Moses' hands grew heavy; so they took a stone and put it under him and he sat on it, while Aaron and Hur, one on each side, supported his hands; thus his hands remained steady until the sun set. And Joshua overwhelmed the people of Amalek with the sword" (Exod. 17:11-13). Joshua therefore needs to be "imbued with strength" – to understand the natural powers of the Land of Israel. But Caleb does not need that.

¹³ This topic has been covered in detail in the *Bible Dynamics* commentary on the book of Numbers, § 7.1.

(39) Your children who do not yet know good from bad: Children who are not yet able to distinguish good from evil are not responsible for their actions.

They shall enter it: Before a person has reached maturity his communal consciousness is considered a work in progress, and he is not responsible for the behavior of society. But conversely, every adult is responsible for the actions of the nation as a whole, even for sins that he did not personally commit.

(40) As for you, turn about and march into the wilderness by the way of the Sea of Reeds: It might seem that they were being told to march away from the Land of Israel rather than toward it. But in fact, this directive means that they were to head not in the direction of Egypt, but toward Elath – a different inlet in the Sea of Reeds.

§ 3.6. WHY MOSES COULD NOT ENTER THE LAND OF ISRAEL

As noted earlier, the book of Numbers (20:12) states that Moses could not enter the Land of Israel because he had struck the rock at *Mei Merivah*, the “waters of contention.” But here in Deuteronomy an entirely different reason is given: Moses was prevented from entering the Promised Land on account of the episode of the spies – which is totally unrelated to what happened at *Mei Merivah*.

Or Ha-Chaim, a classic Torah commentary, writes: “It is repeated several times that Moses could not enter the Land of Israel because of the blow on the rock – precisely in order to clear Moses of any suspicion of guilt in the sin of the spies.” This means that there actually were grounds for suspecting Moses of having been in some way complicit in the sin of the spies, but in reality any such assumption is erroneous. And yet – here in Deuteronomy, that connection is very explicitly stated!

Thus, as for why Moses could not enter the Land of Israel, the reason given in the book of Numbers is only “camouflage,” as it were, notwithstanding that it is stated a number of times, and that precisely that lesson was assimilated not only by the generation of the Exodus, but

by their descendants as well. The importance of this camouflage is that a student of the Torah might otherwise directly attribute Moses' punishment to the sin of the spies, which would be completely wrong. The spies did not want to go to the Land of Israel, but Moses certainly did want to go. Except that he could not, because his worldview was based on "Divine governance through miracles," an unsuitable outlook for life in the land of Israel.

"Governance through miracles" suppresses and actually obstructs human initiative. Although Moses himself lives his life on the level of miracles, and this is quite normal for him, that life is not appropriate for the rest of the people, for it would leave them no opportunity for independent action.

The forty years in the wilderness was the period of the infant nation's birth and of nursing it to adulthood – as Moses puts it: "The Lord your God carried you, as a man carries his son" (Deut. 1:31). A man carries his child in his arms while he is small. But as the child matures, the father should no longer be carrying his son in his arms. The child must learn to be independent. And this is why Moses must depart from the scene.

Thus, when Moses says, "Because of you the Lord was incensed with me too," it can also mean "for your sake." (The Hebrew word *biglal* supports both of those meanings.) The point is not that "because of your bad behavior God prevents me from entering the land," but "for your sake God does not allow me to enter the land" – i.e., for your own benefit and advancement. Because Moses was inextricably bound to a "miraculous governance" mindset, it was imperative for the proper development of the nation that that form of government would summarily cease.

Another reason that Moses was unsuited to lead the people in the conquest of the land is that Moses' primary focus was on the Torah, not on conquest.

We have noted in our commentary to the book of Exodus that one of God's arguments in persuading Moses to lead the Exodus was the

promise, “When you have freed the people from Egypt, you shall worship God at this mountain” (Exod. 3:12). That is, on Mount Horeb, which is another name for Mount Sinai. As Moses saw it, the primary purpose of the Exodus was for Israel to receive the Torah. (In modern terms we could say that it was a “religious” motivation.) For the people, however, a different motivation is cited there (Exod. 3:16), a nationalist reason: you are leaving Egypt to return to the land of your forefathers Abraham, Isaac, and Jacob. (In modern terms, it was “Zionist” motivation.)

Such a discrepancy between Moses’ attitude and the people’s aspirations led to the situation where not only did Moses not reinforce the people’s desire to possess their land, he even somewhat diminished it, by emphasizing that the giving of the Torah was paramount. And while Moses himself, needless to say, continued to strive to enter the Land of Israel, he did not focus the attention of the people on that goal. Therefore, at the onset of the journey from Egypt the national attitude towards conquest of the land became weaker. It remained in the plan, of course, but the level of enthusiasm had significantly decreased.

That weakening of motivation on the part of the people for conquering the Land of Israel quite possibly became one of the reasons for the position of the spies upon their return. Their attitude might have been influenced by the overall mood of the society. And the end result was that the people were afraid to undertake the conquest, and Moses was denied the right to enter the land.

And yet, toward the end of Moses’ life here in Deuteronomy we see that the situation has changed. As already noted, Moses in his first retrospective speaks of the unity of the people and the conquest of the Transjordan. Only in his second retrospective does he mention the Torah at all. In other words, the matter of the Torah is now only secondary with respect to the emergence and development of the nation. Moses’ attitudes and priorities have changed, but it is too late for the Divine decree concerning his personal destiny to be revoked or revised.

§ 3.7. MULTIPLE LEVELS OF UNDERSTANDING IN THE TORAH

The above comparison of the books of Numbers and Deuteronomy has changed our understanding of why Moses was denied entry to the Land of Israel. And note that not only here, but in many other places in the Torah as well, its content is arranged such that the reader's understanding and his attitude toward what is written can evolve between the first, superficial reading and a second, more in-depth study and analysis.

For example, at the end of the eleventh chapter of Genesis we read: "The days of Terah came to 205 years; and Terah died in Haran" (Gen. 11:32). And then immediately: "The Lord said to Abram, 'Go forth from your native land' " (Gen. 12:1). At the first reading it seems that God commanded Abraham to leave Haran only after the death of his father Terah. But when we calculate the years of their lives, it becomes clear that when Abraham left his native Haran, Terah was still alive.

Nevertheless, the Torah has chosen this order of presentation so as not to create the impression that Abraham was remiss in his duty of honoring his father. After we make the calculation we can see that Abraham departed from Haran during Terah's lifetime, leaving his father in his old age. But as we delve deeper into the Torah, we also understand that that departure was in fact justified. At first reading, however, when we do not yet understand the depth of Abraham's mission, and we might come to condemn him for lack of concern and reverence for his father, the issue does not even arise.

The Torah is mindful of its readers' level of preparation. The Torah is written in such a way that it serves not merely an informational purpose, but also a pedagogical one, which changes depending on the student's intellectual state and level of advancement.

Likewise, in the instance under discussion here, when the book of Numbers says that Moses will not enter the Land of Israel because he struck the rock twice with his staff, this is not quite true, but it was important that at that moment the people would hear that justification, and that also an ordinary student of the Torah in the later centuries would be able to assimilate the idea at that level of understanding, at least.

But here in Deuteronomy Moses gives a deeper reason. Clearly, the people he is addressing are familiar with the content of the book of Numbers, but Moses wants to correct what was stated there, to bring it in line with the new level that the people and also Moses himself have attained during the last year of their wilderness wanderings.

As we delve further into the text we understand that Moses was removed from his role as the nation's leader not because of any actual wrongdoing on his part, but because he was simply not able to continue in that role, as demonstrated by the difference between his reaction and that of Joshua and Caleb in the episode of the spies. But this comes to light only when we undertake a careful comparative analysis of the two books, Numbers and Deuteronomy.

It is not by mere chance that the Torah has divided the story of the spies across two different books, in two somewhat contradictory versions. To the common man it is inconceivable that anyone could find fault with Moses and openly criticize him. In such a person's mind there is no room whatsoever to doubt that Moses was an incomparably great leader who could do no wrong, and that he was punished only because of God's unyielding insistence on absolute obedience.

But the advanced reader, on the other hand, is already at a level of sophistication such that his perception of Moses will not suffer even if Moses failed to behave properly in every situation. For those readers the Torah has presented material for analysis that leads to entirely different conclusions.

In fact, exposing general readers to such ideas has become possible only in our own times, when the overall level of cultural development has prepared those readers for such dialectical concepts in a way that the great personalities of the Torah are not diminished in their eyes.

We can better understand this process of incremental improvements in our understanding of the Torah's message (and of God's relationship with mankind in general) by comparing it to how we relate to our children.

The fundamental principle and the basis for all understanding of the Torah is the idea that we are God's children, and He relates to us as we relate to our own children. Just as God created man in his own image and likeness, so do we bear children in our own image and likeness. The physical process is of course different, but in essence the two are analogous. We are given children so that, *inter alia*, through our relationship with them we can better understand our relationship with God. That analogy is the most important and most graphic means at our disposal for achieving that understanding.

At different stages of our children's development the manner of our communication with them varies, as we gradually reveal to them those aspects of truth that they are able to understand at each stage. We try not to deceive our children, but neither do we explain to them everything at once, because doing so would exceed their faculties. Each statement that they hear from us is but one facet of the truth that we reveal in the course of a long educational process. Even after the child has matured and become wiser, he will not fault us for speaking to him on some topic when he was ten years old in a completely different way from how we speak to him when he is eighteen. Because he understands that the level of conversation between him and his parents grows and develops as he develops.

Similarly, the Almighty uses a variety of idioms to address the slaves who left Egypt (Exodus, Leviticus, and the beginning of Numbers), and different forms of expression for the new generation of free people at the beginning of the fortieth year (the latter portion of Numbers) and at the end of that same year (Deuteronomy).

The course of human history always parallels the process of mankind's spiritual development. And in the same way, God's message to humanity develops all the while in parallel. That message is our level of reading and understanding the Torah that we achieve at each stage.

The great men of past generations stood much higher than we do, of course, and understood much more, but average people in the past reached no such exalted level, not even what is the norm for a typical educated person today. Therefore, the sages of past generations withheld their understanding from the masses, passing it on only via a hidden, mystical tradition (the Kabbalah).

But now, in our generation, the sages have deemed it feasible and appropriate to reveal a part of that tradition for universal study and comprehension.

§ 3.8. THE ATTEMPT TO INVADE AND SEIZE THE LAND IN VIOLATION OF GOD'S WISHES (1:41-45)

מֵא וְתַעֲנֵנוּ | וְתֹאמְרוּ אֵלַי חֲטֵאנוּ לַיהוָה אֱנִחנוּ נִעְלָה וְנִלְחָמְנוּ כָּכֵל
אֲשֶׁר-צִוָּנוּ יְיָ אֱלֹהֵינוּ וְתַחְנוּרוּ אִישׁ אֶת-כָּלִי מִלְחָמָתוֹ וְתַהֲיֵנוּ לְעֹלֹת
הַהָרָה: מִבְּיָאמֶר יְיָ אֵלַי אָמַר לָהֶם לֹא תַעֲלוּ וְלֹא-תִלָּחֲמוּ כִּי אֵינֶנִּי
בְּקִרְבְּכֶם וְלֹא תִגָּדְפוּ לִפְנֵי אֹיְבֵיכֶם: מִגּוֹ וְאִדְבַּר אֲלֵיכֶם וְלֹא שָׁמַעְתֶּם
וְתַמְרוּ אֶת-פִּי יְיָ וְתִזְדּוּ וְתַעֲלוּ הַהָרָה: מִדְּוִיָּאָה הָאָמֹרִי הַיֹּשֵׁב בְּהָר
הַהוּא לִקְרֹאתְכֶם וַיִּדְּפוּ אֶתְכֶם כַּאֲשֶׁר תַּעֲשִׂינָה הַדְּבָרִים וַיִּכְתּוּ
אֶתְכֶם בְּשַׁעִיר עַד-חֶרְמָה: מִה וְתִשָּׁבוּ וְתִבְכוּ לִפְנֵי יְיָ וְלֹא-שָׁמַע יְיָ
בְּקִלְכֶם וְלֹא הִאֲזִין אֲלֵיכֶם:

(41) You replied to me, saying, “We stand guilty before the Lord. We will go up now and fight, just as the Lord our God commanded us.” And you all girded yourselves with war gear and recklessly started for the hill country.

(42) But the Lord said to me, “Warn them: Do not go up and do not fight, since I am not in your midst; else you will be routed by your enemies.”

(43) I spoke to you, but you would not listen; you flouted the Lord’s command and willfully marched into the hill country.

(44) Then the Amorites who lived in those hills came out against you like so many bees and chased you, and they crushed you at Hormah in Seir.

(45) Again you wept before the Lord; but the Lord would not heed your cry or give ear to you.

(41) You replied to me, saying, “We stand guilty before the Lord. We will go up now and fight, just as the Lord our God commanded us.” And you all girded yourselves with war gear and recklessly

started for the hill country: As already noted in our commentary to Numbers (14:39), in this episode of the spies, unlike the incident of the golden calf, there was no repentance. Rather than asking God what action they should undertake at that point, the people acted impulsively: “Seeing that I have been punished for my former stance, I must now do exactly the opposite.” This kind of reaction is what we would expect from a disgruntled child, not from an adult taking responsibility for his future.

(42) But the Lord said to me, “Warn them: Do not go up and do not fight, since I am not in your midst; else you will be routed by your enemies”: The parallel verse in the book of Numbers (14:41-42) mentions no such Divine command, and one gets the impression there that the people were disobeying Moses, not God. This difference between Numbers and Deuteronomy is seen throughout the passage: Deuteronomy emphasizes that all commands came directly from God, while in Numbers this is not the case. This difference in presentation is meant to draw the reader’s attention to the fact that the Exodus generation was unable even do discern the Divine orders, hence it did not follow them – in contrast to the generation of the Wilderness, who were able to discern the orders and obeyed. Since at this moment it is the latter whom Moses is addressing, his speech yet further reinforces their resolve.

(43) And willfully marched into the hill country: Instead of “willfully,” it would be better to understand the Hebrew *va-tazidu* as “defiantly.” This action was not merely an error of calculation, but a conscious opposition to the will of the Almighty.

(44) Then the Amorites who lived in those hills came out against you like so many bees and chased you, and they crushed you at Hormah in Seir: As already noted in the commentary to Numbers, Israel’s defeat was so great that even thirty-nine years later the Almighty could still not allow them to follow that same path, lest the people should become so overwhelmed with fear that they would lose the motivation they needed to conquer and possess their new land. Instead, they had to detour around the Dead Sea region (Edom, Moab, and

Ammon) from the southeast, in order to approach the Land of Israel from the east via the Transjordan.

(45) Again you wept before the Lord; but the Lord would not heed your cry or give ear to you: There is an obvious correspondence here to the previous verse, indicating cause and effect. Because you would not obey the Almighty, He too refused to heed your cry or give ear to you.

But the Lord would not heed your cry: You were crying not because you understood how serious was the sin you had committed and you sincerely wished to repent, but only because you feared the grave consequences of your actions. Therefore, God would not listen to your cries.

§ 3.9. THE THIRTY-EIGHT YEARS OF WANDERINGS IN THE WILDERNESS (1:46-2:1)

מו ותשבּו בקדש ימים רבים כימים אשר ישבתם:

א ונפן ונסע המדברה דרך ים-סוף כאשר דבר יי אלי ונסב את-
הר-שעיר ימים רבים:

(46) Thus, after you had remained at Kadesh all that long time,

(2:1) we marched back into the wilderness by the way of the Sea of Reeds, as the Lord had spoken to me, and skirted the hill country of Seir a long time.

(46) Thus, after you had remained at Kadesh all that long time: The literal translation is, “So you remained in Kadesh many days, according to the days that you remained.” The meaning is not entirely clear. The Midrash understands it as, “So you remained in Kadesh many days, according to the days that you remained *elsewhere*.” Thus, the period of Israel’s stay in the Wilderness is divided into two equal parts. They spent nineteen years in Kadesh, and for the same number of years they wandered from place to place. This would mean that for a full half

of the thirty-eight years that they spent in the wilderness, the Israelites remained in the same encampment and did not move at all.

Such a long stay was needed in order for that generation to be partially replaced, and so that the nation could be healed of the psychological trauma they had suffered as the result of the defeat in their wrongful attempt to conquer the land.

(2:1) We marched back into the wilderness by the way of the Sea of Reeds, as the Lord had spoken to me, and skirted the hill country of Seir a long time: The Hebrew here for “skirted” is *va-nasov*, from the root *S-B-B*, which denotes movement along a circular path. Thus, this “skirting” around Mount Seir is presented here not as advancing the nation toward the land of Israel (cf. the next verse), but as a circular movement whose only purpose was to allow time for a change of generations to take place. Moses is saying: only after these two preparatory stages – remaining at the Kadesh encampment and the circular detour around Mount Seir – could you set out on the road to the Transjordan in order to conquer the land.

§ 4. THE CONQUEST OF THE TRANSJORDAN

§ 4.1. GOD'S SECOND INSTRUCTION CONCERNING THE CONQUEST OF THE LAND (2:2-3)

בַּיּוֹמָאָמֶר יְיָ אֵלַי לֵאמֹר:
ג רַב־לָכֶם סָב אֶת־הַהָר הַזֶּה פָּנּוּ לָכֶם צָפֹנָה:

(2) Then the Lord said to me:

(3) You have been skirting this hill country long enough; now turn north.

(2) Then the Lord said to me: Chronologically speaking, this is the first instruction that Moses received from the Almighty since the episode of the spies thirty-eight years earlier. The Talmud believes that all those years God had not conversed with Moses at all, because the Shechinah, the Divine presence, rests on Israel's prophets only for the benefit of the people. While the nation of Israel was being punished, Moses too was deprived of prophecy for that entire interval.

In other words, all the spiritual power of the prophets, even that of Moses, derives only from the spiritual power of the people. Only in the very last year of the wilderness wanderings did God's word return, marking the beginning of a new stage.

(3) You have been skirting this hill country long enough: The wording of this second directive to go to conquer the land, "You have

been skirting this hill country [Seir] long enough” is quite similar to the first one, “You have stayed long enough at this mountain [Sinai]” (Deut. 1:6). The Exodus generation stalled at Mount Sinai, and the wilderness generation lost their way in the foothills of Mount Seir. In some sense Israel’s circular path around Seir is analogous to their stay at Sinai: at Sinai they received the Torah, and at Seir they studied and assimilated it. But because the conquest of the land is still the primary goal, even the study of the Torah must be interrupted for a certain period.

Thus, Israel’s initial acquisition of Torah knowledge is now deemed complete. It is time for them to leave the “university” and move on to real life.

Now turn north: Seir is located in present-day Jordan’s southern region. At the onset of their journey (toward Kadesh-barnea), the direction “north” would have pointed toward the Negev and directly on to Canaan. But now, after circumnavigating Mount Seir, “north” means through Edom’s territory towards the steppes of Moab that are located opposite Jericho.

§ 4.2. THE PROHIBITION OF WARRING WITH ESAU (2:4-8)

וְאַתְּהֶעָם צֵן לֵאמֹר אַתֶּם עֲבָרִים בְּגִבּוֹל אֲחִיכֶם בְּנֵי־עִשָׂו הַיֹּשְׁבִים
בְּשִׁעִיר וַיִּירָאוּ מִכֶּם וְנִשְׁמַרְתֶּם מֵאֵד: ה אֶל־תִּתְּגְרוּ בָם כִּי לֹא־אֶתֶן
לָכֶם מֵאֶרֶץ עַד מִדְרֹךְ כַּף־רֶגֶל כִּי־יִרְשֶׁה לַעֲשׂו נְתַתִּי אֶת־הָר שְׁעִיר:
ו אֲכַל תִּשְׁבְּרוּ מֵאֲתֶם בְּכֶסֶף וְאֲכַלְתֶּם וְגַם־מִים תִּכְרוּ מֵאֲתֶם בְּכֶסֶף
וּשְׂתִיתֶם: ז כִּי יִי אֱלֹהֶיךָ בִּרְכֶךָ בְּכֹל מַעֲשֶׂה יָדְךָ יָדַע לְכַתֹּף אֶת־
הַמִּדְבָּר הַגָּדֹל הַזֶּה זָה | אֲרִבְעִים שָׁנָה יִי אֱלֹהֶיךָ עִמָּךְ לֹא חִסְרָת
דְּבָר: ח וְנַעֲבֹר מֵאֵת אֲחֵינוּ בְּנֵי־עִשָׂו הַיֹּשְׁבִים בְּשִׁעִיר מִדְרֹךְ הָעֶרְבָה
מֵאִילַת וּמִעֲצֵינָה גִבֹּר {ס} וְנִפְלֹ וְנַעֲבֹר דֶּרֶךְ מִדְבָּר מוֹאָב:

(4) 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

(5) **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.**

(6) **What food you eat you shall obtain from them for money; even the water you drink you shall procure from them for money.**

(7) **Indeed, the Lord your God has blessed you in all your undertakings. He has watched over your wanderings through this great wilderness; the Lord your God has been with you these past forty years: you have lacked nothing.**

(8) **We then moved on, away from our kinsmen, the descendants of Esau, who live in Seir, away from the road of the Arabah, away from Elath and Ezion-geber; and we marched on in the direction of the wilderness of Moab.**

(4) **And charge the people as follows: You will be passing through the territory of your kinsmen, the descendants of Esau, who live in Seir:** Here the point is emphasized that despite any conflict, the descendants of Esau are brothers to the Jewish people and share a common heritage with them. Therefore, Israel is not at war with them, and in case of conflict must retreat. But with the Amorites, on the other hand, there is no such brotherhood nor any sense of a common heritage. And therefore, in the analogous situation it was proper to go to war with them and conquer their lands.

Though they will be afraid of you, be very careful: Esau is afraid of Israel, and not the other way around, even if that is the impression we get from the book of Numbers: "From Kadesh, Moses sent messengers to the king of Edom: 'Thus says your brother Israel: ... Allow us to cross your country. We will not pass through fields or vineyards, and we will not drink water from wells. We will follow the king's highway, turning off neither to the right nor to the left until we have crossed your territory.' ... But Edom replied, 'You shall not pass through!' And Edom went out against them in heavy force, strongly armed. So Edom would not let Israel cross their territory, and Israel turned away from them" (Num. 20:14 ff.).

Outwardly it seems there that Israel was weak and had to retreat from before Esau (Edom). But the reality, as it turns out, was different. As

we read here in Deuteronomy, Esau is weaker, and when Israel exercises restraint while passing through their territory, it is by Divine command.

Be very careful: Take care to be on your best behavior, for your actions must always be in line with the mission entrusted to you. The Almighty monitors you for that closely and continuously. You must understand that you have been given the right to conquer the land not because you are stronger or better than anyone else, but only in order to enable you to realize your Divine mission.

(5) 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: Originally, Abraham was promised the lands of ten nations (Gen. 15:19-21). But following the Exodus from Egypt the Israelites were granted only seven of those as their inheritance – collectively known as Canaan – whereas the lands of the remaining three nations (the Kenites, the Kenizzites, the Kadmonites) were given to Abraham's other heirs: Esau (Isaac's son and Jacob's older twin brother), Ammon, and Moab (the sons of Lot, Abraham's nephew).

Not by virtue of their birth did the other nations receive that inheritance. Abraham had other descendants too, but they did not receive such an endowment, while Ammon and Moab, on the contrary, are not direct descendants of Abraham. But because of these peoples' participation in Abraham's mission, and in that of the entire Jewish people, it is forbidden to fight them at this stage.

If, however, they aggressively attack Israel, in violation of Abraham's principles, then it is permissible to go to war with them and seize their lands. Many centuries later, after Esau, Ammon, and Moab will complete their mission and leave the stage of history, their "inheritance from Abraham" will pass instead to Israel. And thus, in the end, in realization of their Divine mission, the Jewish people will receive all the lands of the ten nations, as stated in the covenant that God concluded with Abraham.

(6) What food you eat you shall obtain from them for money; even the water you drink you shall procure from them for money: During all but the last of the forty years of wilderness wanderings the Israelites had no need to purchase water or food. Problems finding water are reported only twice during that entire period of wanderings: at the very beginning and the very end of the journey. Thus, except for those

two occurrences there was never a lack of water even in the arid desert, and God also provided food daily in the form of manna that literally fell from heaven.

The fact that acquiring food and water has become an issue at this time demonstrates that as the people of Israel approach their land, they are becoming increasingly dissatisfied with heavenly water and bread – they want earthly victuals. Here, as they stand on the threshold of their new land, they yearn to finally experience the taste of normal, ordinary life.

(7) Indeed, the Lord your God has blessed you in all your undertakings. He has watched over your wanderings: Literally, “He has known your wanderings,” from Hebrew *yadoa*`, “to know.” Between humans the same word can mean love, or even an intimate (sexual) relationship: “Now the man knew his wife Eve, and she conceived and bore Cain” (Gen. 4:1). The Midrash therefore sees in the words of this verse echoes of a husband who cares for his wife and provides for her needs.

You have lacked nothing: You therefore have more than enough money to buy whatever you need, including all of the above. You must not be ungrateful to God by acting poor. Conduct yourselves like the wealthy people that you are! Learning this attitude – “we can afford to buy whatever we need” – is itself an important element of the people’s education.

(8) We then moved on, away from our kinsmen, the descendants of Esau, who live in Seir: “Moved on, away from” means that they made no attempt to recapture any part of Seir’s territory – so had the Almighty enjoined. It does not mean, however, that Israel avoided the territory of Esau entirely, as presented in the book of Numbers (20:14-21). See the commentary to Deut. 2:29 below for additional details on this point.

§ 4.3. THE PROHIBITION OF WARRING WITH MOAB (2:9-12)

ט וַיֹּאמֶר יְיָ אֱלֹהֵינוּ אֶת־מֹאָב וְאֶת־תִּגְרָר בְּמִלְחָמָה כִּי לֹא־
 אָתָּן לָךְ מֵאֶרֶץ יִשְׂרָאֵל כִּי לְבָנֵי־לֹוֹט נָתַתִּי אֶת־עַר יִשְׂרָאֵל: ֹהָאָמִים
 לְפָנֶיךָ יֵשְׁבוּ בְּהָ עִם גְּדוֹל וְרַב וְרַם בְּעֵנִיקִים: יֹא רָפָאִים יֵחָשְׁבוּ אֶף־
 הֵם בְּעֵנִיקִים וְהַמֶּאֱבִים יִקְרְאוּ לָהֶם אָמִים: יב וּבְשָׁעִיר יֵשְׁבוּ הַחֲרִים

לְפָנִים וּבְנֵי עֲשׂוֹ יִירָשׁוּם וַיִּשְׁמְדוּם מִפְּנֵיהֶם וַיֵּשְׁבוּ תַּחְתָּם כְּאֶשֶׁר
עָשָׂה יִשְׂרָאֵל לְאֶרֶץ יִרְשָׁתוֹ אֲשֶׁר־נָתַן יְיָ לָהֶם:

(9) **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. –**

(10) **It was formerly inhabited by the Emim, a people great and numerous, and as tall as the Anakites.**

(11) **Like the Anakites, they are counted as Rephaim; but the Moabites call them Emim.**

(12) **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. –**

(9) **And the Lord said to me:** The prohibition of battling with Moab (like the one above concerning Esau) is a Divine command. The people themselves, however, now feel strong enough for war, and have no reason to avoid it on their own account.

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: The Talmud explains that this land was given to the descendants of Lot because they played an important role in Israel's mission: Ruth the Moabite, mother of the royal house of David, would descend from them. But much later, after that function is achieved, Israel will be allowed to conquer those lands, and Moab will disappear from the world stage.

I have assigned Ar as a possession to the descendants of Lot: Ar is in the Transjordan region. The city name Aroer (Deut. 2:36) is apparently related to it.

(10) **It was formerly inhabited by the Emim, a people great and numerous, and as tall as the Anakites:** The purpose of this elaboration is to point out that first, in the course of history it is natural that even mighty nations disappear, and thus Israel has no reason to fear that they cannot overpower the inhabitants of Canaan. And second, in international relations it is normal for one people to seize the land of another. Since all nations do this, there is no reason for Israel to be an exception.

(11) Like the Anakites, they are counted as Rephaim; but the Moabites call them Emim: The Rephaim were destroyed by a coalition of Mesopotamian kings led by Chedorlaomer (Gen. 14:5) four hundred years before the events described here. Thus, God helped the Jewish people by removing that impediment far in advance, so they would not have to face these giants after the Exodus.

But the Moabites call them Emim: The name Emim is closely related to the Hebrew word eimah, “terror.” By their mere appearance the Emim struck terror in the hearts of the surrounding peoples.

(12) Similarly, Seir was formerly inhabited by the Horites; but the descendants of Esau dispossessed them, wiping them out and settling in their place: Some of the peoples who had previously lived in the Land of Israel were destroyed long before in internecine wars. And in other places the peoples to whom God bequeathed this land (in this case Esau) have already conquered it themselves.

Just as Israel did in the land they were to possess, which the Lord had given to them: This refers to the conquest of the lands of Sihon and Og. They too are a part of Israel’s inheritance.

§ 4.4. THE PROHIBITION OF WARRING WITH AMMON (2:13-23)

יג עֲתָה קָמוּ וְעָבְרוּ לָכֶם אֶת־נַחַל זָרָד וְנָעָבַר אֶת־נַחַל זָרָד: יד
וְהַיִּמִּים אֲשֶׁר־הִלְכְּנוּ | מִקֵּדֶשׁ בְּרִנֵּעַ עַד אֲשֶׁר־עָבְרָנוּ אֶת־נַחַל זָרָד
שְׁלֹשִׁים וּשְׁמֹנֶה שָׁנָה עַד־תָּם כָּל־הַדֹּר אֲנָשֵׁי הַמִּלְחָמָה מִקֶּרֶב
הַמַּחֲנֶה כְּאִשֶּׁר נִשְׁבַּע יְיָ לָהֶם: טו וְגַם יַד־יְיָ הִיתָה בָּם לְהָמָם מִקֶּרֶב
הַמַּחֲנֶה עַד תָּמָם: טז וַיְהִי כְּאֲשֶׁר־תָּמוּ כָל־אֲנָשֵׁי הַמִּלְחָמָה לָמוּת
מִקֶּרֶב הָעָם: יז וַיְדַבֵּר יְיָ אֵלַי לֵאמֹר: יח אַתָּה עֹבֵר הַיּוֹם אֶת־גְּבוּל
מוֹאָב אֶת־עָרָיו: יט וְקִרְבַּתָּ מוֹל בְּנֵי עַמּוֹן אֶל־תִּצְרָם וְאֶל־תִּתְּגֵר בָּם
כִּי לֹא־אֵתָּן מֵאֶרֶץ בְּנֵי־עַמּוֹן לְךָ יִרְשָׁה כִּי לְבִנְיָלוֹט נִתְּתִיהָ יִרְשָׁה:
כ אֶרֶץ־רַפָּאִים תַּחֲשֹׁב אֲף־הוּא רַפָּאִים יִשְׁבוּ־בָהּ לְפָנִים וְהָעַמִּנִּים
יִקְרְאוּ לָהֶם זִמְזִמִּים: כא עַם גָּדוֹל וָרֵב וָרֶם כְּעַנְקִים וַיִּשְׁמִדֵם יְיָ
מִפְּנֵיהֶם וַיִּירָשֵׁם וַיִּשְׁבּוּ תַּחְתָּם: כב כְּאִשֶּׁר עָשָׂה לְבְנֵי עֲשׂוֹ הַיִּשְׁבִּים

בְּשַׁעִיר אֲשֶׁר הִשְׁמִיד אֶת־הַחֲרִי מִפְּנֵיהֶם וַיִּירָשׁם וַיֵּשְׁבוּ תַּחְתָּם עַד
הַיּוֹם הַזֶּה: כִּג וַהֲעוּיִם הַיֹּשְׁבִים בְּחֻצוֹת עַד־עֵזָה כַּפְתָּרִים הַיִּצְאִים
מִכַּפְתָּר הַשְּׁמִידִם וַיֵּשְׁבוּ תַּחְתָּם:

(13) Up now! Cross the wadi Zered! So we crossed the wadi Zered.

(14) The time that we spent in travel from Kadesh-barnea until we crossed the wadi Zered was thirty-eight years, until that whole generation of warriors had perished from the camp, as the Lord had sworn concerning them.

(15) Indeed, the hand of the Lord struck them, to root them out from the camp to the last man.

(16) When all the warriors among the people had died off,

(17) the Lord spoke to me, saying:

(18) You are now passing through the territory of Moab, through Ar.

(19) You will then be close to the Ammonites; do not harass them or start a fight with them. For I will not give any part of the land of the Ammonites to you as a possession; I have assigned it as a possession to the descendants of Lot. –

(20) It, too, is counted as Rephaim country. It was formerly inhabited by Rephaim, whom the Ammonites call Zamzummim,

(21) a people great and numerous and as tall as the Anakites. The Lord wiped them out, so that [the Ammonites] dispossessed them and settled in their place,

(22) 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.

(23) 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. –

(13) Up now! Cross the wadi Zered!: The crossing of the wadi Zered is mentioned in the Torah in two places: here, and previously in the book of Numbers (21:12). In Numbers, however, that crossing is

described as Israel's independent action, while here in Deuteronomy it is presented as happening at the Almighty's direction.

This is yet another example of the difference between a merely factual narrative versus a recounting of events that cuts to their essential, underlying meaning (as we have already explained earlier in this *Bible Dynamics* commentary on Deuteronomy).

So we crossed the wadi Zered: This crossing is explicitly mentioned in order to emphasize its importance: it marks the end of the circumnavigation of Edom, and thus, more generally, the end of the wilderness wanderings.

The wadi Zered, which straddles the border between Edom on the south and Moab to the north, originates in the wilderness, and flows westward into the Dead Sea. It is a canyon with steep walls, but which are shallower closer to the wadi's source, that is, east of the Dead Sea. Only there was it possible to traverse the wadi, in order to bypass Edom and Moab.

(14) The time that we spent in travel from Kadesh-barnea: Kadesh-barnea is where the episode of the spies took place. It is mentioned here, because it was the beginning of the critical interval that was reckoned from that moment and lasted until all the warriors of that generation had died out – as this verse goes on to say.

Until we crossed the wadi Zered was thirty-eight years, until that whole generation of warriors had perished from the camp, as the Lord had sworn concerning them: The wars with the Amorites and the conquest of the Transjordan will soon begin. The crossing of the wadi Zered therefore serves as a reference point for the onset of new wars.

(15) Indeed, the hand of the Lord struck them, to root them out from the camp to the last man: In the natural course of events an entire generation would not die out in only forty years, seeing that some of them were only twenty years old at the time of the Exodus. But the Almighty hastened their death so that the nation would not need to linger in the wilderness even longer.

(20) It, too, is counted as Rephaim country. It was formerly inhabited by Rephaim, whom the Ammonites call Zamzummim: Moses inserts here yet another historical digression, which once again

emphasizes that in the course of history nations often drive out other nations.

(23) 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: The Caphtorim are the Philistines (Hebrew, *pelishtim*), who invaded from the sea and destroyed the Avvim, the Canaanites who inhabited the Gaza region. This will give Israel the moral right to later conquer that region (Josh. 10:41).

All the examples given here are meant to strengthen the people's spirit and bolster their confidence that God will help them in conquering the Land of Israel.

§ 4.5. THE WAR WITH SIHON (2:24-37)

כד קומו סעו ועברו את־נחל ארנן ראה נתתי בידך את־סיחון מלך־חשבון האמרי ואת־ארצו החל רש והתגר בו מלחמה: כה היום הזה אחל תת פחדך ויראתך על־פני העמים תחת כל־השמים אשר ישמעון שמעך ורגזו וחלו מפניך: כו ואשלח מלאכים ממדבר קדמות אל־סיחון מלך חשבון דברי שלום לאמר: כז אעברה בארצך בדרך בדרך אלך לא אסור ימין ושמאול: כח אכל בבסך תשבירני ואכלתי ומים בבסך תתן־לי ושתיתי רק אעברה ברגלי: כט כאשר עשו־לי בני עשו הישבים בשעיר והמואבים הישבים בער עד אשר־אעבל את־הירדן אל־הארץ אשר־יי אלהינו נתן לנו: ל ולא אבה סיחון מלך חשבון העברנו בו כ־הקשה יי אלהיך את־רוחו ואמץ את־לבבו למען תתן בידך כיום הזה: לא ויאמר יי אלי ראה החלתי תת לפניך את־סיחון ואת־ארצו החל רש לרשת את־ארצו: לב ויצא סיחון לקראתנו הוא וכל־עמו למלחמה יהצה: לד ויתנהו יי אלהינו לפנינו ונגד אתו ואת־בנו ואת־כל־עמו: לו ונלכד את־כל־ערינו בעת ההוא ונחרם את־כל־עיר מתם והנשים והטף לא השארנו שריד: לה רק הבהמה בזונו לנו ושלל הערים אשר לכדנו: לו מערער אשר על־שפת־נחל ארנן והעיר אשר בנחל ועד־הגלעד לא היתה קריה אשר שובה ממנו את־הכל נתן יי אלהינו לפנינו: לו רק אל־ארץ בני־עמון לא קרבת כל־יד נחל יבך וערי ההר וכל אשר־צוה יי אלהינו:

(24) **Up! Set out across the wadi Arnon! See, I give into your power Sihon the Amorite, king of Heshbon, and his land. Begin the occupation: engage him in battle.**

(25) **This day I begin to put the dread and fear of you upon the peoples everywhere under heaven, so that they shall tremble and quake because of you whenever they hear you mentioned.**

(26) **Then I sent messengers from the wilderness of Kedemoth to King Sihon of Heshbon with an offer of peace, as follows,**

(27) **“Let me pass through your country. I will keep strictly to the highway, turning off neither to the right nor to the left.**

(28) **What food I eat you will supply for money, and what water I drink you will furnish for money; just let me pass through –**

(29) **as the descendants of Esau who dwell in Seir did for me, and the Moabites who dwell in Ar – that I may cross the Jordan into the land that the Lord our God is giving us.”**

(30) **But King Sihon of Heshbon refused to let us pass through, because the Lord had stiffened his will and hardened his heart in order to deliver him into your power – as is now the case.**

(31) **And the Lord said to me: See, I begin by placing Sihon and his land at your disposal. Begin the occupation; take possession of his land.**

(32) **Sihon with all his men took the field against us at Jahaz,**

(33) **and the Lord our God delivered him to us and we defeated him and his sons and all his men.**

(34) **At that time we captured all his towns, and we doomed every town – men, women, and children – leaving no survivor.**

(35) **We retained as booty only the cattle and the spoil of the cities that we captured.**

(36) **From Aroer on the edge of the Arnon valley, including the town in the valley itself, to Gilead, not a city was too mighty for us; the Lord our God delivered everything to us.**

(37) **But you did not encroach upon the land of the Ammonites, all along the wadi Jabbok and the towns of the hill country, just as the Lord our God had commanded.**

(24) Up! Set out across the wadi Arnon!: “For the Arnon is the boundary of Moab, between Moab and the Amorites” (Num. 21:13).

See, I give into your power Sihon the Amorite, king of Heshbon, and his land. Begin the occupation: engage him in battle: The nature of the Almighty’s command to the Israelites changes here dramatically, because the lands of the Amorites are open to them for conquest, and nothing prohibits or prevents that (unlike the lands of Esau, Amon and Moab).

The Midrash explains that Sihon had previously conquered parts of the lands of Moab and Ammon, and this gave Israel the right to conquer that territory. When nations wage war among themselves, it is impossible to know in advance how that will ultimately affect future Jewish history.

(25) This day: From this moment, when you cross the Arnon gorge.

I begin to put the dread and fear of you upon the peoples everywhere under heaven, so that they shall tremble and quake because of you whenever they hear you mentioned: The goal of the victories over Sihon and Og was not only the actual conquest of the Transjordan. Those victories served also as psychological preparation for the later conquest of Canaan.

(26) Then I sent messengers from the wilderness of Kedemoth to King Sihon of Heshbon with an offer of peace, as follows: Notwithstanding God’s unambiguous instruction to attack Sihon, Moses makes an offer of peace.

From the wilderness of Kedemoth: Because this place name is mentioned nowhere else, the Midrash interprets it allegorically as “from the Primordial” – that is, from the Almighty. (Cf. Deut. 33:27, where He is called *elohei kedem*, “the ancient God.”)

Thus, Moses is saying to the Almighty: “You Who are *Kedemoth* – Who existed long before this world ever did – I have followed Your example. To facilitate the Exodus You easily could have simply destroyed the entire Egyptian empire with a single lightning bolt. But instead You sent me to Pharaoh as Your ambassador, with a proposal that he peacefully release the Israelite nation. And from that I conclude that it is wrong to declare war without first calling the enemy to peace.”

(27) Let me pass through your country. I will keep strictly to the highway, turning off neither to the right nor to the left: We will cause you no damage whatsoever as we pass through your territory.

(28) What food I eat you will supply for money, and what water I drink you will furnish for money: And moreover, we can even benefit you economically.

(29) That I may cross the Jordan into the land that the Lord our God is giving us: We pose no threat to you. Our goal is only to pass through here on our way to Canaan.

As the descendants of Esau who dwell in Seir did for me, and the Moabites who dwell in Ar: The book of Numbers (20:21) states quite the opposite, that Esau did not let the Israelites pass. There are two ways to explain this contradiction:

- (i) Perhaps the nation of Esau consists of different parts. There are the “sons of Esau in Seir” (the eastern part of Edom, which is inhabited by nomadic tribes), and there is the “kingdom of Edom” (the western part of Edom, the sedentary inhabitants). The first of those groups allowed Israel to pass, but the second did not.
- (ii) There was a discrepancy between Esau’s official position and his actual behavior. Officially Esau declared, “We shall let no one pass,” and went out against Israel “in heavy force, strongly armed,” as stated there in Numbers. But in fact, Esau said: “We will pretend to not even see you. Just go quietly along the boundary of our land.”

(Others suggest that it was all a bluff – that Israel told Sihon an untruth when they said that Esau had given them passage, because in fact they never did. But this seems unlikely, since such momentous international news would doubtless have received widespread publicity among the neighboring kings.)

Be that as it may, it is by no means our task as readers to reconcile the accounts of Numbers and Deuteronomy, much less to try to determine what “really” happened there.

Both accounts are correct, and merely reflect reality from different perspectives. On the formally factual level (in the literal sense, as relat-

ed in Numbers) Esau and Moab refused to let Israel pass. But in actuality (as told here in Deuteronomy) they did in the end allow the Israelites to pass through their lands.

(30) But King Sihon of Heshbon refused to let us pass through, because the Lord had stiffened his will and hardened his heart: The Torah uses a similar expression when describing Pharaoh's behavior throughout the period of the ten plagues (Exod. 7:3 and repeatedly thereafter).

In order to deliver him into your power – as is now the case: The Almighty hardens the hearts of evildoers, making them yet more brazen. But He never interferes with their freedom of choice, which means that they remain fully responsible for their actions.

(31) And the Lord said to me: See, I begin by placing Sihon and his land at your disposal. Begin the occupation; take possession of his land: You need not offer peace to Sihon too actively. As he has already demonstrated that he has hostile intentions, you must begin the conquest and possession of his lands, for they too are a part of your inheritance.

This means that God intended from the start that the eastern bank of the Jordan would belong to the children of Israel. In other words, the initiative of the tribes of Gad and Reuben to settle there accords with the Divine plan.

The approach here in Deuteronomy as expressed in this verse stands in stark contrast to what we read in Numbers, which presents the external perspective, and treats what occurred as happenstance. But the treatment here in Deuteronomy focuses on the actual, underlying essence of the events, and shows us that it was all in the Almighty's original plan.

(32) Sihon with all his men took the field against us at Jahaz: As recounted in Numbers, Sihon's actions are based on precedents in which Edom and Moab denied Israel the right to pass through their territories. But here, the decision of Sihon is presented as independent and unrelated to the actions of Edom and Moab. Ultimately, this increases Sihon's level of responsibility and culpability.

Sihon's attack on Israel provided a moral basis for conquering his land. This is an example of the general principle that when Israel's surrounding nations are unwilling to live in peace with it, the outcome is

that Israel recaptures and reclaims from them the lands that were intended for and assigned to it in the first place.

(34) At that time we captured all his towns, and we doomed every town – men, women, and children – leaving no survivor: All the horrors of war described here only reflect the norms of those times. It would be entirely anachronistic to apply to those wars our modern standards of morality.

In our commentary to Numbers (31:13) we have discussed in detail the question of whether Israel's actions in the war with Midian were justified, given the prevailing conditions of those times. But in all events, once mankind in later eras revised the norms and conventions of warfare, such actions became clearly unacceptable.

(35) We retained as booty only the cattle and the spoil of the cities that we captured: This too accorded with the norms of those times.

(36) From Aroer on the edge of the Arnon valley, including the town in the valley itself, to Gilead, not a city was too mighty for us: the Lord our God delivered everything to us: From Moab's border to the border of King Og of Bashan.

(37) But you did not encroach upon the land of the Ammonites, all along the wadi Jabbok and the towns of the hill country, just as the Lord our God had commanded: Once again Moses emphasizes that Israel acted not arbitrarily, but at the Almighty's direction.

§ 4.6. THE WAR WITH OG (3:1-11)

א ונִפְּן וְנָעַל דָּרָד הַבָּשָׁן וַיֵּצֵא עֹג מֶלֶךְ-הַבָּשָׁן לִקְרָאתָנוּ הוּא וְכָל-
 עַמּוֹ לְמִלְחָמָה אֲדָרְעִי: ב וַיֹּאמֶר יי אֵלֵי אֶל-תִּירָא אֹתוֹ כִּי בִידִי
 נָתַתִּי אֹתוֹ וְאֶת-כָּל-עַמּוֹ וְאֶת-אַרְצוֹ וְעָשִׂיתָ לוֹ כְּאֲשֶׁר עָשִׂיתָ לְסִיחֹן
 מֶלֶךְ הָאֱמֹרִי אֲשֶׁר יוֹשֵׁב בְּחֶשְׁבּוֹן: ג וַיִּתֵּן יי אֱלֹהֵינוּ בְּיָדֵנוּ גַם אֶת-
 עֹג מֶלֶךְ-הַבָּשָׁן וְאֶת-כָּל-עַמּוֹ וְנָכְהוּ עַד-בִּלְתִּי הַשְׂאִיר-לוֹ שְׂרִיד:
 ד וְנִלְכַּד אֶת-כָּל-עָרָיו בְּעֵת הַהוּא לֹא הָיְתָה קִרְיָה אֲשֶׁר לֹא-לָקַחְנוּ
 מֵאֲתָם שְׂשִׁים עֵר כָּל-חֶבֶל אֲרָגָב מִמֶּלֶכֶת עֹג בַּבָּשָׁן: ה כָּל-אֵלֶּה

עָרִים בְּצֹרֶת חוֹמָה גְּבוּהָה דִּלְתָּיִם וּבְרִיחַ לְבַד מֵעָרֵי הַפְּרָזִי הַרְבֵּה
מָאֵד: וּנְחָרָם אוֹתָם כְּאֲשֶׁר עָשִׂינוּ לְסִיחֹן מֶלֶךְ חֶשְׁבּוֹן הַחֶרֶם כָּל־
עִיר מִתָּם הַנָּשִׁים וְהַטָּף: ז וְכָל־הַבְּהֵמָה וּשְׁלַל הָעָרִים בָּזְזוּנוּ לָנוּ:
ח וּנְלָקַח בָּעֵת הַהוּא אֶת־הָאָרֶץ מִיַּד מַלְכֵי הָאֱמֹרִי אֲשֶׁר בְּעֶבֶר
הַיַּרְדֵּן מִנַּחַל אַרְנוֹן עַד־הַר חֶרְמוֹן: ט צִידְנִים יִקְרְאוּ לְחֶרְמוֹן שְׂרִיָּן
וְהָאֱמֹרִי יִקְרְאוּ־לּוֹ שְׁנִיר: י כָּל א עָרֵי הַמִּישֹׁר וְכָל־הַגְּלָעַד וְכָל־
הַבָּשָׁן עַד־סִלְכָּה וְאֶדְרָעִי עָרֵי מַמְלַכַת עֹג בְּבָשָׁן: יא כִּי רָק־עֹג
מֶלֶךְ הַבָּשָׁן נִשְׁאַר מִיַּתֵּר הַרְפָּאִים הִנֵּה עָרְשׁוֹ עָרֶשׁ בְּרוֹל הָלָה
הוּא בְּרַבַּת בְּנֵי עַמּוֹן תִּשַׁע אַמּוֹת אָרְכָּה וְאַרְבַּע אַמּוֹת רָחְבָּהּ
בְּאַמַּת־אִישׁ:

(3:1) We made our way up the road toward Bashan, and King Og of Bashan with all his men took the field against us at Edrei.

(2) But the Lord said to me: Do not fear him, for I am delivering him and all his men and his country into your power, and you will do to him as you did to Sihon king of the Amorites, who lived in Heshbon.

(3) So the Lord our God also delivered into our power King Og of Bashan, with all his men, and we dealt them such a blow that no survivor was left.

(4) At that time we captured all his towns; there was not a town that we did not take from them: sixty towns, the whole district of Argob, the kingdom of Og in Bashan

(5) – all those towns were fortified with high walls, gates, and bars – apart from a great number of unwalled towns.

(6) We doomed them as we had done in the case of King Sihon of Heshbon; we doomed every town – men, women, and children –

(7) and retained as booty all the cattle and the spoil of the towns.

(8) Thus we seized, at that time, from the two Amorite kings, the country beyond the Jordan, from the wadi Arnon to Mount Hermon –

(9) Sidonians called Hermon Sirion, and the Amorites call it Senir –

(10) all the towns of the Tableland and the whole of Gilead and Bashan as far as Salcah and Edrei, the towns of Og's kingdom in Bashan.

(11) Only King Og of Bashan was left of the remaining Rephaim. His bedstead, an iron bedstead, is now in Rabbah of the Ammonites; it is nine cubits long and four cubits wide, by the standard cubit!

(3:1) We made our way up the road toward Bashan, and King Og of Bashan with all his men took the field against us at Edrei: The Bashan region, which lies east of what today we call the Golan Heights, is the southern part of Syria that is on the border with Jordan.

As already noted in the *Bible Dynamics* commentary to Numbers (32:39), Moses sent the army northward without instructions from the Almighty, and even without provocation from the Og and his army, because Bashan had long belonged to the tribe of Manasseh, who took possession of it during the era of Egyptian bondage. (As the Manassites were Joseph's grandchildren and great-grandchildren, they were not enslaved in Egypt, but served in the Egyptian army instead.)

But after the Exodus, while the Manassites were absent, Og came and seized their land. So now the Manasseh tribe is only taking back what already belonged to them long before.

(2) But the Lord said to me: Do not fear him, for I am delivering him and all his men and his country into your power, and you will do to him as you did to Sihon king of the Amorites, who lived in Heshbon: Here God confirms Moses' decision to invade and seize the kingdom of Og.

(5) All those towns were fortified with high walls, gates, and bars: Similar fortified cities in Canaan had long ago frightened the spies: "However, the people who inhabit the country are powerful, and the cities are fortified and very large" (Num. 13:28). Thus, this capture of the fortified cities has also an important educational value.

(8) Thus we seized, at that time, from the two Amorite kings, the country beyond the Jordan, from the wadi Arnon to Mount Hermon: The result is that the total territory of the conquered kingdoms on the east bank of the Jordan now extends from Arnon to Hermon.

(9) Sidonians called Hermon Sirion, and the Amorites call it Senir: The Sidonians are the Phoenicians. Mount Hermon, at 2,814 m (9,232 ft) above sea level, and visible for many hundreds of kilometers around, is a landmark for all the surrounding peoples. It is therefore important that the people of Israel too will now have access to it. The name Hermon derives from the same Hebrew root as *cherem*, “forbidden, off-limits, inaccessible.”

(10) All the towns of the Tableland and the whole of Gilead and Bashan as far as Salcah and Edrei, the towns of Og’s kingdom in Bashan: The enormous size of the conquered territory is emphasized. It includes not only the east bank of Jordan, but also a part of Syria – “the whole of Bashan.”

(11) Only King Og of Bashan was left of the remaining Rephaim: Waging war with a descendant of giants was a difficult undertaking, which is why this victory was so important.

His bedstead, an iron bedstead: In those times iron was a very valuable material. Og’s enormous iron bed is thus a testament not only to his huge physical size, but to his immense wealth as well.

Is now in Rabbah of the Ammonites: In the Hebrew text this is *rabbat benei ammon*, which means, literally, “the great (preeminent) city of the Ammonites.” But the word is not merely descriptive. Rabbah is in fact also the city’s proper name. Today it is known as Amman, the capital of Jordan. But its name in Hebrew is still *Rabbat Ammon*. (Certain translations here call it “Rabbath of Ammon” – including even the King James Version, which has: “Is it not in Rabbath of the children of Ammon?” But those translations fail to realize that “Rabbath” is simply the normal possessive form of “Rabbah,” i.e., “Rabbah of.” Thus, the city’s name is Rabbah, not Rabbath.)

It is now: This English translation does not convey the full sense of the Hebrew, which is rhetorically emphatic. *Halo hi*, “Is it not ...?” I.e., “Isn’t that bed – still even now – in Rabbah of the Ammonites?!” Moreover, *halo* – “Is it not ...?” – is here, atypically, spelled as *haloh*, with aspirated final *he* rather than the usual silent *aleph*. This adds even somewhat more emphasis.

All this tells us that Og's iron bed was universally renowned. The Ammonites were immensely proud of their trophy (and perhaps even made it in their capital city a major tourist attraction) that they had captured, apparently, when they conquered that land from the Rephaim (Deut. 2:20).

Nachmanides believes that Og had been the king of the Rephaim, whose land was conquered by the Ammonites. After that defeat, Og went to Bashan and ruled the Amorites instead.

It is nine cubits long and four cubits wide: Og's bed measured approximately 4.5 by 2 m (14.8 by 6.6 ft). The Ammonites kept this artifact as a token of their victory over the Rephaim, a nation of giants.

Since the children of Israel must now begin the conquest of their land, this mention of the Ammonites' victory over such a powerful adversary further encourages them to believe that they can achieve the same.

§ 4.7. APPORTIONING THE LANDS OF THE TRANSJORDAN

(3:12-20)

יב וְאֶת־הָאָרֶץ הַזֹּאת יִרְשָׁנוּ בְּעֵת הַהוּא מֵעֶרְאֵר אֲשֶׁר־עַל־נַחַל
אֲרָנוֹן וְחֻצֵי הַר־הַגִּלְעָד וְעָרָיו נָתַתִּי לְרֵאוּבֵנִי וּלְגָדִי: יג וְיֵתֶר הַגִּלְעָד
וְכָל־הַבָּשָׁן מִמֶּלֶכֶת עֹוג נָתַתִּי לַחֲצִי שְׁבֹט הַמְּנַשֶּׁה כָּל חֵבֶל הָאֲרָגָב
לְכָל־הַבָּשָׁן הַהוּא יִקְרָא אֶרֶץ רְפָאִים: יד יֵאִיר בֶּן־מְנַשֶּׁה לָקַח אֶת־
כָּל־חֵבֶל אֲרָגָב עַד־גְּבוּל הַגְּשׁוּרִי וְהַמַּעֲכָתִי וַיִּקְרָא אֹתָם עַל־שְׁמֹו
אֶת־הַבָּשָׁן חֹזַת יֵאִיר עַד הַיּוֹם הַזֶּה: טו וּלְמַכִּיר נָתַתִּי אֶת־הַגִּלְעָד:
טז וְלְרֵאוּבֵנִי וּלְגָדִי נָתַתִּי מִן־הַגִּלְעָד וְעַד־נַחַל אֲרָנוֹן תּוֹךְ הַנָּחַל וְגִבְלֵי
וְעַד יֵבֶק הַנָּחַל גְּבוּל בְּנֵי עַמּוֹן: יז וְהָעֲרֵבָה וְהִירְדֵּן וְגִבְלֵי מִכְנֹרֶת
וְעַד יָם הָעֲרֵבָה יָם הַמֶּלַח תַּחַת אֲשֶׁדֶת הַפִּסְגָּה מִזְרָחָה: יח וַאֲנִי
אֹתְכֶם בְּעֵת הַהוּא לֵאמֹר יִי אֱלֹהֵיכֶם נָתַן לָכֶם אֶת־הָאָרֶץ הַזֹּאת
לְרִשְׁתָּהּ חֲלוּצִים תַּעֲבְדוּ לִפְנֵי אֲחֵיכֶם בְּנֵי־יִשְׂרָאֵל כָּל־בְּנֵי־חִיל:
יט רַק גְּשִׁיכֶם וְטַפְכֶם וּמִקְנֵכֶם יִדְּעֵתִי בִּי־מִקְנֶה רַב לָכֶם יֵשְׁבוּ
בְּעָרֵיכֶם אֲשֶׁר נָתַתִּי לָכֶם: כ עַד אֲשֶׁר־יָגִיחַ יִי | לְאֲחֵיכֶם כָּכֶם
וַיִּרְשׁוּ גַם־הֵם אֶת־הָאָרֶץ אֲשֶׁר יִי אֱלֹהֵיכֶם נָתַן לָהֶם בְּעֶבֶר הִירְדֵּן
וְשִׁבְתָּם אִישׁ לִירֻשָּׁתוֹ אֲשֶׁר נָתַתִּי לָכֶם:

(12) And this is the land which we apportioned at that time: The part from Aroer along the wadi Arnon, with part of the hill country of Gilead and its towns, I assigned to the Reubenites and the Gadites.

(13) The rest of Gilead, and all of Bashan under Og's rule – the whole Argob district, all that part of Bashan which is called Rephaim country – I assigned to the half-tribe of Manasseh.

(14) Jair son of Manasseh received the whole Argob district (that is, Bashan) as far as the boundary of the Geshurites and the Maacathites, and named it after himself. Havvoth-jair – as is still the case.

(15) To Machir I assigned Gilead.

(16) And to the Reubenites and the Gadites I assigned the part from Gilead down to the wadi Arnon, the middle of the wadi being the boundary, and up to the wadi Jabbok, the boundary of the Ammonites.

(17) [We also seized] the Arabah, from the foot of the slopes of Pisgah on the east, to the edge of the Jordan, and from Chinnereth down to the sea of the Arabah, the Dead Sea.

(18) At 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.

(19) Only your wives, children, and livestock – I know that you have much livestock – shall be left in the towns I have assigned to you,

(20) until 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."

(12) **And this is the land:** Moses calls the Transjordan *ha-aretz ha-zot*, "this land," which is exactly the same terminology that appears in the book of Genesis, where God promises Abraham in the "Covenant Between the Severed Pieces" to give his descendants the land of ten nations: "On that day the Lord made a covenant with Abram, saying, 'To

your offspring I assign this land, from the river of Egypt to the great river, the river Euphrates' ” (Gen. 15:18).

Thus, the conquest of the Transjordan is treated here not merely as a standalone, independent event, but as the fulfillment of the Divine promise to Abraham. This contrasts with account of the same episode in Numbers, where it is presented as happening quite by chance – as the result of the conflict with Sihon (Num. 32).

Which we apportioned at that time: The part from Aroer along the wadi Arnon, with part of the hill country of Gilead and its towns, I assigned to the Reubenites and the Gadites: The book of Numbers states that these territories were apportioned to the Reubenites and Gadites at their request, which at first even led to conflict with Moses (that conflict was, however, resolved in due course). But here in Deuteronomy there is no mention of any conflict. Everything happens according to the original, Divine plan.

(13) The rest of Gilead, and all of Bashan under Og's rule ... I assigned to the half-tribe of Manasseh: Because, as explained above, this was already their property from a much earlier era.

The whole Argob district, all that part of Bashan which is called Rephaim country: Here again this connects back to the “Covenant Between the Severed Pieces,” in which God promised Abraham that his descendants would receive the lands of ten nations, and the Rephaim were among those ten (Gen. 15:20).

(14) Jair son of Manasseh received the whole Argob district (that is, Bashan) as far as the boundary of the Geshurites and the Maacathites, and named it after himself. Havvoth-jair – as is still the case: Moses here emphasizes the Manasseh tribe's resolve and active engagement.

(16) And to the Reubenites and the Gadites I assigned the part from Gilead down to the wadi Arnon, the middle of the wadi being the boundary, and up to the wadi Jabbok, the boundary of the Ammonites: Thus, the territory of the Transjordan region was divided as follows. From Seir (south of the Dead Sea) unto the wadi Zered (opposite the center point of the Dead Sea from north to south) was the domain of Edom. From the wadi Zered to Arnon (north of the Dead Sea) was Moab's

territory. The lands north of the wadi Arnon to Jabbok (opposite the the central part of the Jordan River) were given to Reuben and Gad.

Moreover, the upper extent of the Jabbok River, flowing from south to north, was the border between Ammon (east of the Jabbok) and Israel (between the Jabbok and the Jordan). And the lower portion of the river, which turns west and flows into the Jordan, was the border between the tribes of Gad and Manasseh (south of the Jabbok and north of it, respectively). Because all these streams and rivers flowed in deep gorges, they served as natural borders between nations and tribes.

(19) Only your wives, children, and livestock – I know that you have much livestock: Here Moses says that he himself knows about Reuben and Gad's abundant livestock. But according to the account in Numbers (32:4), the two tribes had to inform Moses of that. Once again, the source of this discrepancy lies in the difference between factual, "external" storytelling and retelling that focuses on the "internal" essence of the events rather than just the raw facts.

§ 4.8. THE TRANSFER OF LEADERSHIP TO JOSHUA (3:21-22)

כא וְאַתֵּי־הוֹשֻׁעַ צִוִּיתִי בָּעֵת הַהִוא לֵאמֹר עֵינֶיךָ הִרְאִית אֶת כָּל־
אֲשֶׁר עָשָׂה יְיָ אֱלֹהֵיכֶם לְשְׁנֵי הַמְּלָכִים הָאֵלֶּה בְּוַדַּעַשָׂה יִי לְכָל־
הַמַּמְלָכוֹת אֲשֶׁר אַתָּה עֹבֵר שָׁמָּה: כִּי לֹא תִירָאוּם כִּי יִי אֱלֹהֵיכֶם
הוא הַנִּלְחָם לָכֶם:

(21) I also charged Joshua at that time, saying, "You have seen with your own eyes all that the Lord your God has done to these two kings; so shall the Lord do to all the kingdoms into which you shall cross over.

(22) Do not fear them, for it is the Lord your God who will battle for you."

(21) I also charged Joshua at that time, saying, "You have seen with your own eyes all that the Lord your God has done to these two kings; so shall the Lord do to all the kingdoms into which you shall cross over: Numbers does not speak of God's

intervention in this aspect, because the conquest of the Transjordan is presented as having happened almost by chance. But here in Deuteronomy, where the coverage drills down to the actual essence of things, the Almighty has directed the entire sequence of events, as we see from this verse. It is all a part of Israel's psychological preparation for the conquest of Canaan.

(22) Do not fear them, for it is the Lord your God who will battle for you: This war will be waged not through miracles, but by natural means. Therefore, the solution to the problem lies in overcoming and banishing fear. Moses, in God's name, calls on the people and their leadership to have courage and not be afraid.

WEEKLY
PORTION 2

VA'ETCHANAN

§ 5. MOSES BESEECHES GOD TO BE ALLOWED TO ENTER THE PROMISED LAND

§ 5.1. WEEKLY PORTIONS *DEVARIM* AND *Va'ETCHANAN*: THE JEWISH NATION MUST PRECEDE THE TORAH

Because the book of Deuteronomy opens with a retrospective, the sequence of topics at the beginning of the book reflects not the chronological order of the events, but the order of their relative importance.

The primary theme of *Devarim*, the book's first weekly portion that we have just completed, is the Jewish people and the conquest of the Land of Israel. There is barely any mention of the Torah, the commandments, or service to the Almighty. Beginning only with the second weekly portion, *Va'etchanan*, Moses turns to those other topics: the Torah, God's Covenant with the Jewish people, and the religious principles that must govern their lives.

This order is not accidental. It is meant to tell us that in the lower world that we inhabit the people must come before the Torah. The first principle of life is the people; the Torah can exist only on top of that foundation. Although, says the Midrash, in higher worlds the Torah existed even before the Creation of the world, in our lower world the Torah cannot exist until the Jewish people exist, for they are the vessel that receives and contains the Torah.

Thus, the opinion we frequently encounter that Israel could not exist at all without the Torah's help, and that the Jewish people rose only on

its foundation, is incorrect. The Torah does not create the Jewish people; in fact, quite the opposite is true: in order to bring the Torah into the world, you first need to create a Jewish people.

Now of course, only with the Torah can the people live a proper life. But while there is no life, how can one talk about living a proper life? Life itself must take precedence over proper life. Or in other words, national values are more important than religious values. In order for the Torah to exist in this world, one must first address the physical and moral health of the people. Only then can we talk about their religious lives.

§ 5.2. MOSES PLEADS WITH GOD (3:23-25)

כג וַאֲתַחֲנֶן אֶל־יְיָ בָּעֵת הַהוּא לֵאמֹר: כִּד אֲדֹנָי יְיָ אֱתָה הַחַלּוּת
 לְהִרְאוֹת אֶת־עַבְדְּךָ אֶת־גְּדֻלָּתְךָ וְאֶת־יָדְךָ הַחֲזָקָה אֲשֶׁר מִי־אֵל
 בְּשָׁמַיִם וּבָאָרֶץ אֲשֶׁר־יַעֲשֶׂה כְּמַעֲשֶׂיךָ וְכַגְּבוּרָתְךָ: כֹּה אָעֲבֹר־הִנֵּה
 וְאֶרְאֶה אֶת־הָאָרֶץ הַטּוֹבָה אֲשֶׁר בְּעֵבֶר הַיַּרְדֵּן הַהוּא הַטּוֹב הַזֶּה
 וְהַלְבָּנוֹ:

(23) I pleaded with the Lord at that time, saying,

(24) “O Lord God, You who let Your servant see the first works of Your greatness and Your mighty hand, You whose powerful deeds no god in heaven or on earth can equal!

(25) Let me, I pray, cross over and see the good land on the other side of the Jordan, that good hill country, and the Lebanon.”

(23) I pleaded with the Lord at that time: This is the direct consequence of Joshua’s appointment, as stated in the preceding verse (at the very end of the previous weekly portion *Devarim*). The naming of a new leader has prompted Moses to turn to God anew, and to ask permission to cross the Jordan as an ordinary citizen, and not as leader of the nation. But the Almighty would not agree to it even on those terms.

I pleaded with the Lord: *Va’etchanan*, “pleaded,” does not mean to request what one believes he rightfully deserves, but to beg for mercy.

A leader must not resort to asking for mercy, because the lives of other people depend on him. Indulging the leader’s mistakes can be very

harmful to them. But this restriction does not usually apply to an ordinary person – it is appropriate for him to ask for mercy.

(24) O Lord God: God’s four-letter name (*YHWH*), is almost always pronounced *Adonai*, and associated with the Divine attribute of mercy. But in the grammatical construction of this verse it is atypically read instead as *Elohim*, which means “Judge” – the Divine attribute of strict judgment. The classical commentators therefore explain “Lord God” here as a merging of both concepts: “God Who is merciful in judgment.”

In other words, Moses seems to be saying to the Almighty: “You have already duly informed me that the operative attribute here is judgment, and therefore Your decree cannot be revoked. But within that category of judgment I nonetheless plead for Your mercy.”

You who let Your servant see the first works of Your greatness: The Midrash explains what Moses is saying this way: “O Lord God, You have Yourself taught me in the incident of the golden calf (Exod. 32:10, see the *Bible Dynamics* commentary there) that even in a seemingly hopeless situation one must not simply capitulate and come to terms with the sentence; rather, one must persist in asking for mercy. And so do I intend to do here.”

Greatness: Greatness is demonstrated by the ability to show mercy, not by enforcing the full severity of judgment.

And Your mighty hand: God’s “mighty hand” has already been seen in the conquest of the Transjordan, now a *fait accompli*. Moses seems to be saying: “Since You have allowed me to conquer this part of the Land of Israel, why not allow me to cross over to the other side of the Jordan as well?”

No god in heaven or on earth: Later we will explore the question of whether the deities of other nations are a mere fiction, or actual higher powers in deified form (see the commentary to Deut. 10:17).

Whose powerful deeds no god in heaven or on earth can equal!: Seeing that all your deeds transcend and surpass the laws of nature, perhaps You will see fit to violate also Your very own law already established, forbidding me to enter Canaan, and you will instead allow me to enter?

(25) Let me, I pray, cross over and see: Moses is not asking to cross the Jordan as the nation's leader. He only wants to see the land – to cross the Jordan as an ordinary citizen.

The good land on the other side of the Jordan: In contrast to the Transjordan, which is called *ha-aretz ha-zot*, “this land” (Deut. 3:12), Canaan is called *ha-aretz ha-tovah*, “the good land.” There is greater holiness in Canaan. Only there, not in the Transjordan region, will God's sanctuaries be located – in Shechem, Shiloh, and Jerusalem. Holiness there inheres in the very nature of the land. Simply by living there a person is inspired to do good.

The good land ... that good hill country, and the Lebanon: Moses here lists three “good things”: the land, the hill country (literally, “the mountain”), and the Lebanon. But it is not clear why Moses singles out the hill country and the Lebanon, which are already included in “the good land” implicitly.

The Midrash therefore understands these three aspects as three stages in the development of the Land of Israel. “The good land” is the territory of Canaan itself. “The good mountain” is Jerusalem, the city where the Jewish kingdom will reside, representing the existence of the Jewish state. And “the Lebanon” is the Temple. (Various midrashim about the Temple explain the name Lebanon as deriving from *lavan*, “white.” The Temple *melaben* – “whitens,” i.e., erases – Israel's sins.) Thus, according to this midrash, Moses wants to see not only the land as such. He wants to see also the Jewish state and the Temple.

§ 5.3. “YOU SHALL NOT CROSS THE JORDAN, BUT YOU SHALL SEE THE LAND” (3:26-29)

כּו וַיִּתְעַבֵּר יי בִּי לְמַעַנְכֶם וְלֹא שָׁמַע אֱלֹהִי וַיֹּאמֶר יי אֵלַי רַב־לֶךְ אֶל־
תּוֹסֵף דַּבֵּר אֵלַי עוֹד בַּדֶּבֶר הַזֶּה: כּו עָלָה | רֹאשׁ הַפְּסָקָה וְשֵׁא עֵינֶיךָ
יָמָה וְצִפְנָה וְתִימָנָה וּמִזְרָחָה וּרְאֵה בְּעֵינֶיךָ כִּי־לֹא תַעֲבֹר אֶת־הַיַּרְדֵּן
הַזֶּה: כח וְצוּ אֶת־יְהוֹשֻׁעַ וְחִזְקָהוּ וְאַמְצֵהוּ כִּי־הוּא יַעֲבֹר לִפְנֵי הָעָם
הַזֶּה וְהוּא יַנְחִיל אוֹתָם אֶת־הָאָרֶץ אֲשֶׁר תִּרְאֶה: כט וַנָּשָׁב בְּגִיָּא מוֹל
בֵּית פְּעוֹר:

(26) **But the Lord was wrathful with me on your account and would not listen to me. The Lord said to me, “Enough! Never speak to Me of this matter again!**

(27) **Go up to the summit of Pisgah and gaze about, to the west, the north, the south, and the east. Look at it well, for you shall not go across yonder Jordan.**

(28) **Give Joshua his instructions, and imbue him with strength and courage, for he shall go across at the head of this people, and he shall allot to them the land that you may only see.”**

(29) **Meanwhile we stayed on in the valley near Beth-peor.**

(26) But the Lord was wrathful with me: The Lord’s wrath toward Moses, originally triggered by the episode of the spies, continues even now, thirty-nine years later.

On your account: A similar phrase describes God’s wrath with Moses over the incident of the spies: “Because of you the Lord was incensed with me too” (Deut. 1:37). But there the word *biglalchem*, “because of you,” was used, while here the word is *le-ma`anchem*, which means, literally, “for your sake, for your benefit.” Earlier, God denied Moses entry to Canaan as the leader of the people, but here the situation is different: the Almighty refuses Moses’ request to enter the Promised Land even as an ordinary civilian. And moreover, God has reached this decision, as Moses tells Israel, “for your sake,” i.e., for the sake of the people.

Moses cannot at this stage become just an ordinary member of society. Even with no official status his authority would be so great that it would hamper the people’s independence. Moses must depart so that the people can gain their independence and advance.

But the Lord ... would not listen to me. The Lord said to me, “Enough!: Here the same expression – “Enough!” – is used as already seen twice earlier (Deut. 1:6 and 2:3): “You have stayed long enough at this mountain,” and “You have been skirting this hill country long enough,” which marked the exit from Sinai and from Seir, and the beginning of Israel’s movement to the Land of Israel.

In this verse God is saying to Moses: just as the people had to move away from purely theoretical study and proceed to concrete action, in

order to conquer their new land, so here too the people must move away from you, Moses. For forty years you have been a constant presence among the people – a “Mount Sinai in miniature.” But now the nation must move on to their own independent life in their new land.

Never speak to Me of this matter again!: In these rather harsh terms the Almighty tells Moses that no number of additional entreaties can change His decision in this matter. This denial of entry to the land is dictated not merely by some fault or lack of merit on Moses’ part, but by the exigencies of the larger situation. Therefore, any attempt to cancel or modify the decree is a movement in the wrong direction. But it was precisely this decree of the Almighty that inspired Moses to make the additional leap to becoming a “man of words.”

(27) Go up to the summit of Pisgah: This mountain is located in the Transjordan region opposite Jericho. The entire Land of Israel is visible from it: from Mount Hermon in the north to Beer-Sheba in the south.

And gaze about, to the west, the north, the south, and the east: Moses was looking only westward, across the Jordan toward Canaan. But the Almighty tells him to gaze about (literally, “lift up your eyes”) – to look about in every direction, i.e., to assess the situation from a much broader perspective.

Look at it well, for you shall not go across yonder Jordan: You can see the land, but you will not enter it.

Earlier we saw Moses’ plea, “Let me, I pray, cross over and see the good land.” Here God responds: “You can see it from outside, without crossing the Jordan. But the Land of Israel is being given to the Jewish people not simply for viewing, but for action.”

Thus, the Almighty is in fact fulfilling Moses’ request, by giving Moses the opportunity to see the land. But that opportunity would be realized very differently from how Moses imagined it.

Moses’ attitude – that the main thing was to “see the land” – was based on his general approach of relying on miraculous governance of the world. That is, if you just see things correctly, exercise proper faith, and hope for Divine support, then everything will be fulfilled by itself – there will be no need to act naturally.

But although this arrangement was suitable for the wilderness, it would not work for life in the Land of Israel. Here God is emphasizing how wide the gap is between “seeing the land” and living in it. This will serve as a further motivation for Moses to change.

(28) Give Joshua his instructions: See the land, and according to what you see, give instructions on how to live in it.

And imbue him with strength and courage: Give Joshua additional strength through your instructions.

For he shall go across at the head of this people, and he shall allot to them the land: Moses was, above all, a teacher. (This quality has found permanent expression in the title *Mosheh Rabbeinu*, “Moses, our teacher,” as he is still known today in traditional Jewish circles.)

But Joshua, on the contrary, is a man of action. This difference is clearly manifested in the war with Amalek: ‘Amalek came and fought with Israel at Rephidim. Moses said to Joshua, “Pick some men for us, and go out and do battle with Amalek.” ... Whenever Moses held up his hand, Israel prevailed; but whenever he let down his hand, Amalek prevailed. But Moses’ hands grew heavy; so they took a stone and put it under him and he sat on it, while Aaron and Hur, one on each side, supported his hands; thus his hands remained steady until the sun set. And Joshua overwhelmed the people of Amalek with the sword” (Exod. 17:8-13).

While Moses just raises his hands to Heaven, Joshua goes out to battle. Therefore, only Joshua can direct the people to independent, decisive action, which is precisely what life in the Land of Israel requires.

And he shall allot to them the land that you may only see: Joshua will apportion the land, but he will do so in accordance with Moses’ vision.

The Almighty shows Moses the Land of Israel not as a reward or a consolation, but for Moses’ own development, and that of the people. God’s purpose is to advance mankind. While His decisions are motivated by justice and mercy, God’s true objective is to improve people and humanity.

We, too, act likewise with respect to our children. When we punish or reward them, the punishment or reward is not an end in itself, but only a means to developing and advancing the child. A parent will

sometimes reward a child not because he actually deserves it, but to create a positive reinforcement in the child's mind that he has acted properly. Conversely, the child may be punished, in order to reinforce in his mind that he must never again repeat the given action. A parent's response to his child's actions is based not only on considerations of fairness, but on what is most effective for raising the child. And so does the Almighty act with respect to us, His human children.

After seeing the Land of Israel and understanding its nature, Moses was able to instruct the people on how to live in that land. Those very instructions became this book – the book of Deuteronomy. It is for this purpose that God allows Moses to peer into the Land of Israel and understand its essence. Having done so, Moses can finally become a “man of words” – the author of the book of *Devarim*, “These are the words” (Deut. 1:1)

(29) Meanwhile we stayed on in the valley near Beth-peor: The mention of Beth-peor in this context relates as well to Moses' seeing the land but not being allowed to cross the Jordan.

Speaking of Moses' final resting place, the Torah says that God Himself buried Moses “in the valley in the land of Moab, near Beth-peor” (Deut. 34:6). In the end it turns out that Moses' tomb has a special connection with the cult of Peor, but that connection is at this point still unclear. We will consider this issue further at the end of this book of Deuteronomy, in our commentary on the events surrounding Moses' death and burial.

§ 6. GENERAL PRINCIPLES FOR OBSERVING THE COMMANDMENTS OF THE TORAH

§ 6.1. “YOU SHALL NOT ADD ANYTHING OR TAKE ANYTHING AWAY” (4:1-4)

א ועתה ישראל שמע אלהיך ואלה המשפטים אשר אנכי
מלמד אתכם לעשות למען תחיו ובאתם וירשתם את הארץ אשר
י' אלהי אבותיכם נתן לכם: ב לא תספו על הדבר אשר אנכי מצוה
אתכם ולא תגרעו ממנו לשמר את מצות י' אלהיכם אשר אנכי
מצוה אתכם: ג עיניכם הראות את אשר-עשה י' בבבל פֿעֹר כי
כל-האיש אשר הלך אחרי בעל-פֿעֹר השמידו י' אלהיך מקרבך:
ד ואתם הדבקים ביי אלהיכם חיים כלכם היום:

(4:1) And now, O Israel, give heed to the laws and rules that I am instructing you to observe, so that you may live to enter and occupy the land that the Lord, the God of your fathers, is giving you.

(2) You shall not add anything to what I command you or take anything away from it, but keep the commandments of the Lord your God that I enjoin upon you.

(3) You saw with your own eyes what the Lord did in the matter of Baal-peor, that the Lord your God wiped out from among you every person who followed Baal-peor;

(4) while you, who held fast to the Lord your God, are all alive today.

(4:1) And now, O Israel: This is the grand introduction to a new topic. It marks the point where Moses transitions from historical perspective to essential religious principles.

Give heed to the laws and rules that I am instructing you to observe: This is the transition to the new laws and regulations that will be presented later in this book of Deuteronomy (12:1 ff.).

Give heed to the laws and rules ... so that you may live to enter and occupy the land: The actual goal is to possess the land and live in it. The commandments are only a means to that end.

So that you may live to enter and occupy the land: The emphasis here is not on salvation of individual souls, but on such national dialogue with the Almighty that will enable the people to live a successful collective life. The primary reward that gives meaning to life is not paradise after death, but a person's inheritance in the land where he and his children live, and their prosperous life in that land. Living just such a life is deemed a Divine task, because that is what serves to improve the world and to bring a person closer to God.

(2) You shall not add anything to what I command you or take anything away from it, but keep the commandments of the Lord your God that I enjoin upon you: The purpose of this prohibition to add or take away from the dictates of the Torah is to assure that the people will not stray from "keeping the commandments of the Lord." It is not forbidden to establish additional regulations; the prohibition is on giving any such addition the status of a commandment of the Torah. In this sense, the Torah is like a national constitution that is itself unchangeable, but within the framework that it establishes, various additions are nonetheless possible in the form of new laws and regulations that are necessitated by changing circumstances.

(3) You saw with your own eyes: The authority of the Torah derives from the fact that the entire Jewish nation together witnessed Divine revelation – at the giving of the Torah on Mount Sinai, and also throughout the subsequent forty years of wanderings in the wilderness.

What the Lord did in the matter of Baal-peor, that the Lord your God wiped out from among you every person who followed

Baal-peor: You saw with your own eyes and were thoroughly convinced that infatuation with idolatry inevitably leads to death.

(4) While you, who held fast to the Lord your God, are all alive today: Closeness to God is what gives life. But for religions in general, the primacy of life is hardly an obvious thing. We will explore this issue in greater detail below.

(2-4) You shall not add anything ... or take anything away from it ... You saw with your own eyes what the Lord did in the matter of Baal-peor ... God wiped out from among you every person ... while you, who held fast to the Lord your God, are all alive today: It is not immediately clear what the connection is between “You shall not add anything ... or take anything away” and the severe punishment that the people sustained for worshipping Baal-peor.

It would be natural for the punishment for worshipping Baal-peor to be associated with a warning against idolatry (e.g., “You shall not practice idolatry, for you saw with your own eyes what the Lord did in the matter of Baal-peor. God wiped out from among you every person”). But what is the connection between Baal-peor and “You shall not add anything ... or take anything away”?

The Kabbalah, in answering this question, regards the idolatry of Baal-peor as an attempt to “unreasonably extend the limits of holiness onto impure things.” And it understands “holding fast to the Lord” of this verse to mean observing the prohibition of adding or taking away from the commandments of the Torah, which it regards as a kind of “mystical safety measure.” A person who adds to the commandments can easily get carried away with idol worship such as the cult of Baal-peor, which finds holiness even in unclean things. But this will only bring him to ruin. One who wishes to remain alive should not attempt to extract holiness from that which is forbidden.

We shall cover this issue in more detail at the end of the book of Deuteronomy (in the commentary to 34:6, which states that Moses’ tomb is located in a valley opposite Beth peor).

§ 6.2. THE ABILITY OF THE NATIONS OF THE WORLD TO APPRECIATE THE WISDOM OF THE TORAH (4:5-8)

ה ראה | למדתי אתכם חקים ומשפטים באשר צוני יי אלהי לעשות
 כן בקרב הארץ אשר אתם באים שמה לרשתה: ו ושמרתם
 ועשיתם כי הוא חכמתכם ובינתכם לעיני העמים אשר ישמעון
 את כל החקים האלה ואמרו רק עם-חכם ונבון הגוי הגדול הזה:
 ז כי מי-גוי גדול אשר-לו אלהים קרבים אליו בני אלהינו בכל-
 קראנו אליו: ח ומי גוי גדול אשר-לו חקים ומשפטים צדיקים ככל
 התורה הזאת אשר אנכי נתן לפניכם היום:

(5) See, I have imparted to you laws and rules, as the Lord my God has commanded me, for you to abide by in the land that you are about to enter and occupy.

(6) Observe them faithfully, for that will be proof of your wisdom and discernment to other peoples, who on hearing of all these laws will say, "Surely, that great nation is a wise and discerning people."

(7) For what great nation is there that has a god so close at hand as is the Lord our God whenever we call upon Him?

(8) Or what great nation has laws and rules as perfect as all this Teaching that I set before you this day?

(5) **In the land that you are about to enter and occupy:** This book of Deuteronomy repeats numerous times that the Jewish people were commanded not only to live in the Land of Israel, but also to possess it, which means creating a Jewish state there (because the state is the political structure by which the people govern the land).

(5) **Laws and rules ... for you to abide by in the land:** The Torah is intended, first and foremost, as a guide for Jewish life in the Land of Israel. Throughout the book of Deuteronomy the Torah is presented as the national law of the Jewish people in their land. And therefore, at the *Hak'hel* ceremony that is observed once every seven years on Sukkot at the close of the *Shemittah* year (see Deut. 31:12), the king is commanded to stage a public reading of the book of Deuteronomy, the "constitution"

of the Jewish state, at a gathering of the entire nation of Israel – men, women, and children.

(5) For you to abide by in the land: Again and again the Torah stresses the connection between observing the commandments of the Torah and living in the Land of Israel – so many times, in fact, that the sages question whether observing the commandments is even obligatory at all while the Jewish people are in exile (notwithstanding that only some of the commandments, but not all by far, pertain to the land itself). The upshot of that discussion among the sages was that the observance of the commandments in exile is also considered mandatory. But a primary objective of that observance is to assure that the commandments will not be forgotten, until such time as the exile ends and the people return to their land.

From people who are only minimally familiar with Judaism we often hear the opposite idea. The importance of observing the commandments in the Diaspora seems self-evident to them from the point of view of preserving national identity, since the laws of Sabbath and *kashrut* (eating only kosher food) are safeguards against the assimilation and disappearance of the Jews as a people. On the other hand, however, many who hold that belief also maintain that since there is no danger of assimilation in the Land of Israel, the observance of the commandments there is also no longer essential. But we see that the Torah takes the opposite position: non-compliance with the laws of the Torah in the Land of Israel can lead to a national Jewish catastrophe – the loss of the land itself.

(6) Observe them faithfully, for that will be proof of your wisdom and discernment to other peoples, who on hearing of all these laws will say, “Surely, that great nation is a wise and discerning people”: Because the nations of the world have a natural, intuitive understanding of Divinity and of proper behavior, they are able to develop their own independent appreciation of the wisdom of the Torah and the greatness of the Jewish people.

This critical passage describes the ideal model of the relationship between the Jewish people and the nations of the world. Humanity as a whole cannot grasp the greatness of the Torah while the Jewish people are dispersed across the globe. On the contrary, the Jewish people, in

order to disseminate the principles of the Torah and realize their global destiny, must live autonomously in their own land, and implement the laws of the Torah there. The nations will then approach Israel of their own accord, asking to receive the Divine light.

(7) For what great nation is there that has a god so close at hand: These verses portray how the nations of the world, including the idolaters, view Israel – even they will come to perceive the greatness of the Jewish people and the Torah. Thus, although the actual words of the peoples of the world appear only in the verse above (Deut. 4:6), their viewpoint is elaborated in this verse and the next one (Deut. 4:7, 8).

As is the Lord our God whenever we call upon Him?: It would seem that the commandments of the Torah in no way testify to the wisdom of the Jewish people, seeing that is Almighty who has devised those commandments and ordained their observance. How, then, will the peoples of the world, on becoming acquainted with the Torah, come to appreciate Jewish wisdom and the greatness of the Jewish people?

The Torah answers that question here: that greatness is clearly visible in the unique historical destiny of the Jewish people – that the Almighty has chosen them to convey His word to all of humanity; and that the wisdom of the Jewish people is in the accepting and following their destiny.

(5-8) Or what great nation has laws and rules as perfect as all this Teaching that I set before you this day?: Fair and just relations between people are among the foundations of the Torah – nothing less than a fundamental religious value. A person's relationship to God can develop correctly only when it is rooted in a healthy relationship to all of human society.

Rules as perfect as all this Teaching: One of the most important characteristics of the Torah is its justice, which is felt intuitively. The peoples of the world can appreciate the greatness of the Torah because of its justice. Upon learning the Torah's laws, people will say: "What wonderfully just laws!"

And this is exactly what happened. A major portion of the world's population (Christians, predominantly) accepted the Torah as a just

doctrine of Divine origin. The Torah is the foundation upon which all of western ethics is built.

Observe them faithfully, for that will be proof of your wisdom and discernment to other peoples, who on hearing of all these laws will say, “Surely, that great nation is a wise and discerning people”:

In religious circles we often encounter the point of view that there is no point in discussing the justice of the Torah’s precepts – that they are just simply because God said so, and our human opinion on the matter is of no consequence. But we see here that the Torah itself takes the opposite view: its laws are just because people perceive and appreciate their justice, and not merely because God said so.

Laws and rules as perfect as all this Teaching that I set before you this day?: If the laws of the Torah are fair and just, then why in life do we see that people often criticize certain laws of the Torah precisely for their injustice?

The answer is in the words: “as perfect as all this Teaching.” The Torah is fair and just only when viewed as a whole. If any law of the Torah seems to us unjust, contravening our moral sensibilities, this is only because we are considering it in isolation from all other Torah laws. A law can seem unjust when it is taken out of context. Its justice becomes evident only within the context of the entire system, and in conjunction with all other laws.

I have imparted to you laws and rules ... for you to abide by in the land: The Torah can earn respect among the peoples of the world only when the Jewish people are living in the Land of Israel, and they implement the teachings of the Torah at the level of national life. Only thus can other nations appreciate the relevance and importance of the Torah.

In its abridged “Diaspora” form the Torah cannot influence the peoples of the world, because observance of the Torah by individuals with no national life built upon it inspires no respect among the peoples of the world. On the contrary, the nations often get the feeling that Jewish religious laws are small-minded and confusing. The Torah of the Diaspora cannot essentially influence humanity.

§ 6.3. REMEMBERING THE DAY THAT ISRAEL STOOD AT SINAI (4:9-14)

ט רַק הַשְׁמֵר לְךָ וּשְׁמֹר נִפְשְׁךָ מְאֹד פֶּן־תִּשְׁכַּח אֶת־הַדְּבָרִים אֲשֶׁר־
רָאוּ עֵינֶיךָ וּפְנִי־יָסוּרוּ מִלְּבָבְךָ כֹּל יְמֵי חַיֶּיךָ וְהוֹדַעְתָּם לְבָנֶיךָ וּלְבָנֵי
בָנֶיךָ: י יוֹם אֲשֶׁר עָמַדְתָּ לִפְנֵי יְיָ אֱלֹהֶיךָ בְּחָרֵב בְּאֶמֶר יְיָ אֵלֵי הַקְהֵל־
לִי אֶת־הָעָם וְאִשְׁמַעְם אֶת־דְּבָרֵי אֲשֶׁר יִלְמְדוּן לִירְאָה אֹתִי כֹל־
הַיָּמִים אֲשֶׁר הֵם חַיִּים עַל־הָאָדָמָה וְאֶת־בְּנֵיהֶם יִלְמְדוּן: יא וְתִקְרְבוּן
וְתַעֲמְדוּן תַּחַת הָהָר וְהָהָר בָּעָר בְּאֵשׁ עַד־לֵב הַשָּׁמַיִם הִשָּׁד עָנָן
וְעָרְפָל: יב וַיְדַבֵּר יְיָ אֲלֵיכֶם מִתּוֹךְ הָאֵשׁ קוֹל דְּבָרִים אֲתֶם שֹׁמְעִים
וְתִמוּנָה אֵינְכֶם רֹאִים זִוְלָתִי קוֹל: יג וַיִּגַּד לָכֶם אֶת־בְּרִיתוֹ אֲשֶׁר צִוָּה
אֶתְכֶם לַעֲשׂוֹת עֲשֵׂר־הַדְּבָרִים וַיִּכְתְּבֵם עַל־שְׁנֵי לְחוֹת אֲבָנִים: יד
וְאֹתֵי צִוָּה יִי בָעֵת הַהִוא לְלַמֵּד אֶתְכֶם חֻקִּים וּמִשְׁפָּטִים לַעֲשׂוֹתָם
אֲתֶם בְּאֶרֶץ אֲשֶׁר אֲתֶם עֹבְרִים שָׁמָּה לְרִשְׁתָּהּ:

(9) But take utmost care and watch yourselves scrupulously, so that you do not forget the things that you saw with your own eyes and so that they do not fade from your mind as long as you live. And make them known to your children and to your children's children:

(10) The day you stood before the Lord your God at Horeb, when the Lord said to Me, "Gather the people to Me that I may let them hear My words, in order that they may learn to revere Me as long as they live on earth, and may so teach their children."

(11) You came forward and stood at the foot of the mountain. The mountain was ablaze with flames to the very skies, dark with densest clouds.

(12) The Lord spoke to you out of the fire; you heard the sound of words but perceived no shape – nothing but a voice.

(13) He declared to you the covenant that He commanded you to observe, the Ten Commandments; and He inscribed them on two tablets of stone.

(14) At the same time the Lord commanded me to impart to you laws and rules for you to observe in the land that you are about to cross into and occupy.

(9) But take utmost care and watch yourselves scrupulously, so that you do not forget the things that you saw: In a number of places in the Torah we find commandments requiring the Jewish people to remember essential moments of their national history. The most notable examples are: “Remember this day, on which you went free from Egypt, the house of bondage” (Exod. 13:3); “Remember the sabbath day and keep it holy” (Exod. 20:8); “Remember what the Lord your God did to Miriam on the journey after you left Egypt” (Deut. 24:9, referring to Num. 12:10); “Remember what Amalek did to you on your journey, after you left Egypt” (Deut. 25:17, referring to Exod. 17:8).

The meaning of these commandments of remembrance is that the events to be remembered are so pivotal, that if the people would fail to remember them, their lives would be missing some of its most essential elements. But the need for these commandments also demonstrates that people somehow have a tendency to forget just such events as these.

The first, understandable reason for the tendency to forget the Sinai Revelation is that the memory of it does not allow one to live a reckless or lackadaisical life. Rather, that memory requires a person to relate his life to his national history, to the meaning of Israel’s existence as a people, and to the Divine covenant.

Many would prefer to forget their special mission and just live a life of pleasure. But living that kind of carefree life is not possible for the Jewish people. Therefore, at the end of his first address (Deut. 4:25 ff.) Moses warns the people of the grim ordeals that will befall the entire nation if they fail to preserve the memory of the revelation at Sinai.

Apparently, however, there is more to the problem than just that consideration. The severity of the admonition, “But take utmost care and watch yourselves scrupulously, so that you do not forget the things that you saw,” demonstrates that for all its importance, the memory of the giving of the Torah is also very problematic. And the reason is that this memory is itself traumatic.

We know that people often subconsciously dismiss some of the most significant events that they have experienced, if those events were particularly harrowing, and remembering them is just too painful. For example, after the Second World War there were Jews who had survived

the Holocaust but remained in denial of everything that had happened. Another forty or fifty years would have to pass before they could talk freely about their experiences.

Centuries and millennia after the revelation and the giving of the Torah at Sinai, later generations (including our own) perceive those events as pure and unadulterated joy, in which the people's souls rose to new heights. But the Torah makes clear how intense was the fear – even horror – that the people experienced in their direct encounter with Divinity. There was also an aspect of coercion involved in that encounter. (Jewish tradition even goes so far as to describe it as “rape.”) A person who meets the Divine has no freedom of choice and is given no options. He can neither refuse nor escape. He has no choice but to accept and do what he is told.

It comes as no surprise, then, that any normal person would prefer to forget such a horror. Anyone who has experienced trauma does his best to forget it, to suppress it to the point where it is erased completely from memory. Likewise, the encounter with the Almighty, the Source of All Being turned out to be so frightening that there was a danger that it would be entirely forgotten. The Torah therefore especially emphasizes here, in unusually demanding terms, the importance of keeping that memory alive: “But take utmost care and watch yourselves scrupulously, so that you do not forget ... the day you stood before the Lord your God at Horeb.”

A more literal translation brings this out even more starkly: “Only take heed of yourself, and guard your soul diligently, lest you forget the day... .” I.e., this remembrance is nothing less than a matter of life and death. We shall discuss this in greater detail below.

(10) The day you stood before the Lord your God at Horeb: The book of Exodus (20:15-19) describes the emotional response of the people to the encounter at Sinai as follows:

(15) All the people witnessed the thunder and lightning, the blare of the horn and the mountain smoking; and when the people saw it, they fell back and stood at a distance.

(16) “You speak to us,” they said to Moses, “and we will obey; but let not God speak to us, lest we die.”

(17) Moses answered the people, “Be not afraid; for God has come only in order to test you, and in order that the fear of Him may be ever with you, so that you do not go astray.”

(18) So the people remained at a distance, while Moses approached the thick cloud where God was.

(19) The Lord said to Moses: Thus shall you say to the Israelites: You yourselves saw that I spoke to you from the very heavens.

In the the commentary below we will explore the parallels and differences between those passages in Exodus and the description of the giving of the Torah here in Deuteronomy.

When the Lord said to Me, “Gather the people to Me that I may let them hear My words, in order that they may learn to revere Me”: The sensation that the people experienced at the giving of the Torah is portrayed in the first place as fear and trepidation. Similar characterizations of encounters with God are found in other books of the Torah as well (e.g., Gen. 31:42, where the Almighty is called *pachad yitzchak*, “The Fear of Isaac”). The feeling of “the fear of God” is perceived as the foundation from which a person can begin building a relationship with the Almighty. Loving God comes only later. The people needed the revelation at Mount Sinai in order to inspire this fear of God within them.

This trepidation before God is important because it motivates a person to relate to the Divine commandments seriously, and to fulfill them meticulously as prescribed. But what’s more – on the emotional level, the very encounter with God is essentially “fear” and “trepidation.”

After such an encounter, it remains for people to fulfill the commandments and lead a dignified life. But there is a vast difference between simply observing a code of conduct versus observing it as the result of an actual Divine encounter. It is the encounter that is primary; the commandments are only secondary. And that is why the Sinai event did not focus on commandments. The people of Israel were entirely consumed with the encounter itself, “trembling before God.”

(11) You came forward and stood at the foot of the mountain. The mountain was ablaze with flames to the very skies, dark with densest clouds: Literally: “gloom, cloud, and haze.” One might have

expected that the Sinai revelation would be presented in terms of brightness and clarity. But we find, both here and in the book of Exodus, that the event is described with images quite at odds with that: gloom, haze, and darkness.

The reason for this is that blinding light cannot be seen. Gloom here is not the absence of light, but the impossibility of perceiving the light. It is a “blinding sun.” As with sunlight, the Almighty’s indirect (i.e., reflected) light allows us to observe and comprehend the objects that are reflecting that light. But direct Divine revelation, on the other hand, like direct sunlight, would only blind the observer. Divine light is so intense that it is perceived as “absolute darkness.”

(12) The Lord spoke to you: The Hebrew here is *aleichem*, “unto you” – plural. I.e., the Lord spoke to all of you. The revelation at Sinai was a unique event of prophecy at the national (not only the individual) level. No other religion or culture speaks of such a national, collective prophecy.

You heard the sound of words but perceived no shape – nothing but a voice: The concept of God’s invisibility is a fundamental principle of Judaism. It establishes the Almighty’s transcendence. He is not merely “the highest component of the universe.” Rather, God stands above and beyond the entire universe, and completely outside of it.

Moreover, this concept orients a person away from asking, “What is God?” to asking instead: “What is the path that God wants me to tread?” The Torah categorically denies any possibility of either a visual or conceptual description of God. Any term that we humans use to describe anything at all is taken from the vocabulary of how we experience this world. Those terms are therefore entirely useless for describing the Divinity, which is in every possible sense beyond this world and entirely outside of it.

It is pointless to apply our conceptual apparatus to God. We must therefore not even try to know what God is. We must instead ask the question: “What is the Divine path that I am expected to follow?” What path does God show us, and in what direction does He lead us? This verse expresses that idea more poetically and succinctly: there is no Divine shape, there is only a Divine voice.

You heard the sound of words but perceived no shape – nothing but a voice: In the book of Exodus (20:18) this is described somewhat differently: “All the people witnessed the thunder and lightning ... You yourselves saw that I spoke to you from the very heavens.” But the literal translation there is: “The people saw the voices and flames.” Seeing voices is obviously problematic. And moreover, here in Deuteronomy it is precisely the absence of any visible image that is stressed: “You heard the sound of words but perceived no shape.”

Here we see the difference between the description in Exodus of direct experience, in which the people “saw voices” (this paradoxical description conveys well the extreme shock experienced by people), as opposed to the retrospective here in Deuteronomy – a speculative-philosophical recounting of the events forty years later, in which the emphasis is precisely on the total absence of any visible image.

Maimonides writes in his *Moreh Nevuchim*, “The Guide to the Perplexed”: “Moses on Mount Sinai heard the words. The people heard only voices.” The people perceived the sounds, but were unable to distinguish the words. They correctly sensed the tonality, but the actual information – the words, the details of what was being said, the commentary on the laws given on Mount Sinai – all this came to them only later, through Moses.

(13) He declared to you the covenant that He commanded you to observe: After the personal encounter with the Almighty (perceiving the Divine voice), the concluding of the Covenant happened as the natural consequence of that event. Had there been no such personal encounter with the Almighty, even concluding that Covenant would not have had sufficient force to keep it alive for millennia to come.

The Ten Commandments: The Hebrew is *aseret ha-devarim*, better translated as “the Ten Utterances,” i.e., ten fundamental principles – the root from which all other commandments of the Torah can be said to grow.

And He inscribed them on two tablets of stone: Establishing a direct, personal connection with the Almighty was the most essential thing. The permanent, written record for posterity was made only later.

(14) At the same time the Lord commanded me to impart to you laws and rules: Note how the imparting of the laws and rules is described as only an adjunct – something additional that also happened at that time. After first proclaiming the Covenant to the nation, the Almighty then commanded Moses to teach the people the laws. Thus, the essence of the revelation at Sinai lies in meeting God and experiencing the Divine, not in receiving the laws and commandments that were passed on through Moses.

For you to observe in the land that you are about to cross into and occupy: Yet again the point is made that the primary task of the Jewish nation is to fulfill God's commandments in the Land of Israel.

§ 6.4. THE TRAUMA OF THE REVELATION AT SINAI AS IT RELATES TO THE FESTIVAL OF SHAVUOT

There are three pilgrimage festivals in Judaism: Pesach, Shavuot and Sukkot. On each of these three annual occasions it was mandatory for every Jewish family to come to the Temple in Jerusalem and celebrate the festival there.

In Jewish tradition each of these three festivals bears, as it were, a double meaning:

- (i) An historical meaning, since each of these occasions is a remembrance of an event that accompanied the birth of the nation.
- (ii) An agricultural significance, seeing that each of the three festivals is tied to a particular phase of the harvest cycle.

Specifically:

- Pesach (Passover, observed in the spring) in historical terms celebrates the Exodus from Egypt. Agriculturally, it corresponds to the barley harvest.
- Shavuot ("the Feast of Weeks," observed in early summer), commemorates the giving of the Torah. Agriculturally, it is the beginning of the wheat harvest, and it celebrates the collection of the first fruits.

- Sukkot (“the feast of Booths,” observed in the autumn) recalls the huts in which the Jewish people lived while journeying through the wilderness. It corresponds to the main harvest of fruits, and the end of the agricultural cycle.

All the aforementioned aspects of those three festivals, both historical and agricultural, are mentioned very explicitly in the Torah – but with only one notable exception. The Torah – that is, the Written Torah, the Five Books of Moses – never states in so many words that the historical meaning of Shavuot is the commemoration of the giving of the Torah. Or that the revelation at Sinai occurred on Shavuot (or, more precisely, on the prescribed day that later became the festival of Shavuot).

The Oral Torah, however, does say that Shavuot commemorates the giving of the Torah. That firm connection is easily seen in the fact that the Torah specifies unequivocally (Lev. 23:15) that Shavuot is to be observed on the fiftieth day following the second day of Passover. And that day in fact coincides with the date of the giving of the Torah.

How so? In Exodus (19:1) we read: “On the third new moon after the Israelites had gone forth from the land of Egypt, on that very day, they entered the wilderness of Sinai.” The calculation begins with the month Aviv, as the Torah refers to it (today we call it Nisan). The Exodus from Egypt took place on the fifteenth of that month. Since the verse just cited states that the Israelites arrived at the Wilderness of Sinai “on the third new moon,” we understand that the second half of Aviv (Nisan) had passed, and also the entire following month (our Iyar).

Thus they arrived at Mount Sinai forty-five days after the Exodus. The preparations for the giving of the Torah, as described in that same chapter of Exodus, took the greater part of a week. Thus, the giving of the Torah took place fifty days after the beginning of Passover, which coincides exactly with the day on which Shavuot would soon be fixed for the generations. It is thus clear that the historical event that Shavuot commemorates and celebrates is none other than the giving of the Torah at Mount Sinai.

And yet, nowhere in the five books of the Torah is this connection made explicit. The reason that the Torah chooses to conceal the historical significance of Shavuot lies, apparently, in the terrifying nature of

the Sinai Revelation, which turned out to be extremely traumatic for the people, as we have previously noted and elaborated.

It is well-known that there are varying opinions in Jewish tradition as to what exactly the people heard at Sinai. Did they hear the entire Ten Commandments, or only the first of the ten: “I the Lord am your God who brought you out of the land of Egypt, the house of bondage”? Or, perhaps, only the very first word of that first commandment: *Anochi*, “I.” Or perhaps they heard only the initial vowel (syllable) of that word.

Be that as it may, the point is that the giving of the Torah was not intended merely an occasion for conveying the commandments. That would happen only later, when the people received the entire system of commandments through Moses, which included the Ten Commandments inscribed on the tablets.

The purpose of the giving of the Torah was not merely to transmit information, or even to conclude the Covenant, which is described in the book of Exodus (chapter 24) as a separate event. Rather, the meaning of the revelation at Sinai was the shockingly disturbing encounter with God that every person present there experienced.

That encounter was of a completely different nature from that which the idolaters of antiquity experienced with their deities – the cultural norm of that era. In the mythology of the peoples of the world, encounters with the various deities are portrayed as an audience with an inordinately powerful being, with whom it was desired to establish a positive relationship. In principle, then, this was no different from having an audience with a prominent and influential monarch. The deities whom the idolaters served (we see this clearly in Greek mythology, for example) live entirely within the natural world order. An encounter with any of those deities constituted no threat whatsoever to human life or existence.

But the Torah’s description of Israel’s encounter with the Supreme and Transcendental Creator of the Universe is completely different. It was the kind of encounter that deprives a human being of any awareness of his own independent existence. A person senses the full destructive power of such an encounter. He finds the experience unbearable, because it is far too reminiscent of death.

The entire nation shuddered and retreated. “Let us not die, then,” they tell Moses (Deut. 5:22). At that point they delegate to Moses all future contact with the Almighty: “‘You speak to us,’ they said to Moses, ‘and we will obey; but let not God speak to us, lest we die.’” (Exod. 20:16).

And yet, it is this encounter with God that lies at the heart of the Torah’s religious conception. It turns a person’s worldview on its head by showing him that his very existence is by no means independent of the Transcendental Creator, but is inextricably linked with Him, and that God takes a personal interest in his well-being, and desires an encounter with him.

This personal connection with God cannot fail to effect radical changes in a human being. The result is that the conclusion of the Covenant can then take place, along with the giving of the commandments, and everything relating to them. Religion without such an encounter is nothing more than a system of moral and ethical norms. And that is not nearly enough. It is the encounter with God that is at the very root of a religious worldview, while ethics are only the branches. Without the root they wither and die. This is why the idea of Divine revelation is so much more important to the religion of the Torah than the concept of Creation.

But even so, it is important not to lose sight of the fact that that encounter was by no means bright and joyful, but, quite the contrary, it was traumatic – an experience that you would want to forget – to remove it from your consciousness and your memory. And that is why there is a special commandment to remember it.

To return, then, to Shavuot: for that same reason, the earliest generations of the Jewish nation were not able to celebrate the day of the encounter at Sinai. The connection between the giving of the Torah and the festival of Shavuot is therefore not explicitly mentioned in the Torah.

We note too: given that the seminal event of Israel’s national history, which laid the very foundations of the Torah, is presented so ambiguously, we can consider this a point of convincing evidence that it is a real event that did actually occur (and is not a mere literary invention). For surely no nation would have thought of fabricating for itself such a painfully strenuous story.

§ 6.5. THE PROHIBITION OF ATTACHING TO THE ALMIGHTY ANY VISUAL IMAGE (4:15-24)

10 וְנִשְׁמַרְתֶּם מֵאֵד לְנִפְשֵׁיכֶם כִּי לֹא רִאִיתֶם כְּלִי-תְמוּנָה בְּיוֹם דְּבַר
 יי אֱלֹהֵיכֶם בְּחָרֵב מִתּוֹךְ הָאֵשׁ: 11 פֶּן-תִּשְׁחַתּוּן וַעֲשִׂיתֶם לָכֶם פֶּסֶל
 תְּמוּנַת כְּלִי-סֶמֶל תְּבִנִית זָכָר אִוְ נִקְבָּה: 12 תְּבִנִית כְּלִי-בְהֵמָה אֲשֶׁר
 בָּאָרֶץ תְּבִנִית כְּלִי-צִפּוֹר כָּנָף אֲשֶׁר תַּעֲוֹף בְּשָׁמַיִם: 13 תְּבִנִית כְּלִי-
 רֶמֶשׂ בָּאֲדָמָה תְּבִנִית כְּלִי-דָגָה אֲשֶׁר-בַּמַּיִם מִתַּחַת לָאָרֶץ: 14 וּפֶן-
 תִּשָּׂא עֵינֶיךָ הַשְׁמִימָה וְרִאִיתָ אֶת-הַשָּׁמַיִם וְאֶת-הַיָּרֵחַ וְאֶת-הַכּוֹכָבִים
 כֹּל צִבְיָה הַשָּׁמַיִם וְנִדְחָתָה וְהִשְׁתַּחֲוִיתָ לָהֶם וַעֲבַדְתָּם אֲשֶׁר חָלַק יי
 אֱלֹהֶיךָ אֹתָם לְכֹל הָעַמִּים תַּחַת כָּל-הַשָּׁמַיִם: 15 וְאַתֶּכֶם לֶקַח יי
 וַיּוֹצֵא אֶתְכֶם מִכּוּר הַבְּרָזָל מִמִּצְרַיִם לֵהְיוֹת לוֹ לְעַם נִחְלָה בְּיוֹם
 הַזֶּה: 16 כֹּא וְיִי הַתְּאֻנְיָבִי עַל-דְּבָרֵיכֶם וַיִּשָּׁבַע לְבַלְתִּי עֲבֹרִי אֶת-הַיָּרְדֵּן
 וּלְבַלְתִּי-בֹא אֶל-הָאָרֶץ הַטּוֹבָה אֲשֶׁר יי אֱלֹהֶיךָ נָתַן לָךְ נִחְלָה: 17 כִּי
 כִּי אֲנֹכִי מֵת בָּאָרֶץ הַזֹּאת אֵינֶנִּי עֹבֵר אֶת-הַיָּרְדֵּן וְאַתֶּם עֲבָרִים
 וַיִּרְשָׁתֶם אֶת-הָאָרֶץ הַטּוֹבָה הַזֹּאת: 18 כִּי הַשָּׁמַיִם לָכֶם פֶּן-תִּשְׁכַּחוּ
 אֶת-בְּרִית יי אֱלֹהֵיכֶם אֲשֶׁר כָּרַת עִמָּכֶם וַעֲשִׂיתֶם לָכֶם פֶּסֶל תְּמוּנַת
 כָּל אֲשֶׁר צִוָּךְ יי אֱלֹהֶיךָ: 19 כִּי יי אֱלֹהֶיךָ אֵשׁ אֹכְלָה הוּא אֵל קָנָא:

(15) For your own sake, therefore, be most careful – since you saw no shape when the Lord your God spoke to you at Horeb out of the fire –

(16) not to act wickedly and make for yourselves a sculptured image in any likeness whatever: the form of a man or a woman,

(17) the form of any beast on earth, the form of any winged bird that flies in the sky,

(18) the form of anything that creeps on the ground, the form of any fish that is in the waters below the earth.

(19) And when you look up to the sky and behold the sun and the moon and the stars, the whole heavenly host, you must not be lured into bowing down to them or serving them. These the Lord your God allotted to other peoples everywhere under heaven;

(20) but you the Lord took and brought out of Egypt, that iron blast furnace, to be His very own people, as is now the case.

(21) **Now the Lord was angry with me on your account and swore that I should not cross the Jordan and enter the good land that the Lord your God is assigning you as a heritage.**

(22) **For I must die in this land; I shall not cross the Jordan. But you will cross and take possession of that good land.**

(23) **Take care, then, not to forget the covenant that the Lord your God concluded with you, and not to make for yourselves a sculptured image in any likeness, against which the Lord your God has enjoined you.**

(24) **For the Lord your God is a consuming fire, an impassioned God.**

(15) For your own sake, therefore, be most careful: This passage imposes a special requirement on Israel that the Almighty demands only of them. It is the prohibition of ascribing (or “attaching, adjoining”) to God any visual image, notwithstanding that, as we shall see later, this level of strictness is not imposed on other peoples.

(15-16) For your own sake, therefore, be most careful – since you saw no shape when the Lord your God spoke to you at Horeb out of the fire – not to act wickedly and make for yourselves a sculptured image: The literal translation is, “You must guard your souls in the extreme ... lest you act wickedly and make for yourselves any sculptured image.”

We can interpret this verse in the straightforward sense: protect your souls from temptation, and dare not make for yourselves any such image. But the word *ve-nishmartem*, “guard, protect,” can conceivably be understood as past tense rather than future (or hortatory) tense. According to that meaning, this verse is speaking retrospectively: “At Sinai too you had to guard your souls, and you were therefore not permitted to see any image” – for had you seen any such image of God, you could never have withstood it, and you would have died immediately.

That interpretation is quite consistent with God’s words to Moses: “You cannot see My face, for man may not see Me and live” (Exod. 33:20). Any attempt to view the transcendental will inevitably lead to death. And that is why, as noted above, religious thought must be oriented not

to the question, “What is God?” but to the question: “What path in life does God want me to follow?”

(16) Not to act wickedly and make for yourselves a sculptured image in any likeness whatever: Observing the concept of an invisible God in a world full of images of gods is the equivalent of maintaining ethical, moral behavior in a corrupt society. Since it is impossible to see God (and remain alive), and it is difficult to remain faithful to the idea of an invisible God on the basis of solely abstract ideas, there is a temptation to make or take for oneself some image as an object of worship. This is the “wickedness” (corruption, seduction, defilement) that this verse is warning against.

The form of a man or a woman: This is a continuation of the theme begun in the previous verse, that the Israelites saw no image when the Lord spoke to them at Horeb (Sinai). The discussion here is not about full-blown idolatry – complete rejection of the Almighty – but about attaching to Him a secondary, supplemental image that might help a person worship the Almighty more effectively. This form of religion is called *Shituf*, literally “attaching, adjoining,” which Jewish tradition views as a defective form of monotheism, not pure monotheism.

(19) And when you look up to the sky and behold the sun and the moon and the stars, the whole heavenly host, you must not be lured into bowing down to them or serving them. These the Lord your God allotted to other peoples everywhere under heaven: This verse is ambiguous. It can be read two ways:

- (i) God allotted the sun, moon, and stars to all peoples as luminaries (but not to be worshipped).
- (ii) God allotted the sun, moon, and stars to all other peoples (but not Israel) to be worshipped.

According to the first interpretation, the Almighty allotted those luminaries to shine for all peoples. But only for that purpose – even the nations are forbidden to worship them. The only acceptable religion for all peoples and all nations is pure monotheism.

But the second interpretation understands the words “These the Lord your God allotted to other peoples everywhere under heaven” as completing the earlier part of the verse: “And when you look up to the sky and behold the sun and the moon and the stars, the whole heavenly host.” That is, the Almighty has endowed all the nations with luminaries for worship.

The first approach is characteristic of religious rationalism, which denies the existence of other gods, and considers any belief in such deities just so much primitive nonsense. But the second reading considers the deities of the peoples of the world not merely a delusion, but a reality, and believes that for other nations outside the Land of Israel, worship of luminaries and other such higher powers is both natural and excusable. It is difficult for the nations to do without visible images, and *Shituf* is therefore permissible for them. To demand pure monotheism from all the peoples of the world would be expecting too much. If we adopt this second interpretation, then “These the Lord your God allotted to other peoples everywhere under heaven” refers not only to the luminaries but to other higher powers as well, and also the images associated with them.

This does not mean, of course, that it is preferable or desirable for the peoples of the world to follow the path of *Shituf*, adjoining visible images to the Almighty. Even those authorities who allow *Shituf* for the nations of the world concede that although it is permissible for them, by no means is it an ideal form of monotheism. All agree it is desirable that all people profess pure monotheism. But there is always a significant gap between the ideal and the reality. According to this opinion, those non-Jews who profess *Shituf*, although it is certainly an imperfect form of monotheism, should not be deemed idolaters.

We will consider in greater detail this question of the nature of “other gods” in our commentary below to the verse “For the Lord your God is God supreme and Lord supreme” (Deut. 10:17). More literally, that verse would be translated as: “He is God of gods, and Lord of lords.” This variation in translation itself reflects that fundamental dichotomy of understanding – the question of whether other gods are real, or only imagined.

To other peoples everywhere under heaven: That is, to those peoples everywhere else, but not to those living in the Land of Israel.

In the Holy Land not only Jews, but all other nations too, are prohibited from worshipping idols or images.

(20) But you the Lord took and brought out of Egypt: Here the Jewish people are contrasted with all other nations: “These (luminaries) the Lord your God allotted to other peoples everywhere under heaven. But you the Lord took and brought out of Egypt.”

The phrasing “took and brought out of Egypt” is somewhat redundant. Colloquially, and with respect to a physical object, we might say something like, “So I took (i.e., picked up) the chair and brought it out of the house.” But such usage is not applicable here. We can therefore understand “But you the Lord took and brought out of Egypt” to mean that in leading Israel out of Egypt, the Almighty also removed them (“brought them out”) from the ordinary system of life within which all other peoples live. Other nations can be forgiven for cleaving to their images, but a Jew must never direct his religious feelings to any object or entity of the material world.

In religious terms, the Torah considers the life of the Jewish people in the Land of Israel a model for all of humanity. It is an ideal toward which all mankind must advance, if only gradually, and eventually embrace.

(20) That iron blast furnace: This expression can be understood in two senses:

- (i) A furnace used for smelting iron.
- (ii) A furnace that is itself made of iron (and used for smelting other metals).

Iron must be smelted at a temperature much higher than that used for other metals. Thus, according to sense (i), this verse is emphasizing the extreme difficulties that the people have endured.

Sense (ii) refers to the use of an iron furnace for smelting gold and other precious metals, in order to remove their impurities. By this interpretation, the verse is saying that as the result of Israel’s “smelting” in Egypt, they were purified to a very high degree, in preparation for their future mission.

(20) Out of Egypt: The purpose of the Egyptian bondage was to “smelt” Jacob’s descendants, to enable them to transcend and rise above the merely natural level of existence that is common to all other nations of the world. Egypt in its heyday was a leading world civilization. The smelting of the Jewish nation in that country enabled them to assimilate the most significant achievements of Egyptian civilization, and to carry those achievements with them out of Egypt, to be used and applied in the future for building their lives.¹⁴

To be His very own people: I.e., to be the people who realize the Divine mission here on earth.

(21) Now the Lord was angry with me on your account and swore that I should not cross the Jordan: When the Torah says that God swore, it means that His decision is immutable and irreversible. In this case it refers to God’s decree denying Moses entry to the land of Israel.

(21-22) And enter the good land that the Lord your God is assigning you as a heritage. For I must die in this land ... But you will cross and take possession of that good land: As noted earlier, the Transjordan is called “this land,” but Canaan is called “the good land.”

(22) For I must die in this land; I shall not cross the Jordan: If Moses is to die on this side of the Jordan, is it not self-evident that he will not cross it? But we can explain this apparent redundancy to mean: “I will not enter the Promised Land as your leader, nor even as an ordinary citizen.”

(22-23) But you will cross ... Take care, then: Moses is saying: “I will no longer be with you to keep you from committing serious blunders. You must therefore be independent and responsible for yourselves. Take care, then, not to forget God’s covenant, and not to be seduced by idolatry.”

¹⁴ For more on this point, see the *Bible Dynamics* commentary to Gen. 15:14: “But I will execute judgment on the nation they shall serve, and in the end they shall go free with great wealth.” We understand this verse as referring not only to material wealth, but to the enrichment of the Jewish nation through the sparks of holiness that they were able to extract from Egyptian culture.

Not to forget the covenant that the Lord your God concluded with you, and not to make for yourselves a sculptured image in any likeness, against which the Lord your God has enjoined you: The prohibition of worshipping any visible image is a key element of the covenant that the Almighty has concluded with the Jewish people.

(24) For the Lord your God is a consuming fire, an impassioned God: The Almighty deals more strictly with the Jewish people than with other nations of the world. Jews are therefore prohibited from worshipping visible images and, more generally, from deviating in any way from pure monotheism.

§ 6.6. THE ROUTINE FAMILIARITY OF LIFE IN THE LAND LEADS TO DESTRUCTION (4:25-26)

כֹּה כִּי־תוֹלִיד בָּנִים וּבָנֵי בָנִים וְנוֹשְׁנֶתָם בָּאָרֶץ וְהִשְׁחַתְתָּם וַעֲשִׂיתָם
פֶּסֶל תְּמוֹנֹת לֹל וַעֲשִׂיתָם הָרַע בְּעֵינֵי יְיָ אֱלֹהֶיךָ לְהַכְעִיסוֹ: כִּי הָעִידְתִּי
בְּכֶם הַיּוֹם אֶת־הַשָּׁמַיִם וְאֶת־הָאָרֶץ כִּי־אֲבַד תֵּאֱבְדוּן מִהָרָּ מֵעַל
הָאָרֶץ אֲשֶׁר אֲתֶם עֹבְרִים אֶת־הַיַּרְדֵּן שָׁמָּה לְרִשְׁתָּהּ לְאֶת־תֹּאֲרִיכּוֹן
יָמִים עָלֶיהָ כִּי הַשָּׁמַד תִּשְׁמְדוּן:

(25) When you have begotten children and children's children and are long established in the land, should you act wickedly and make for yourselves a sculptured image in any likeness, causing the Lord your God displeasure and vexation,

(26) I call heaven and earth this day to witness against you that you shall soon perish from the land that you are crossing the Jordan to possess; you shall not long endure in it, but shall be utterly wiped out.

(25) When you have begotten children and children's children: This section (through Deut. 4:40), concludes Moses' first address. It seems to come entirely out of the blue.

Everything in Moses' monologue until now appears quite reasonable and comprehensible: a retrospective of the journey, basic principles for life, and the prohibition of practicing idolatry. But now Moses is suddenly making predictions of events many centuries (even millennia) into

the future, and terrifying predictions at that: the people will commit crimes so serious that destruction and exile will be the inevitable result. And only then, a very long time after that, will they return to their land.

It is also surprising that the Jewish people perceived these predictions as an integral element of their national narrative. After receiving such a prophecy – that their state will be destroyed, that they will be scattered over the face of the earth to all but perish, and that only “at the end of days” will they be rehabilitated and return to their own land – no other people would have incorporated that prediction into the very foundation of its worldview. In the history of mankind, at least, we know of no people, except the Jewish people, who could and did live with such dire predictions concerning their own destiny.

When you have begotten children and children’s children: Moses speaks here of problems that will arise not immediately, but only after the Jewish people have lived many generations in the Land of Israel.

So much attention has been paid up to this point to the difficulties surrounding the conquest of the land, we might have thought that from the moment the people settle in the land and achieve complete mastery of it, there will no longer be any such serious problems. But the reality turns out quite different: in future times, the people in their land will be faced with new tests, hardly any simpler than the previous ones, and by all indications even much more difficult.

And are long established in the land: A citizen who is “long established” feels a natural belonging to the place where he lives – he considers it his natural right. If, for example, you were to ask a local resident anywhere in the world, “Tell me, please, why do you live here?,” you could expect him more than likely to reply: “Why? What do you mean, ‘why’? I live here because I was born here, and because my ancestors long before me lived here. This is our country.” Such is the perception of a person who is “long established.”

The first generation to arrive in the land of Israel in the days of Joshua son of Nun, Moses’ successor, answered this question differently: “We are here in this land because the Lord brought us out of Egypt and gave us this place.” This is an entirely different mode of consciousness, in which the connection to the Jewish homeland is perceived as a

consequence of the Exodus and the Divine mission. If a man of Israel knows that it was God who brought him out of Egypt, and the Land of Israel was not originally his land, then he will see himself not merely as a product of that land, but as having been chosen to transcend nature in order to transform the world. Only by entertaining this viewpoint can he be spared from embracing idolatry, which (especially in Canaan) is rooted in the worship of nature and of one's own territory.

The Torah relates that the Canaanites "worshiped their gods on lofty mountains and on hills, or under any luxuriant tree" (Deut. 12:2). The Canaanites had a profound sense of life's natural elements. And therefore, when the Torah says: "You shall not copy the practices of the land of Canaan to which I am taking you; nor shall you follow their laws" (Lev. 18:3), the Midrash explains: "Why does it say, 'the practices of the land of Canaan,' and not 'the practices of the land of the Canaanites'? Surely it was the people, not the land, who did those bad things?" The Midrash answers: "It is because the land itself, the future Land of Israel, directed them, and even compelled them, to commit those crimes." This land has a power that compels its inhabitants to bow before it, and before its natural forces. Over time such admiration develops into a cult of idolatry. Therefore the Torah warns: because the time will come that you will have that feeling of being "long established in the land," you will not be able to resist the temptation of practicing idolatry, and you will succumb to it.

Should you act wickedly and make for yourselves a sculptured image in any likeness, causing the Lord your God displeasure and vexation: After living so many generations on this land, and when everything is going well, you will take for granted that it will continue to do likewise. And then you will turn away from God.

Life in their land is essential for the Jewish people – without that they cannot fulfill their mission. But there is also a danger of "excessive normalization" there. Some normalization is necessary and beneficial, but too much normalization – losing sight of one's own uniqueness – is bad, because the people will come behave like all other nations, worshipping the forces of nature.

In our era, this fear of “over-normalization,” which is entirely justified, is that positive and correct Divine spark that fuels “religious anti-Zionism” – expressed today in the Neturei Karta and Satmar Hasidic movements, who oppose the State of Israel on religious grounds.

(26) I call heaven and earth this day to witness against you: I.e., I am telling you that what I am about to describe is the natural course of events in the world in which we live.

That you shall soon perish from the land that you are crossing the Jordan to possess; you shall not long endure in it, but shall be utterly wiped out: If you become too deeply entrenched in this land and you go astray, the only possible remedy will be to “de-normalize” you, to drive you out, to make you once again a people without a land. Thus, this exile is not a punishment, but a means of correction – exile for the sake of survival, a protective mechanism for preserving the eternity of the Jewish people.

But of course, it is also natural that all this will entail horrendous human suffering. We know that the destruction of the Temple and the land was an unthinkable catastrophe, with hundreds of thousands (if not millions) dead. And the two millennia of exile that ensued were replete with suffering as well.

This is how the course of history unfolds. Many nations experience catastrophes. Almost all ancient peoples perished in the wake of such national catastrophes. The essential difference, however, is that the Jewish people have the capacity, even after a catastrophe, to experience a national rebirth.

There are ways to prevent this worst-case scenario from happening. One of those is the *Shemittah* year, observed every seventh year, in which there is a temporary “distancing from the earth.” The people of Israel “go into voluntary exile,” as it were, but without actually leaving the borders of their land. With this mechanism, a proper balance between interacting with the land and maintaining distance from it can be maintained. For more details about the *Shemittah* year, see the *Bible Dynamics* commentary on Leviticus (26:34 ff).

§ 6.7. THE PREDICTION OF EXILE AND RETURN (4:27-31)

כֹּז וְהִפִּיץ יְיָ אֶתְכֶם בְּעַמִּים וְנִשְׁאַרְתֶּם מִתִּי מִסָּפָר בְּגוֹלִים אֲשֶׁר יִנְהַג
 יְיָ אֶתְכֶם שָׁמָּה: כֹּה וְעַבַדְתֶּם-שָׁם אֱלֹהִים מַעֲשֵׂה יְדֵי אָדָם עֵץ וָאֶבֶן
 אֲשֶׁר לֹא-יִרְאוּן וְלֹא יִשְׁמְעוּן וְלֹא יֵאָכְלוּ וְלֹא יִרְיחוּ: כֹּס וּבִקְשֶׁתְּם
 מִשָּׁם אֶת-יְיָ אֱלֹהֵיךָ וּמַצֵּאתָ כִּי תִדְרֹשְׁנֻהוּ בְּכָל-לִבְבְּךָ וּבְכָל-נַפְשְׁךָ:
 לֹא בִצָּר לָךְ וּמַצֵּאוֹךָ כָּל הַדְּבָרִים הָאֵלֶּה בְּאַחֲרִית הַיָּמִים וְשִׁבְתָּ עַד-
 יְיָ אֱלֹהֶיךָ וְשָׁמַעְתָּ בְּקוֹלוֹ: לֹא כִּי אֵל רַחוּם יְיָ אֱלֹהֶיךָ לֹא יִרְפֶּךָ וְלֹא
 יִשְׁחִיתֶךָ וְלֹא יִשְׁכַּח אֶת-בְּרִית אֲבֹתֶיךָ אֲשֶׁר נִשְׁבַּע לָהֶם:

(27) The Lord will scatter you among the peoples, and only a scant few of you shall be left among the nations to which the Lord will drive you.

(28) There you will serve man-made gods of wood and stone, that cannot see or hear or eat or smell.

(29) But if you search there for the Lord your God, you will find Him, if only you seek Him with all your heart and soul –

(30) when you are in distress because all these things have befallen you and, in the end, return to the Lord your God and obey Him.

(31) For the Lord your God is a compassionate God: He will not fail you nor will He let you perish; He will not forget the covenant which He made on oath with your fathers.

(27) **The Lord will scatter you among the peoples:** Moses anticipates events that will occur only one and a half millennia later, after the destruction of the second Temple in the year 70 CE. (During the Babylonian captivity, after the destruction of the first Temple in 586 BCE, all Jews lived in the same region; they were not scattered among the nations. Thus, the Babylonian captivity was not the fulfillment of this prophecy.)

(28) **There you will serve man-made gods of wood and stone:** The logic of this prediction is as follows. “Since you chose to worship idols, you will be given the opportunity to experience for yourselves the consequences of that. However, it will not be in the Land of Israel, where idolatry is fundamentally unacceptable, but in exile.”

As we know, even during their dispersion and exile the Jewish people never embraced idolatrous practices en masse. On the whole the people remained faithful to God and to Judaism.

The Midrash therefore understands this verse to mean that the presence of the Jews among other nations is itself an investment of the Jewish soul and Jewish energy in the development of alien, idolatrous culture. This is deemed equivalent to their serving other gods.

Wood and stone: The Torah considers Babylon and Egypt (Mesopotamia on the east, and the Nile-Mediterranean region on the west, respectively) the two primary world centers. And the land of Israel is the connecting link between them. The boundaries of the Land of Israel, the land that God promised Abraham would belong to his descendants, are described as extending “from the river of Egypt to the great river, the river Euphrates” (Gen. 15:18).

The connection between those two leading centers of humanity is, in fact, the spiritual (and not only geographical) meaning of that delineation of boundaries, “from the Nile to the Euphrates.” I.e., the Land of Israel serve to connect Egypt and Babylon.

Egyptian/Western civilization worships the sun. Its calendar is solar, and its culture is rational, attuned to the light of day, which is associated with rationality and reason. Babylonian/Eastern civilization worships the moon, and uses a lunar calendar. Its culture is attuned to the darkness of night – irrationality, magic, and the occult.

In the course of changes in the spiritual structure of mankind that occurred during the Axial Age,¹⁵ these two monumental civilizations subsequently disintegrated. But later, building on their foundation, and under Judaism’s influence, Christianity and Islam were born, which again adhere to the solar and lunar calendars, respectively. Their world-views likewise correlate to those two fundamental systems.¹⁶

¹⁵ A term coined by German philosopher Karl Jaspers. It refers to broad changes in religious and philosophical thought that occurred in Eurasian societies and the period – from about the 8th to the 3rd century BC – during which most of the main religious and spiritual traditions emerged.

¹⁶ An elaboration on this topic can be found in the *Bible Dynamics* commentary to Gen. 12:6.

The words of this verse, “There you will serve man-made gods of wood and stone,” came to be understood as alluding to Christianity (wood, because of the cross) and Islam (stone, because of the Kaaba). And accordingly, the scattering of the Jewish people among these two civilizations is seen as the realization of the Torah’s prediction here.

That cannot see or hear or eat or smell.: That is, these idols are not real gods, but only represent abstract concepts.

(29) But if you search there for the Lord your God: The Hebrew is *u-vikashtem mi-sham*, “you will search from there for the Lord your God.”

“From there” – not only geographically, but also spiritually. “From there” means from within the idolatrous cultures in which you will be immersed. The prevailing “philosophical religions” of the countries of exile will exert an enormous cultural influence on the Jewish people. And while there is plenty wrong with those religions, that influence will have a positive side as well. Namely: Israel in exile will experience a certain (inevitable) level of cultural involvement in a “foreign service” beyond the boundaries of their land, that has the ability to refine and cleanse the people of those excessively powerful forces of nature that acted on them in the land and led them to practice idolatry.

“From there” – by virtue of that dispersal and that exile – the process of the return will begin: both the return to the land, and the return to the Almighty.

You will find Him, if only you seek Him with all your heart and soul: This is God’s firm promise that that search shall not have been in vain.

(30) When you are in distress because all these things have befallen you: Moses predicts that unbearable hardships will befall the Jewish people at the end of their exile. But the impossibility of remaining in exile any longer will also become evident, giving the people the impulse they need in order to “return.”

Because all these things have befallen you: I.e., when all the predictions (Deut. 4:25-29) will come to pass. Thus, these verses describe the entire process of the expulsion from the land, the search for God, and the eventual return. (All this will be covered much later, in the com-

mentary to Deut. 30, where we will explore and analyze these issues in detail.)

And, in the end: Literally: “At the end of days.” The Torah uses this expression to mean the end of an era and the transition to a new stage in history. (See Gen. 49:1 and the closely related expression in Gen. 4:3.)

Return to the Lord your God: Just as the exile is both a geographical migration to foreign countries and a alienation from God (“There you will serve man-made gods of wood and stone”), so too the return has both a physical and a spiritual aspect: return to the land and return to God.

To the Lord your God: The Torah speaks of this return in several places, using slightly different terminology. Here, and in Deut. 30:2, it is *ad ha-Shem Elohecha*, literally “[to turn in the direction] toward the Lord your God,” but in Deut. 30:10 *el ha-Shem Elohecha*, literally “to [reach] the Lord your God.”

The commentaries understand these variations as different stages of the return. First the people turn to God, i.e., they orient themselves toward Him, but do not yet approach Him. Only at the next stage in the process of return, after the full crisis of the exile, do they actually approach the Almighty and reach Him. We will take a closer look at this issue later, in our commentary to chapter 30 of this book of Deuteronomy.

And obey Him: You had no interest in such obedience before the Exile. You will come to obey the Almighty only after the return.

(31) For the Lord your God is a compassionate God: He will not fail you nor will He let you perish: The normal socio-historical pattern is that peoples exiled from their country soon assimilate, disperse, and disappear. But God will perform for you an unusual kindness: He will not let you perish. You will survive as a nation even in your long exile, and you will be able to return.

He will not forget the covenant which He made on oath with your fathers: When the Torah speaks of God’s covenant with the Patriarchs, it is always in connection with the Land of Israel and the independent national existence of the people there. Therefore, one clear indicator of the fulfillment of God’s covenant with the Patriarchs is that their descendants will return to the land.

§ 6.8. THE UNIQUENESS OF JEWISH HISTORY (4:32-40)

לב כי שאל-נא לַיָּמִים רָאשֹׁנִים אֲשֶׁר-הָיוּ לִפְנֵיךָ לְמֹן-הַיּוֹם אֲשֶׁר
 בָּרָא אֱלֹהִים | אָדָם עַל-הָאָרֶץ וּלְמַקְצֶה הַשָּׁמַיִם וְעַד-קֶצֶה הַשָּׁמַיִם
 הַנִּהְיָה בְּדַבֵּר הַגְּדוֹל הַזֶּה אוֹ הַנִּשְׁמָע כְּמָהוּ: לֹא הִשְׁמַע עִם קוֹל
 אֱלֹהִים מִדְּבַר מִתּוֹךְ-הָאֵשׁ בְּאֲשֶׁר-שָׁמַעְתָּ אֹתָהּ וַיַּחֲי: לָהּ אוֹ | הַנִּסָּה
 אֱלֹהִים לְבֹא לְקַחַת לּוֹ גּוֹי מִקְרֹב גּוֹי בְּמִסְתָּ בָּאֵתָת וּבְמוֹפְתִים
 וּבְמַלְחָמָה וּבְיָד חֲזָקָה וּבְזִרְעָ נְטוּיָה וּבְמוֹרָאִים גְּדֹלִים כָּכָל אֲשֶׁר-
 עָשָׂה לָכֶם יְיָ אֱלֹהֵיכֶם בְּמִצְרַיִם לְעֵינֶיךָ: לֹא אִתָּה הָרָאָתָ לְדַעַת כִּי
 יְיָ הוּא הָאֱלֹהִים אֲיֵן עוֹד מִלְּבָדוֹ: לוֹ מֹן-הַשָּׁמַיִם הַשְׁמִיעָךְ אֶת-קוֹלוֹ
 לִי־סֶרֶךְ וְעַל-הָאָרֶץ הָרָאָךְ אֶת-אֲשֶׁר הַגְּדוֹלָה וּדְבָרָיו שָׁמַעְתָּ מִתּוֹךְ
 הָאֵשׁ: לוֹ וְתַחַת כִּי אָהֵב אֶת-אַבְרָהָם וַיִּבְחַר בְּזִרְעוֹ אַחֲרָיו וַיּוֹצֵאֲךָ
 בְּפָנָיו בְּכַחוֹ הַגָּדֹל מִמִּצְרַיִם: לֹא לְהוֹרִישׁ גּוֹיִם גְּדֹלִים וְעַצְמִים מִמֶּךָ
 מִפְּנֵיךָ לְהִבְיָאֲךָ לְתַת-לֶךְ אֶת-אַרְצָם נַחֲלָה כְּיוֹם הַזֶּה: לֹא וַיִּדְעַתָּ
 הַיּוֹם וְהַשְּׁבֹתָ אֶל-לִבְבְּךָ כִּי יְיָ הוּא הָאֱלֹהִים בְּשָׁמַיִם מְמַעַל וְעַל-
 הָאָרֶץ מִתַּחַת אֲיֵן עוֹד: מִ וְשִׁמְרָתָ אֶת-חֻקָּיו וְאֶת-מִצְוֹתָיו אֲשֶׁר
 אָנֹכִי מְצֻוֶה הַיּוֹם אֲשֶׁר יִיטֹב לָךְ וּלְבִנְיָךְ אַחֲרֶיךָ וּלְמַעַן תִּתְּרֶיךָ יָמִים
 עַל-הָאָדָמָה אֲשֶׁר יְיָ אֱלֹהֶיךָ נָתַן לָךְ כָּל-הַיָּמִים:

(32) You have but to inquire about bygone ages that came before you, ever since God created man on earth, from one end of heaven to the other: has anything as grand as this ever happened, or has it like ever been known?

(33) Has any people heard the voice of a god speaking out of a fire, as you have, and survived?

(34) Or has any god ventured to go and take for himself one nation from the midst of another by prodigious acts, by signs and portents, by war, by a mighty and an outstretched arm and awesome power, as the Lord your God did for you in Egypt before your very eyes?

(35) It has been clearly demonstrated to you that the Lord alone is God; there is none beside Him.

(36) From the heavens He let you hear His voice to discipline you; on earth He let you see His great fire; and from amidst that fire you heard His words.

(37) **And because He loved your fathers, He chose their heirs after them; He Himself, in His great might, led you out of Egypt,**

(38) **to drive from your path nations greater and more populous than you, to take you into their land and assign it to you as a heritage, as is still the case.**

(39) **Know therefore this day and keep in mind that the Lord alone is God in heaven above and on earth below; there is no other.**

(40) **Observe His laws and commandments, which I enjoin upon you this day, that it may go well with you and your children after you, and that you may long remain in the land that the Lord your God is assigning to you for all time.**

(32) You have but to inquire: Here, at the end of his first address, Moses speaks of the utterly anomalous character of the Jewish people. Their birth and history are nothing like those of all other nations.

This historical anomaly is cited here as the basis of a corresponding religious anomaly as well: it is normal and expected that an ordinary people will worship the forces of nature. But the Jewish people are an extraordinary, “unnatural” people, who have a direct relationship to the Transcendent. And therefore they must not worship natural forces.

You have but to inquire about bygone ages that came before you, ever since God created man on earth, from one end of heaven to the other: This is the Torah’s explicit commandment to study world culture (and not only Jewish culture), which means studying the history, mythology, and literature of the countries and peoples of the world. Without those it is impossible to fully understand the Jewish people and their mission.

(Unfortunately, we still find many religious people who believe that the obligation to study applies only to religious, that is, Jewish studies. They fail to understand and acknowledge this commandment. It is important to realize that such a position of Jewish isolationism directly contradicts the view of the Torah.)

Has anything as grand as this ever happened, or has it like ever been known?: “Has anything like this ever happened” – in reality, “or

has it been known” – in the mythology of the peoples of the world. Indeed, no other people has a comparable story – revelation experienced by an entire nation and not only by individuals, or of the exodus of an entire nation from under the oppressive grip of another. The Torah here asserts that these facts testify objectively to the uniqueness of the Jewish people and their mission.

Many commentators believe that the uniqueness of the story of the birth of the Jewish people and the Sinai revelation testifies to their truth: if all this was merely invented, why didn’t many other peoples come up with it too? Although that position is quite logical, this verse of the Torah is not about proving the factuality of the exodus from Egypt and of the revelation at Sinai. Those are taken as axiomatic, and are not a subject for deliberation. Rather, this verse is about the evidence for the uniqueness of the Jewish people among the rest of mankind.

(33) Has any people heard the voice of a god speaking out of a fire, as you have, and survived?: This rhetorical question serves as positive confirmation that there was something terrifying – even horrific – in the Divine revelation itself. It was an inherently life-threatening experience.

(34) Or has any god ventured: It would be wrong to understand this passage as simply saying that “our God is mightier than all other gods.” That would be a highly dubious and primitive formulation for glorifying the Almighty. Rather, it is saying that the Almighty brings to fruition events that would never happen through natural means alone. In this case, that event is the traumatic birth of a people – the Jewish people.

To go and take for himself one nation from the midst of another: God produced Israel from out of Egypt’s womb, as it were, like an infant emerging from its mother in the process of human childbirth.

Socially speaking, the Israelites in Egypt were a part of the Egyptian people, even if ethnically they were not Egyptians. In contemporary terms we can compare this, say, to the nations of France or Germany that are comprised of all the citizens of their respective countries, not only native Frenchmen or Germans. Even a distinct ethnic society, after living for several hundred years within another nation, becomes a de

facto component of that country's political organism. In this sense the Jews were a part of the Egyptian people, and the Exodus was therefore akin to a birth.

The birth of a living organism from another always entails significant trauma. For the child, the trauma consists in finding himself in a completely new and unfamiliar world. As a fetus he was enveloped in the cozy world of his mother's womb, where every one of his needs was addressed, and nothing was demanded or required of him. He had no responsibility for anything, and never needed to fight for his existence. But after birth, the baby finds himself in an entirely different world from the previous one, and this is traumatic indeed. Something similar happened also to the Jewish people at their exodus from Egypt.

The Israelites were slaves in Egypt, but we must not imagine that they were living an intolerable life that left them always on the brink of death. For, on the contrary, in those days slavery was the norm. A slave existence in no way implied having to perform back-breaking labor, or that, as is sometimes imagined, slaves were subjected to torture for even the smallest offense.

It is true that, as the book of Exodus makes clear, during their term of Egyptian bondage the Israelites experienced certain situations that could hardly be considered the norm even for slaves. This includes, as just two of the best-known examples, Pharaoh's demand that they make bricks without being given straw, and his decree that all newborn infant boys be drowned in the Nile. But these were only one-offs for the Israelites. Overall, their slave existence was quite ordinary – peaceful and posing no inordinate obligations. This is evident from the fact that several times in the years following the Exodus the Israelites expressed a wish to reverse their steps and return to Egypt, in order to resume the life they had had there.

It is far from obvious that the Israelites of the Exodus era actually rejoiced at the chance to emerge from slavery to freedom. For them that freedom was fraught with the anxiety of an uncertain future, and they perceived the Exodus as a truly traumatic event.

Thus, the two most anomalous events in Jewish history, as compared with that of other peoples, are the Exodus (the birth of "one nation from the midst of another") and the giving of the Torah (Divine, transcendental

revelation to the entire nation). It is quite accurate to say that those two events occurred nowhere else but in Jewish history. We find nothing of the kind in all of world history or mythology.

Or has any god ventured to go and take for himself one nation from the midst of another by prodigious acts, by signs and portents ... as the Lord your God did for you?: Other nations come into being through very different processes. Their appearance on the world stage is not associated with trauma, because their deities – the higher powers that they worship – always “side with them against their enemies.” From such forces there can be no coercion.

But the Jewish conception is that the Almighty cares most about the world as a whole. His goal, therefore, is not merely to help the Jewish people to be successful and feel good, but to make them worthy of being world leaders for the advancement of humanity.

(35) It has been clearly demonstrated to you that the Lord alone is God: Literally, *hor'eita*, “you have been shown.” Thus, this verse means: “Unto you it has been shown, so that you will know that the Lord alone is God.” This is a unique kind of knowledge, acquired by observing something lucidly and thereby becoming convinced that it is real.

That the Lord alone is God is not something you have merely been told, and are expected to take on faith. You saw it with your own eyes, and it became obvious to you. You saw that the Divine truly governs and directs nature, and that there is no one but Him. This is an important competency given to the people of Israel. They witness the Divine governance of the world through the reality of their national history.

The verb *hor'eita* is linguistically quite close to *hora'ah*, “instruction, teaching.” This verse is saying: “You must teach this knowledge, which you have acquired based on your history and experience, to all the peoples of the world.” This is why the story of the origins of Judaism is included in the Holy Scriptures of Christianity (and of Islam too, in part), and the peoples of the world perceive Jewish history as “sacred history.”

That the Lord alone is God: This lexical formulation means that *God*, who is Transcendentally Supreme, manifests through His governance of the universe by natural forces, which are called *Elohim* – God.

There is none beside Him: He alone rules the world that He has created.

(36) From the heavens He let you hear His voice: Here the word “heavens” is a conceptual synonym for “values.” The Almighty’s voice has established for mankind a hierarchy of values, and has ordered and ranked them.

To discipline you: The Divine teachings must not remain only a theory. They are instructions that you must adopt in your daily practice, such that they will change your lifestyle, and improve the quality of your life.

On earth He let you see His great fire: “Earth” here means the larger, surrounding world of our experience.

And from amidst that fire you heard His words: This verse speaks of God’s voice, and also His words. Voice here means the general tone, timbre, and intonation of what is said, while the words are the specific formulations. The voice was heard from Heaven – this connection between God and man establishes the general direction of the Divine value system. But only after experiencing the realization of that system on earth – here called “fire” – i.e., only after surviving severe crises, conflicts, confrontations, and even war, can a person “hear the words,” which means understanding their true, underlying meaning, and knowing how the system is put into practice.

Words make their appearance in the process of solving problems. God presented man not with a fully ready-made system, but only a general direction for that system, a set of concepts that man himself must then refine in the course of history. Such is the relationship in Judaism of the written and oral components of the Torah. The Written Torah came directly from Heaven, while the Oral Torah has its roots in Heaven, but takes its nourishment from the earth, and grows there.

“Hearing” and “seeing” in this verse are different levels of understanding. One who hears perceives the speaker, but is not self-sufficient – he only receives. When we see, we are actual subjects, and the world we see is an object. But at the same time, we are ourselves responsible for the image of the world that we have created. The Torah uses both of these concepts when speaking of the relationship between man and God.

(37) And because He loved your fathers, He chose their heirs after them: In the Hebrew, “He loved your fathers” is in the plural, but “chose his heirs” is in the singular.

God loved all three Patriarchs: Abraham, Isaac, and Jacob. But of the three, only Jacob’s progeny was fully chosen. Abraham’s son Isaac received that status, but Abraham’s son Ishmael did not. And Isaac’s son Jacob received that chosen status, but Jacob’s twin brother Esau did not.

He Himself: Literally, “In his [own] presence.” In leading the Exodus, God did not conceal Himself as He most often does, but made His presence known openly.

In His great might, led you out of Egypt: The Exodus happened through manifest Divine revelation. It was not a typical historical process, in which God’s participation is hidden and implicit. The Midrash puts it this way: “The Exodus was an event that could not be entrusted to angels. The Almighty Himself brought the Israelites out of Egypt.”

(38) To drive from your path nations greater and more populous than you, to take you into their land and assign it to you as a heritage, as is still the case: Moses is saying: “The anomalous character of past Jewish history will continue also into the present and future. You will succeed at driving out nations more powerful and more numerous than yourselves.”

From its discussion of metaphysics, world culture, and history, here the Torah moves on to reality, including the reality of war and politics. Politics is a consequence of metaphysics, because the monotheistic worldview maintains that the Divine manifests itself in all aspects of life, and that they are all interrelated.

(39) Know therefore this day and keep in mind: Literally: “Know this day, and lay it to your heart.” Knowledge comes first, but that message must then be accepted and internalized.

While knowledge is essential, it is not enough, because knowledge alone will not lead to action. And while it is equally true that neither can acceptance replace knowledge, only acceptance drives human action. In order to achieve the required effect knowledge and acceptance must therefore be united.

That the Lord alone is God in heaven above and on earth below; there is no other: One must be guided by the wishes of the Almighty in both the spiritual and practical realms of life.

(40) Observe His laws and commandments, which I enjoin upon you this day: After completing the stages of knowledge and acceptance, one must then proceed to actual practice.

That it may go well with you and your children after you, and that you may long remain in the land that the Lord your God is assigning to you for all time: The primary concern of religious life for every individual, and for the nation as well, is not merely the immortality of the soul after death, but living properly and successfully here on earth.

This concludes Moses' opening address – the first national retrospective that he presents in this book of Deuteronomy.

§ 6.9. MOSES SETS ASIDE THREE CITIES OF REFUGE IN THE TRANSJORDAN REGION (4:41-43)

מֵאֵז יַבְדִּיל מֹשֶׁה שְׁלֹשׁ עָרִים בְּעֵבֶר הַיַּרְדֵּן מִזְרְחָהּ שְׁמֹשׁ:
מִבְּלִי-דָעַת וְהוּא לֹא-
שָׁנָא לוֹ מִתֵּמַל שְׁלֹשָׁם וְנִסְ אֶל-אַחַת מִן-הָעָרִים הָאֵלֶּה וְחָי: מִגְּאֵת-
בְּצָר בְּמִדְבָּר בְּאֶרֶץ הַמִּישֹׁר לְרְאוּבֵנִי וְאֶת-רֵאמֹת בְּגִלְעָד לְגָדִי
וְאֶת-גּוֹלָן בְּבָשָׁן לְמַנַּשֵּׁשׁ:

(41) Then Moses set aside three cities on the east side of the Jordan

(42) to which a manslayer could escape, one who unwittingly slew a fellow man without having been hostile to him in the past; he could flee to one of these cities and live:

(43) Bezer, in the wilderness in the Tableland, belonging to the Reubenites; Ramoth, in Gilead, belonging to the Gadites; and Golan, in Bashan, belonging to the Manassites.

(41) Then Moses set aside: The Hebrew – *az yavdil Mosheh* – is an unusual grammatical phrasing, given that *yavdil* is in the future tense.

(i.e., it is a grammatical form that almost always has future meaning, and is only rarely understood from the context to be describing a past event, as is the case here.) Thus, the literal translation is: “Then Moses will set aside.” We can understand this atypical usage as expressing indefinite time in the past. The Torah does not tell us just when Moses actually set aside those three cities of refuge.

This interpolation here, describing Moses’ last act as Israel’s national leader, demarcates the opening national retrospective of Deuteronomy from Moses’ second address, soon to begin, on the topic of the Divine covenant.

Three cities on the east side of the Jordan: A total of six cities of refuge had to be set aside – three on either side of the Jordan (Num. 35:13-14). Since Moses cannot cross the Jordan, he cannot fulfill the commandment completely. But Moses believes that even if a commandment can be only partially fulfilled, it is nonetheless worthwhile to take action.

Moses’ final act is an important lesson of leadership: even if one knows from the outset that he cannot possibly complete a task, he should not refrain from undertaking and completing as much of it as he is able.

(42) To which a manslayer could escape, one who unwittingly slew a fellow man: The laws pertaining to unintentional manslaughter will be covered in more detail later (Deut. 19:1-13). There we will also analyze the differences between Numbers and Deuteronomy in their respective treatments of this topic.

(43) Bezer, in the wilderness in the Tableland, belonging to the Reubenites; Ramoth, in Gilead, belonging to the Gadites; and Golan, in Bashan, belonging to the Manassites: These three cities are listed in the order of their geographical positions from south to north. The Torah is also careful to point out in this verse that each of the three tribes that settled in the Transjordan received one city of refuge.

And yet, west of the Jordan, in Canaan, where there were likewise only three cities of refuge, those three cities served ten tribes. The rationale is that there was a higher level of social integration among those tribes. Anyone there needing a city of refuge had no issue betaking him-

self, if necessary, even to a city that was located in the territory of a different tribe. Although the six cities of refuge are counted among the forty-eight cities that the tribes of Israel were commanded to grant to the Levites (see Num. 35:6), the surrounding inhabitants were neither forbidden nor discouraged from entering those cities or interacting with their inhabitants.

We may thus infer that the three tribes that settled in the Transjordan were more fragmented, each living in isolation from the other two. Therefore, each of those tribes required its own city of refuge.

§ 7. MOSES' SECOND ADDRESS: A RETROSPECTIVE OF THE COVENANT

§ 7.1. MOSES' SECOND ADDRESS: INTRODUCTORY PASSAGES (4:44-49)

מד וְזֹאת הַתּוֹרָה אֲשֶׁר־שָׂם מֹשֶׁה לִפְנֵי בְנֵי יִשְׂרָאֵל: מִה אֱלֹהֵי הָעֵדֻת
וְהַחֻקִּים וְהַמִּשְׁפָּטִים אֲשֶׁר דִּבֶּר מֹשֶׁה אֶל־בְּנֵי יִשְׂרָאֵל בְּצֵאתָם
מִמִּצְרַיִם: מִן בְּעֶבֶר הַיַּרְדֵּן בְּנִיּוֹא מֹל בֵּית פְּעוֹר בְּאֶרֶץ סִיחֹן מֶלֶךְ
הָאֱמֹרִי אֲשֶׁר יוֹשֵׁב בְּחֶשְׁבוֹן אֲשֶׁר הִכָּה מֹשֶׁה וּבְנֵי יִשְׂרָאֵל בְּצֵאתָם
מִמִּצְרַיִם: מִן וַיֵּירָשׁוּ אֶת־אֶרֶצוֹ וְאֶת־אֶרֶץ | עֹג מֶלֶךְ־הַבָּשָׁן שְׁנֵי
מַלְכֵי הָאֱמֹרִי אֲשֶׁר בְּעֶבֶר הַיַּרְדֵּן מִזְרַח שֶׁמֶשׁ: מִן מִעֶרְלֹר אֲשֶׁר
עַל־שְׁפַת־נַחַל אֲרָנוֹן וְעַד־הָר שִׂיאוֹן הוּא חֶרְמוֹן: מִן וְכָל־הָעֵרְבָה
עָבַר הַיַּרְדֵּן מִזְרָחָהּ וְעַד יָם הָעֵרֶבָה תַּחַת אֲשֶׁר־הָיָה הַפְּסָגָה:

(44) This is the Teaching that Moses set before the Israelites:

(45) these are the decrees, laws, and rules that Moses addressed to the people of Israel, after they had left Egypt,

(46) beyond the Jordan, in the valley at Bethpeor, in the land of King Sihon of the Amorites, who dwelt in Heshbon, whom Moses and the Israelites defeated after they had left Egypt.

(47) They had taken possession of his country and that of King Og of Bashan – the two kings of the Amorites – which were on the east side of the Jordan

(48) **from Aroer on the banks of the wadi Arnon, as far as Mount Sion, that is, Hermon;**

(49) **also the whole Arabah on the east side of the Jordan, as far as the Sea of the Arabah, at the foot of the slopes of Pisgah.**

(44) This is the Teaching that Moses set before the Israelites: Literally: "This is the Torah that Moses set before the Israelites."

In the standard Jewish liturgy this verse is recited in the synagogue at every public reading of the Torah. The Torah scroll is raised aloft so that all in attendance can see the actual letters of the text. Pointing to those, the congregants declare aloud: "This is the Torah that Moses set before the Israelites."

This is the Teaching: So begins Moses' second introductory address, which forms the bulk of this weekly portion, *Va'etchanan*, and of portion Ekev which follows it.

Torah (Teaching): Moses' first address spoke of Israel's history and the path they had tread. The second address is a retrospective of the concluding of God's covenant and the giving of the Torah, which are the religious institutions of Sinai.

That Moses set before the Israelites: The first address began somewhat differently: "These are the words that Moses addressed to all Israel on the other side of the Jordan" (Deut. 1:1). We noted there that Tradition understands the terms "words" and "addressed" (both from the root *D-B-R*) as "harsh pronouncements," seeing that the essence of Moses' first address is a reproach to the people. But here his tone is softer. The verb used here is *sam*, "set, placed": "This is the Teaching that Moses set before the Israelites." The Midrash says that "it is as if Moses is setting a table for the people, placing the Torah on the table before them, as if inviting them to a meal."

The use of the verb "set" stresses that here the people are being given a choice: Moses only offers them the Torah, but does not compel them to accept it. This is very different from how the giving of the Torah at Sinai was described. There the Jewish people were given no options. The difference is that the people who received the Torah at Sinai were a nation of slaves, whereas Moses here is addressing a free people, and this requires a very different approach. At the same time, acceptance of

the Torah by a free people has far greater value than its acceptance by slaves.

The existence of options is especially emphasized here, because Moses will remain on the far side of the Jordan and will not enter the Land of Israel with the people; thus, they will be free to behave as they see fit. Moses therefore offers but does not impose; to do so in this case would in all events be futile. Thus, Moses here creates a connection for the people with the Torah at a higher level than their former connection with it.

(45) These are the decrees, laws, and rules that Moses addressed to the people of Israel, after they had left Egypt: In Moses' introduction to his first address neither the Torah nor the commandments are mentioned, because the topic of that address was a national retrospective. But here Moses begins straightaway with the commandments, because the focus of this second address is God's covenant with Israel.

That Moses addressed to the people of Israel, after they had left Egypt: The Torah emphasizes here that from the very beginning it was Moses who transmitted God's "decrees, laws, and rules" to the people. It does so in order to reaffirm Moses' status as the source of all knowledge about the Torah. This is important, because Moses will be giving the people new commandments that were not mentioned before.

(46) Beyond the Jordan, in the valley at Bethpeor: In contrast to the introduction to the first story, which begins with detailed geographic and chronological locators, this second retrospective begins with only two geographic references: "Beyond the Jordan," and "in the valley at Bethpeor."

The first of those has an obvious religious significance, namely: this is the place of the "Covenant on the steppes of Moab" that God concludes with Israel just before they enter Canaan. But the religious meaning of the second locator is less clear. The same reference point appeared even earlier: "Meanwhile we stayed on in the valley near Bethpeor" (Deut. 3:29). We will take up this issue in our commentary to the end of this book of Deuteronomy, with respect to the place of Moses' death (Deut. 34:6).

In the land of King Sihon of the Amorites, who dwelt in Heshbon: As in the introduction to Moses' first address, here the victory over Sihon and Og is noted quite prominently, which tells us that this victory is important not only from a national perspective, but from a religious point of view as well.

Whom Moses and the Israelites defeated after they had left Egypt: Unlike Moses' first address, the episode of the spies and the subsequent years of wilderness wanderings are not mentioned here. One could get the impression that immediately after they left Egypt, Israel conquered the Transjordan and were already approaching Canaan.

The reason for this difference is that from the point of view of the first address, which is a national retrospective, Israel's thirty-nine year holdup in the wilderness was critically important. But from the point of view of the covenant it is not relevant at all.

(47) They had taken possession of his country and that of King Og of Bashan – the two kings of the Amorites – which were on the east side of the Jordan: Thus, the Transjordan is now seen as officially annexed to the Land of Israel. This is important from the religious perspective.

(48) From Aroer on the banks of the wadi Arnon: The wadi Arnon forms the southern border of the territory of the tribe of Reuben, separating it from Moab. This serves as a reminder that it is forbidden to cross the border of Moab in order to conquer its lands (see Deut. 2:9 ff.).

As far as Mount Sion, that is, Hermon: This is the northern border of Manasseh's territory. Sion, which means "elevation" or "eminence," is an alternate name for Hermon. (For its other names in the languages of the surrounding nations, see Deut. 3:9.)

Sion mentioned here must not be confused with Mount Zion in Jerusalem. The two are not related at all. "Sion" begins with the Hebrew letter *sin*, while "Zion," in Hebrew *Tziyon*, begins with the letter *tsade*. *Tziyon* became "Zion," because it was pronounced that way in Greek, since there is no letter in that language to corresponding to the "tz" sound of Hebrew letter *tsade*. The name "Zion" later came to represent Jerusalem, whence also the word "Zionism."

(49) Also the whole Arabah on the east side of the Jordan, as far as the Sea of the Arabah, at the foot of the slopes of Pisgah: Here the description of the already conquered lands returns to the place where Moses and his listeners are actually located at this moment: near the Sea of Arabah (known today as the Dead Sea) on the steppes on the east side of the Jordan, at the foothills of Moab.

§ 7.2. INTRODUCTION TO THE GIVING OF THE TORAH

(5:1-5)

א ויקרא משה אל-כל-ישראל ויאמר אלהם שמע ישראל את-
 החקים ואת-המשפטים אשר אנכי דבר באזניכם היום ולמדתם
 אתם ושמרתם לעשתם: ב יי אלהינו כרת עמנו ברית בחרב:
 ג לא את-אבותינו כרת יי את-הברית הזאת כי אתנו אנחנו אלה
 פה היום כלנו חיים: ד פנים | בפנים דבר יי עמכם בהר מתוך
 האש: ה אנכי עמד בין-יי וביניכם בעת ההוא להגיד לכם את-דבר
 יי כי יראתם מפני האש ולא-עליתם בהר לאמר:

(5:1) **Moses summoned all the Israelites and said to them: Hear, O Israel, the laws and rules that I proclaim to you this day! Study them and observe them faithfully!**

(2) **The Lord our God made a covenant with us at Horeb.**

(3) **It was not with our fathers that the Lord made this covenant, but with us, the living, every one of us who is here today.**

(4) **Face to face the Lord spoke to you on the mountain out of the fire –**

(5) **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 – saying:**

(5:1) Moses summoned all the Israelites and said to them: Hear, O Israel, the laws and rules that I proclaim to you this day!: Once again the Torah emphasizes that it was Moses who transmitted the laws to the people previously. And thus, the commandments that he will give

them later in this book of Deuteronomy have exactly the same status as the ones received earlier at Sinai.

Moses summoned all the Israelites and said to them: ... Study them: The commandment to study the Torah is given to the entire nation, not only to a certain select group of professionals, as we often find in other religious systems.

And observe them faithfully!: The study of the Torah by the entire nation is the best assurance for the observance of the commandments.

(2) The Lord our God made a covenant with us at Horeb: Moses' second address is a retrospect of the covenant. It therefore begins with Israel standing at Mount Horeb (Sinai), not with their departure from it, as in the first address (Deut. 1:6).

A covenant ... at Horeb: The description of the giving of the Torah here in Deuteronomy differs from the description of the same event in the book of Exodus (chapter 19) in two main points:

- (i) The negotiations between God and the people as described in the book of Exodus are not mentioned here, because those negotiations are not as important in the context of the retrospect.
- (ii) The decision not to climb the mountain is presented here as the people's own decision, and not due to a command from God, as in the book of Exodus.

(3) It was not with our fathers that the Lord made this covenant, but with us, the living, every one of us who is here today: All the adults who experienced the revelation at Sinai have already died out in the wilderness, and Moses is speaking to a new generation. But nonetheless, even for them the covenant is not just a memory, but a sense of connecting with God that is very much alive within them.

With us, the living, every one of us who is here today: We might wonder: what is the point of the words "with us, the living"? Is it not obvious that Moses is talking to people who are alive? But the point here is that in the context of God's covenant with Israel, the concept of "life" is itself highly significant in a number of ways. For example:

- The Almighty is called “the living God”: “For what mortal ever heard the voice of the living God speak out of the fire, as we did, and lived?” (Deut. 5:23). In fact, this is the primary characteristic that the Torah uses to describe the Almighty. In this sense, the fact that the people are alive is what brings them closer to God. According to the Torah, a living person is closer to God than a dead one. But not always by far do other religious systems share that viewpoint.
- The essence of the choice that man must make, as described later in Deuteronomy (30:19), is to “choose life.” This choice is characterized as the equivalent of choosing to adhere to God’s covenant.
- When they heard God’s voice at Sinai the people trembled and wanted to move further away, because they were afraid to die (Exod. 20:16). People do not want merely an afterlife; they want to live in this world. And God supports that position.

Thus, life is one of the Torah’s essential concepts, and the description of the people of the covenant as “a living people” is likewise important. Life means taking responsibility, making independent decisions, changing and developing, and engaging in dialogue with the Almighty. Life is all these things precisely because our existence is this-worldly, not otherworldly.

(4) Face to face the Lord spoke to you on the mountain out of the fire: The “face-to-face” dialogue of two personalities, two subjects, contrasts with giving, in which one gives and the other receives. “Face to face the Lord spoke to you” is a mutually collaborative action for bringing the Torah into the world. Earlier, in the book of Exodus (33:11), only Moses’ relationship to God is described in these terms: “The Lord would speak to Moses face to face, as one man speaks to another.” But now the same is said of the entire nation of Israel.

On the mountain out of the fire: Although it was a face-to-face encounter, God kept Himself at a distance from the people. As they stood below, God spoke to them from the mountain, from afar, separated from the people by a barrier of fire.

(5) I stood between the Lord and you at that time to convey the Lord’s words to you: Moses’ role as mediator between God and the

people is stressed here yet again. Although the Jewish people have entered into a covenant directly with God, it was through Moses that they received all the details of that covenant.

For you were afraid of the fire and did not go up the mountain: In Exodus (19:12) the prohibition of climbing the mountain comes from God, but here it is presented as the people's own initiative. Moses becomes a mediator between God and people only because of their fear of having direct contact with God. Here Moses is telling the people: it was your own choice, and so even now I continue to mediate.

Face to face the Lord spoke to you ... I stood between the Lord and you ... to convey the Lord's words to you, for you ... did not go up the mountain: "Face to face" here describes an uncommonly intense experience, but it does not include specifics or details.

The people heard God's voice, but could not make out the words. (See the commentary on Deut. 5:22 below for more on this point.) Therefore, the people receive the "word" – a detailed understanding of the commandments – only in Moses' retelling of the event.

A voice is a direct expression of the speaker's personality, which we perceive as an emanation that is inseparable from him. It is an encounter, an impulse. But the word is the next step that goes beyond that – the formalization and elaboration of the details of the emanation. Unlike the voice, the word can be seen as distinct from the speaker himself. It can be retold, written down, and discussed.

Consequently, the people had to hear the voice of the Almighty directly from Him. But in order to translate the message of the Divine voice into actual words, so that the encounter could become the Torah, a "Teaching," they needed Moses.

Precisely because they were afraid to ascend the mountain, the people could not perceive the Divine word. They allowed fear to overwhelm them. Later we will see that Moses' entire second address is focused on the transition from fear to love, so that the people, instead of moving away from the Almighty, would begin to draw closer to Him.

And yet, the initial, essential feeling is fear. Without that the journey cannot even begin.

§ 7.3. MOSES' RETROSPECTIVE OF THE TEN COMMANDMENTS (5:6-18)

וְאֶנֶכִי יְיָ אֱלֹהֶיךָ אֲשֶׁר הוֹצֵאתִיךָ מֵאֶרֶץ מִצְרַיִם מִבֵּית עַבְדִּים לֹא־
יְהִי לְךָ אֱלֹהִים אֲחֵרִים עַל־פָּנָי: ז לֹא־תַעֲשֶׂה לְךָ פֶסֶל כָּל־תְּמוּנָה
אֲשֶׁר בַּשָּׁמַיִם מִמַּעַל וְאֲשֶׁר בָּאֶרֶץ מִתַּחַת וְאֲשֶׁר בַּמַּיִם מִתַּחַת
לָאָרֶץ: ח לֹא־תִשְׁתַּחֲוֶה לָהֶם וְלֹא תַעֲבֹדֵם כִּי אֶנֶכִי יְיָ אֱלֹהֶיךָ אֵל
קָנָא פֶקֶד עֹז אָבוֹת עַל־בָּנִים וְעַל־שְׂלֵשִׁים וְעַל־רַבָּעִים לְשָׁנָאִי:
ט וְעַשֶׂה חֶסֶד לְאֵלִפִּים לְאַהֲבֵי וּלְשֹׁמְרֵי מִצְוֹתַי: י לֹא תִשָּׂא אֶת־
שֵׁם־יְיָ אֱלֹהֶיךָ לְשׁוֹא כִּי לֹא יִנָּקֶה יְיָ אֶת אֲשֶׁר־יִשָּׂא אֶת־שְׁמוֹ לְשׁוֹא:
יא שְׁמֹר אֶת־יוֹם הַשַּׁבָּת לְקֹדֶשׁ כַּאֲשֶׁר צִוָּךְ יְיָ אֱלֹהֶיךָ: יב שֵׁשֶׁת
יָמִים תַּעֲבֹד וְעָשִׂיתָ כָּל־מְלָאכָתְךָ: יג וְיוֹם הַשְּׁבִיעִי שַׁבָּת לַיהוָה אֱלֹהֶיךָ
לֹא תַעֲשֶׂה כָּל־מְלָאכָה אַתָּה וּבִנְךָ וּבִתְךָ וְעַבְדְּךָ וְאֻמָּתְךָ וְשׁוֹרְךָ
וְחֻמְרְךָ וְכָל־בְּהֶמְתְּךָ וְגֵרְךָ אֲשֶׁר בִּשְׁעָרֶיךָ לְמַעַן יָנוּחַ עַבְדְּךָ וְאֻמָּתְךָ
כַּמּוֹד: יד וְזָכַרְתָּ כִּי עֶבֶד הָיִיתָ בְּאֶרֶץ מִצְרַיִם וַיֹּצֵאֲךָ יְיָ אֱלֹהֶיךָ מִשָּׁם
בְּיָד חֲזָקָה וּבְזֹרֶעַ נְטוּיָה עַל־פָּנֶיךָ צִוָּךְ יְיָ אֱלֹהֶיךָ לַעֲשׂוֹת אֶת־יוֹם
הַשַּׁבָּת: טו כִּבֹּד אֶת־אֲבִיךָ וְאֶת־אִמְךָ כַּאֲשֶׁר צִוָּךְ יְיָ אֱלֹהֶיךָ לְמַעַן
יָאָרִיכוּ יָמֶיךָ וְלִמְעַן יִיטֹב לְךָ עַל הָאֲדָמָה אֲשֶׁר־יְיָ אֱלֹהֶיךָ נָתַן לְךָ:
טז לֹא תִרְצַח וְלֹא תִנָּאֵף וְלֹא תִגְזֹל וְלֹא תַעֲנֶנֶה בְּרַעַךְ עַד שׁוֹא:
יז וְלֹא תַחְמֹד אִשְׁתּוֹ רֵעֶךָ וְלֹא תִתְּאוּהָ בֵּית רֵעֶךָ שְׂדֵהוּ וְעַבְדּוֹ וְאֻמָּתוֹ
שׁוֹרוֹ וְחֻמּוֹ וְכָל אֲשֶׁר לְרֵעֶךָ:

(5) ... saying:

(6) I the Lord am your God who brought you out of the land of Egypt, the house of bondage:

(7) You shall have no other gods beside Me.

(8) You shall not make for yourself a sculptured image, any likeness of what is in the heavens above, or on the earth below, or in the waters below the earth.

(9) You shall not bow down to them or serve them. For I the Lord your God am an impassioned God, visiting the guilt of the parents upon the children, upon the third and upon the fourth generations of those who reject Me,

(10) but showing kindness to the thousandth generation of those who love Me and keep My commandments.

(11) **You shall not swear falsely by the name of the Lord your God; for the Lord will not clear one who swears falsely by His name.**

(12) **Observe the sabbath day and keep it holy, as the Lord your God has commanded you.**

(13) **Six days you shall labor and do all your work,**

(14) **but the seventh day is a sabbath of the Lord your God; you shall not do any work – you, your son or your daughter, your male or female slave, your ox or your ass, or any of your cattle, or the stranger in your settlements, so that your male and female slave may rest as you do.**

(15) **Remember that you were a slave in the land of Egypt and the Lord your God freed you from there with a mighty hand and an outstretched arm; therefore the Lord your God has commanded you to observe the sabbath day.**

(16) **Honor your father and your mother, as the Lord your God has commanded you, that you may long endure, and that you may fare well, in the land that the Lord your God is assigning to you.**

(17) **You shall not murder. You shall not commit adultery. You shall not steal. You shall not bear false witness against your neighbor.**

(18) **You shall not covet your neighbor's wife. You shall not crave your neighbor's house, or his field, or his male or female slave, or his ox, or his ass, or anything that is your neighbor's.**

(5) ... **Saying:** The Ten Commandments have already been presented in the book of Exodus (chapter 20). They are repeated here with some differences, mostly in the fourth and tenth commandments (Sabbath observance, and the prohibition of coveting what others have that we have not).

(6-8) **I the Lord am your God ... You shall not make for yourself ...:** The text of the first commandment and the beginning of the second is identical to the text in the book of Exodus.

A sculptured image: Now we already see a small but important difference. Here the text reads, "You shall not make for yourself a

sculptured image, any likeness.” But in Exodus, “You shall not make for yourself a sculptured image, or any likeness.” The difference is only in the one small conjunction, “or” (represented in the Hebrew by the letter vav, which literally means “and”).

From the wording of this commandment in Exodus one could conclude that “sculptured image” is one prohibition, and “likeness” is a separate prohibition. But here “sculptured image” and “likeness” are combined, which clearly indicates that the prohibition applies only to “the likeness of a sculptured image” (i.e., an idol). Thus, creating an image strictly as art would not be prohibited. And indeed, although it can be seen even from the wording of the text in Exodus that creating an image as an art form is not forbidden (see *Biblical Dynamics* on Exodus 20:3), that point is expressed yet more clearly here.

We can associate this difference too with Israel’s transition from a generation of slaves to a generation of free people. Slaves, because they are less capable of behaving responsibly, require more clearly defined boundaries, whereas a free people does not need such restrictions.

(9-11) You shall not bow down to them or serve them. ... You shall not swear falsely by the name of the Lord: The end of the second commandment and the entire text of the third are identical to the corresponding text in the Ten Commandments of Exodus.

(12) Observe the sabbath day and keep it holy: In this fourth commandment, Sabbath observance, the text here in Deuteronomy differs significantly from that of the book of Exodus. There the text reads: “Remember [Heb., *zachor*] the sabbath day and keep it holy,” but here: “Observe [Heb., *shamor*] the sabbath day and keep it holy.”

To “remember the Sabbath” is a positive commandment. It means to make the Sabbath clearly distinguishable from weekdays, to treat it specially, and to understand its meaning. But “observing the Sabbath” is a negative commandment. It means refraining from violating any of the many Sabbath prohibitions.

Ultimately, however, these are just two sides of the same coin, as it were. Thus, the Midrash explains the discrepancy between the two versions by stressing their synthesis: “God spoke one [ineffable] word, and we heard two words: *zachor* and *shamor* – “remember” and “observe.”

This Midrashic idea is quite familiar to Jews the world over, inasmuch as Solomon Alkabetz (16th c.) incorporated it prominently into the leading stanza of his "*Lechah Dodi*" poem, which became a standard part of the Friday-night synagogue liturgy for welcoming the Sabbath each week: "Observe' and 'Remember' in a single utterance / We were made to hear by the unified God."

The next most obvious difference between the Exodus and Deuteronomy versions of this fourth commandment can be seen in the rationale that the Torah gives for observing the Sabbath.

According to the Exodus version, the basis for the commandment to keep the Sabbath is that God created the world in six days and rested on the seventh. This pertains not only to the Jewish people, but to the entire human race. Here in Deuteronomy, however, the text of this commandment states that the purpose of the Sabbath is to "remember that you were a slave in the land of Egypt and the Lord your God freed you from there with a mighty hand and an outstretched arm."

Thus, "remembering the Sabbath" can be seen as an instruction for all peoples, while "observing the Sabbath" (i.e., not violating its prohibitions) is obligatory upon the Jewish people exclusively.

As the Lord your God has commanded you: In this repetition of the Ten Commandments here in Deuteronomy the phrase "as the Lord your God has commanded you" is added to just two of the commandments: keeping the Sabbath and honoring one's parents. It is not clear why this was done for only these two commandments of the ten. (Clearly, all ten commandments are from God, and not only those two.)

As for the former of the two at least, the Sabbath, we can suggest an explanation in line with what we have explained above with respect to remembering the Sabbath versus observing it. Because those two might be misunderstood as separate commandments, the Torah emphasizes here, "as the Lord your God has commanded you." That is, remembering the Sabbath and observing the Sabbath are in fact just two aspects of one and the same commandment.

(13-14) Six days you shall labor and do all your work, but the seventh day is a sabbath ... you shall not do any work – you, your son or your daughter ... so that your male and female slave may

rest as you do: We often hear it said that “Shabbat is not a day of relaxation, but a day of restraint.” I.e., that the idea of the Sabbath is not rest in the conventional sense, but merely refraining from work. After all, says this viewpoint, God did not “rest” after He created the world. God never tires, and does not need to rest.

But from the words of the Torah itself it is very clear that this approach is incorrect. We read in Exodus (31:17): “For in six days the Lord made heaven and earth, and on the seventh day He ceased from work and was refreshed.” Thus, both aspects of Sabbath rest are stressed.

And here too, the text of the fourth commandment reads, “But the seventh day is a sabbath of the Lord your God ... so that your male and female slave may rest as you do.” The word used for “may rest” is *yanu’ach*, which clearly denotes the positive, restorative sense of “rest,” and not merely ceasing or refraining from activity, which is the meaning of the verb *SH-B-T* (the root of the word “Shabbat,” the Sabbath).

Thus, rest – in the positive, restorative sense – has true religious value, both as a social institution and a personal need.

So that your male and female slave may rest as you do: The Sabbath is presented here as a social institution (the need of all people to rest), while in the book of Exodus it is more about a ritual (you need to rest, because God rested on the seventh day). We can explain this as follows.

The book of Exodus is describing the situation as it was immediately after the Exodus from Egypt, when the Jewish people were still very far from having an independent social structure. The ritual aspect of the Sabbath was therefore more comprehensible to them. But here, conversely, as the people are about to enter their land, it is important to emphasize to them the social aspects of Shabbat – the need to establish one day out of every week as a day of physical and emotional rest for all citizens, and for all their dependents.

(15) Remember that you were a slave in the land of Egypt and the Lord your God freed you from there with a mighty hand and an outstretched arm: The driving force behind the institution of Sabbath rest must be the feeling that “you are no longer slaves as you once were.”

Therefore the Lord your God has commanded you to observe the sabbath day: More literally: “Therefore the Lord your God has commanded you to establish the sabbath day.”

In the Exodus version, the Sabbath is presented as issuing from the Almighty, Who blessed and sanctified this day. But here every Jew is commanded to recognize his own need for rest, and to establish the Sabbath as a social institution. Ultimately, then, the Sabbath is seen as established by a collaboration of God and man.

(16) Honor your father and your mother, as the Lord your God has commanded you: Here too, as we saw just above regarding the Sabbath, this Deuteronomy version adds, “as the Lord your God has commanded you.” The reason might be that it is no easy matter for the new generation whom Moses is addressing to observe the commandment of honoring their parents.

We usually understand this fifth commandment as compensating good with good. “Your parents raised you and cared for all your needs. As a show of gratitude for all that, you must therefore honor your parents, and help them however you possibly can.” But for the wilderness generation, this is clearly not the case. For in fact, quite the opposite is true. This generation was doomed to forty years of wilderness wanderings precisely because of their parents’ despicable behavior! And what is more: their parents did not care for them in any way. The people of Israel survived in the wilderness on provisions fully provided from Heaven. (Their food literally fell from Heaven, the clouds of Glory protected them from danger, water appeared supernaturally, their shoes and clothing miraculously never wore out or needed to be replaced, and so on.) For all those reasons, this generation cannot relate to the principle of honoring their parents. Moses therefore adds, “as the Lord your God has commanded you.” Regardless of how much or how little you have received from your parents, you are obligated all the same to honor them.

That you may long endure, and that you may fare well, in the land that the Lord your God is assigning to you: Literally: “That your days may be long, and that it may go well with you, in the land.” However, the words “and that it may go well with you” appear only here, but not in the Exodus version of the Ten Commandments. As Israel stands on the

threshold of their new land, the Torah emphasizes that life must be not only long, but good. For a person who has just been freed from slavery and is living in the wilderness, the main thing is simply to survive. But a free people wants and values the good life.

Moreover, the Torah is emphasizing here that the ultimate purpose of the Divine commandments is to facilitate and promote man's happiness. This applies much more to life in the Land of Israel than to periods of exile.

(18) You shall not covet your neighbor's wife. You shall not crave your neighbor's house, or his field, or his male or female slave, or his ox, or his ass, or anything that is your neighbor's: In the Exodus version only the word "covet" appears, where it applies to all the categories mentioned. But here the text has both, "You shall not covet" and "You shall not crave" (the wife, and all the other categories, respectively).

Coveting and craving are almost identical in meaning. Thus, the prohibition consists of two parts: "You must not covet your neighbor's wife, nor desire any of his property." That is, the neighbor's wife and his property are separate categories within this prohibition. In the book of Exodus, by contrast, it is all just one prohibition: "You shall not covet your neighbor's wife, nor his house, nor his slave." All of those have equivalent status; i.e., the wife is seen as property, like the house. Thus, here in Deuteronomy, the status of women is significantly higher than in Exodus.

Here again, the reason for this might be that the Exodus generation grew up as slaves. Because a slave is the property of his master, he sees his inferiors likewise as slaves – almost as his property, we could say. Conversely, a person who is himself free relates to other people also as free. And therefore, the women of this new generation feel personally independent – they are not merely their husbands' chattel. As the recognition of individual freedom and responsibility grows, the social status of women also improves commensurately.

Or his field: The Exodus version of the text does not mention the field; it appears only here. Because everyone in the Land of Israel will own and cultivate his own field, the importance of the field for this commandment increases.

§ 7.4. THE COMPLETION OF THE GIVING
OF THE TORAH: REMAINING ALIVE EVEN
AFTER HEARING GOD'S VOICE (5:19-30)

יח אֶת־הַדְּבָרִים הָאֵלֶּה דִּבֶּר יי אֶל־כָּל־קְהֵלְכֶם בְּהָר מִתּוֹךְ הָאֵשׁ
הָעֵנָן וְהָעֲרָפֶל קוֹל גָּדוֹל וְלֹא יָסָף וַיִּכְתְּבֶם עַל־שְׁנֵי לַחֹת אַבְנִים
וַיִּתֶּנָּם אֵלָי: יט וַיְהִי כְּשָׁמַעְכֶּם אֶת־הַקּוֹל מִתּוֹךְ הַחֹשֶׁךְ וְהָהָר בָּעַר
בָּאֵשׁ וַתִּקְרְבוּן אֵלַי כָּל־רָאשֵׁי שְׁבֻטֵיכֶם וְזִקְנֵיכֶם: כ וַתֹּאמְרוּ הֵן
הִרְאֵנוּ יי אֱלֹהֵינוּ אֶת־כְּבוֹדוֹ וְאֶת־גְּדֻלּוֹ וְאֶת־קִלּוֹ שְׁמַעְנוּ מִתּוֹךְ
הָאֵשׁ הַיּוֹם הַזֶּה רָאִינוּ כִּי־יְדַבֵּר אֱלֹהִים אֶת־הָאָדָם וַיְחִי: כא וְעַתָּה
לִמָּה נָמוּת כִּי תֹאכְלֵנוּ הָאֵשׁ הַגְּדֹלָה הַזֹּאת אִם־יִסְפָּקִים | אֲנַחְנוּ
לְשִׁמְעַת אֶת־קוֹל יי אֱלֹהֵינוּ עוֹד וּמִתְּנוּ: כב כִּי מִי כָל־בָּשָׂר אֲשֶׁר
שָׁמַע קוֹל אֱלֹהִים חַיִּים מִדְּבַר מִתּוֹךְ־הָאֵשׁ כְּמִנּוּ וַיְחִי: כג קִרַּב
אַתָּה וּשְׁמַע אֶת כָּל־אֲשֶׁר יֹאמַר יי אֱלֹהֵינוּ וְאָתָּה | תִּדְבֹּר אֵלֵינוּ
אַתָּה כָּל־אֲשֶׁר יְדַבֵּר יי אֱלֹהֵינוּ אֵלֶיךָ וּשְׁמַעְנוּ וְעֲשִׂינוּ: כד וַיִּשְׁמַע
יי אֶת־קוֹל דְּבָרֵיכֶם בְּדִבְרְכֶם אֵלַי וַיֹּאמֶר יי אֵלַי שְׁמַעְתִּי אֶת־קוֹל
דְּבָרֵי הָעָם הַזֶּה אֲשֶׁר דִּבְּרוּ אֵלַיךָ הִיטִיבוּ כָל־אֲשֶׁר דִּבְּרוּ: כה מִי־
יִתֵּן וְהָיָה לְבָבָם זֶה לָהֶם לִירְאָה אֹתִי וְלִשְׁמֹר אֶת־כָּל־מִצְוֹתַי כָּל־
הַיָּמִים לְמַעַן יִיטֵב לָהֶם וּלְבָנֵיהֶם לְעֹלָם: כו לֵךְ אָמַר לָהֶם שׁוּבוּ לָכֶם
לְאֵהֲלֵיכֶם: כז וְאַתָּה פֶּה עֹמֵד עֹמְדִי וְאֲדַבְּרָה אֵלֶיךָ אֶת כָּל־הַמִּצְוָה
וְהַחֲקִים וְהַמִּשְׁפָּטִים אֲשֶׁר תִּלְמְדֶם וַעֲשׂוּ בָאָרֶץ אֲשֶׁר אֲנֹכִי נֹתֵן
לָהֶם לְרִשְׁתָּהּ: כח וּשְׁמַרְתֶּם לַעֲשׂוֹת כָּאֲשֶׁר צֻוֶּה יי אֱלֹהֵיכֶם אֶתְכֶם
לֹא תִסְרוּ יָמִין וּשְׁמָאל: כט בְּכָל־הַדֶּרֶךְ אֲשֶׁר צֻוֶּה יי אֱלֹהֵיכֶם אֶתְכֶם
תֵּלְכוּ לְמַעַן תַּחֲיוּן וְטוֹב לָכֶם וְהֶאֱרַכְתֶּם יָמִים בָּאָרֶץ אֲשֶׁר תִּירְשׁוּן:

(19) The Lord spoke those words – those and no more – to your whole congregation at the mountain, with a mighty voice out of the fire and the dense clouds. He inscribed them on two tablets of stone, which He gave to me.

(20) When you heard the voice out of the darkness, while the mountain was ablaze with fire, you came up to me, all your tribal heads and elders,

(21) and said, “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.

(22) **Let us not die, then, for this fearsome fire will consume us; if we hear the voice of the Lord our God any longer, we shall die.**

(23) **For what mortal ever heard the voice of the living God speak out of the fire, as we did, and lived?**

(24) **You go closer and hear all that the Lord our God says, and then you tell us everything that the Lord our God tells you, and we will willingly do it.”**

(25) **The Lord heard the plea that you made to me, and the Lord said to me, “I have heard the plea that this people made to you; they did well to speak thus.**

(26) **May they always be of such mind, to revere Me and follow all My commandments, that it may go well with them and with their children forever!**

(27) **Go, say to them, ‘Return to your tents.’**

(28) **But you remain here with Me, and I will give you the whole Instruction – the laws and the rules – that you shall impart to them, for them to observe in the land that I am giving them to possess.”**

(29) **Be careful, then, to do as the Lord your God has commanded you. Do not turn aside to the right or to the left:**

(30) **follow only the path that the Lord your God has enjoined upon you, so that you may thrive and that it may go well with you, and that you may long endure in the land you are to possess.**

(19-20) The Lord spoke those ... to your whole congregation ... He inscribed them on two tablets of stone, which He gave to me. When you heard the voice ...: Once again the point is emphasized that although the Almighty spoke the words to all, the people could not perceive the words – they heard only a voice. But Moses, besides hearing and assimilating the words, received them also in written form upon the tablets. Those tablets became the foundation of the Oral and Written Torahs.

Those words ... and no more... with a mighty voice: The expression *ve-lo-yasaf* supports two opposite meanings. It can mean “was interrupted, discontinued,” or the exact opposite – “it never ceased, but continued indefinitely.”¹⁷

Both of those meanings coexist here. There has never again been such a mighty voice, for that happened only once in history. But the voice itself continues to resound even now. The revelation at Mount Sinai was a unique event in history, but even so that revelation continues uninterrupted until this very day. God continues to speak to mankind cumulatively in every generation. By “cumulatively” we mean that everything that God has ever said to Israel at any time in the past remains permanently relevant. But He also continues to speak to each subsequent generation with ideas and principles that are uniquely relevant to each new situation as it arises.

In antiquity, during the era of the Tanakh, God’s communication with Israel was achieved primarily through the prophets, and then, later, through the sages of the Talmud, who compiled the Oral Torah. But in all ages, including our own, Divine revelation continues through the development of civilization and all aspects of human culture. Thus, a new Divine word is revealed to us, which does not, however, annul or supplant the earlier forms of revelation just mentioned, but only supplements it. Unbroken, ongoing revelation is a very important concept in Judaism.

He inscribed them on two tablets of stone, which He gave to me: First Moses heard the words. Then, before descending the mountain, he received the two tablets. Chronologically, then, the Oral Torah actually preceded the Written Torah.

(20) When you heard the voice out of the darkness, while the mountain was ablaze with fire, you came up to me, all your tribal heads and elders: The people come to Moses not as an unruly, disorganized crowd, but observing the proper hierarchy: the heads of the tribes and the elders go first, and then the rest of the people. This demonstrates that the people are so immobilized by their fears that they are

¹⁷ As noted in the *Bible Dynamics* commentary to Gen. 38:26, the same dichotomy of the term *ve-lo yasaf* is found in the incident of Judah and Tamar.

afraid of even a direct appeal to Moses. They instead delegate representatives to approach him on their behalf.

(21) And said: The Lord our God has just shown us His majestic Presence, and we have heard His voice out of the fire: The purpose of the encounter with the Almighty was not so much to transmit the commandments, as it was, most importantly, to shock each individual into changing his essential worldview.

We have seen this day that man may live though God has spoken to him: Previously the people had believed that a person can have an overt meeting with God only after death. (Of course, everyone knew about prophecy. But prophecy was received in a somnolent state, in the manner of a dream, a lower level of communication with God than a waking revelation.¹⁸)

When the revelation at Sinai had taken place, and all who were present remained alive even after that encounter, this gave them a stunning new understanding of the world. This was the pivotal moment of the revelation at Sinai.

(22) Let us not die, then: If the Divine can be attained even while a person lives, then death no longer serves any useful purpose.

This is how the Midrash describes it: “At that moment, the impurity of Adam’s sin in the Garden of Eden, the sin that had brought death into the world, was eradicated from Israel. Now, even the angel of death could not touch them. Had they not subsequently created and worshipped the golden calf, they would have lived forever.” This understanding of Divine revelation as giving man the opportunity to overcome death, even while he remains in this world, is the source of Judaism’s optimistic view of life, and its benevolent attitude toward the real, material world in which we live.

For this fearsome fire will consume us; if we hear the voice of the Lord our God any longer, we shall die: Since the people did not ascend the mountain, to the place where the fire was, this expression cannot be taken literally. Rather, it means that because this fire is so

¹⁸ For an elaboration of this point, see the *Bible Dynamics* commentary on the book of Exodus, § 18 on the giving of the Torah.

overwhelming and alluring in the extreme, the soul strives to reach its Source.

The voice of God seems to invite a person to dissolve and become one with it. The people are afraid that they will be sucked in, as it were. "When we saw that God spoke to us, but we did not die, we realized how dangerous it would be to continue listening to that voice." God's voice has clearly changed them, but they are afraid to proceed any further down the same path.

(23) For what mortal ever heard the voice of the living God speak out of the fire, as we did, and lived?: What human being has such a driving passion for living in this (lower) world, that even after hearing the voice of God he would still want to continue living here?

Of the living God: This is God's most important characteristic. It is the reason that a living person is closer to the Almighty than a dead soul is. Life itself has immense religious value, which is why the future resurrection of the dead is so important in Judaism.

The people saw that God favors life. But they also understood that they were not yet at the level where after hearing God's word they could continue to live.

(24) You go closer and hear all that the Lord our God says: The only human being who could receive Divine revelation and remain alive was Moses. The higher worlds were every bit as real to Moses as this world is to us. And yet we read in the Torah that Moses prayed that he would not die before entering the Land of Israel. This demonstrates how intensely Moses sensed the importance of this world, and the presence of the Divinity within it.

And then you tell us everything that the Lord our God tells you: The people are saying: "Although we heard the Almighty's voice, we were unable to make out the words. But since you, Moses, hear and understand the words, won't you tell us what God is saying?"

From this moment Moses' status changes. The people have now authorized him to receive from God and transmit to them the entire system of the Torah and its commandments. In order for Moses to receive the Torah from God, the people must agree to receive it in turn from him. It is essential that the people grant Moses this empowerment.

And we will willingly do it: Literally, “And we shall listen, and we shall do.” But the verb *shamoa`*, “listen,” also means to understand. Thus, the people are saying to Moses: “Only by hearing the commandments from you can we understand and fulfill them.”

In contrast to the widely quoted verse of Exodus (24:7), *na`aseh ve-nishma`*, “We will do and we will understand” (alternate translation), understanding God’s commandments is mentioned here first, and only then their execution. It is not by mere chance that here in Deuteronomy the Torah chooses to use the reverse order. Because the generation of the Exodus was born and raised as slaves, doing first and understanding later was the only way they could receive the Torah. Only by first experiencing what it meant to actually keep the commandments could they eventually come to an understanding of what they were doing in practice. But that is not the only possible approach, and by far not the ideal one. For this new generation of free men, understanding comes first, and only then compliance, as its consequence.

Thus, the oft-quoted statement in popular literature that Judaism adheres to the principle of “first we do, and then we understand” is essentially inaccurate, for that is just one of multiple approaches – the opposite option is equally valid. Both approaches are legitimate. Every person must choose the one that best suits his own character and inclinations.

The Zohar characterizes these two types of service to God as “the service of a slave,” for whom no explanation from the master is forthcoming, and “the service of a son,” which, on the contrary, will be defective and incomplete if the son does not understand the father’s intentions. The Zohar even connects the word *ben*, “son,” with the word *binah*, “understanding, discernment,” and is quite critical of those who are satisfied to serve God only in the manner of “the service of a slave.” The Zohar encourages such people to rise to the level of “the service of a son,” which is based on understanding.

(25) The Lord heard the plea that you made to me, and the Lord said to me: I have heard the plea that this people made to you; they did well to speak thus: With this the Almighty confirms that the people were correct when they wanted to have no more direct contact

with God, and they asked to receive further revelation only through Moses. Although every person, ideally, should strive to have direct dialogue with the Almighty, this must not happen prematurely, for it would prove far too dangerous for a person who is not yet ready for that.

(26) May they always be of such mind, to revere Me and follow all My commandments, that it may go well with them and with their children forever!: “To revere” here in the Hebrew is *le-yir’ah*, literally: “to fear.” The people are still at the stage of development where the basis of their loyalty to the Almighty can only be awe. This trepidation before God will lead them to observe the commandments, and that observance will benefit both them and to their children.

The Almighty praises the Jewish people for being God-fearing. Fear is the foundation on which a relationship with God must first be built. Later, this foundation of awe can be further enhanced with actual love of God.

We can say that fear is the level of a lesser connection with God, while love is the level of a greater connection with Him. But in any serious undertaking we must start small, and not set unrealistically ambitious goals for ourselves right away. By refusing, because of their fears, to continue engaging in direct communication with God, and by asking Moses to assume the role of mediator, the people have in a certain sense diminished the level of Divine revelation that they could experience. But this was a necessary step in order to achieve sustainability for the long term. A people unprepared for full revelation could not have withstood it all at once.

(27) Go, say to them, ‘Return to your tents’: The people are told to return to their tents, that is, to their family life. While receiving revelation it is not possible to have a full-scale connection with another human being, which is obviously what personal, family life requires. And therefore, while the Divine revelation was ongoing, the people were “outside of their tents,” as it were.

Before the revelation, husbands were told to separate from their wives: “And he said to the people, ‘Be ready for the third day: do not go near a woman.’ ” (Exod. 19:15). But now they must return to normal family life in their tents.

(28) But you remain here with Me: Unlike all the rest of the people, Moses remains with God and does not return to his tent – i.e., he does not return to family life. At any moment Moses might need to enter a state of prophecy. His connection with God is thus continuous, which precludes focusing on communication with his wife, and any possibility of intimate relations with her.

According to the Midrash, this separation of Moses from his wife was the cause of the censure leveled against him by Miriam and Aaron, his sister and brother, as recounted in the book of Numbers (12:1 ff., see the *Bible Dynamics* commentary there).

Prophetic communication with God and, simultaneous, intimate communication with another human being is in fact possible, but only if a person is at the level of development of Adam and Eve in the Garden of Eden before their fall. Under those conditions a person can experience prophecy and at the same time also engage in intimacy, which is the ideal combination of Divine and human states. But since our world has not yet attained that level, the outcome here had to be partitioned, as it were. The people resumed their family life, and Moses his prophecy.

It should be noted that according to Jewish tradition, such separation of husband and wife “for the sake of holiness” was mandated for Moses exclusively – an extraordinary measure that is very far from the ideal. This means that we must not see it as an example of proper behavior. Indeed, Judaism maintains a very negative attitude towards monasticism, which imposes on society, from the Jewish point of view, an erroneous principle of separating the spiritual from the sexual.

And I will give you the whole Instruction – the laws and the rules – that you shall impart to them: Now that the people have appointed Moses as their mediator, the Almighty approves their decision, and endorses that status for their leader.

For them to observe in the land that I am giving them to possess: This principle, that the purpose of the giving of the Torah was to bring it to full realization in the Land of Israel, is repeated many times in the book of Deuteronomy.

(29) Be careful, then, to do as the Lord your God has commanded you. Do not turn aside to the right or to the left: The people are

warned neither to exaggerate nor diminish the stringency of God's commandments, but, rather, to always maintain a proper balance. Inordinate strictness leads to the same negative consequences as does excessive permissiveness.

However, as noted earlier (§ 6.1 on Deut. 4:2), according to Jewish tradition this principle does not prohibit the sages from introducing additional laws and regulations. Rather, the crucial point is that any such additions must not be presented as required by the Torah itself.

(30) Follow only the path that the Lord your God has enjoined upon you: This passage is no longer referring to the commandments, but, as it says, “the path of the Lord,” which means the pursuit of Divine ideals (see *Bible Dynamics* on Gen. 18:17). This instruction to “follow only the path that the Lord your God has enjoined upon you” shows that one must not limit himself solely to keeping the commandments. A person must also follow “God’s path.”

So that you may thrive and that it may go well with you, and that you may long endure in the land you are to possess: Yet again it is stressed that by keeping the commandments and following the Torah’s teachings, the people will live happily and successfully in their land.

§ 8. THE PEOPLE'S RELATIONSHIP TO GOD IN THE LAND OF ISRAEL

§ 8.1. THE COMMANDMENTS THAT ARE TO BE OBSERVED IN THE LAND (6:1-3)

א וְזֹאת הַמִּצְוָה הַחֲקִים וְהַמְשָׁפְטִים אֲשֶׁר צִוָּה יְיָ אֱלֹהֵיכֶם לְלַמֵּד
אֶתְכֶם לַעֲשׂוֹת בְּאֶרֶץ אֲשֶׁר אַתֶּם עֹבְרִים שָׁמָּה לְרִשְׁתָּהּ: ב לִמְעַן
תִּירָא אֶת־יְיָ אֱלֹהֶיךָ לְשֹׁמֵר אֶת־כָּל־חֻקֹּתָיו וּמִצְוֹתָיו אֲשֶׁר אָנֹכִי
מִצְוֶה אֹתָהּ וּבְנֶךָ וּבִתְּךָ כָּל יְמֵי חַיֶּיךָ וּלְמַעַן יֵאָרְכוּ יְמֶיךָ: ג וְשָׁמַעְתָּ
יִשְׂרָאֵל וְשִׁמְרַת לַעֲשׂוֹת אֲשֶׁר יִיטָב לְךָ וְאֲשֶׁר תִּרְבּוֹן מְאֹד בְּאֲשֶׁר
דִּבֶּר יְיָ אֱלֹהֶי אֲבֹתֶיךָ לְךָ אֶרֶץ זָבַת חֶלֶב וּדְבָשׁ:

(6:1) And this is the Instruction – the laws and the rules – that the Lord your God has commanded [me] to impart to you, to be observed in the land that you are about to cross into and occupy,

(2) so that you, your children, and your children's children may revere the Lord your God and follow, as long as you live, all His laws and commandments that I enjoin upon you, to the end that you may long endure.

(3) Obey, O Israel, willingly and faithfully, that it may go well with you and that you may increase greatly [in] a land flowing with milk and honey, as the Lord, the God of your fathers, spoke to you.

(6:1) And this is the Instruction – the laws and the rules: Moses now transitions gradually to articulating the new principles that the people will need to know for living in their land.

That the Lord your God has commanded [me] to impart to you: Moses' role at Sinai as the mediator who conveyed God's commandments to the people has already been elaborated earlier. The point emphasized here is that the new commandments that Moses formulates come likewise from the Almighty.

That the Lord your God has commanded [me] to impart to you, to be observed in the land that you are about to cross into and occupy: The wording "your God" here is somewhat strange. Is He not Moses' God as well? This phrasing demonstrates a certain disparity, and even a conflict of sorts, between Moses and the people.

On the simplest level, the source of the difference is that the people will cross the Jordan, but Moses will not. In other words, it is as if the Almighty is God only to those who will enter Canaan – the center of the Land of Israel.

There is, however, another way to understand this counterpoint. We will soon expand on it in greater detail.

(2) So that you, your children, and your children's children may revere the Lord your God and follow, as long as you live, all His laws and commandments that I enjoin upon you, to the end that you may long endure: All this has already been said before, but from this point onward these words will be repeated again and again as a kind of refrain, to allow the listeners to properly assimilate the lesson. In this book of Deuteronomy, the permanent record of Moses' final address to the people, delivered to them orally over the span of several weeks, this rhetorical device is a characteristic feature.

(3) Obey, O Israel, willingly and faithfully: The literal translation is quite different. Here, as above (Deut. 5:24), "hearing" is mentioned first, and only then "observing" (i.e., doing). Understanding precedes actual practice (in contrast to the ordering stated in Exod. 24:7: "We will do and we will understand").

That it may go well with you and that you may increase greatly [in] a land flowing with milk and honey: We have already commented

previously on the expression, “a land flowing with milk and honey” (see § 10.4 of the *Bible Dynamics* on the book of Numbers). With respect to keeping the commandments, this expression stresses that the land has a very high potential, but the realization of that potential depends on the people’s actions.

§ 8.2. SHEMA` YISRA’EL, “HEAR, O ISRAEL!” (6:4)

ד שְׁמַע יִשְׂרָאֵל יְיָ אֱלֹהֵינוּ יְיָ אֶחָד:

(4) Hear, O Israel! The Lord is our God, the Lord alone.

The paragraph that begins here with *Shema` Yisra’el*, “Hear, O Israel!” is the preeminent declaration of Jewish faith, and of monotheism generally. There is a specific commandment – one of the 613 commandments of the Torah – to recite the Shema twice daily, morning and evening. That recitation, called *Keri’at Shema`*, “the Reading of the Shema,” consists of three paragraphs excerpted from the Torah, of which this (Deut. 6:4-9) is the first.

(4) Hear, O Israel! The Lord is our God, the Lord alone: This declaration means: “Understand, Israel, that the Lord manifests as God, and only He, alone.” All governance of the world as we experience it (for which the Torah uses the term *Elohim*, “God”) happens through Him, Who is Supremely Transcendent (which the Torah expresses as the Tetragrammaton, *Y-H-W-H*, the four-letter name usually translated as “Lord”) – and only from Him.

Behind the harmony of the entire universe is a Personality, as it were, Who governs the world, and through it is in dialogue with mankind collectively, and with every human being.

The Lord alone: The “*Shema` Yisra’el*” declaration is an expression of our desire to see unity in the world. But this is not easy.

The world as we know it is constructed such that many spheres of life appear entirely unrelated to each other. For example: The everyday life of individuals and the course of history; metaphysics and business; love and war; science and art. All these domains are so different that the laws that govern the operation of any one of those do not appear to

accord with the rules of the others. A person could therefore come to believe that there are different forces ruling the world.

The Torah is telling us here that, contrary to such appearances, the governance of the entire universe is one. All the processes that manifest in it are inextricably connected. This world is like a text that consists of phrases composed in different languages. As one tries to read that text, he must ask himself: "Does this disjointed text make any sense?" The "*Shema` Yisra'el*" proclaims that such a unified meaning of life does in fact exist, and directs us in our search for it.

The Lord is our God, the Lord alone: This oneness of God as expressed in the Shema is usually understood as negating idolatrous beliefs. While this is true of the Shema as a confession of faith, within the context of this book of Deuteronomy the meaning is somewhat different, which is as follows.

Moses' second address is a religious retrospective. We can observe in it a constant tension, the contrast of Moses' stance versus that of the people. At the giving of the Torah the people were afraid that they would perish if they continued to hear God's voice. But because Moses experienced no such fear, he became the intermediary between God and the people. All the people then returned to their tents; only Moses did not do so, remaining instead "with God" (Deut. 5:28). And likewise, at this time, forty years later, the people are preparing to cross the Jordan, but Moses must remain on its east bank.

The origin of these contrasts lies ultimately in the essential difference between Moses' approach of and that of the people. The people value the national significance of the Exodus, and the return to the land of their forefathers. But for Moses, it is the religious aspect that is more important – the covenant that God concluded with Israel at Sinai.¹⁹ Consequently, there is a serious tension between Moses and the people – between the national and religious aspects of their existence.

It is this tension that can be seen, as already noted there, in the strange formulation: "And this is the Instruction ... that the Lord your God has commanded [me] to impart to you" (Deut. 6:1). Even the word-

¹⁹ This is explained in greater detail in the *Bible Dynamics* commentary on the book of Exodus, § 1.4, 27.4.

ing “Hear, O Israel” would seem to indicate that the speaker is himself not completely a part of Israel; he therefore refers to his listeners in the second person. Otherwise, he would address them in the first person: *Nishma`*, “Let us hear.” Thus, this phrasing is itself evidence of the separation that Moses’ feels between himself and the people.

“The Lord is our God, the Lord alone” can therefore be understood as Moses’ declaration of the essential unity of how he perceives God and how the people perceive Him.

The entire book of Deuteronomy is a story of departure – Moses taking leave of the people. When Moses in this parting addresses the people of Israel and tells them that his God and their God is One, he is referring to the unity of religious and national life, the unity of “the God of Moses” and “the God of Israel,” the unity of the God of the covenant and the God of the people’s natural, everyday life in their own land.

This is, in essence, one of the most important principles of monotheism – the awareness that all aspects of life are Divine. The same Supreme God manifests Himself both in the human soul and in personal life, in the life of society and of the state, in the religious and secular aspects of life, in everyday existence, in science and art. This declaration of unity among all the manifestations of the Divine, against the backdrop of tensions between Moses and the people, has a special meaning here.

It is interesting to note that, according to the Midrash, the phrase “*Shema` Yisra’el*” was first uttered by Jacob’s sons to their father Jacob. That is, with “Hear, O Israel!” they were addressing their father Yaa-kov-Yisrael. The end of the book of Genesis describes how Jacob on his deathbed was very deeply concerned about whether, after his death, his twelve sons would be able to coexist in peace and preserve the unity of the family. According to the Midrash, in order to set Jacobs’s mind at ease his sons answered him with the phrase, “Hear, O Israel! The Lord is our God, the Lord alone.” They allay their father’s fears by declaring to him the absolute unity of their collective approach.

In both cases under consideration here – of Jacob and of Moses – there was the danger of a schism between the various tribes, between the nationally oriented and the religiously oriented Jews. And in both cases, the statement, “The Lord is our God, the Lord alone” is referring

not to countering idolatry, but to differences of approach within monotheism.

The unity of God is understood to mean the unity of all ideas about God that different elements of the Jewish people have developed over time. The realization of such unity is critical to the successful life of the Jewish national organism, which consists of heterogeneous components having divergent and even opposing viewpoints. By assimilating this concept, we have achieved yet another dimension of understanding in the idea of “*Shema` Yisra`el*,” an object of constant, daily focus in Jewish tradition.

The Lord alone: At the initial stage of religious development, Divine unity is understood as categorically exclusive. “Alone” here means that only the Almighty rules the world. No other deities participate in that enterprise.

But although this approach is largely correct, it is not per se sufficient. At a more advanced stage, Divine unity is seen as all-inclusive, in the sense that the unity in God includes every aspect of life in this world. As we read in the book of Nehemiah (9:6): “You alone are the Lord. You made the heavens, the highest heavens, and all their host, the earth and everything upon it, the seas and everything in them. You keep them all alive, and the host of heaven prostrate themselves before You.”

§ 8.3. THE COMMANDMENT TO LOVE GOD (6:5)

ה וְאַהֲבָתְךָ אֶת יְיָ אֱלֹהֶיךָ בְּכָל-לִבְבְּךָ וּבְכָל-נַפְשְׁךָ וּבְכָל-מְאֹדְךָ:

(5) **You shall love the Lord your God with all your heart and with all your soul and with all your might.**

This is a continuation of the first of the three paragraphs of the “*Shema` Yisra`el*.” (The other two appear at different locations in the Torah – Deut. 11:13 ff., and Num. 15:37 ff.)

Earlier, Moses spoke of fear and trepidation before God. But now, after emphasizing the idea of unity, he moves on to the question of loving God. Thus, that love is seen as a consequence of God's unity.

A person who lives in a disjointed and divided world, devoid of any sense of the unity of the universe, feels likewise that he is distanced from God and a stranger to Him. That person's relationship with God is therefore based only on fear. In life generally, the degree of fear always corresponds to the degree of alienation: since I don't know what a stranger thinks of me, I live in constant fear that he might be much stronger than I am. And the degree of love is likewise commensurate with the degree of unity: an awareness of unity with our fellow human being makes us want to be kind to him for his own sake – because he is *me*, and our love is based on that realization. This is itself a passionate thirst for unity.

Thus, the “*Shema` Yisra`el*” is a transition from fear to love based on our feeling of oneness with God.

(5) You shall love the Lord your God with all your heart and with all your soul and with all your might: That is, our love of God must be love at every possible level: the rational level, the emotional-existential level, and the level of practical, everyday action.

§ 8.4. THE UNITY OF GOD, LOVE OF OUR FELLOW HUMANS, AND MEASURING A PERSON'S LEVEL OF SPIRITUALITY

ה וְאַהֲבָתָךְ אֵת יְיָ אֱלֹהֶיךָ בְּכָל-לִבְבְּךָ וּבְכָל-נַפְשְׁךָ וּבְכָל-מְאֹדְךָ:

(5) You shall love the Lord your God with all your heart and with all your soul and with all your might.

An inclusive understanding of God's unity moves us to love God and also our fellow human beings.

When we say that Divinity is one, because it encompasses all things and everything, this means that our love for God must be expressed in love for all of His creatures and creations as well. I.e., in our love for the universe in all its splendor and diversity, and, in particular, in our love for all of humanity, including our neighbor. Because man, after all, is the crown of God's creation.

Therefore, Judaism (and, following it, Christianity too) considers the commandments to love one's neighbor and to love God the very foundation of their Teachings. Moreover, these commandments are seen as just two different manifestations of our love, one and the same love, for "God-man." Seeing that Adam was created in the image and likeness of God (that is, every person is a "God-man"), love for God necessarily includes love for His manifestation here on earth, in the form of the human beings that he has created in His image.

This means that the criterion by which we measure a person's love for God is none other than the love he feels and demonstrates toward his neighbor, who is the image of God on earth.

And consequently, the degree to which a given society accords respect to its individual members serves as an accurate measure of the level of spirituality within that society, and as a criterion for comparing the levels of spirituality across different societies.

This approach thus asserts that the spirituality of a given social group is not to be measured as the percentage of its "religious" members, nor by the level of observance of the commandments. (Both of those, which are often merely the result of established social norms and habits, in no way accurately reflect the actual level of spirituality.) Rather, spirituality is measured only in terms of the respect a person accords to the individual dignity of his neighbor. Defining spirituality this way gives us an essential and verifiable criterion for understanding an otherwise highly complex and difficult sphere of human life.

Moreover, this approach helps to clarify the question of whether, over the course of human history, the level of spirituality has been increasing overall, or, is it actually lower today than it was in the past? It seems clear that, generally speaking, respect for the individual has over the centuries been steadily increasing (as measured by the fact that society has been granted its individuals more and more freedom). This indicates a definite trend of positive spiritual growth among humanity as a whole, and in its constituent components as well.

We would do well to note that this relationship between love of God and love of one's neighbor can exist only within a monotheistic religious system. Religious systems rooted in idolatry can entertain no such idea, because man, in their scheme, was not made in the image of the Creator

of the universe. A love of Zeus, for example, does not lead to love for one's fellow man. And this is why the modern social system of human rights under a democratic political structure, based on respect for the choices of each and every individual, came into existence not in the East, but only in monotheistic, Western civilization.

In the second paragraph of the "*Shema` Yisra'el.*" which appears later in this book of Deuteronomy, we find another formulation of the commandment to love God, in which the motivation is different, and significant rewards are postulated for that love: "If, then, you obey the commandments that I enjoin upon you this day, loving the Lord your God and serving Him with all your heart and soul, I will grant the rain for your land in season, the early rain and the late. You shall gather in your new grain and wine and oil – I will also provide grass in the fields for your cattle – and thus you shall eat your fill" (Deut. 11:13-15).

The passage here, however, presents an approach that is not about rewards, but in which love of God is its own reward, flowing simply from a sense of Divine unity.

Divine Unity encompasses everything else within it – even one's very own self. Rabbi Abraham Isaac Kook considers this understanding of God's unity the basis of teshuvah, repentance, which brings a person closer to God. He writes: "What is the underlying source of repentance, the human appeal to God, that originates in awareness of the mind? It arises when a person is no longer able to feel himself separate from the universe, like an alien particle within it. The highest form of repentance comes from a glimpse of the all-encompassing Divine good that dwells in all worlds and animates all worlds. The soul of everything then appears before us in all its glory and holiness – as much as the heart is able contain. For indeed, everything is so blissful and righteous that even the goodness and righteousness within us arise out of our union with everything. How can a person remain cut off from everything, like an alien particle of fine dust, which barely even exists at all? From this level of awareness, which is true Divine awareness, come repentance and appeal

to God, both in the life of the individual and in the life of society as a whole" (*Orot Ha-Teshuvah*, 2).

That is what the Torah means when it says: "The Lord is our God, the Lord alone." From this realization, "You shall love the Lord your God" of the very next verse flows naturally. Love arises simply out of such awareness, and not for the sake of any material gain.

§ 8.5. THE DIFFERENCE BETWEEN THE "*SHEMA` YISRA'EL*" AND THE TEN COMMANDMENTS

Note that the concepts of the "Shema` Yisra'el," in which love for God is presented as a central religious principle, contrast with the ideas expressed in the Ten Commandments that appeared earlier in this same weekly Torah portion, *Va'etchanan*.

The Ten Commandments consist almost entirely of prohibitions (idolatry, murder, theft, and so on). They presume no love of God, nor any sense of unity with the Almighty. Although the Ten Commandments are the foundation of human civilization, they are by no means a complete code of ethics. It was not by mere chance that the Ten Commandments were given outside the Land of Israel – in the wilderness, open for all to hear, as it were. But they are only a baseline of civilizational norms – a minimal common denominator for all peoples.

In contrast, the "*Shema` Yisra'el*," whose ideas are closely linked to the covenant of the Land of Israel, is meant to be realized under "domestic" conditions. The foundation of the Shema, which contains no prohibitions at all, is love. It unites all the aspects of life that are expressed in the Torah. The Shema does not limit itself to the "do no harm" ethos of the Ten Commandments, whose purpose is simply to make it possible for complete strangers to co-exist. Rather, the focus of the Shema is on having a shared life with one's own people (i.e., relatives and friends), and on spiritual advancement based on an awareness of the unity of God and the unity of all human society.

In real life, of course, these two principles must operate together. They are not mutually exclusive but complementary, like the foundation and walls of a house. A society without the Ten Commandments

– without the fundamental prohibitions against murder, theft, and bearing false witness – is unlivable. But it is the love proclaimed in the *Shema* that affords the real comfort, that gives a society the sense of being a family, the feeling that they all live together in “a house with walls,” which gives them, figuratively speaking, the shelter and protection they need.

These two approaches – the Ten Commandments and the “*Shema Yisra’el*” – differ also in another way. The Torah of the Diaspora (the book of Exodus) is primarily based on fear and trepidation, while the Torah of the Land of Israel (the book of Deuteronomy) is primarily based on love. The new generation, soon to enter their new land and to grow up there, cannot be brought closer to God through intimidation.

It is also interesting to note in this connection that Hasidism, whose original message was largely aimed at shifting the focus of European Jewry from fear of God to love, can be seen as the “end of the exile.” In this sense the Hasidic movement, which began in Eastern Europe in the eighteenth century, is the harbinger of the *Ge’ulah*, the final redemption.

In the context of the book of Deuteronomy, love and fear of God, rather than being separate and distinct, go always hand in hand. Fear and love are viewed as two complementary aspects of man’s relationship with God.

Service motivated by fear is characteristic of a person who frets constantly that some catastrophe or adversity is about to befall him. He is perpetually afraid of being punished. It’s not that God wants to punish him personally; rather, the entire universe is simply arranged such that punishment always follows in the wake of any misconduct. A relationship with God of this kind enables a person to maintain only the most basic level of serving God that Jewish tradition requires.

Conversely, a person serves God out of love when he forges a connection with the Almighty not out of fear, but because that connection itself brings him joy. It is a pleasant and healthy way of life that enables the individual to develop and advance.

Thus, the system described in the “*Shema` Yisra'el*” can be summed up like this: God is One, and present in all manifestations of life. He is the God of the philosophers, the God of the scientists, the God of the Torah sages, and the God of the common people. He is one and the same God for all, albeit to be met by each of those on his own, individual path. Therefore, one should be motivated by joy, not by fear.

This attitude is positive both individually and socially. “Unity based on love” is the very essence of any properly functioning society.

There are times, however, when the world is fraught with danger, whether internal or external. At such times one must revert to a feeling of fear and trepidation, and in his relationship with God not be limited to love alone. Later in this book of Deuteronomy the Torah will have more to say on this topic.

§ 8.6. BUILDING A CONNECTION TO GOD IN EVERY DOMAIN OF LIFE (6:6-9)

וְהָיוּ הַדְּבָרִים הָאֵלֶּה אֲשֶׁר אֲנִי מְצַוְךָ הַיּוֹם עַל-לִבְבְּךָ: ז' וְשָׁנַנְתָּם
לְבָנֶיךָ וְדִבַּרְתָּ בָם בְּשִׁבְתְּךָ בְּבֵיתְךָ וּבִלְכֹתְךָ בְּדֶרֶךְ וּבְשֹׁכְבְּךָ וּבְקוּמְךָ:
ח וְקִשְׁרָתָם לְאוֹת עַל-יָדְךָ וְהָיוּ לְטֹטְפֹת בֵּין עֵינֶיךָ: ט וְכָתַבְתָּם עַל-
מְזוֹזֹת בֵּיתְךָ וּבִשְׁעֶרֶיךָ:

(6) Take to heart these instructions with which I charge you this day.

(7) Impress them upon your children. Recite them when you stay at home and when you are away, when you lie down and when you get up.

(8) Bind them as a sign on your hand and let them serve as a symbol on your forehead;

(9) inscribe them on the doorposts of your house and on your gates.

(6) Take to heart these instructions with which I charge you this day: The previous verse stated the general rule: “You shall love the Lord your God with all your heart and with all your soul and with all your

might.” And now all those aspects are elaborated in more detail. Holiness, which means one’s orientation to the Almighty, must permeate all areas of life at every level: individual, family, and societal.

(7) Impress them upon your children: An alternate translation is, “Repeat them diligently to your children.” This is a commandment to teach children the Torah. More broadly, adults too are enjoined to study the Torah, and that commandment is derived from this verse.

Recite them: The Hebrew here is *ve-dibarta bam*, literally: “You shall speak in them.” For greater clarity, this is usually translated, as “You shall speak of them,” i.e., about them – the commandments and ideas of the Torah.

However, the “speaking” of this phrase can also be interpreted to mean one’s general, day-to-day conversation. In other words, anything whatsoever that a person says should be informed by the principles that are expressed in the Torah.

When you stay at home and when you are away: Figuratively, this refers to the two fundamental situations of human life: the stable periods, and the times of change.

When you lie down and when you get up: And, likewise, “lying down” and “getting up” represent the transitions between the two states regularly experienced by every person in daily life: activity and rest.

When you lie down and when you get up: The Torah commandment requiring that the “*Shema` Yisra`el*” be recited twice daily, morning and evening, is derived from this verse. The purpose of this commandment is to influence every person to order his life in accordance with the perspective expressed in the Shema’s passages.

(We call the twice-daily recitation of the *Shema* a “Torah commandment” because it is one of the 613 commandments required by the Torah itself, as opposed to certain commandments that were instituted later by the rabbinic sages.)

(8) Bind them as a sign on your hand: Take care to assure that all your actions are consistent with what the Torah expects of you.

And let them serve as a symbol on your forehead: When you view the world and evaluate what is happening in it, be mindful to interpret what you see according to the Torah's perspective.

Those are the straightforward meanings of "bind them as a sign on your hand," and "let them serve as a symbol on your forehead." In the halachic realm, in contrast, this verse is understood as the source of the commandment to don tefillin, phylacteries, which are worn on the arm and on the head.

But the direct meaning of the text is saying that the Torah is much more than a mere theoretical discipline. Its primary value is in being applied to actual practice of "bind[ing] them as a sign on your hand and let[ting] them serve as a symbol on your forehead." The principles of the Torah must be realized as "down-to-earth" holiness. The Torah's ideals are not just topics for academic discussion. They must be given concrete, practical expression in real life – both in thought and in action.

(9) Inscribe them on the doorposts of your house and on your gates: "House" refers to the family aspects of life. And "gates" in the Torah always means the gates of a city. Thus, "on your gates" here represents the communal-social level of human existence.

Jewish life at every level – personal, familial, and societal, must be structured according to the dictates of the Torah. Here too, the halachic realm has its own interpretation of the passage; namely, that this verse is the source of the commandment to write and post a mezuzah on every doorpost and gateway. But, of course, the mezuzah itself embodies symbolically the ideas of the more general interpretation of this verse just mentioned.

Thus, Judaism does not sanction dividing human experience into different domains of "spiritual" and "secular." The commandments of the Torah touch upon every aspect of life, each of which is seen as another space for connection with God, and an opportunity to forge such a connection.

§ 9. POTENTIAL CRISES FORESEEN IN THE CONQUEST OF THE LAND

§ 9.1. FEARING GOD WHEN CONQUERING NATIONS THAT HAVE ADVANCED CULTURES (6:10-19)

י וְהָיָה כִּי יָבִיאוּךָ | יי אֱלֹהֶיךָ אֶל-הָאָרֶץ אֲשֶׁר נִשְׁבַּע לְאַבְרָהָם
לְיִצְחָק וְלִיַּעֲקֹב לֵאמֹר לְתֶת לְךָ עָרִים גְּדֹלֹת וְטֹבָת אֲשֶׁר לֹא-
בָנִיתָ: יא וּבָתִּים מְלֵאִים כָּל-טוֹב אֲשֶׁר לֹא-מְלֵאתָ וּבִרְתָּ חֲצוּבִים
אֲשֶׁר לֹא-חָצַבְתָּ כְּרָמִים וְזֵיתִים אֲשֶׁר לֹא-נִטְעַתָּ וְאָכַלְתָּ וְשִׂבַּעְתָּ:
יב הַשֹּׁמֵר לְךָ פֶּן-תִּשְׁכַּח אֶת-יְיָ אֲשֶׁר הוֹצִיאָךָ מֵאֶרֶץ מִצְרַיִם מִבְּיַת
עַבְדִּים: יג אֶת-יְיָ אֱלֹהֶיךָ תִירָא וְאֹתוֹ תַעֲבֹד וּבִשְׁמוֹ תִשָּׁבַע: יד לֹא
תֵלְכֹן אַחֲרֵי אֱלֹהִים אֲחֵרִים מֵאֱלֹהֵי הָעַמִּים אֲשֶׁר סָבִיבוֹתֶיכֶם:
טו כִּי אֵל קָנָא יי אֱלֹהֶיךָ בְּקִרְבְּךָ פֶּן-יִחַרָה אַף-יְיָ אֱלֹהֶיךָ בְּךָ
וְהִשְׁמִידְךָ מֵעַל פְּנֵי הָאָדָמָה: טז לֹא תִנָּסוּ אֶת-יְיָ אֱלֹהֵיכֶם כַּאֲשֶׁר
נִסִּיתֶם בַּמִּסָּה: יז שְׁמֹר תִּשְׁמְרוּן אֶת-מִצְוֹת יְיָ אֱלֹהֵיכֶם וְעֲדֹתָיו
וְחֻקָּיו אֲשֶׁר צֻוֶּךָ: יח וַעֲשִׂיתָ הַיֵּשֶׁר וְהַטּוֹב בְּעֵינֶי יי לִמְעַן יִיטֵב לְךָ
וּבָאתָ וִירָשְׁתָּ אֶת-הָאָרֶץ הַטֹּבָה אֲשֶׁר-נִשְׁבַּע יי לְאַבְרָהָם: יט לֵהֲדֹף
אֶת-כָּל-אִיבֶיךָ מִפְּנֵיךָ כַּאֲשֶׁר דִּבֶּר יי:

(10) When the Lord your God brings you into the land that He swore to your fathers, Abraham, Isaac, and Jacob, to assign to you – great and flourishing cities that you did not build,

(11) houses full of all good things that you did not fill, hewn cisterns that you did not hew, vineyards and olive groves that you did not plant – and you eat your fill,

(12) **take heed that you do not forget the Lord who freed you from the land of Egypt, the house of bondage.**

(13) **Revere only the Lord your God and worship Him alone, and swear only by His name.**

(14) **Do not follow other gods, any gods of the peoples about you**

(15) **– for the Lord your God in your midst is an impassioned God – lest the anger of the Lord your God blaze forth against you and He wipe you off the face of the earth.**

(16) **Do not try the Lord your God, as you did at Massah.**

(17) **Be sure to keep the commandments, decrees, and laws that the Lord your God has enjoined upon you.**

(18) **Do what is right and good in the sight of the Lord, that it may go well with you and that you may be able to possess the good land that the Lord your God promised on oath to your fathers,**

(19) **and that all your enemies may be driven out before you, as the Lord has spoken.**

(10) When the Lord your God brings you into the land ... – great and flourishing cities that you did not build: In contemporary terms, this means that those cities and countries will have their own highly developed cultures.

Archaeologists today view the Jewish takeover of Canaan as nothing less than the catastrophic destruction of a prominent civilization. But from the Torah's standpoint, the destruction of Canaan was an historical necessity, because Canaanite civilization had reached a dead end from which it could never again emerge.

(11) Houses full of all good things that you did not fill: Not just large cities, but the stately houses of affluent individuals everywhere within those cities.

In the Egyptian system, the lives of individuals were dependent on the power of a centralized state, without which the elaborate irrigation system that drove the agricultural economy could never have been built. Thus, all Egyptians were, essentially, "slaves to Pharaoh." Only a small

group of people who were close to the seat of power had sizeable incomes, while everyone else lived very poorly.

But contrasted with that: “The land that you are about to enter and possess is not like the land of Egypt from which you have come. The land you are about to cross into and possess soaks up its water from the rains of heaven” (Deut. 11:10). Therefore, there is no centralized state in Canaan. The situation is quite the reverse: The local authorities are dependent on their residents, who therefore enjoy an elevated status. They are free, independent and quite well off. (In modern terms, they are the “middle class.”) For a people who had come from Egypt this system of social organization was very different, and therefore especially attractive.

Hewn cisterns that you did not hew: Cisterns carved into rock were essential to life in the Land of Israel. The winter rains gathered in those cisterns, to be used during the summer, when no rain falls. Hewing such cisterns was a tedious job that demanded special skills, but the Israelites who arrived in Canaan got those ready-made cisterns for free.

Those cisterns gave farmers their independence, because each farmer had his own, in contrast to life in Egypt, where the government authorities controlled the water supply, and distributed the water as they saw fit. This is why the mention of the hewn cisterns here is so important.

Vineyards and olive groves that you did not plant: The cultivation of grapes and olives is yet another feature that distinguishes the Land of Israel from Egypt (where they do not grow at all). An individual, independent owner is best equipped to care for, harvest, and preserve those crops (through drying, squeezing out the wine and oil, and salting). Egypt’s centralized, nationwide enterprise was not suited to that.

And you eat your fill: This is said approvingly – there is no condemnation here of material success and prosperity. The Torah does not see asceticism as an ideal. And yet, in certain eras, asceticism played a significant role in the Jewish culture of the Diaspora. It seems that this is a function of the difference between the religious approach of the exile, which runs counter to nature and natural life, and religious life in the Land of Israel, which is always oriented towards the nature of the Land and to naturalness.

(12) Take heed that you do not forget the Lord who freed you from the land of Egypt, the house of bondage: Both economically and culturally, Canaan was an advanced civilization. Its inhabitants lived freely and independently, and were well provided for. This lifestyle contrasted starkly with the slave existence that the people had experienced in Egypt. It was therefore quite natural that they would want to join the Canaanites and participate in their culture. And that is why the danger of forgetting the Almighty and turning to idolatry was so great.

(13) Revere only the Lord your God: More literally: “Fear only the Lord your God.” Although the transition from fear to love has already been mentioned, the fear theme is still relevant here because, in a head-on encounter meeting with a foreign, attractive culture, only the fear of God can deter the people from embracing idolatry. Throughout the book of Deuteronomy, love of God and fear of God are intertwined.

And worship Him alone, and swear only by His name: Your connection with the Almighty must be active and constant. Only this will protect you from the seduction of idolatry.

(14) Do not follow other gods, any gods of the peoples about you: The emphasis here is on “about you.” By living in close proximity to those peoples, and communicating with them freely and often, you will come to know a great deal about their religious systems.

(15) For the Lord your God in your midst: Because the Almighty has established His presence on earth among the children of Israel, Israel and the Almighty for the surrounding world are spiritually inseparable.

Is an impassioned God: The Hebrew is *El kanna*, literally, “a jealous God.”

When people worship the Almighty, but at the same time worship also other deities, this is intolerable to Him. In this respect the Torah’s approach differs significantly from other religions of that time.

Lest the anger of the Lord your God blaze forth against you: The Almighty is prepared to tolerate idolatry when practiced by other nations, but not among the people of Israel.

And He wipe you off the face of the earth: You exist only to fulfill your mission of bringing God’s light to humanity. If you fail to realize

that task, your existence becomes superfluous and useless to all, and you will perish.

(16) Do not try the Lord your God, as you did at Massah: This is what happened very shortly after the exodus from Egypt. The people had no water, and they said: “Is the Lord present among us or not?” (Exod. 17:7). Even in periods of crisis, we must not doubt that our lives are directed by the Almighty, and that all our difficulties are given to us for our own advancement – through our efforts to solve new problems as they arise.

(17-18) Be sure to keep the commandments, decrees, and laws that the Lord your God has enjoined upon you. Do what is right and good in the sight of the Lord: Thus, “total observance of the commandments” is not per se the achievement of a religious ideal. In addition to fulfilling the written rules, one must also “do what is right and good,” i.e., live honestly and behave kindly toward our fellow humans. This is a mandate that cannot be formalized.

(18-19) That it may go well with you and that you may be able to possess the good land that the Lord your God promised on oath to your fathers, and that all your enemies may be driven out before you, as the Lord has spoken: “To possess the good land” here echoes “that it may go well with you.” (This is more evident in the Hebrew, where “well” and “good” are expressed using the word *tov*, “good” and its verbal complement, *yitav*.) Because the Land of Israel is the center of goodness for the entire world, both conditions must be met for acquiring the Land: observance of the commandments, and honesty practiced together with kindness.

§ 9.2. RESPONDING TO THE CHILD WHO ASKS,
“WHAT IS THE MEANING OF THE DECREES, LAWS,
AND RULES...” (6:20-25)

כִּי־יִשְׁאַלְךָ בִּנְךָ מָחָר לֵאמֹר מָה הָעֲדָת וְהַחֻקִּים וְהַמִּשְׁפָּטִים
אֲשֶׁר צִוָּה יְיָ אֱלֹהֵינוּ אֶתְכֶם: כֹּא וְאָמַרְתָּ לְבִנְךָ עֲבָדִים הָייְנוּ לְפָרָעָה
בְּמִצְרַיִם וַיֹּצִיאֵנוּ יְיָ מִמִּצְרַיִם בְּיַד חֲזָקָה: כֹּכ וַיִּתֶּן יְיָ אוֹתוֹת וּמִפְתִּים

גְּדֹלִים וְרָעִים | בְּמִצְרַיִם בְּפָרְעָה וּבְכָל־בֵּיתוֹ לְעֵינֵינוּ: כִּי וְאֹתָנוּ
 הוֹצִיא מִשָּׁם לְמַעַן הָבִיא אֹתָנוּ לְתֶת לָנוּ אֶת־הָאָרֶץ אֲשֶׁר נִשְׁבַּע
 לְאַבְרָהָם: כִּי וַיֹּצִיאוּנוּ יְיָ לַעֲשׂוֹת אֶת־כָּל־הַחֲקִים הָאֵלֶּה לִּירְאָה אֶת־
 יְיָ אֱלֹהֵינוּ לְטוֹב לָנוּ כָּל־הַיָּמִים לְחִיתָנוּ בְּהַיּוֹם הַזֶּה: כִּי וּצְדָקָה
 תִּהְיֶה־לָּנוּ כִּי־נִשְׁמָר לַעֲשׂוֹת אֶת־כָּל־הַמִּצְוָה הַזֹּאת לִפְנֵי יְיָ אֱלֹהֵינוּ
 כַּאֲשֶׁר צֻוֵּנוּ:

(20) When, in time to come, your children ask you, “What mean the decrees, laws, and rules that the Lord our God has enjoined upon you?”

(21) you shall say to your children, “We were slaves to Pharaoh in Egypt and the Lord freed us from Egypt with a mighty hand.

(22) The Lord wrought before our eyes marvelous and destructive signs and portents in Egypt, against Pharaoh and all his household;

(23) and us He freed from there, that He might take us and give us the land that He had promised on oath to our fathers.

(24) Then the Lord commanded us to observe all these laws, to revere the Lord our God, for our lasting good and for our survival, as is now the case.

(25) It will be therefore to our merit before the Lord our God to observe faithfully this whole Instruction, as He has commanded us.”

(20) When, in time to come: Not today, but after some time will have passed, when you are already settled in your land.

Your children ask you: The Torah and also later Jewish tradition encourage us to teach our children that they should never hesitate to ask questions.

What mean the decrees, laws, and rules that the Lord our God has enjoined upon you?: The first of the three potential dangers has been covered above: the danger of an encounter with a highly attractive culture. Now this warning is about the second danger – the problem of children who have grown up under new conditions in their land, and see no point in preserving the tradition.

As early as Talmudic times it was decided to include this verse in the Passover Haggadah, which presents it, however, as the question of the “wise son” who is inquiring about the “decrees, laws, and rules” of Passover in order to learn more about their details. But here, from the answer that the Torah itself proposes (Deut. 6:24), it is clear that in terms of content this is a different question: it is about the underlying meaning of the commandments of the Torah in general.

(21) 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 starting point of Jewish self-identification is the unique history of the birth of the Jewish people, which is markedly different from that of all other peoples.

(22) The Lord wrought before our eyes marvelous and destructive signs and portents in Egypt, against Pharaoh and all his household: To achieve the result of the Exodus itself, it was not strictly necessary that Israel would actually witness the trouncing of Pharaoh and the Egyptians; God could have made it happen behind the scenes. But it was done as a supernatural spectacle so as to serve a pedagogical purpose – an element of the people’s education, as it were.

(23) And us He freed from there, that He might take us and give us the land that He had promised on oath to our fathers: The meaning of all of Jewish life is the realization of what is expressed in the Covenant of the Patriarchs: “And all the families of the earth shall bless themselves by you” (Gen. 12:3).

(24) Then the Lord commanded us to observe all these laws, to revere the Lord our God, for our lasting good and for our survival, as is now the case: Here again, “revere” in the Hebrew is *le-yir’ah*, literally, “to fear.” The meaning of the commandments – for this was the child’s question – is to fear God, i.e., to attain a worthy level of morality, and a materially wholesome and rewarding life on this earth.

(25) It will be therefore to our merit before the Lord our God to observe faithfully this whole Instruction, as He has commanded us: Literally, “And it shall be righteousness unto us, if we observe.” The word for “righteousness” here in the Hebrew is *tzedakah*, a familiar word

in Judaism that has also entered the English language, with the meaning of “charity.”

The same word *tzedakah*, is used, also in the sense of “righteousness,” in the book of Genesis (15:6): “And he [Abraham] believed in the Lord; and He counted it to him for righteousness” (alternate translation, see the *Bible Dynamics* commentary there).

§ 9.3. KEEPING DISTANCE FROM THE CANAANITES AND DESTROYING THEIR PLACES OF IDOLATRY (7:1-5)

א כי יביאך יי אלהיך אל הארץ אשר אתה באשמה לרשתה
ונשל גוים רבים | מפניך החתי והגרנשי והאמרי והכנעני והפרזי
והחוי והיבوسی שבעה גוים רבים ועצומים ממך: ב ונתתם יי אלהיך
לפניך והכיתם החרם תחרים אתם לאתכרת להם ברית ולא
תחנם: ג ולא תחתן בם בתך לאתתן לבנו ובתו לאתקח לבנדך:
ד כי יסיר אתבנדך מאחרי ועבדו אלהים אחרים וחרה אפי
בכם והשמידך מהר: ה כי אם יראה תעשו להם מזבחתיהם תתצו
ומצבתם תשברו ואשירהם תגדעון ופסיליהם תשרפון באש:

(7:1) When the Lord your God brings you to the land that you are about to enter and possess, and He dislodges many nations before you – the Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites, seven nations much larger than you –

(2) and the Lord your God delivers them to you and you defeat them, you must doom them to destruction: grant them no terms and give them no quarter.

(3) You shall not intermarry with them: do not give your daughters to their sons or take their daughters for your sons.

(4) For they will turn your children away from Me to worship other gods, and the Lord's anger will blaze forth against you and He will promptly wipe you out.

(5) Instead, this is what you shall do to them: you shall tear down their altars, smash their pillars, cut down their sacred posts, and consign their images to the fire.

(1) When the Lord your God brings you to the land that you are about to enter and possess: This section continues the theme of the dangers the people will face in the process of possessing the land.

The first danger was the “crisis of conquest” – the encounter with an alien but highly attractive culture. To counter this danger, the people have been instructed to distinguish between the technological-logistical achievements of the Canaanites, which they are encouraged to utilize, and the religious attitudes, which they strictly forbidden to adopt.

The second danger, expected to arise later after the actual conquest, is the failure of the younger generation to understand the importance of the traditional institutions. To counter this danger, the young people must be taught the unique mission of the Jewish people – namely, advancing all of mankind spiritually through the Covenant of the Patriarchs.

The third danger associated with long-term residence in the land, and covered in this section, is amity with the remnants of the Canaanite peoples that could lead to religious assimilation. To counter this danger, the people are commanded to destroy every element of idolatry that remains in the land. This is the only way to ensure fulfillment of the mission that God has entrusted to them.

And He dislodges many nations before you: Although the wars will appear natural, they will in fact be waged by the Almighty himself, for the sake of improving the world.

Seven nations much larger than you: This emphasizes the unusual nature of the wars that lie ahead: systematic victories over much stronger opponents.

(2) And the Lord your God delivers them to you and you defeat them, you must doom them to destruction: “Doom to destruction” here in the Hebrew is *hacharem tacharim*, redoubled for emphasis, and from the same root as *cherem* – something despicable that must be utterly renounced and destroyed. (cf. Deut. 13:18). The peoples who remained in the territory of the Land of Israel but refused to abandon their idolatrous practices were to be viewed and treated in precisely that manner.

Grant them no terms: You must not recognize them as your counterparts, having equal rights to live in the land in the manner that they see fit.

And give them no quarter: The expression *ve-lo techonnem* can be seen as related to *chen*, “favor, mercy,” in which case it is a prohibition against showing special favor to idolaters. In this case, the verbal root of the word *techonnem* is *CH-N-N*.

Alternatively (as translated here, “And give them no quarter”), the root of the word can be *CH-N-H*, “to encamp, be stationed, reside.” This would be a prohibition of allowing idolaters to establish themselves permanently in the land, by selling them territory, or providing them with a livelihood by giving them work.

(3) You shall not intermarry with them: If you marry idolaters, all your efforts to raise your children properly (a central topic of the previous section) shall have been in vain.

Do not give your daughters to their sons or take their daughters for your sons: Since “You shall not intermarry with them” has already been stated, we might wonder why it was necessary to elaborate yet further that the prohibition applies in both directions (sons marrying daughters, and daughters marrying sons). But the answer is that each of those dispels a different assumption, both of which are equally invalid.

In ancient times, men were, in general, much more involved in religious service than women. As a case in point, the Torah prescribes the religious functions of the *Kohanim* and the Levites in very great detail, but says nothing about any similar activity performed by their wives and daughters. One might therefore believe that if his daughter were to marry an idolater, there would be no serious consequences, because in all events she would not come to be engaged herself in the actual practice of idolatry. And conversely, one might think that if his son were to marry the daughter of an idolater, nothing untoward would result, because the woman would be subject to the religious influences of her Jewish husband.

The Torah therefore makes clear that both of those assumptions are wrong. Regardless of whether or not women participate in the performance of formal religious rites, their involvement in religion, and thus the influence they wield in that domain, is nonetheless enormous.

(4) For they will turn your children away from Me to worship other gods: Canaanite culture was highly developed, and spiritually and

religiously attractive. Children entering into mixed marriages would be much more likely to abandon Judaism than to bring their spouses, children, and grandchildren under its wing.

And the Lord's anger will blaze forth against you and He will promptly wipe you out: The Almighty supports you only for the sake of your mission. If you renounce it, then your very existence no longer serves any useful purpose.

(5) Instead, this is what you shall do to them: you shall tear down their altars, smash their pillars: An altar, a structure of cult worship made of individual stones, could be destroyed by dismantling it. But a pillar of idolatry was a single, massive stone, which therefore had to be smashed.

Cut down their sacred posts: The Hebrew word for such posts is *asherah*. These were trees that the idolaters would plant at their altars to demonstrate symbolically that their cult was associated with the forces of nature. The Torah strictly forbids planting trees at the altar (Deut. 16:21), because all worship must be directed only to the Creator Himself, not to nature, or to anything else He has created.

And consign their images to the fire: This means the images of their gods.

§ 9.4. THE CHOSENNESS OF THE JEWISH PEOPLE (7:6-11)

וְכִי עַם קָדוֹשׁ אַתָּה לַיהוָה בְּךָ בָּחַר יְיָ אֱלֹהֶיךָ לְהִיטֹת לְךָ
 לְעַם סֵגֻלָּה מִכָּל הָעַמִּים אֲשֶׁר עַל-פְּנֵי הָאָדָמָה: ֹא לֹא מֵרַבְּכֶם מִכָּל-
 הָעַמִּים חָשַׁק יְיָ בָּכֶם וַיִּבְחַר בָּכֶם כִּי-אַתֶּם הַמְעֻט מִכָּל-הָעַמִּים:
 ה כִּי מֵאֵהָבֵת יְיָ אֶתְכֶם וּמִשְׁמְרוֹ אֶת-הַשְּׂבָעָה אֲשֶׁר נִשְׁבַּע לְאַבְרָהָם
 הוֹצִיא יְיָ אֶתְכֶם בְּיַד חֲזָקָה וַיַּפְדֶּךָ מִבֵּית עַבְדִּים מִיַּד פְּרָעָה מִלְּדָד-
 מִצְרַיִם: ט וַיַּדְעֵתְּ כִּי-יְיָ אֱלֹהֶיךָ הוּא הָאֱלֹהִים הָאֵל הַנֶּאֱמָן שִׁמְרֵם
 הַבְּרִית וְהַחֲסֹד לְאַהֲבָיו וּלְשִׁמְרֵי מִצְוָתוֹ לְאַלֹף דָּוָר: י וּמִשְׁלָם
 לְשִׁנְאוֹ אֶל-פְּנֵיו לְהַאֲבִידוֹ לֹא יֵאָחַז לְשִׁנְאוֹ אֶל-פְּנֵיו יִשְׁלֹם-לוֹ: יא
 וּשְׁמֹרֶת אֶת-הַמִּצְוָה וְאֶת-הַחֻקִּים וְאֶת-הַמִּשְׁפָּטִים אֲשֶׁר אָנֹכִי מְצִוֶּה
 הַיּוֹם לַעֲשׂוֹתָם:

(6) **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.**

(7) **It 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;**

(8) **but it was because the Lord favored 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.**

(9) **Know, therefore, that only the Lord your God is God, the steadfast God who keeps His covenant faithfully to the thousandth generation of those who love Him and keep His commandments,**

(10) **but who instantly requites with destruction those who reject Him – never slow with those who reject Him, but requiting them instantly.**

(11) **Therefore, observe faithfully the Instruction – the laws and the rules – with which I charge you today.**

(6) **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: This is the reason that the presence of idolatry in your land must not be tolerated, and you must utterly destroy every trace of it.

(7) **It 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:** The Almighty did not create a numerous people to influence the nations of the world. On the contrary, to accomplish that He needs a small, select group.

And yet, even in Moses' time the nation of Israel was not really that small: 600,000 men of military age, which means almost two million strong overall. This number exceeded the population of many peoples of those times, and in subsequent eras too, many nations had even smaller numbers than the Jewish people had.

Therefore, the words, "indeed, you are the smallest of peoples" should not be taken literally. Rather, that description refers, apparently,

to an internal quality of “smallness” among the Jewish people – their natural propensity to “belittle themselves” – that is, to downplay their own virtues. This expression of humility is an important characteristic of Jewish self-identification.

This perception of their own smallness is due, it would seem, to the discrepancy between the Jewish people’s modest numbers and their monumental mission. The affinity they feel is not with the smaller peoples of the world (whose primary goal is simple survival), but with the greatest nations. In comparison to those, and to humanity as a whole, the Jewish nation is indeed quite small.

(8) But it was because the Lord favored you: The Almighty’s relationship with the Jewish people is very different from how He relates to all other peoples of the world.

And kept the oath He made to your fathers: You exist only for realizing the Covenant of the Patriarchs.

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: He brought you out of Egypt not on your actual merits, but because of His love for you, and in fulfillment of His oath to your forefathers. Initially, the land is being given to a people that is entirely without merit.

(9) Know, therefore, that ... the Lord ... is God, the steadfast God who keeps His covenant faithfully: This knowledge is directly related to the Exodus, as mentioned in the previous verse. Seeing that God fulfilled His promise, you know conclusively that He is the steadfast and faithful God. The unfolding of Jewish history and world history are seen as one of the most important channels of Divine revelation.

That only the Lord your God is God: You must understand that the Lord governs everything in the universe. Thus, everything that happens, including all reward and punishment, comes only from Him.

The steadfast God: *Ne’eman*, which is more commonly translated as “faithful,” derives from the same Hebrew root as *emunah*, “faith.” The corresponding verb is *he’emin*, “believed, trusted, had faith.” E.g., “And because he [Abraham] put his trust (*ve-he’emin*) in the Lord, He reckoned it to his merit” (Gen. 15:6). Such trust, the belief in God’s faithfulness is

necessary for approaching the question of reward and punishment correctly, which will be discussed next.

Who keeps His covenant faithfully to the thousandth generation of those who love Him and keep His commandments: The reward extends very far into the future – essentially forever.

(10) But who instantly requites with destruction those who reject Him – never slow with those who reject Him, but requiting them instantly: Punishment, unlike reward, comes and goes fairly quickly.

(11) Therefore, observe faithfully the Instruction – the laws and the rules – with which I charge you today: Initially, the Divine gift is being granted simply out of love, with no need for Israel to have any actual merit. But in the future, the preservation and continuance of what was previously received will have to be earned.

No merit was needed for the Jewish nation to be delivered from Egypt. But in order to further preserve Jewish national life in the Land of Israel, the people will have to demonstrate that they have earned it by their actions. In that respect, the birth of the Jewish nation was like the birth of a human being. He does nothing to be born – at that point he has no merit whatsoever, nor is he expected to have any. But after coming into the world, a person must “work off the debt,” i.e., he must justify his existence through the actions that he will perform throughout his life.

**WEEKLY
PORTION 3**

EKEV

§ 10. THE LAND OF ISRAEL REACTS TO THE PEOPLE'S BEHAVIOR

§ 10.1. A LAND OF RESPONSIBILITY (7:12-13)

יב והיה | עֲקֹב תִשְׁמְעוּן אֶת הַמְּשָׁפְטִים הָאֵלֶּה וְשִׁמְרֵתֶם וַעֲשִׂיתֶם
אֹתָם וְשָׁמַר יי אֱלֹהֵיךָ לְךָ אֶת־הַבְּרִית וְאֶת־הַחֹסֶד אֲשֶׁר נִשְׁבַּע
לְאֲבֹתֶיךָ: יג וְאֶתְּבָרַךְ וּבִרְכָּךְ וְהִרְבֵּךְ וּבִרְךָ פְּרִי־בֶטֶן וּפְרִי־אֲדָמָתְךָ
דֶּגֶן וְתִירָשׁ וְיִצְהָרֶךְ שִׁגְר־אֶלְפִיךָ וַעֲשִׂיתָ צֶאֱנֶךָ עַל הָאֲדָמָה
אֲשֶׁר־נִשְׁבַּע לְאֲבֹתֶיךָ לָתֵת לְךָ:

(12) And if you do obey these rules and observe them carefully, the Lord your God will maintain faithfully for you the covenant that He made on oath with your fathers:

(13) He will favor you and bless you and multiply you; He will bless the issue of your womb and the produce of your soil, your new grain and wine and oil, the calving of your herd and the lambing of your flock, in the land that He swore to your fathers to assign to you.

(12) And if you do obey: Beginning with this section, Moses explains the commandments and principles that apply to life in the Land of Israel.

The previous section (the last of weekly portion *Va'etchanan*) ended on the topic of the Exodus from Egypt: "While you were slaves, you were not held responsible for your actions. But now that you are free men, that is no longer the case."

Moses therefore begins this address with the word *`ekev*, a word with two different but related meanings, literal and figurative: “the heel of a foot,” and “to follow, (to occur) as the result of.” Thus, rather than the given translation, “And if you do obey,” these opening words of the third weekly portion of Deuteronomy would be more literally rendered as, “And it shall come to pass, because you obey.” Thus, the word *`ekev* indicates that something follows as the direct result of its antecedent. In this case, God’s blessings follow as the direct result of Israel’s obedience.

Moses is emphasizing obligations and responsibilities. He tells the people that there will be a direct connection between their behavior in their new land, and the continuity of life that they may expect there.

And if you do obey these rules and observe them carefully: The literal translation is, “And it shall come to pass, because you listen to these ordinances, and keep, and do them.” Three related actions are mentioned here: listening (i.e., understanding); preserving (transmitting the tradition, through its detailed study by all the people); active fulfillment. As we saw earlier in this book of Deuteronomy (4:24), understanding the overall meaning of the laws must come first, then their detailed study, and finally their actual observance.

Moreover, all this applies specifically to the “rules” (laws) that this verse calls *mishpatim*, from *mishpat*, “judgment, justice.” These are laws that have a rationale basis that humans can easily comprehend. The Midrash notes that it is precisely those laws that people tend to disregard, while *chukkim*, laws that have no rational explanation, are more readily observed and preserved. Such ritual prescriptions are psychologically more difficult to neglect. But when it comes to *mishpatim*, rational laws, people will often take the liberty of analyzing the underlying essence of those laws, and judging for themselves when to observe them and when not to. It is therefore especially important that the Divine origin of all ethics be upheld, and not only their rational underpinnings.

The Lord your God will maintain faithfully for you the covenant that He made on oath with your fathers: The literal translation is, “The Lord your God will keep for you the covenant and the mercy which He swore unto your fathers.”

There is a reciprocal symmetry in this relationship. If Israel keeps the laws, the Lord will keep the covenant and the mercy with them. This emphasizes that the people are now responsible for their own destiny, which was not the case in the Exodus and the years following, when everything was given to Israel simply as a gift. But now, living in their land, they must take responsibility for their own future.

The covenant that He made on oath with your fathers: The Hebrew text includes the words, “*ve-et hachesed*,” “and the mercy” or “kindness.” Apart from the covenant that God made on oath, mercy is added as well.

(13) He will favor you and bless you and multiply you: The Almighty’s love is expressed in a prosperous life for the people of Israel.

He will bless the issue of your womb and the produce of your soil, your new grain and wine and oil, the calving of your herd and the lambing of your flock, in the land that He swore to your fathers to assign to you: The bulk of weekly portion *Ekev* speaks of the material blessings, fertility, and wealth that accrue to a person who follows the path of the Almighty. Note that there are no promises here of bliss beyond the grave. The purpose of the Torah is to reveal the Creator in this world, in the fullness of individual and national life here on earth.

§ 10.2. “YOU SHALL BE BLESSED ABOVE
ALL OTHER PEOPLES”:

TWO POSSIBLE INTERPRETATIONS (7:14-16)

יד בְּרוּךְ תִּהְיֶה מְכַלֵּה־עַמִּים לֹא־יִהְיֶה בְּךָ עֵקֶר וְעִקְרָה וּבְבִהֲמֶיךָ:
טו וְהִסִּיר יי מִמֶּךָ כָּל־חֲלִי וְכָל־מְדוּי מִצְרִים הָרָעִים אֲשֶׁר יִדְעָתָ לֹא
יִשְׁימֶם בְּךָ וְנִתְּנָם בְּכָל־שָׁנָאִיד: טז וְאָכַלְתָּ אֶת־כָּל־הָעֵמִים אֲשֶׁר יִי
אֱלֹהֶיךָ נָתַן לָךְ לֹא־תַחֲוֹס עֵינֶיךָ עֲלֵיהֶם וְלֹא תַעֲבֹד אֶת־אֱלֹהֵיהֶם
כִּי־מוֹקֵשׁ הוּא לָךְ:

(14) You shall be blessed above all other peoples: there shall be no sterile male or female among you or among your livestock.

(15) The Lord will ward off from you all sickness; He will not bring upon you any of the dreadful diseases of Egypt, about which you know, but will inflict them upon all your enemies.

(16) You shall destroy all the peoples that the Lord your God delivers to you, showing them no pity. And you shall not worship their gods, for that would be a snare to you.

(14) You shall be blessed: After telling the people that they must take responsibility for their own lives, the Torah moves on to Israel's relationship to the nations of the world. But the verses that follow are formulated to have two almost opposite meanings. The entire text is deliberately ambiguous.

You shall be blessed above all other peoples: This whole section can be understood in two different paradigms: one negative – Israel's conflict with the nations, and the other positive – the useful and productive elements that Israel borrows from the nations of the world.

The ambiguity begins in this verse. The Hebrew, *mi-kol ha-ammim*, can in fact be understood in two senses:

- (i) "You shall be blessed above all other peoples," i.e., you will surpass them all.
- (ii) "You shall be blessed from all other peoples," i.e., you will receive from all the peoples of the world their achievements, and that is how the nations will bless you. You will incorporate all those achievements into your cultural space.

Likewise, "You shall destroy all the peoples that the Lord your God delivers to you" (Deut. 7:16) can be understood in two senses. The Hebrew there for "destroy" is *ve-achalta*, literally, "You shall eat," i.e., consume. This can have either a positive or negative meaning:

- (i) In a negative sense: "You shall destroy (all the peoples)."
- (ii) In a positive sense: "You shall consume all the peoples." That is, the Jewish people are instructed to accept and assimilate the positive cultural elements of all the peoples of the world, thereby enriching their own Jewish culture.

The idea behind this ambiguity is that, fundamentally, Israel can relate to the nations of the world in two opposite ways, seeing them as either hostile or friendly. Initially, during the conquest, the hostile paradigm is dominant, but it is forced. It is only a temporary expedient, and very far from the ideal. Only after the conquest, when the people are strong and standing firmly on their feet, does the second paradigm come into play: positive relations with other nations, which means receiving their blessings, and borrowing valuable elements and attitudes from their culture.

With regard to this borrowing – “consuming” the culture of the peoples of the world – Rabbi Abraham Isaac Kook writes: “When Israel’s power is great and its soul shines in it, manifesting itself in perfect deeds, in the fullness of well-founded holiness, in unity and blessing, in the Temple and in Jewish statehood, in prophecy and wisdom, then expansion toward the secular and ordinary – to satisfying the senses, both spiritual and material, peering and penetrating into the lives of a great many peoples and different nationalities, into their affairs and their learning, thus bolstering the forces of natural life – all this is beneficial, and can expand the good light. About this we read in Scripture: ‘Solomon’s wisdom was greater than the wisdom of all the Kedemites and than all the wisdom of the Egyptians’ (1 Kings 5:10). And similarly, the prophet Isaiah said: ‘You shall suck the milk of the nations, suckle at royal breasts’ (Isa. 60:16)” (*Orot*, 67).

When the Jewish people are morally weak, any encounter with world cultures is dangerous, because Judaism in exile adheres to the mindset of strict isolation and insulation from all foreign cultures. But when coming from a position of moral strength, there is nothing wrong with learning from the peoples of the world and absorbing their culture.

Thus, the question of which paradigm of relations with the peoples of the world should be applied depends on the internal state of the Jewish people, on whether they are living in exile or they have their own country in their own land.

There shall be no sterile male or female among you or among your livestock: Bearing children is one of the most important ways to get closer to God. Eve expressed this idea at the first birth in human

history, when she said: “I have gotten myself a male child, and also the Lord” (alternate translation of Gen. 4:1, see the *Biblical Dynamics* commentary there).

Thus, bringing new offspring into the world is among the most significant of all Divine blessings. The birth of children allows a person to feel that the next generations are the continuation of himself. This is an essential element of dialogue with God for every individual and nation, and for humanity as a whole.

(15) The Lord will ward off from you all sickness; He will not bring upon you any of the dreadful diseases of Egypt, about which you know, but will inflict them upon all your enemies: Of course, this blessing means the absence of disease among the Jewish people, especially the diseases they had seen first-hand in Egypt. But God bestows an additional blessing: that Israel’s enemies will be afflicted with those same diseases. If other nations demonstrate hostility toward Israel, disease and illness will befall them. But if they are friendly towards Israel, they will experience nothing untoward.

If we read this verse in the context of the positive paradigm of this section, the “absence of disease” means Israel’s ability to embrace the positive elements of world cultures without contracting any “illness” because of their negative properties.

(16) You shall destroy all the peoples that the Lord your God delivers to you: As noted earlier, the Hebrew word *ve-achalta* literally, “you shall consume,” can be read in two ways: you shall destroy all the peoples (the negative paradigm); or you shall borrow from the nations of the world all the best that they have to offer (the positive paradigm).

Showing them no pity. And you shall not worship their gods, for that would be a snare to you: In the negative, hostile paradigm, this is the repetition of the warning not to show any mercy to the people of Canaan, because that would inevitably lead to worshipping their deities (see Deut. 7:2). Such mercy will only ensnare you and bring you to apostasy.

But in the Hebrew, “showing them no pity” is expressed as, “Your eye shall not pity them.” Even more literally – in the positive paradigm – this can be understood as, “You must not spare (avert) your eyes from

[seeing] them.” That is, do not be afraid to absorb the best parts of the nations’ culture. But at the same time, you must be always on your guard, lest you be seduced to worshipping their deities.

§ 10.3. THE CONQUEST OF THE LAND MUST HAPPEN GRADUALLY (7:17-26)

יז כי תאמר בלבבך רבים הגוים האלה ממני איכה אוכל להורישם:
יח לא תירא מהם זכר תזכר את אשר-עשה יי אלהיך לפרעה
ולכל-מצרים: יט המסות הגדלות אשר-ראו עיניך והאיתת והמפתים
והיד החזקה והזרע הנטויה אשר הוצאת יי אלהיך בן-יעשה יי
אלהיך לכל-העמים אשר-אתה ירא מפניהם: כ וגם את-הצרעה
ישלח יי אלהיך בם עד-אבד הנשארים והנסתרים מפניך: כא לא
תערץ מפניהם כִּי־י אלהיך בקרבך אל גדול ונורא: כב ונשל יי
אלהיך את-הגוים האל מפניך מעט מעט לא תוכל כלתם מהר פן-
תרבה עליך חית השדה: כג ונתנם יי אלהיך לפניך והמם מהומה
גדלה עד השמדם: כד ונתן מלכיהם בידיך והאבדת את-שמם
מתחת השמים לא-יתעב איש בפניך עד השמדת אתם: כה פסילי
אלהיהם תשרפון באש לא-תחמד פסל וזהב עליהם ולקחת לך פן
תנקש בו כי תועבת יי אלהיך הוא: כו ולא-תביא תועבה אל-ביתך
והיית חרם כמהו שקץ | תשקצנו ותעב | תתעבנו כִּי־חרם הוא:

(17) Should you say to yourselves, “These nations are more numerous than we; how can we dispossess them?”

(18) You need have no fear of them. You have but to bear in mind what the Lord your God did to Pharaoh and all the Egyptians:

(19) the wondrous acts that you saw with your own eyes, the signs and the portents, the mighty hand, and the outstretched arm by which the Lord your God liberated you. Thus will the Lord your God do to all the peoples you now fear.

(20) The Lord your God will also send a plague against them, until those who are left in hiding perish before you.

(21) **Do not stand in dread of them, for the Lord your God is in your midst, a great and awesome God.**

(22) **The Lord your God will dislodge those peoples before you little by little; you will not be able to put an end to them at once, else the wild beasts would multiply to your hurt.**

(23) **The Lord your God will deliver them up to you, throwing them into utter panic until they are wiped out.**

(24) **He will deliver their kings into your hand, and you shall obliterate their name from under the heavens; no man shall stand up to you, until you have wiped them out.**

(25) **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.**

(26) **You must not bring an abhorrent thing into your house, or you will be proscribed like it; you must reject it as abominable and abhorrent, for it is proscribed.**

(17) Should you say to yourselves: Three issues concerning the conquest of the Land are addressed here:

- (i) The problem of fearing the Canaanites, and how to surmount that fear (verses 17-21).
- (ii) The problem of driving out the Canaanites too slowly (verse 22).
- (iii) The requirement, after conquering and possessing the Land, to destroy all traces of idolatry (verses 23-26).

Should you say to yourselves: Literally, “If you shall say in your heart.” That is, if this thought should begin to trouble you.

Should you say to yourselves, “These nations are more numerous than we; how can we dispossess them?”: The first obstacle that Israel must overcome is their sense of their own weakness. While the Torah would of course never support intoxication with power, neither does it approve of feelings of inferiority or weakness.

(18) You need have no fear of them: Fear must not prevent you from taking decisive action.

You have but to bear in mind what the Lord your God did to Pharaoh and all the Egyptians: This is one of a number of commandments of remembrance prescribed by the Torah. Remembering the defeat of Pharaoh and the Egyptians is intended to counter any possible feeling of weakness. Egypt was much more powerful than Canaan, but was defeated nonetheless. Such fears would be understandable if this was a conventional war that Israel was about to fight. But the Almighty Himself is doing battle for them, and they will surely emerge victorious. To assess by conventional means Israel's chances of conquering the land would serve no purpose, because God's covenant completely alters the balance of power.

This does not mean, of course, that one should rely only on miracles. But no true Jewish realist or pragmatist can disregard miracles entirely. The statement of David Ben-Gurion is well-known: "Any Jew who does not believe in miracles is not a realist." (Ben-Gurion, the primary founder of the State of Israel and its first Prime Minister, was hardly a devoutly religious man in any conventional Jewish sense.)

(19) The wondrous acts: The Hebrew word *massot* is grammatically related to *nissim*. With respect to the context of this verse, those two words have essentially the same meaning. *Massot* can mean "trials (i.e., ordeals)," "banners," or, as it does here, "signs" – supernatural events that can serve in the future as milestones that mark the path.

That you saw with your own eyes: The purpose of the signs and miracles was not only to enable the Exodus, the Almighty could have carried it out without any special effects. But because all the people saw those signs and miracles and were commanded to remember them, they will become permanently embedded in the collective national memory, and will influence every individual. The same events without the special effects would have been far less memorable.

The signs and the portents, the mighty hand, and the out-stretched arm by which the Lord your God liberated you: This is only a brief enumeration of the principal special effects of the exodus from Egypt, which are described in detail in the book of Exodus.

Thus will the Lord your God do to all the peoples you now fear: The new understanding that the Israelites achieved in the course of

the Exodus changed their worldview, which they now project onto the war with Canaan. And yet, in reality the conquest of Canaan was not at all like the events in Egypt, mostly because supernatural intervention played a much smaller role in conquering the land. But this is a topic that merits its own separate discussion.

(20) The Lord your God will also send a plague against them, until those who are left in hiding perish before you: An alternate translation of *tzir`* is “hornet,” i.e., “The Lord your God will also send the hornet against them.” These hornets were venomous winged insects whose poison was fatal to their victims.

Either way, whether plague or hornets, the meaning of this verse is that God will muster even the forces of nature to vanquish and destroy Israel’s enemies.

However, there is no mention in the later books of the Tanakh about whether this prophecy ever actually came true. Apparently it did not (perhaps because the people were not worthy).

(21) Do not stand in dread of them, for the Lord your God is in your midst, a great and awesome God: You shall not fear them. Let them be afraid, for having opposed the great and awesome God.

Do not stand in dread of them, for the Lord your God is in your midst: Since you have been given a mission, surely you will overcome all obstacles in order to realize it.

(22) The Lord your God will dislodge those peoples before you little by little; you will not be able to put an end to them at once, else the wild beasts would multiply to your hurt: This addresses the second of the three issues. Because the conquest will proceed slowly, there will be a sense that it is moving along poorly, and not as planned. Therefore, the people need to understand that the conquest must happen only gradually, in order that wild beasts will not multiply against them – that is, so that nature itself will not rise up against Israel. A slow and gradual conquest is not a waste of time, but necessary in order for the people to acclimate naturally to the land, and the land to them.

If we were to extrapolate this idea to our own times, we could say that a hurried conquest cannot change nature, and that includes the nature and mentality of the people themselves. Mastery of the land means

not only to conquering physically, but a change from within – modifying one's own attitudes and comprehending the nature of the surroundings. All these processes must proceed in parallel.

Many people today feel that the measured achievements of the Jewish people in creating the State of Israel – already a work in progress for well over a century – are dragging on intolerably. But we must bear in mind that, given the Diaspora mentality that the Jewish people brought with them, a more accelerated process would not allow the Jewish state to achieve a stable existence. Prolonged conflict with the surrounding nations actually reinforces the Israeli-Jewish identity. But this can occur only gradually.

Thus, to return to our text, Israel's problems arising from fear of the Canaanite tribes and from a sense of slow and limited progress are solved by trusting in God, and by understanding that these processes are necessary for the people's internal development.

(23-25) The Lord your God will deliver them up to you, throwing them into utter panic until they are wiped out ... You shall consign the images of their gods to the fire: This addresses the third of the three problems. Having finally overcome their fear of the Canaanites and their concerns about the slowness of the conquest, the people must not think that because the conquest has proceeded so slowly, there is no longer any need to eradicate all idolatry. That obligation remains fully in force.

(24) He will deliver their kings into your hand, and you shall obliterate their name from under the heavens; no man shall stand up to you, until you have wiped them out: The conquest will be successful, both militarily and politically.

(25) 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: Since they will conquer the land only gradually, they will have to live in close proximity to the Canaanite peoples for a very long time. It is therefore all the more urgent for Israel to take care not to enter into close cultural and religious relations with those peoples.

(26) You must not bring an abhorrent thing into your house, or you will be proscribed like it; you must reject it as abominable and abhorrent, for it is proscribed: Once the land has been conquered, some of the people might be tempted to adopt a Canaanite cult for themselves and their households. The Torah therefore warns against that. A key responsibility in the conquest is to refrain from taking anything that is forbidden, however attractive it might be.

§ 10.4. REMEMBERING THE JOURNEY THROUGH THE WILDERNESS (8:1-6)

א כֹּל־הַמִּצְוָה אֲשֶׁר אָנֹכִי מִצְוֶה הַיּוֹם תִּשְׁמְרוּן לַעֲשׂוֹת לְמַעַן תַּחְיִין
וּרְבִיתֶם וּבִאתֶם וִירִשְׁתֶּם אֶת־הָאָרֶץ אֲשֶׁר־נִשְׁבַּע יי לַאֲבֹתֵיכֶם:
ב וְזָכַרְתָּ אֶת־כָּל־הַדֶּרֶךְ אֲשֶׁר הוֹלִיכְךָ יי אֱלֹהֶיךָ זֶה אַרְבָּעִים שָׁנָה
בַּמִּדְבָּר לְמַעַן עֲנִידָךְ לְנִסְתָּךְ לְדַעַת אֶת־אֲשֶׁר בְּלִבְבְּךָ הַתִּשְׁמֹר
מִצְוֹתוֹ אִם־לֹא: ג וַיַּעֲנִד וַיַּרְעִב וַיֹּאכֶלְךָ אֶת־הַמָּן אֲשֶׁר לֹא־יָדַעַת
וְלֹא יָדָעוֹן אֲבֹתֶיךָ לְמַעַן הוֹדִיעֲךָ כִּי לֹא עַל־הַלֶּחֶם לִבְדּוֹ יַחֲיֶה
הָאָדָם כִּי עַל־כָּל־מוֹצֵא פִי־יִי יַחֲיֶה הָאָדָם: ד שִׁמְלֵתְךָ לֹא בָלְתָהּ
מִעֲלִיד וְרִגְלְךָ לֹא בָצָקָה זֶה אַרְבָּעִים שָׁנָה: ה וַיִּדְעַת עַם־לִבְבָבְךָ כִּי
כָאֲשֶׁר יִסֵּר אִישׁ אֶת־בְּנוֹ יי אֱלֹהֶיךָ מִיִּסְרֶךָ: ו וַשְׁמַרְתָּ אֶת־מִצְוֹת יי
אֱלֹהֶיךָ לִלְכֹת בְּדַרְכּוֹ וּלְרֹאֵה אֹתוֹ:

(8:1) You shall faithfully observe all the Instruction that I enjoin upon you today, that you may thrive and increase and be able to possess the land that the Lord promised on oath to your fathers.

(2) Remember the long way that the Lord your God has made you travel in the wilderness these past forty years, that He might test you by hardships to learn what was in your hearts: whether you would keep His commandments or not.

(3) He subjected you to the hardship of hunger and then gave you manna to eat, which neither you nor your fathers had ever known, in order to teach you that man does not live on bread alone, but that man may live on anything that the Lord decrees.

(4) The clothes upon you did not wear out, nor did your feet swell these forty years.

(5) Bear in mind that the Lord your God disciplines you just as a man disciplines his son.

(6) Therefore keep the commandments of the Lord your God: walk in His ways and revere Him.

The preceding passages stressed that much of Jewish identity is built on the memory of the Exodus. In this section the memory of the wilderness journey is added to that.

(8:1) You shall faithfully observe all the Instruction that I enjoin upon you today, that you may thrive and increase and be able to possess the land that the Lord promised on oath to your fathers: The topic begins with an introductory verse, stressing yet again that the purpose of keeping the commandments is to live the fullest possible life in the Land of Israel.

(2) Remember the long way that the Lord your God has made you travel in the wilderness these past forty years, that He might test you by hardships: During their wanderings through the wilderness the people learned complete reliance on the Almighty.

To learn what was in your hearts: whether you would keep His commandments or not: Superficially, this verse seems to be saying that God Himself needed to learn what was in their hearts, and whether they would keep His commandments. But God is omniscient! Why would He test in order to know that? Rather, “To learn what was in your hearts: whether you would keep His commandments or not,” means that the people needed to learn what was in their own hearts, by seeing it and experiencing it themselves.

(3) He subjected you to the hardship of hunger: Literally: “He afflicted you and made you hungry.” “Afflicted” means that God forced them to endure harsh wilderness conditions.

He subjected you to the hardship of hunger and then gave you manna to eat, which neither you nor your fathers had ever known: From the accounts of Exodus and Numbers we know that the Israelites experienced hunger in the wilderness only at the very beginning of their

journey, shortly after the Exodus. After that, the manna fell regularly. So, what does “He subjected you to the hardship of hunger” actually mean?

Indeed, the hunger mentioned in these verses must therefore be understood as in fact relating to the manna. The meaning would then be that the people had food (manna) for only one day at a time, because the manna could not be stored from one day to the next (Exod. 16:19 ff.). Although the people always felt physically sated, the lack of reserves, and their feeling that they were always dependent on a new supply of manna the following day, created in them a sense of “psychological hunger.”

In order to teach you that man does not live on bread alone, but that man may live on anything that the Lord decrees: Every civilization understands that man lives “not by bread alone.” They differ, however, on the question of what exactly a person needs to have besides bread. In ancient Rome the catchphrase was “bread and circus,” i.e., food and entertainment. In contrast, as the Torah is saying here, the Jewish people live on bread and their connection with the Almighty.

(4) The clothes upon you did not wear out, nor did your feet swell these forty years: This means: Until now you have always lived on the provisions given to you from Heaven, with no worries or cares. You have lived in the wilderness like students at a boarding school, who are provided with food, housing, uniforms, and medical care, and whose only care is to succeed at their studies.

(5) Bear in mind that the Lord your God disciplines you just as a man disciplines his son: You therefore understand that any difficulties you might ever encounter are given to you by God for your proper training. Tomorrow, when you are beset by new difficulties, remember the path you have traveled thus far, and realize that every problem, no matter how difficult, has ultimately helped you to grow. Bearing all that in mind, you will conclude that today’s problems are merely exercises that the Almighty has you perform in order to assure your proper continued development.

This principle is one of the foundations of monotheism. Because God has created man in His image and likeness, He treats man as His own son, loving him and helping him to advance. Thus, we must see

any difficulty we experience in life as an exercise given by Almighty to advance us and promote our proper growth.

(6) Therefore keep the commandments of the Lord your God: walk in His ways and revere Him: Later in this weekly portion (Deut. 10:12-13) the same call is repeated: “And now, O Israel, what does the Lord your God demand of you? Only this: to revere the Lord your God, to walk only in His paths, ... keeping the Lord’s commandments and laws ...” (Notice, however, that the order of the elements there is reversed. Such literary device, called chiasmus, in which words, grammatical constructions, or concepts are repeated in reverse order, is not uncommon in Scripture.)

§ 10.5. THE VIRTUES OF THE LAND OF ISRAEL (8:7-10)

ז כִּי יִי אֱלֹהֶיךָ מְבִיאֲךָ אֶל־אֶרֶץ טוֹבָה אֶרֶץ נַחֲלִי מַיִם עֵינַת וְתַהֲמֹת
 יִצְאִים בְּבִקְעָה וּבְהָרִ: ח אֶרֶץ חֹטֶה וְשַׁעֲרָה וְגִפֹּן וְתַאֲנָה וְרִמּוֹן אֶרֶץ־
 זֵית שָׁמֶן וְדָבָשׁ: ט אֶרֶץ אֲשֶׁר לֹא בְּמִסְכָּנָה תֹאכַל־בָּהּ לֶחֶם לֹא־תִחְסָר
 כָּל בָּהּ אֶרֶץ אֲשֶׁר אֲבִנֶיהָ בְּרִזָּל וּמַהֲרֶיהָ תַחֲצֹב נְחֹשֶׁת: י וְאָכַלְתָּ
 וְשִׁבַּעְתָּ וּבֵרַכְתָּ אֶת־יְיָ אֱלֹהֶיךָ עַל־הָאֶרֶץ הַטֹּבָה אֲשֶׁר נָתַן־לְךָ:

(7) **For the Lord your God is bringing you into a good land, a land with streams and springs and fountains issuing from plain and hill;**

(8) **a land of wheat and barley, of vines, figs, and pomegranates, a land of olive trees and honey;**

(9) **a land where you may eat food without stint, where you will lack nothing; a land whose rocks are iron and from whose hills you can mine copper.**

(10) **When you have eaten your fill, give thanks to the Lord your God for the good land which He has given you.**

(7) For the Lord your God is bringing you into a good land: The hardships and deprivations of life that the people experienced in the wilderness are contrasted with the rich life that they will have in the Land of Israel.

A land with streams and springs and fountains issuing from plain and hill: In this land there are no true rivers in the full sense. Water is plentiful, but this abundance is unstable, because all water sources depend on rain.

(8) A land of wheat and barley: Wheat and barley are planted in the Land of Israel at the beginning of autumn. Thus, the winter rains provide those crops with the water they need.

Of vines, figs, and pomegranates, a land of olive trees and honey: Canaan is a land of fruits. This contrasts with Egypt, a land of vegetables. Tree roots reach the water hidden deep under layers of soil, which means that those trees require no watering, unlike vegetables and melons, which require constant irrigation. These were very common in Egypt (see Num. 11:5).

Olive trees: The Hebrew, simplified somewhat, reads: “a land of oil-producing olive [trees].” The olives of the Land of Israel are especially rich in their oil content. In ancient times, olive oil, besides being an important ingredient for food preparation, was used also for illumination – the primary fuel poured into the lamps that were kindled at night. (In the Temple too, the Menorah, whose flames burned throughout the night, was kindled daily using only the finest olive oil. See Exod. 27:20 ff. and Lev. 24:1 ff.)

And honey: The Hebrew word *devash*, “honey,” can mean bee honey, or any thick fruit juice. According to Tradition, in this verse the word refers to date honey specifically.

Thus, following this verse, the seven main agricultural crops of the Land of Israel are: wheat, barley, rapes (and grape wine), figs, pomegranates, olives (and olive oil), and dates.

To be sure, various other fruit trees and plants also grow in the Land of Israel, but the seven species are distinguished by being easily preserved (dried and salted), to be stored for long periods, thus providing a varied and nutritious diet year-round. Variety in one’s diet is very important for feeling sated (full). Thus, once again the conditions in the land are contrasted with those of the wilderness, where the manna was a monotonous food that could not be preserved even until the following day.

(9) A land where you may eat food without stint, where you will lack nothing: The Almighty's presence in the Land of Israel is revealed in the fullness of life.

A land whose rocks are iron and from whose hills you can mine copper: The Land of Israel has copper deposits, but no iron. Therefore, the words "whose rocks are iron" should be understood to mean not deposits of iron ore, but "stones as hard as iron." Since iron was the strongest of all known materials in ancient times, "iron" was used also as a common noun to represent any material of great hardness and strength. The land's durable stones were relatively easy to hew from the ground, and were of great value for use as a convenient building material.

(10) When you have eaten your fill, give thanks to the Lord your God: The literal translation is, "And you shall eat and be satisfied, and bless the Lord thy God."

The Torah looks very favorably upon food and satiety. Only when a person has eaten his fill can he experience also a sense of spiritual fullness, and express genuine gratitude to God. A person who blesses the Almighty understands that his success is a gift from Above.

The commandment to give thanks to God after eating, considered one of the 613 Torah commandments, is derived from this verse. Since the seven special fruits of the Land of Israel were enumerated just above, it is understood that the blessing to be pronounced after eating any of those seven kinds of produce must also be special.

For the good land which He has given you: That land is "good" in which the physical and spiritual are united, such that an abundance of food, and satiety upon consuming it, do not distance the land's inhabitants from God, but, on the contrary, their connection with Him is thereby strengthened. This is a defining characteristic of the Land of Israel, and one of the important aspects mentioned in *Birkat Ha-Mazon*, the traditional text of the "Grace After Meals."

We often find an opinion expressed in European culture that wealth is spiritually harmful, and that a person who is affluent and well-fed is necessarily far from God and apt to spiritually degrade, while the destitute and hungry are closer to God. The Torah disavows this viewpoint. On the contrary, the Torah encourages a person to strive for material

success, and orients him toward achieving it. Prosperity and satiety are not only encouraged, but even seen as actual prerequisites for spirituality, since true knowledge of God can come only from the fullness of life, not from poverty. An impoverished life is inferior almost by definition. You can bless the Almighty truly and fully, and maintain a proper dialogue with Him, only when you experience a full-fledged human existence.

§ 10.6. THE DANGER OF FORGETTING GOD IN ONE'S AFFLUENCE (8:11-20)

יא השמר לך פֿון־תִּשְׁכַּח אֶת־יְיָ אֱלֹהֶיךָ לְבַלְתִּי שְׁמֹר מִצְוֹתָיו וּמִשְׁפָּטָיו וּחֻקֹּתָיו אֲשֶׁר אָנֹכִי מְצֻוֶה הַיּוֹם: יב פֿון־תֹּאכַל וּשְׂבַעְתָּ וּבָתִּים טִבִּים תִּבְנֶה וַיִּשְׁבַּתָּ: יג וּבִקְרָךְ וּצְאֻנָּה יִרְבֶּה וְכֶסֶף וְזָהָב יִרְבֶּה־לְךָ וְכָל אֲשֶׁר־לְךָ יִרְבֶּה: יד וְרַם לְבַבְךָ וּשְׂכַחְתָּ אֶת־יְיָ אֱלֹהֶיךָ הַמוֹצִיאֲךָ מֵאֶרֶץ מִצְרַיִם מִבֵּית עֲבָדִים: טו הַמּוֹלִיכְךָ בַּמִּדְבָּר | הַגָּדֹל וְהַנּוֹרָא נָחֵשׁ | שָׂרָךְ וְעַקְלָב וּצְמָאוֹן אֲשֶׁר אֵין־מַיִם הַמוֹצִיא לְךָ מֵיָם מִצּוֹר הַחֲלָמִישׁ: טז הַמַּאֲלֵךְ מִן־בַּמִּדְבָּר אֲשֶׁר לֹא־יָדְעוֹן אֲבֹתֶיךָ לְמַעַן עֲנִתְךָ וּלְמַעַן נִסְתָּךְ לְהִיטִיבְךָ בְּאַחֲרִיתֶךָ: יז וְאָמַרְתָּ בְּלִבְבְּךָ כָּחַל וְעַצִּם יָדַי עָשָׂה לִי אֶת־הַחִיל הַזֶּה: יח וְזָכַרְתָּ אֶת־יְיָ אֱלֹהֶיךָ כִּי הוּא הִנֵּתָן לְךָ כָּח לַעֲשׂוֹת כִּיל לְמַעַן הָקִים אֶת־בְּרִיתוֹ אֲשֶׁר־נִשְׁבַּע לְאַבְרָהָם בְּיוֹם הַזֶּה:

יט וְהָיָה אִם־שָׁכַח תִּשְׁכַּח אֶת־יְיָ אֱלֹהֶיךָ וְהִלַּכְתָּ אַחֲרֵי אֱלֹהִים אֲחֵרִים וַעֲבַדְתָּם וְהִשְׁתַּחֲוִיתָ לָהֶם הֵעֵדְתִּי בָכֶם הַיּוֹם כִּי אֶבְדֶּה תִּאֲבָדוֹן: כ כַּגֹּזִים אֲשֶׁר יִי מֵאֲבִיד מִפְּנֵיכֶם כֵּן תִּאֲבָדוֹן עֵקֶב לֹא תִשְׁמְעוּן בְּקוֹל יְיָ אֱלֹהֵיכֶם:

(11) Take care lest you forget the Lord your God and fail to keep His commandments, His rules, and His laws, which I enjoin upon you today.

(12) When you have eaten your fill, and have built fine houses to live in,

(13) and your herds and flocks have multiplied, and your silver and gold have increased, and everything you own has prospered,

(14) **beware lest your heart grow haughty and you forget the Lord your God – who freed you from the land of Egypt, the house of bondage;**

(15) **who led you through the great and terrible wilderness with its seraph serpents and scorpions, a parched land with no water in it, who brought forth water for you from the flinty rock;**

(16) **who fed you in the wilderness with manna, which your fathers had never known, in order to test you by hardships only to benefit you in the end –**

(17) **and you say to yourselves, “My own power and the might of my own hand have won this wealth for me.”**

(18) **Remember that it is the Lord your God who gives you the power to get wealth, in fulfillment of the covenant that He made on oath with your fathers, as is still the case.**

(19) **If you do forget the Lord your God and follow other gods to serve them or bow down to them, I warn you this day that you shall certainly perish;**

(20) **like the nations that the Lord will cause to perish before you, so shall you perish – because you did not heed the Lord your God.**

(11) Take care: After stating that wealth and prosperity are positive elements, the Torah proceeds to discuss the dangers that lurk within them.

It is important to understand that the dangers that wealth poses do not negate its positive impact on spiritual life. Wealth, even with all its dangers, is better than the alternative – the oppression of poverty. But of course, the important thing is to be always mindful of the limitations that wealth imposes.

And the same is true with respect to wealth: A wealthy person has far more spiritual opportunities open to him, but he also faces many more dangers because of his wealth. Therefore, while we cannot deny that there are major advantages to being wealthy, a proper balance must be found through a responsible and spiritually developed view of the world.

Lest you forget the Lord your God: The preceding section ended with the commandment of *Birkat Ha-Mazon* – blessing God after one has eaten a meal. This passage continues the same theme by telling us that a person who does not thank the Almighty for his wealth will come to forget God, and that will be the beginning of his downfall.

And fail to keep His commandments, His rules, and His laws, which I enjoin upon you today: Forgetting God is expressed not in entertaining erroneous philosophical constructs, but, above all, in neglecting the commandments. It is only the system of the commandments that preserves the connection with the Almighty.

(12) When you have eaten your fill, and have built fine houses to live in: Earlier, in weekly portion *Va'etchanan* (Deut. 6:10), the Torah spoke of the dangers that will loom during Israel's initial stage of life in their land, because of wealth acquired from other peoples. But here, in the *Ekev* portion, the discussion is about later eras, after the nation has already created wealth with its own hands. There are dangers lurking there too.

(13) And your herds and flocks have multiplied, and your silver and gold have increased, and everything you own has prospered: Not only the minimum requirements for sustaining life, such as food and housing, are enumerated here, but also serious wealth – and abundance of silver and gold.

(14) Beware lest your heart grow haughty and you forget the Lord your God – who freed you from the land of Egypt, the house of bondage: This is one of the dangers that wealth poses. But wealth itself, as seen from the tone of the previous verse, is in no way condemned; on the contrary, it is seen as something positive.

(15) Who led you through the great and terrible wilderness with its seraph serpents and scorpions, a parched land with no water in it, who brought forth water for you from the flinty rock: The vivid memory of the miracles that occurred during the wilderness wanderings helps the Jewish people to remember that Divine intervention in their lives continues always.

(16) Who fed you in the wilderness with manna, which your fathers had never known, in order to test you by hardships only to benefit you in the end: All the difficulties that you experienced in the

past were necessary for your proper education, and, ultimately, to benefit you. Thus, if your behavior is unworthy now, the entire path you have traveled is rendered meaningless.

(17) And you say to yourselves, “My own power and the might of my own hand have won this wealth for me”: This verse is often understood as a condemnation of the position stated, that is, of “my own power and the might of my own hand have won this wealth for me.” But in fact, there is no such condemnation in the Torah. On the contrary, a healthy sense of one’s own power is a positive characteristic.

(18) Remember that it is the Lord your God who gives you the power to get wealth: In the previous section the Torah was saying: provided that you do not forget to bless God, eating your fill and being satisfied is only a good thing. If you are not satisfied, you cannot fulfill the commandment of blessing the Almighty. And the same applies here: “And you say to yourselves, ‘My own power and the might of my own hand have won this wealth for me’ ” – this is actually a good development. But at the same time it is important to “remember that it is the Lord your God who gives you the power to get wealth.”

In other words, it is right and good for us to take pride in the might of our hand and our achievements, but we must not imagine that those have come to us only through our own efforts and merits.

Centuries ago the classical Torah commentators – Rabbeinu Nissim ben Reuben Gerondi, and Rabbi Isaac Abarbanel, in particular – interpreted this verse in just that way. But today it has taken on new meaning in the context of religious Zionism. Rabbi Zvi Yehuda Kook made a point of sending his students to observe Israel’s military parade on *Yom Ha-`Atzma’ut*, Israel’s Independence Day, thus encouraging them to acknowledge the achievements of the State of Israel, in fulfillment (not avoidance) of these words of the Torah: “And you say to yourselves, ‘My own power and the might of my own hand have won this wealth for me.’ ” A righteous person who is always fearful of becoming too proud will hesitate to pursue any material achievements at all, and will not partake in building his state. The inevitable result will be that the state will be seized by villains. Thus, false modesty on the part of the righteous leads to evil, while pride in one’s own achievements is among the most important and useful instruments the Almighty has given us for improving

the world. It is entirely unacceptable to disparage or disregard such Divine gifts.

(19) If you do forget the Lord your God and follow other gods to serve them or bow down to them: Deserting the Almighty invariably leads a person to worship false gods. This is because no place can remain completely void of holiness. If that vacuum is not filled correctly, improper influences will rush in to fill it.

I warn you this day that you shall certainly perish: The point emphasized above was that the Jewish people owe their very existence to the Divine miracles of the Exodus, and to the Almighty's supernatural intervention that enabled them to surmount the ordeals of the wilderness. And since these miracles occurred through Moses, this now gives weight to his admonitions.

(20) Like the nations that the Lord will cause to perish before you, so shall you perish – because you did not heed the Lord your God: Conquering Canaan is justified only on the condition that the Jewish people will fulfill their divine mission. Otherwise, that conquest is pointless, and Israel must vacate the space they have illegally occupied. But since it is unlikely that they would do so willingly, the Lord will cause them to perish.

§ 10.7. “NOT BECAUSE OF YOUR VIRTUES
WILL YOU BE ABLE TO POSSESS THEIR COUNTRY”
(9:1-6)

א שִׁמְעוּ יִשְׂרָאֵל אֲתָה עֹבֵר הַיּוֹם אֶת־הַיַּרְדֵּן לְבֹא לָרֶשֶׁת גּוֹיִם גְּדֹלִים
וְעַצְמִים מְמֹד עָרִים גְּדֹלֹת וּבְצֻרֹת בְּשָׁמַיִם: ב עַם־גְּדוֹל וָרֶם בְּנֵי עֲנָקִים
אֲשֶׁר אֲתָה יֹדְעָה וְאֲתָה שֹׁמֵעַתָּ מִי יִתִּיצֵב לִפְנֵי בְנֵי עֲנָק: ג וַיִּדְעַתָּ הַיּוֹם
כִּי יי אֱלֹהֶיךָ הוּא־הָעֹבֵר לִפְנֵיךָ אֲשֶׁר אָכְלָה הוּא יִשְׁמִידֵם וְהוּא יִכְנִיעֵם
לִפְנֵיךָ וְהוֹרֶשְׁתָּם וְהֶאֱבַדְתָּם מִהָרָּה כְּאֲשֶׁר דִּבֶּר יי לְךָ: ד אֶל־תִּאְמַר
בְּלִבְבְּךָ בְּהֹדֶף יי אֱלֹהֶיךָ אַתֶּם | מִלִּפְנֵיךָ לֵאמֹר בְּצִדְקָתִי הֵבִיאֵנִי יי
לָרֶשֶׁת אֶת־הָאָרֶץ הַזֹּאת וּבְרִשְׁעַת הַגּוֹיִם הָאֵלֶּה יי מוֹרִישָׁם מִפְּנֵיךָ:
ה לֹא בְצִדְקָתְךָ וּבִישׁוֹר לְבַבְּךָ אֲתָה בָּא לָרֶשֶׁת אֶת־אֲרָצָם כִּי בְרִשְׁעַת
| הַגּוֹיִם הָאֵלֶּה יי אֱלֹהֶיךָ מוֹרִישָׁם מִפְּנֵיךָ וּלְמַעַן הָקִים אֶת־הַדָּבָר אֲשֶׁר

נִשְׁבַּע יי לְאַבְרָהָם לְאַבְרָהָם לְיִצְחָק וְלְיַעֲקֹב: וַיֵּדַעְתָּ כִּי לֹא בְצַדִּיקוֹתַי
 יי אֱלֹהֶיךָ נָתַן לְךָ אֶת־הָאָרֶץ הַטּוֹבָה הַזֹּאת לְרִשְׁתָּהּ כִּי עִם־קִשְׁה־עֲרֹף
 אָתָּה:

(9:1) **Hear, O Israel! You are about to cross the Jordan to go in and dispossess nations greater and more populous than you: great cities with walls sky-high;**

(2) **a people great and tall, the Anakites, of whom you have knowledge; for you have heard it said, “Who can stand up to the children of Anak?”**

(3) **Know then this day that none other than the Lord your God is crossing at your head, a devouring fire; it is He who will wipe them out. He will subdue them before you, that you may quickly dispossess and destroy them, as the Lord promised you.**

(4) **And when the Lord your God has thrust them from your path, say not to yourselves, “The Lord has enabled us to possess this land because of our virtues”; it is rather because of the wickedness of those nations that the Lord is dispossessing them before you.**

(5) **It is not because of your virtues and your rectitude that you will be able to possess their country; but it is because of their wickedness that the Lord your God is dispossessing those nations before you, and in order to fulfill the oath that the Lord made to your fathers, Abraham, Isaac, and Jacob.**

(6) **Know, then, that it is not for any virtue of yours that the Lord your God is giving you this good land to possess; for you are a stiffnecked people.**

(1) Hear, O Israel! You are about to cross the Jordan: In this address, Moses returns to the topic of the conquest, because he wishes to elaborate on the all-important principles of the relationship between Israel and the peoples of Canaan.

To go in and dispossess nations greater and more populous than you: As already noted, given that the core of the Israelite population consisted of more than six hundred thousand men of military age, which amounts to about two million people in total, it would be wrong

to suppose that numerically they were a small people. None of the nations of Canaan was that large, of course. “Nations greater and more populous than you” means that all the peoples of Canaan taken together were more numerous and more powerful than Israel. One of the reasons that the Jewish people were able to conquer Canaan was that there was a lack of unity among the Canaanite peoples, who were divided into thirty-one separate kingdoms (Josh. 12:9 ff.).

Great cities with walls skyhigh: Says the Talmud about this verse: “Obviously this cannot be taken literally. Thus we see that the Torah sometimes exaggerates, and this sheds light on other statements in the Torah as well.”

(2) A people great and tall, the Anakites, of whom you have knowledge; for you have heard it said, “Who can stand up to the children of Anak?”: Another possible translation is, “Who can stand up to such gigantic people?”

Anak was the actual name of this clan of great and tall people, and that is how the word is used in this verse. But long after the Anakites ceased to exist as a people, the word *`anak* remained as a common noun, meaning, simply, “giant” – as it does in modern Hebrew even today. Be that as it may, this mention of the “children of Anak” is a reference to the words of the spies in their report (Num. 13:33). It was from those spies that the people of Israel first learned of the existence of such invincible giants.

(3) Know then this day that none other than the Lord your God is crossing at your head, a devouring fire; it is He who will wipe them out. He will subdue them before you: This alludes to the pillar of fire that followed the Israelites at night (during the day it was a pillar of cloud, see Exod. 13:21-22). The idea here is: although those giants are invincible to you, the Almighty will defeat them, just as He used the pillar of fire to defeat Pharaoh (Exod. 14:19 ff.).

That you may quickly dispossess and destroy them, as the Lord promised you: Earlier (Deut. 7:22) the Torah said just the opposite, that the conquest would be long and gradual. The apparent explanation for this contradiction is that these passages are considering the events from the perspectives of two different time scales.

The earlier statement described the events as seen locally from the point of view of the people involved in conquering the land – “boots on the ground.” From their perspective, the conquest lasted too long. But the verse here reflects the global, historical view of the conquest of Canaan as seen through the lens of centuries and millennia of Jewish history, beginning with God’s promise to Abraham (Gen. 15:16 ff.). Seen on that scale, the conquest happened quite quickly.

(4) And when the Lord your God has thrust them from your path, say not to yourselves, “The Lord has enabled us to possess this land because of our virtues”; it is rather because of the wickedness of those nations that the Lord is dispossessing them before you: It would be wrong to understand this verse as addressing in its entirety just a single issue. As if it is saying, “The Israelites will replace the Canaanites, because they are righteous, while the Canaanites are villains.”

(5) It is not because of your virtues and your rectitude that you will be able to possess their country; but it is because of their wickedness that the Lord your God is dispossessing those nations before you, and in order to fulfill the oath that the Lord made to your fathers, Abraham, Isaac, and Jacob: In fact, not just one, but two different, unrelated questions are raised here.

The first question is, why are the people of Israel being given this land? And the answer is: because of the Divine promise to the Patriarchs. This has nothing to do with either Jewish righteousness or the wickedness of the Canaanite peoples. The conquest is necessary for realizing the Jewish mission. The Jewish people receive the Land of Israel with no regard whatsoever to their actual merits. We can compare this to a hired worker who on his first day on the job is given the tools he needs to do the work. He receives those tools not as a reward, but as a necessity for completing his tasks.

The second question is, why will the Canaanite peoples be driven from the land? And the answer: because they are impious and even downright wicked. This, too, has nothing to do with Jewish righteousness or the lack thereof; on the contrary, the people of Israel are hardly exemplary in every respect – they are “stiff-necked.”

Even in Abraham's time – at the *berit bein ha-betarim*, “the covenant between the severed pieces” (Gen. 15:13 ff.) – the Canaanite peoples were given a certain time frame during which they could choose either to correct their behavior, or to demonstrate once and for all their defiance and disobedience. As the Torah says there (Gen. 15:16): “And they [i.e., your descendants] shall return here in the fourth generation, for the iniquity of the Amorites is not yet complete.”

If during those intervening four centuries the Canaanite peoples had chosen the path of correction, Israel would have received the land nonetheless, but the Canaanites would not have been expelled; they could have integrated into the Jewish state. But because of the atrocities they were committing, that integration was not possible, and they had to be driven out.

Of course, the Almighty knew from the start what path the Canaanite peoples would choose – that they would only sink deeper into the morass of their wickedness. But He gave them freedom of choice, so that their exile, if indeed it became necessary, would be morally justified.

Thus, Israel would get the Land in either case, but the peoples of Canaan would be exiled only for their own sins.

(6) Know, then, that it is not for any virtue of yours that the Lord your God is giving you this good land to possess: You have no special merit that makes you worthy of conquering the land. This is only about the degeneracy of the peoples you are about to conquer. They are scoundrels, while you, even with all your imperfections, are nowhere nearly as bad as they are.

For you are a stiffnecked people: “Stiff-necked” means obstinate, stubborn, and ungrateful. This characterization of the Jewish people, encountered repeatedly in the Torah, appears first in the incident of the golden calf (Exod. 32:9). It is mentioned here as an admonition to Israel, to stress that they are very far from being completely virtuous.

§ 10.8. A RETROSPECTIVE OF THE EPISODE OF THE GOLDEN CALF (9:7-29)

זָכַר אֶל־תְּשׁוּבָתָאֵת אֲשֶׁר־הִקְצַפְתָּ אֹתִי אֱלֹהֶיךָ בַּמִּדְבָּר לְמוֹנֵה־יָוֹם
 אֲשֶׁר־יָצֵאתָ | מֵאֶרֶץ מִצְרַיִם עַד־בָּאֲכֶם עַד־הַמָּקוֹם הַזֶּה מִמֶּרִים
 הָיִיתֶם עִם־יִי: n וּבַחֲרֹב הִקְצַפְתָּם אֹתִי וַיִּתְאַנֶּף יי בְּכֶם לְהַשְׁמִיד
 אֶתְכֶם: ט בְּעַלְתִּי הָהָרָה לָקַחְתָּ לְוַחַת הָאֲבָנִים לְוַחַת הַבְּרִית אֲשֶׁר־
 כָּרַת יי עִמָּכֶם וְאָשַׁב בְּהָר אֲרָבָעִים יוֹם וָאַרְבָּעִים לַיְלָה לֶחֶם לֹא
 אָכַלְתִּי וּמַיִם לֹא שָׁתִיתִי: י וַיִּתֵּן יי אֵלַי אֶת־שֹׁנִי לְוַחַת הָאֲבָנִים כְּתָבִים
 בְּאֶצְבָּע אֱלֹהִים וְעַל־יָהִם כָּכֹל־הַדְּבָרִים אֲשֶׁר דִּבֶּר יי עִמָּכֶם בְּהָר מְתוֹד
 הָאֵשׁ בַּיּוֹם הַהוּא: יא וַיְהִי מִקֵּץ אֲרָבָעִים יוֹם וָאַרְבָּעִים לַיְלָה נָתַן יי אֵלַי
 אֶת־שֹׁנִי לְוַחַת הָאֲבָנִים לְוַחַת הַבְּרִית: יב וַיֹּאמֶר יי אֵלַי קוּם רַד מִהָר
 מַזֶּה כִּי שָׁתָה עִמָּךְ אֲשֶׁר הוֹצֵאת מִמִּצְרַיִם סָרוּ מִהָר מִן־הַדֶּרֶךְ אֲשֶׁר
 צִוִּיתֶם עֲשׂוּ לָהֶם מִסְכָּה: יג וַיֹּאמֶר יי אֵלַי לֹא־מָר רָאִיתִי אֶת־הָעָם הַזֶּה
 וְהִנֵּה עַם־קָשֶׁה־עֶרְף הוּא: יד הֲרָף מִמֶּנִּי וְאֲשַׁמְדָם וְאִמְחָה אֶת־שֵׁמִם
 מִתַּחַת הַשָּׁמַיִם וְאֶעֱשֶׂה אוֹתָךְ לְגוֹי־עֶצְמוֹם וְרַב מִמֶּנּוּ: טו וְאִפֹּן וְאָרַל
 מִן־הָהָר וְהָהָר בָּעָר בָּאֵשׁ וְשֹׁנִי לְוַחַת הַבְּרִית עַל שְׁתֵּי יָדַי: טז וְאִרְאֶה
 וְהִנֵּה חֲטָאתָם לִי אֱלֹהֵיכֶם עֲשִׂיתֶם לָכֶם עֹגֶל מִסְכָּה סָרְתֶם מִהָר
 מִן־הַדֶּרֶךְ אֲשֶׁר־צִוִּיתִי אֶתְכֶם: יז וְאֶתְפֹּשׁ בְּשֹׁנִי הַלַּחַת וְאֶשְׁלַחְכֶם מֵעַל
 שְׁתֵּי יָדַי וְאֶשְׁבֶּרְם לְעֵינֵיכֶם: יח וְאֶתְנַפֵּל לִפְנֵי יי כְּרַאשְׁנָה אֲרָבָעִים יוֹם
 וָאַרְבָּעִים לַיְלָה לֶחֶם לֹא אָכַלְתִּי וּמַיִם לֹא שָׁתִיתִי עַל כִּלְחֻטְאֲתְכֶם
 אֲשֶׁר חֲטָאתֶם לַעֲשׂוֹת הָרַע בְּעֵינֵי יי לְהַכְעִיסוֹ: יט כִּי יִגְרָתִי מִפְּנֵי
 הָאֵל וְהַחֲמָה אֲשֶׁר קִצַּף יי עֲלֵיכֶם לְהַשְׁמִיד אֶתְכֶם וַיִּשְׁמַע יי אֵלַי
 גַּם בַּפֶּעַם הַהוּא: כ וּבִאֲהֲרֹן הִתְאַנֶּף יי מְאֹד לְהַשְׁמִידוֹ וְאֶתְפֹּלֵל גַּם־
 בְּעַד אֶהֱרֹן בְּעַת הַהוּא: כא וְאֶת־חֲטָאתְכֶם אֲשֶׁר־עֲשִׂיתֶם אֶת־הָעֹגֶל
 לְקַחְתִּי וְאֲשַׁרְף אוֹתוֹ | בָּאֵשׁ וְאָכַת אוֹתוֹ טַחוֹן הֵיטֵב עַד אֲשֶׁר־דָּק
 לְעָפָר וְאֶשְׁלַח אֶת־עַפְרוֹ אֶל־הַנַּחַל הַיָּרֵד מִן־הָהָר: כב וּבַתְּבַעֲרָה
 וּבִמְסָה וּבִקְבֻרַת הַתְּאֻוָּה מִקְצָפִים הָיִיתֶם אִתִּי: כג וּבִשְׁלַח יי אֶתְכֶם
 מִקְדָּשׁ בְּרִנֵּעַ לֵאמֹר עֲלוּ וְרִשׁוּ אֶת־הָאָרֶץ אֲשֶׁר נָתַתִּי לָכֶם וַתִּמְרוּ
 אֶת־פִּי יי אֱלֹהֵיכֶם וְלֹא הֵאֱמַנְתֶּם לִּי וְלֹא שָׁמַעְתֶּם בְּקוֹלִי: כד מִמֶּרִים
 הָיִיתֶם עִם־יִי מִיּוֹם דַּעֲתִי אֶתְכֶם: כה וְאֶתְנַפֵּל לִפְנֵי יי אֶת אֲרָבָעִים הַיּוֹם
 וְאֶת־אֲרָבָעִים הַלַּיְלָה אֲשֶׁר הִתְנַפֵּלְתִּי כִּי־אָמַר יי לְהַשְׁמִיד אֶתְכֶם:
 כו וְאֶתְפֹּלֵל אֶל־יִי וְאָמַר אֲדַנִּי יי אֶל־תִּשְׁחַת עִמָּךְ וּנְחַלְתָּךְ אֲשֶׁר פָּדִיתָ
 בְּגִדְלֶךָ אֲשֶׁר־הוֹצֵאת מִמִּצְרַיִם בְּיַד חֲזָקָה: כז זָכַר לְעַבְדֶּיךָ לְאַבְרָהָם

לִיצְחָק וְלִיעֶקֶב אֶל־תֵּפוֹן אֶל־קִשֵׁי הָעַם הַזֶּה וְאֶל־רָשָׁעוֹ וְאֶל־חַטָּאתוֹ:
 כח פֶּן־יֹאמְרוּ הָאָרֶץ אֲשֶׁר הוֹצֵאתָנוּ מִשָּׁם מִבְּלִי יָכֹלֶת יִי לַהֲבִיאָם אֶל־
 הָאָרֶץ אֲשֶׁר־דִּבֶּר לָהֶם וּמִשְׁנָאתוֹ אוֹתָם הוֹצִיאָם לְהַמְתֵּם בַּמִּדְבָּר:
 כט וְהֵם עִמָּךְ וְנִחַלְתָּךְ אֲשֶׁר הוֹצֵאתָ בְּכַחֲךָ הַגָּדֹל וּבְזִרְעֶךָ הַנְּטוּיָה:

(7) Remember, never forget, how you provoked the Lord your God to anger in the wilderness: from the day that you left the land of Egypt until you reached this place, you have continued defiant toward the Lord.

(8) At Horeb you so provoked the Lord that the Lord was angry enough with you to have destroyed you.

(9) I had ascended the mountain to receive the tablets of stone, the Tablets of the Covenant that the Lord had made with you, and I stayed on the mountain forty days and forty nights, eating no bread and drinking no water.

(10) And the Lord gave me the two tablets of stone inscribed by the finger of God, with the exact words that the Lord had addressed to you on the mountain out of the fire on the day of the Assembly.

(11) At the end of those forty days and forty nights, the Lord gave me the two tablets of stone, the Tablets of the Covenant.

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

(13) The Lord further said to me, "I see that this is a stiffnecked people.

(14) Let Me alone and I will destroy them and blot out their name from under heaven, and I will make you a nation far more numerous than they."

(15) I started down the mountain, a mountain ablaze with fire, the two Tablets of the Covenant in my two hands.

(16) 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.

(17) Thereupon I gripped the two tablets and flung them away with both my hands, smashing them before your eyes.

(18) I threw myself down before the Lord – eating no bread and drinking no water forty days and forty nights, as before – because of the great wrong you had committed, doing what displeased the Lord and vexing Him.

(19) For I was in dread of the Lord's fierce anger against you, which moved Him to wipe you out. And that time, too, the Lord gave heed to me. –

(20) Moreover, the Lord was angry enough with Aaron to have destroyed him; so I also interceded for Aaron at that time. –

(21) As for that sinful thing you had made, the calf, I took it and put it to the fire; I broke it to bits and ground it thoroughly until it was fine as dust, and I threw its dust into the brook that comes down from the mountain.

(22) Again you provoked the Lord at Taberah, and at Massah, and at Kibroth-hattaavah.

(23) And when the Lord sent you on from Kadesh-barnea, saying, "Go up and take possession of the land that I am giving you," you flouted the command of the Lord your God; you did not put your trust in Him and did not obey Him.

(24) As long as I have known you, you have been defiant toward the Lord.

(25) When I lay prostrate before the Lord those forty days and forty nights, because the Lord was determined to destroy you,

(26) I prayed to the Lord and said, "O Lord God, do not annihilate Your very own people, whom You redeemed in Your majesty and whom You freed from Egypt with a mighty hand.

(27) Give thought to Your servants, Abraham, Isaac, and Jacob, and pay no heed to the stubbornness of this people, its wickedness, and its sinfulness.

(28) Else the country from which You freed us will say, 'It was because the Lord was powerless to bring them into the land that He had promised them, and because He rejected them, that He brought them out to have them die in the wilderness.'

(29) Yet they are Your very own people, whom You freed with Your great might and Your outstretched arm."

(7) Remember, never forget, how you provoked the Lord your God to anger in the wilderness: After describing the Jewish people as "stiff-necked," Moses elaborates on this characterization in detail, beginning with the story of the golden calf.

Remembering their past wrongdoings is very important for the people's correction – an essential element of their identity. The purpose of these reproaches is to emphasize yet again that the Jewish people are inheriting the land not because of their merits, but only due to the covenant that the Almighty concluded with the Patriarchs.

From the day that you left the land of Egypt until you reached this place, you have continued defiant toward the Lord: This is not a critique of the people's behavior in Egypt, before the Exodus, although the Prophets mention that as well. As long as the Israelites remained slaves, they were not, generally speaking, held accountable for their failings. But with time, as they acquired more independence and more power, the expectations of them became commensurately greater.

(8) At Horeb you so provoked the Lord: Horeb is another name for Sinai. After receiving the Torah, their obligations increased. But they continued to misbehave as before.

You so provoked the Lord that the Lord was angry enough with you to have destroyed you: In the incident of the golden calf that Moses will presently recount, the nation was on the very brink of destruction.

(9) I had ascended the mountain to receive the tablets of stone, the Tablets of the Covenant that the Lord had made with you: The book of Exodus (24:12-18) describes it differently: "The Lord said to Moses, 'Come up to Me on the mountain and wait there, and I will give you the stone tablets with the teachings and commandments which I have inscribed to instruct them.' So Moses and his attendant Joshua arose, and Moses ascended the mountain of God. ... Moses remained on the mountain forty days and forty nights." Since the focus of the book of

Exodus is the giving of the Torah, Moses in that version ascends to receive further teachings, which naturally takes some time.

But here, the original purpose of ascending the mountain was to receive the two tablets, i.e., to fix in stone what had already been received orally. We can view the stone tablets as God's final signature on the covenant, symbolizing its inviolability. But creating the tablets did not require forty days. Given that the tablets were Divinely fashioned, they could have been received immediately. Thus, in this Deuteronomy version, the forty-day interval is needed not for further study, but for testing the nation's obedience to the Almighty's final signature on the covenant.

And I stayed on the mountain forty days and forty nights, eating no bread and drinking no water: Here we learn for the first time that while Moses was on the mountain for forty days and nights, he neither ate nor drank. (Exod. 24:18 omits this detail.)

Moses, while on the mountain, was not completely human, but a "demigod,"²⁰ that is, he effectively ascended to the next level of his development. The people, however, on the contrary, deprived as they were during that time of their communication with God through Moses, actually descended from the level that they had attained at the giving of the Torah.

(10) And the Lord gave me the two tablets of stone inscribed by the finger of God, with the exact words that the Lord had addressed to you on the mountain out of the fire on the day of the Assembly: For Moses, the forty-day period that he spent close to God ends with the receipt of the tablets, on which "the exact words that the Lord had addressed to you ... on the day of the Assembly" were carved in stone. It was, as it were, the Almighty's signature on the covenant that was embodied in the Oral Torah.

(11) At the end of those forty days and forty nights, the Lord gave me the two tablets of stone, the Tablets of the Covenant: We now understand the purpose of Moses' forty-day stay on the mountain. God gave Moses the tablets only when Moses approached Heaven. Until

²⁰ For further details, see the Bible Dynamics commentary to Exod. 7:1.

this internal transformation was complete, Moses could not receive the tablets.

(12) And the Lord said to me, “Hurry, go down from here at once, for the people whom you brought out of Egypt have acted wickedly; they have been quick to stray from the path that I enjoined upon them; they have made themselves a molten image”: The disparity we mentioned just above can now be seen in this verse – while you, Moses, were drawing nearer to God, the people have strayed from the path. Moving on is simply impossible until this gap is closed or at least bridged.

In this passage, the time of the creation of the calf clearly coincides with that of the giving of the tablets. These two events, which mark opposite changes in Moses and the people, are thus interconnected.

Both the calf and the tablets were made of a solid material (gold and stone, respectively), but they represented entirely different things. The tablets symbolized the eternity of the Almighty’s covenant, while the calf was created to be a stagnant image of God. This posed a serious contradiction. It was indeed correct for the covenant to have such a fixed and immutable framework, but the image of God must never have any such thing.

In his analysis of the prohibition of idolatry, Rabbi Abraham Isaac Kook explains that one of idolatry’s most negative aspects is that it fixates a divine image, representing divinity as static and immobile. A “molten image” is obtained when metal in its liquid form, whose shape is changing constantly, becomes frozen and immobile. What is frozen can never develop, and in this lies the falsity of idolatry with respect to the Divinity. Rabbi Kook further notes that even just fixed ideas about God, in which God is seen as “immutable,” already contain a germ of idolatry, because the Divinity can never be static. A human understanding of God must always remain dynamic, subject to constant development and change. The very concept of “the invisible God,” and the ineffable character of the Divinity, implies a need for dynamics. If you have come to a point where your religious ideas are frozen and can no longer change, and you feel confident that you understand God correctly, at that moment you are already moving toward idolatry. And that is why the classic

symbol of idolatry is a “molten image” – a once fluid metal that has been transformed into a frozen, immobile figure.

But the tablets are quite another thing. Rather than depicting God, they only outline His path. And moreover, rather than elaborating that path in detail, they only set a proper framework for it. As noted earlier, the Ten Commandments inscribed on the tablets are restrictions that establish only the most basic and minimal boundaries of a civilized society. And these must be rigidly fixed.

In summation then, the tablets must be fixed and unchanging, but the image of God, on the contrary, must never be so.

(13) The Lord further said to me: “I see that this is a stiffnecked people: This obstinate people refuses to observe the covenant I have made with them, which categorically prohibits any practice of idolatry.

(14) Let Me alone: The Hebrew is *heref mimmenni*, which means, literally, “loosen your grip on me.” Or, as we would say, “Let go of me!” It is as if Moses is physically restraining God, preventing Him from annihilating the people.

And I will destroy them and blot out their name from under heaven, and I will make you a nation far more numerous than they: The Almighty seems to be proposing that Moses should become the Patriarch of a new chosen people. But if it will be just another people like the first, where then is the guarantee that Moses’ descendants will not behave just as this Jewish nation is doing right now?

Apparently, God’s proposal to Moses must be understood somewhat differently. He wants Moses to become the Patriarch not of an “ethnic” but a “religious” people; that is, to change the very definition of Jewish identity. Until now Israel was defined ethnically, as the descendants of Abraham, Isaac, and Jacob. The Almighty is now proposing to replace that ethnic identity with a religious one: the Jewish nation will consist of Moses’ disciples. Whoever accepts the Torah will be the “people of Israel,” and anyone who departs from it will no longer be a part of the Jewish nation. A “new people” by this definition will never depart from the Torah.

Thus, Moses is being tested. Will he succumb to the temptation of changing Jewish identity into a religious ideal? Or will he acknowledge

and accept that being a national community of descendants of the Patriarchs is exactly what makes Israel the chosen people?

We recall from the book of Exodus (32:13) that Moses at this juncture pleaded with God: “Remember Your servants, Abraham, Isaac, and Jacob.” Moses would not accept God’s offer. He rejected the idea of replacing the national Jewish identity with a religious one. But the retelling here in Deuteronomy does not inform us what Moses’ reaction was, because here the emphasis of the story is on the people’s behavior. The other details are only tangential, and are therefore omitted.

(15) I started down the mountain, a mountain ablaze with fire, the two Tablets of the Covenant in my two hands: Moses descends from his exalted position and returns to the people in order to reengage with them. At this time the mountain is still “ablaze with fire.” That is, Moses still resides in the higher, Divine realm. The description of the giving of the Torah in Exodus stresses that “Mount Sinai was all in smoke, for the Lord had come down upon it in fire” (Exod. 19:18). That fire was the visible symbol of the Almighty’s presence – a “pillar of fire.”

(16) 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: Seeing something for oneself – experiencing what is happening – is quite different from merely hearing about it, even from God Himself. (“And the Lord said to me, ‘Hurry, go down ... for the people ... have acted wickedly ... They have made themselves a molten image.’” See Deut. 9:12.)

Moses, the previous verse told us, held the two tablets of the covenant in his two hands, because he initially believed that only through those tablets could the Almighty’s covenant with Israel be preserved. But when Moses came down from the mountain and saw the situation with his own eyes, he changed his mind and smashed the tablets that he had carried so carefully before.

(17) Thereupon I gripped the two tablets and flung them away with both my hands, smashing them before your eyes: Again the Torah stresses “the two tablets” and “with both hands,” thus creating a connection between the previous verses and this one. The same two

hands that previously carried the tablets now fling them and smash them.

After seeing what was happening, Moses understood that the people's connection with God was now broken, and in order to restore it the tablets had to be smashed. Preserving the tablets would mean punishing all of Israel for having violated one of its most fundamental prohibitions. Moses therefore chooses at this stage to save Israel by sacrificing the Torah instead.

The Torah can be restored later, but Israel, if destroyed, cannot be restored.

(18) I threw myself down before the Lord – eating no bread and drinking no water forty days and forty nights, as before – because of the great wrong you had committed, doing what displeased the Lord and vexing Him: This is the second time that Moses goes without eating or drinking, again for forty days and nights, just as he did on the mountain. But these forty days Moses passes not on the mountain, but in the Tent of Meeting. This is detailed in Exodus: “Now Moses would take the Tent and pitch it outside the camp, at some distance from the camp. It was called the Tent of Meeting, and whoever sought the Lord would go out to the Tent of Meeting that was outside the camp” (Exod. 33:7).

However, the book of Exodus did not mention that Moses, yet again, during this second forty-day period, neither ate nor drank. (We can say that the Tent of Meeting was for Moses during that time a “Mount Sinai in miniature.”) That detail is omitted there, because the Exodus narrative is focusing on the Almighty's actions, i.e., it shows us the view from Above, while the retelling here in Deuteronomy emphasizes human action, as viewed from below. Therefore, Moses' forty days of fasting and prayer are part of the process of the giving of the Torah, and are presented as “the awakening of the creation to meet its Creator.”

Thus, we can identify here three different forty-day intervals:

- (i) The time Moses spent on the mountain in anticipation of receiving the first Tablets.
- (ii) His time in the Tent of Meeting as described in this verse.
- (iii) Again on the mountain in anticipation of receiving the second Tablets.

These three periods total 120 days, corresponding to the 120 days between the festival of Shavuot, the day of the giving of the Torah, and Yom Kippur, the day when the Almighty finally forgave the people for the sin of the golden calf.

(19) For I was in dread of the Lord's fierce anger against you, which moved Him to wipe you out: Moses' dread is not for himself, but for the people. This fear that Moses experiences is connected with his refusing to create "a different kind of nation." Moses now, and to an even greater degree than before, feels a connection with the existing people such as they are.

And that time, too, the Lord gave heed to me: "That time too" means that the Almighty had already accepted Moses' pleadings during the first forty-day period, even before he descended from the mountain and smashed the tablets. As all this is recounted in detail in the book of Exodus, it is already known to the new generation whom Moses is addressing here.

And yet, the book of Exodus describes the events in such a way that God is responding to Moses' convincing arguments. But here, although the actual wording of the prayer will be given only later (Deut. 9:26 ff.), the text is emphasizing that the Almighty responded to Moses' fasting and prayer. This underscores the connection between Yom Kippur – a day of fasting, prayer, and "severing one's ties with nature" – with the completion on that day of Moses' three fasts of forty days each.

(20) Moreover, the Lord was angry enough with Aaron to have destroyed him; so I also interceded for Aaron at that time: This verse gives us an entirely new perspective on why God would not let Aaron enter the Land of Israel.

The book of Numbers (27:14) relates this to the incident of the Waters of Meribah, where Moses sinned by striking the rock twice with his staff. But seeing that Aaron did nothing wrong there, it is not at all clear why he too received the same punishment as Moses did. But now we learn that in fact Aaron was punished for the sin of the golden calf. Even thirty-nine years earlier, during the first year of the Exodus, he was condemned to die before entering the land. (But as noted earlier, that is true of Moses as well, for he too received that sentence, because of the sin of the spies, in the first year of the wilderness wanderings.) Soon, below

(Deut. 10:6), Moses will interrupt his retrospective of the giving of the second tablets to speak of Aaron's death – which happened only forty years later. He does so in order to emphasize the important connection between those two topics.

However, at the onset of their journey the people were not told that Aaron would be denied entry to the land, because it would have been improper to point out to slaves who had only recently left Egypt the failings of their leadership. A nation's leaders must at all times maintain an elevated level of respect and veneration – almost to the point of being held sacred – that is inaccessible to everyone else. Without that, leaders will lose their authority among the people and, in this case, Aaron could not have fulfilled his functions as High Priest. Therefore, although Moses knew very early on of Aaron's punishment, he makes it known to the people only now.

(21) As for that sinful thing you had made, the calf, I took it and put it to the fire; I broke it to bits and ground it thoroughly until it was fine as dust, and I threw its dust into the brook that comes down from the mountain: Many details found in Exodus are omitted here, such as, that Moses ordered the Levites to slay all those who had worshipped the calf, that he made the people drink water mixed with the ashes of the calf. Moses' audience here already knows those details. Since the book of Exodus mentions them very explicitly, the people have learned them while studying the earlier books of the Torah, which has been their primary occupation in the wilderness. But here, because the story of the calf is retold in the form of an admonishment, those details are elided.

(22) Again you provoked the Lord at Taberah, and at Massah, and at Kibroth-hattaavah: Here Moses supplements his retelling of the incident of the golden calf with yet other situations where the people demonstrated their defiance. (For Taberah, see Num. 11:1 ff.; Massah – Exod. 17:1-7; and Kibroth-hattaavah – Num. 11:4-34.)

(23) And when the Lord sent you on from Kadesh-barnea, saying, "Go up and take possession of the land that I am giving you," you flouted the command of the Lord your God; you did not put your trust in Him and did not obey Him: Although Moses has already recounted the episode of the spies in great detail (Deut. 1:22-46), he

cannot but mention it here yet again in passing, because it is a prime example of the people's recalcitrance.

(24) As long as I have known you, you have been defiant toward the Lord: The Hebrew reads: "You have been defiant toward the Lord from the day I first knew you." Moses' connection with the Jewish people began even decades before the Exodus, when he went out from Pharaoh's palace to his brethren, and found an Egyptian beating a Jew (Exod. 2:11). Here Moses is telling the people: even then I could see how defiant you were.

(25) When I lay prostrate before the Lord those forty days and forty nights, because the Lord was determined to destroy you: Moses returns now to the story of the calf, and repeats the wording of the prayer that he offered at that time on Israel's behalf.

(26) I prayed to the Lord and said: All the arguments that Moses advanced at that time, by which he convinced the Almighty to reconsider, and not destroy the nation, are repeated here. Moses wants the people to understand the basis of the forgiveness that God granted them, and why the Jewish people survived.

In the original account in the book of Exodus, Moses makes these arguments before he descends from the mountain, because his main objective there is to achieve forgiveness for the people, in order to rescue them from annihilation. (Once that was accomplished, a resolution for the situation itself would follow in due course.) But here in Deuteronomy, Moses' arguments are presented only at the very end of the story of the calf, because the point is not simply to retell the facts (the people already know them), but to deliver a lesson, and with that to create an enduring national narrative and worldview.

The lesson here, apparently, is that a person who has committed some wrongdoing must first correct his mistake, and only then may he ask for forgiveness from Above. The granting of such forgiveness depends on what the person has already done to correct the situation.

O Lord God, do not annihilate Your very own people, whom You redeemed in Your majesty and whom You freed from Egypt with a mighty hand: This is Moses' introduction to his prayer for forgiveness. Israel is the Almighty's people, and so much effort has already been in-

vested in this project (i.e., the Jewish people) that it makes no sense to throw it all away, and then have to start again from nothing.

(27) Give thought to Your servants, Abraham, Isaac, and Jacob, and pay no heed to the stubbornness of this people, its wickedness, and its sinfulness: Moses' first argument is the global mission that the Jewish people must accomplish, seeing that they are the heirs to the Patriarchs. That is more important than whatever mistakes the people have made, and their misconduct today.

(28) Else the country from which You freed us will say, 'It was because the Lord was powerless to bring them into the land that He had promised them, and because He rejected them, that He brought them out to have them die in the wilderness': Moses' second argument is that everything that happens to the Jewish people profoundly affects all of humanity. Should the entire Jewish nation now perish, the nations of the world be at a loss to understand what actually happened and why. Since in their minds the Jewish people are so closely connected with the Almighty Himself, any catastrophe that would befall Israel would lead to a misunderstanding about God.

(29) Yet they are Your very own people, whom You freed with Your great might and Your outstretched arm: At the end of his plea Moses repeats his introductory phrase: the Jewish nation is God's people. Their connection with Him is unbreakable and everlasting.

Thus, Moses has advanced two arguments that have the same general principle in common: "These are Your people." But the wording is somewhat strange, given that everything in the world belongs to the Almighty, which means that all the nations of the world are also His. We should therefore understand the words "Your very own people" not from God's point of view, but from the people's perspective.

Indeed, from God's point of view, the whole world belongs to Him, and all peoples are His. He cares about the welfare of all of mankind. But from the human perspective, "God's people" are the Jews. Everything that happens to the Jewish people affects how God is perceived the world over. Thus, the peoples of the world must not be allowed to entertain false ideas about the Almighty. And therefore, the Jewish people must not be allowed to perish.

§ 10.9. THE SECOND TABLETS (10:1-11)

א בָּעַת הַהוּא אָמַר יי אֵלִי פָּסַל־לִי שְׁנֵי־לוחֹת אֲבָנִים כְּרָאשֻׁנִּים וְעַל־הָהָרָה וְעָשִׂיתָ לִּי אֲרוֹן עֵץ: ב וְאִכְתָּב עַל־הַלְּחֹת אֶת־הַדְּבָרִים אֲשֶׁר הָיוּ עַל־הַלְּחֹת הָרָאשֻׁנִּים אֲשֶׁר שִׁבַּרְתָּ וְשָׁמַתָּם בְּאֲרוֹן: ג וְאָעַשׂ אֲרוֹן עֵץ שְׁטִים וְאָפַסְלִי שְׁנֵי־לוחֹת אֲבָנִים כְּרָאשֻׁנִּים וְאָעַל הָהָרָה וְשָׁנִי הַלְּחֹת בִּידִי: ד וַיִּכְתֹּב עַל־הַלְּחֹת כַּמִּכְתָּב הָרָאשֹׁן אֶת עֲשֶׂר־הַדְּבָרִים אֲשֶׁר דִּבֶּר יי אֵלֵיכֶם בְּהָר מִתּוֹךְ הָאֵשׁ בַּיּוֹם הַהוּא וַיִּתֶּנֶם יי אֵלַי: ה וְאָפִן וְאָרַל מִן־הָהָר וְאָשַׁם אֶת־הַלְּחֹת בְּאֲרוֹן אֲשֶׁר עָשִׂיתִי וַיְהִיו שָׁם כְּאֲשֶׁר צֻוֵּי יי: ו וּבְנֵי יִשְׂרָאֵל נָסְעוּ מִבְּאֵרֶת בְּנֵי־יַעֲקֹב מִוְּסֶרֶה שָׁם מֵת אֶהֱרֹן וַיִּקְבְּרוּ שָׁם וַיִּכְתֹּן אֶלְעָזָר בְּנוֹ תַּחֲתָיו: ז מִשָּׁם נָסְעוּ הַגִּדְגָּדָה וּמִן־הַגִּדְגָּדָה יֻטְּבְּתָה אֶרֶץ נַחֲלֵי מִים: ח בָּעַת הַהוּא הִבְדִּיל יי אֶת־שִׁבְט הַלֵּוִי לִשְׂאֵת אֶת־אֲרוֹן בְּרִית־יְיָ לַעֲמֹד לִפְנֵי יי לְשִׁרְתוֹ וּלְכַרֵּךְ בְּשֵׁמוֹ עַד הַיּוֹם הַזֶּה: ט עַל־כֵּן לֹא־הָיָה לָלֵוִי חֶלֶק וְנַחֲלָה עִם־אֲחָיו יי הוּא נַחֲלָתוֹ כְּאֲשֶׁר דִּבֶּר יי אֱלֹהֵיךָ לֹ: י וְאֲנֹכִי עֲמַדְתִּי בְּהָר כִּי־מִים הָרָאשֻׁנִּים אֲרַבְּעִים יוֹם וְאֲרַבְּעִים לַיְלָה וַיִּשְׁמַע יי אֵלַי גַּם בַּפֶּעַם הַהוּא לֹא־אָבָה יי הַשְׁחִיתָד: יא וַיֹּאמֶר יי אֵלַי קוּם לִךְ לְמִסְעָ לִפְנֵי הָעָם וַיְבֹאוּ וַיִּירָשׁוּ אֶת־הָאָרֶץ אֲשֶׁר־נִשְׁבַּעְתִּי לְאֲבֹתָם לָתֵת לָהֶם:

(10:1) 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.

(2) I will inscribe on the tablets the commandments that were on the first tablets that you smashed, and you shall deposit them in the ark."

(3) I 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.

(4) The 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.

(5) Then 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.

(6) **From Beeroth-bene-jaakan the Israelites marched to Moserah. Aaron died there and was buried there; and his son Eleazar became priest in his stead.**

(7) **From there they marched to Gudgod, and from Gudgod to Jotbath, a region of running brooks.**

(8) **At that time the Lord set apart the tribe of Levi to carry the Ark of the Lord's Covenant, to stand in attendance upon the Lord, and to bless in His name, as is still the case.**

(9) **That is why the Levites have received no hereditary portion along with their kinsmen: the Lord is their portion, as the Lord your God spoke concerning them.**

(10) **I had stayed on the mountain, as I did the first time, forty days and forty nights; and the Lord heeded me once again: the Lord agreed not to destroy you.**

(11) **And the Lord said to me, "Up, resume the march at the head of the people, that they may go in and possess the land that I swore to their fathers to give them."**

(1) Thereupon: Literally, "At that time." Immediately after forgiveness has been granted for errors or misdeeds, it is the right time to move up to the next level.

The Lord said to me: "Carve out two tablets of stone like the first: The first tablets – both the tablets themselves and the commandments inscribed on them – were God's creations exclusively. I.e., that Torah was entirely Divine. But this time, God instructs Moses that he must himself carve out the tablets, and then God will write the commandments on them. Thus, the second tablets are a collaboration of both God and man. In other words, the Torah is Divine, but at the same time also human. Had only the first tablets come down to us, the Torah would have remained incomprehensible to man, and perhaps been even a hostile influence to him. Therefore, the first tablets had to be broken, and the second tablets are now created to replace them.

And come up to Me on the mountain; and make an ark of wood: The Hebrew actually reads: "And make for yourself an ark of wood."

In the book of Exodus the ark is mentioned only later, within the context of the commandment to build the Tabernacle, of which the Ark of the Covenant is the centerpiece. But here in Deuteronomy God commands Moses to construct the ark in advance of receiving the second tablets. Moses must concern himself not only with the contents of the vessel, as it were, but with the vessel itself too, because the contents cannot endure here on earth without a vessel to preserve them. This idea is an important lesson for the people, who will soon begin a new, self-sufficient life in their own land, while they maintain and strengthen their further dialogue with God.

(2) I will inscribe on the tablets the commandments that were on the first tablets: The text of the second tablets is exactly the same as the first. But they are framed differently. Moses, not God, carves these tablets, and an ark for them is made immediately. The lesson here is that the success of a message depends also on how the message is presented, and not only on its content.

That you smashed: The Hebrew is, *asher shibbarta*. The Midrash relates the word *asher* to *yishar*, as in *yishar kochacha!* – a phrase heard colloquially even today, best translated as, “Well done!” In other words, according to this midrash the Almighty is telling Moses here that He fully agrees with Moses’ decision to break the first tablets. Because only after the first tablets were broken could the second set be created, this time the result of a Divine-human collaboration.

The importance of this midrash can be seen in the fact that Rashi (Rabbi Solomon ben Isaac, d. 1105), the greatest and most renowned of all the Torah commentators, chooses to cite none other than this midrash as the final words of his commentary on this book of Deuteronomy – and thus of the entire Torah. The very last words of the Torah (Deut. 34:12) are: “And for all the great might and awesome power that Moses displayed before all Israel.” But literally, “that Moses performed before the eyes of all Israel.”

The final words of Rashi’s commentary on the Five Books of the Torah are as follows: “‘That Moses performed before the eyes of all Israel’ – This refers to Moses’ inspired decision to smash the tablets before their

eyes, as it is said, (Deut. 9:17) 'Thereupon I gripped the two tablets and flung them away with both my hands, smashing them before your eyes.'"

And the Holy One, blessed be He, supported Moses' decision, as it is written, that God, when speaking to Moses, said of the tablets, "That you smashed." Which the Midrash understands to mean: "Well done, Moses, that you smashed those tablets!"

And you shall deposit them in the ark: As already mentioned, a vessel to contain the second tablets was prepared in advance, into which they were carefully placed as soon as God had inscribed them. It was thanks to this vessel that the second tablets avoided the fate of their ill-fated predecessors. This is a metaphor for Divine revelation, where the same applies. A human being can perceive and realize Divine revelation only if he (as the "vessel" that will contain it) is properly prepared for it in advance.

(3) I 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: Unlike the first tablets, which Moses carried down the mountain and smashed, here Moses carves the tablets and carries them up the mountain. The human effort invested in carving these tablets and carrying them up is what preserves them. Therefore, these second tablets will not be broken.

(4) The 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: In this respect – the text that God inscribed on the tablets – the first and second tablets are identical. It is the Almighty's indelible signature, which attests to what He had previously conveyed orally.

(5) Then I left and went down from the mountain, and I deposited the tablets in the ark that I had made: Moses did not carry the ark up the mountain, but only the tablets, which he then placed into the ark upon his return.

Where they still are, as the Lord had commanded me: This emphasizes that although forty years have passed, the tablets have been

kept in the ark all this time, and are still there. Once again the preservation of the second tablets is contrasted with the breaking of the first set.

(6) From Beeroth-bene-jaakan the Israelites marched to Moserah. Aaron died there and was buried there; and his son Eleazar became priest in his stead: This interpolation speaks of an event that took place almost forty year later. Moses mentions it here in order to stress that Aaron is being punished for the sin of the calf.

(7) From there they marched to Gudgod, and from Gudgod to Jotbath, a region of running brooks: Aaron's death notwithstanding, the people continue to advance in their wilderness journey.

(8) At that time the Lord set apart the tribe of Levi to carry the Ark of the Lord's Covenant, to stand in attendance upon the Lord, and to bless in His name, as is still the case: Moses mentions the Levites here, because they were the only tribe not complicit in the sin of the golden calf: "Moses stood up in the gate of the camp and said, 'Whoever is for the Lord, come here!' And all the Levites rallied to him" (Exod. 32:26). This is also the reason that the Levites were chosen to replace the firstborns for the Temple service.

(9) That is why the Levites have received no hereditary portion along with their kinsmen: the Lord is their portion, as the Lord your God spoke concerning them: Previously, both economic and religious power were concentrated in the hands of the firstborns. But in the later historical perspective those two aspects (economics and religion) were seen as better separated. Therefore, the Levites, having been granted an exalted religious status, forfeited their right to receive allotments of real property in the Land of Israel.

(10) I had stayed on the mountain, as I did the first time, forty days and forty nights; and the Lord heeded me once again: the Lord agreed not to destroy you: The story now returns to the third of the three forty-day periods that Moses passed without eating or drinking, now, on the mountain. This interval corresponds to the forty days from the beginning of the month of Elul through the tenth of the next month, Tishri, which is Yom Kippur.

(11) And the Lord said to me, “Up, resume the march at the head of the people, that they may go in and possess the land that I swore to their fathers to give them: God is saying to Moses: You must not forget that the ultimate purpose of the Exodus from Egypt was not to experience the revelation at Mount Sinai, but to conquer and possess the Land of Israel. There have been many sins committed, to be sure, and much stumbling and falling. But all those have now been corrected, and it is time to return to the original program – realizing the Covenant of the Patriarchs.

§ 10.10. “WHAT DOES THE LORD YOUR GOD
DEMAND OF YOU?” (10:12-11:9)

יב ועתה יִשְׂרָאֵל מָה יי אֱלֹהֶיךָ שָׁאֵל מֵעַמְּךָ כִּי אִם-לִירָאָה אֶת-יִי אֱלֹהֶיךָ לָלֶכֶת בְּכָל-דַּרְכָּיו וּלְאַהֲבָה אֹתוֹ וּלְעַבֹּד אֶת-יִי אֱלֹהֶיךָ בְּכָל-לְבָבְךָ וּבְכָל-נַפְשְׁךָ: יג לְשֹׁמֵר אֶת-מִצְוֹת יי וְאֶת-חֻקֹּתָיו אֲשֶׁר אָנֹכִי מְצֻוֶּה הַיּוֹם לָטוֹב לָךְ: יד הֵן לִי אֱלֹהֶיךָ הַשָּׁמַיִם וְשָׁמַיִם הַשָּׁמַיִם הָאָרֶץ וְכָל-אֲשֶׁר-בָּהּ: טו רַק בְּאַבְרָהָם חֶשֶׁק יי לְאַהֲבָה אוֹתָם וַיְבַחֵר בְּזָרְעָם אַחֲרֵיהֶם בָּכֶם מִכָּל-הָעַמִּים כִּי-זֶה הַיּוֹם: טז וּמִלֵּתָם אֶת עָרְלַת לְבַבְכֶם וְעָרְפְּכֶם לֹא תִקְשׁוּ עוֹד: יז כִּי יי אֱלֹהֵיכֶם הוּא אֱלֹהֵי הָאֱלֹהִים וְאֲדֹנֵי הָאָדָמִים הָאֵל הַגָּדֹל הַגִּבּוֹר וְהַנּוֹרָא אֲשֶׁר לֹא-יִשָּׂא פָנָיו וְלֹא יִקַּח שָׁחַד: יח עֲשֵׂה מִשְׁפָּט יְתוֹם וְאַלְמָנָה וְאַהֲבֵה גֵר לֵיתֶם לֹא לְחֵם וְשִׁמְלָה: יט וְאַהֲבַתְּם אֶת-הַגֵּר כִּי-גֵרִים הָיִיתֶם בְּאֶרֶץ מִצְרַיִם: כ אֶת-יִי אֱלֹהֶיךָ תִירָא אֹתוֹ תַעֲבֹד וְכוּ תִדְבָּק וּבְשִׁמּוֹ תִשָּׁבַע: כא הוּא תְהִלָּתְךָ וְהוּא אֱלֹהֶיךָ אֲשֶׁר-עָשָׂה אִתְּךָ אֶת-הַגְּדֹלָת וְאֶת-הַנּוֹרָאָה הָאֵלֶּה אֲשֶׁר רָאוּ עֵינֶיךָ: כב בְּשִׁבְעִים נֶפֶשׁ יָרְדוּ אֲבֹתֶיךָ מִצְרַיִם וְעַתָּה שְׁמַךְ יי אֱלֹהֶיךָ כְּכֹכְבֵי הַשָּׁמַיִם אֵת יי אֱלֹהֶיךָ וְשִׁמְרַת מִשְׁמֶרֶתוֹ וְחֻקֹּתָיו וּמִשְׁפָּטָיו וּמִצְוֹתָיו כָּל-הַיָּמִים: כג וַיִּדְעֻתָם הַיּוֹם כִּי | לֹא אֶת-בְּנֵיכֶם אֲשֶׁר לֹא-יָדְעוּ וְאֲשֶׁר לֹא-רָאוּ אֶת-מוֹסֵר יי אֱלֹהֵיכֶם אֶת-גְּדֻלּוֹ אֶת-יְדוֹ הַחֲזָקָה וְזִרְעוֹ הַנְּטוּיָה: כד וְאֶת-אֲתָתָיו וְאֶת-מַעֲשָׂיו אֲשֶׁר עָשָׂה בְּתוֹךְ מִצְרַיִם לְפָרְעָה מֶלֶךְ-מִצְרַיִם וְכָל-אֶרֶצוֹ: ד וְאֲשֶׁר עָשָׂה לְחִיל מִצְרַיִם לְסוֹסָיו וּלְרִכְבּוֹ אֲשֶׁר הִצִּיף אֶת-מִי יַם-סוּף עַל-פְּנֵיהֶם בְּרֹדְפֵם אַחֲרֵיהֶם וַיֹּאבְדֻם יי עַד הַיּוֹם הַזֶּה: ה וְאֲשֶׁר עָשָׂה לָכֶם בַּמִּדְבָּר עַד-בָּאֲכֶם עַד-הַמָּקוֹם הַזֶּה: ו וְאֲשֶׁר עָשָׂה לְדָתְךָ וּלְאֲבִיִּים בְּנֵי אֲלִיָּאב

בְּיָרְאוֹבָבֹן אֲשֶׁר פָּצְתָה הָאָרֶץ אֶת־פִּיהָ וַתְּבַלְעֵם וְאֶת־בִּתְיָהֶם
וְאֶת־אֱהֲלֵיהֶם וְאֶת כָּל־הַיְּקוּם אֲשֶׁר בְּרַגְלֵיהֶם בְּקָרֵב כָּל־יִשְׂרָאֵל:
ז כִּי עֵינֵיכֶם הִרְאִיתִי אֶת־כָּל־מַעֲשֵׂה יְיָ הַגָּדֹל אֲשֶׁר עָשָׂה: ח וּשְׁמִרְתֶּם
אֶת־כָּל־הַמִּצְוָה אֲשֶׁר אֲנִי מֵצִוְךָ הַיּוֹם לְמַעַן תִּחְזְקוּ וּבִאֲתֶם וִירְשִׁתֶּם
אֶת־הָאָרֶץ אֲשֶׁר אֲתֶם עֹבְרִים שָׁמָּה לְרִשְׁתָּהּ: ט וְלִמַּעַן תִּאָּרִיכוּ יָמִים
עַל־הָאָדָמָה אֲשֶׁר נִשְׁבַּע יְיָ לְאַבְרָהָם לֵאמֹר לְתֶת לָהֶם וּלְזֶרְעָם אֶרֶץ זָבַת
חֶלֶב וְדָבָשׁ:

(12) And now, O Israel, what does the Lord your God demand of you? Only this: to revere the Lord your God, to walk only in His paths, to love Him, and to serve the Lord your God with all your heart and soul,

(13) keeping the Lord's commandments and laws, which I enjoin upon you today, for your good.

(14) Mark, the heavens to their uttermost reaches belong to the Lord your God, the earth and all that is on it!

(15) Yet it was to your fathers that the Lord was drawn in His love for them, so that He chose you, their lineal descendants, from among all peoples – as is now the case.

(16) Cut away, therefore, the thickening about your hearts and stiffen your necks no more.

(17) For the Lord your God is God supreme and Lord supreme, the great, the mighty, and the awesome God, who shows no favor and takes no bribe,

(18) but upholds the cause of the fatherless and the widow, and befriends the stranger, providing him with food and clothing. –

(19) You too must befriend the stranger, for you were strangers in the land of Egypt.

(20) You must revere the Lord your God: only Him shall you worship, to Him shall you hold fast, and by His name shall you swear.

(21) He is your glory and He is your God, who wrought for you those marvelous, awesome deeds that you saw with your own eyes.

(22) Your ancestors went down to Egypt seventy persons in all; and now the Lord your God has made you as numerous as the stars of heaven.

(11:1) Love, therefore, the Lord your God, and always keep His charge, His laws, His rules, and His commandments.

(2) Take thought this day that it was not your children, who neither experienced nor witnessed the lesson of the Lord your God – His majesty, His mighty hand, His outstretched arm;

(3) the signs and the deeds that He performed in Egypt against Pharaoh king of Egypt and all his land;

(4) what He did to Egypt's army, its horses and chariots; how the Lord rolled back upon them the waters of the Sea of Reeds when they were pursuing you, thus destroying them once and for all;

(5) what He did for you in the wilderness before you arrived in this place;

(6) and what He did to Dathan and Abiram, sons of Eliab son of Reuben, when the earth opened her mouth and swallowed them, along with their households, their tents, and every living thing in their train, from amidst all Israel –

(7) but that it was you who saw with your own eyes all the marvelous deeds that the Lord performed.

(8) Keep, therefore, all the Instruction that I enjoin upon you today, so that you may have the strength to enter and take possession of the land that you are about to cross into and possess,

(9) and that you may long endure upon the soil that the Lord swore to your fathers to assign to them and to their heirs, a land flowing with milk and honey.

(12) And now, O Israel: Moses concludes his second address to the people with a summary of moral instructions and principles. Much of what has already been said is repeated here. Repetition of key points is a feature of oral speech in general, and therefore of this book of Deuteronomy as well. But there are also some new elements.

(12) And now, O Israel, what does the Lord your God demand of you?: “And now” is understood to mean: “In spite of everything that has happened.” I.e., despite all the mistakes the people have made, they are still the chosen people, and therefore, regardless of their sins, the Almighty is willing to forgive them. The Almighty only requires that they revere (literally, fear) Him.

Only this: to revere the Lord your God, to walk only in His paths, to love Him, and to serve the Lord your God with all your heart and soul: The central principle of the Torah is “following in God’s paths.” This is expressed as unity, which includes finding a proper balance between opposing attitudes. “Awe” suggests keeping distance from the Almighty, while “love” is the opposite feeling – a sense of closeness to Him. “Serving the Lord” means the realization of a “religious” feeling in one’s practical life, but “with all your heart and soul” means that serving God must include every other aspect of life as well.

(13) Keeping the Lord’s commandments and laws, which I enjoin upon you today: After the foregoing discussion of spiritual principles and qualities, there is now a transition to the practical observance of the law.

For your good: It is not for God’s benefit, but for your own.

(14) Mark, the heavens to their uttermost reaches belong to the Lord your God, the earth and all that is on it!: This principle is among the foundations of the monotheistic worldview: God is one, and everything belongs to Him.

(15) Yet it was to your fathers that the Lord was drawn in His love for them, so that He chose you, their lineal descendant: Precisely because everything belongs to the Almighty, He has chosen you not only for your benefit, but for the good of the entire human race. God’s love for Israel also means that they have a direct, immediate connection with the Almighty. God rules Israel not through angels or other intermediaries, but directly and “personally.”

(16) Cut away, therefore, the thickening about your hearts: Open your hearts to God’s mercy.

And stiffen your necks no more: Abandon your obstinate disobedience.

(17) For the Lord your God is God supreme: Literally, “For the Lord your God, He is God of gods.” European languages traditionally translate the Hebrew term *Elohim* as “God” (or its equivalent in the given language). But the Jewish conception of God and the European conception differ significantly.

The general (secular) meaning of the Hebrew word *elohim* is “an exalted authority, the highest element in government.” It is used, for example, to mean the highest judicial authority (Exod. 22:8). The word *elohim* is used to describe even Moses’ status: “The Lord replied to Moses, ‘See, I place you in the role of God to Pharaoh’ ” (Exod. 7:1). And very often it appears as a generic term for “gods,” that is, the gods of other nations – deities worshipped by idolaters. In this usage it is most commonly expressed as *elohim acheirim*, “other gods.”

With respect to “He is God of gods,” there are different opinions in Jewish tradition as to how real these “gods of the nations of the world” actually are.

The rationalist viewpoint in Judaism, as represented, most notably, by Maimonides, is that these “other gods” do not actually exist, and are nothing more than a fantasy, a figment of the imagination of the idolaters – their anthropomorphic personification of the forces that govern their lives.

But the mystical approach in Judaism, as expressed in the Kabbalistic literature, takes the view that such gods – “the angels of other nations” – do in fact exist (as natural forces or laws of the universe), that they govern the lives of these peoples, and that calling them “gods” therefore feels quite natural and sensible to them.

Let us return, then, to our verse. According to the latter approach (and that of the Torah’s monotheism as well), the idea of the Almighty as “the God of gods” does not consist in denying the existence of any other spiritual force (“gods”), but only in the prohibition against addressing such forces. The Torah enjoins Jews from addressing any force except the Almighty Himself.

By the latter approach, the Almighty has put certain higher powers in this world for the purpose of ruling other peoples, and those powers do actually exist. But this verse is saying that it is the Almighty Who governs those “gods of the nations,” and He, through them, directs the lives of all of mankind, from His position at the apex of this pyramid of cause and effect.

For the Lord your God is God supreme: To other nations He is the “God of gods,” but to you He is “your God.” The Almighty governs the lives of the peoples of the world through the angels of those peoples. But He governs the Jewish life directly and without intermediaries.

Is God supreme and Lord supreme: Once again following the literal translation, we can say that He is the God of gods in all spiritual worlds, and the Lord of lords in the world of natural law.

And Lord supreme: No human lord or ruler can hide or protect you from His power.

The great, the mighty, and the awesome God: These three qualities are usually understood as reflecting two opposite realities, which we will express here in terms of their Kabbalistic equivalents in the system of the *Sefirot*:

- “Great” is *Chesed*, “kindness” – mercy and love.
- “Mighty” is *Gevurah*, “might” – justice and judgment.
- “Awesome” is *Tiferet*, “splendor” – the tension between mercy and judgment, for which a proper balance must be always maintained.

Despite the apparent inconsistency among these three attributes, they are in fact united. In contemporary terms we can call it “the unity of conflicting value systems.”

Who shows no favor: He judges every case fairly, with no regard to the social or economic status of the people involved.

And takes no bribe: This means: You must not view the sacrifices your offer to God as a way to change His mind or get Him to revoke His decisions.

(18) But upholds the cause of the fatherless and the widow:

Here there is a sharp transition from philosophical, theoretical principles to real human problems and issues of social justice. The orphan, the widow, and the stranger are disadvantaged members of society who lack the usual family support, making it difficult for them to stand up for themselves. But the Almighty supports them and restores balance. Above all, the Almighty demands that there be justice in social relations. And since He champions those causes, it is all the more befitting and expected that we will do likewise.

(18-19) And befriends the stranger, providing him with food and clothing. You too must befriend the stranger, for you were strangers in the land of Egypt:

In the Hebrew, the word translated here as “befriend” actually means “love.” Thus, this verse reads: “And He loves the stranger ... You [too] must [therefore] love the stranger” The commandment to love the stranger, which has no analog in the law of any other ancient civilization, is among the most important moral principles established by the Torah.

Two different rationales are given for this commandment: God loves the strangers, and therefore you must do the same; you were yourselves strangers in Egypt. Thus, although it is the principle of “emulating God” (*imitatio Dei*: “Do as God does”) that is at work here, in practice we can feel that love for the stranger only on the basis of our own personal experience. The mere theoretical principle of emulating God in this case is not enough. The commandment must be reinforced through the collective national experience.

The stranger: The Hebrew word for “stranger” in this passage is *ger*, plural *gerim*, which can also mean “proselyte” or (as used in the Talmudic literature) “convert.” Jewish law distinguishes between two types of *gerim*.

- (i) A *ger tzedek* (literally, “righteous stranger,” “proselyte”) is a non-Jew who has undergone the formal conversion process and is now a Jew. In both the religious and national senses he is no different from all other Jews – a full member of Jewish society. But because his reality is that he has no family or clan behind him, nor does he own any inherited land, he is considered, like the widow and

the orphan, a disadvantaged member of society who needs special support.

- (ii) A *ger toshav* (lit., “stranger-sojourner”) is a non-Jew who has settled among Jews, but has not himself become a Jew. A non-Jew can receive the status of *ger toshav* only if he fully acknowledges the truth and authority of Judaism. I.e., although he does not wish to convert to Judaism and become a *ger tzedek*, he recognizes and accepts the Divine origin of the Torah, including the Jewish Oral Tradition. According to Torah law, a *ger toshav* is an “associate member” of Jewish society in matters of social rights and benefits, for paying taxes, and for receiving charity and communal support. He does not, however, have “political rights.” (Using contemporary terminology, we would say that he has been granted permanent-residence status, but not citizenship).

As concerns the halachah, the obligation to love the stranger applies only to a *ger tzedek*. But at the same time, as a rationale for observing this commandment the Torah says, “For you were strangers in the land of Egypt.” Clearly the Israelites in Egypt had the status of only *ger toshav* – they did not become Egyptians. Therefore, the commandment to love strangers applies in principle to every stranger, even a *ger toshav*. Thus, we see here that the operative ideal is much broader than the strict halachah, which often represents a level of obligation that remains quite far from the ideal.

We note once again that in the five books of the Torah there is only one term *ger*, “stranger,” which is not differentiated along the aforementioned lines (*ger tzedek* vs. *ger toshav*). This is because the Written Torah states only ideals and general principles. It is the Oral Torah that turns those principles into laws, such that – in this case – the halachah then distinguishes between the two types of *ger*.

(We should also point out that there is no requirement to love just anyone who comes to the land. The “stranger” the Torah is referring to is a person who fully recognizes Jewish authority and Jewish religious tradition, and who wishes to come under their protection. But those who

do not recognize Jewish authority and Jewish religious tradition are not deemed “legitimate” aliens under Torah law.)

(20) You must revere the Lord your God: only Him shall you worship: Literally, “You must fear the Lord your God.” Fear and trepidation imply keeping one’s distance from the Lord.

To Him shall you hold fast: But holding fast to God means drawing close to Him. Here again, opposing ideals are unified.

Jewish tradition considers *deveikut*, “holding fast to God,” among the most important religious ideals, and it speaks of various ways to achieve it:

- (i) Emotionally – the experience of feeling a closeness to God.
- (ii) Behaviorally – identifying with and emulating Divine qualities, “being like God.” (This is the principle of *imitatio Dei* – for example, “God befriends the stranger, therefore you too must befriend the stranger,” as stated above. Or, “just as the Almighty is merciful, so you too must be merciful.” And the like.)
- (iii) Intellectually – studying the Torah and Divine wisdom.
- (iv) Nationally – participation in Judaism’s Divine mission, influencing the world by living in the Land of Israel – for example, participating in settlement and development of the Land.
- (v) Scholastically – holding fast to the sages of the Torah as Almighty’s representatives.

And by His name shall you swear: This has already been mentioned above (Deut. 6:13).

(21) He is your glory and He is your God: The Jewish people have many achievements, but their true glory is their connection with the Almighty.

Who wrought for you those marvelous, awesome deeds that you saw with your own eyes: These deeds will eventually be acknowledged by the majority of the peoples of the world who recognize the Hebrew Bible as Holy Scripture.

(22) Your ancestors went down to Egypt seventy persons in all; and now the Lord your God has made you as numerous as the stars of heaven: This proves that the Almighty keeps his promises.

(11:1) Love, therefore, the Lord your God: In this address both the fear of God and the love of God are mentioned, because every Jew is expected to achieve a synthesis of those two aspects in his life.

And always keep His charge, His laws, His rules, and His commandments: Love of God is expressed in keeping the commandments.

(2) Take thought this day that it was not your children, who neither experienced nor witnessed the lesson of the Lord your God: Moses in his address repeatedly refers to the unity of the generations. He considers the current generation to whom he is speaking as one with the generation that received the Torah at Mount Sinai and survived the Exodus and the wilderness wanderings.

Your children who neither experienced nor witnessed ... His majesty, His mighty hand, His outstretched arm: The most significant of those miracles will soon be enumerated in detail, with *Chesed* (mercy, undeserved beneficence) alternating with *Gevurah* (justice, punishment of evildoers). These are two opposite components of the Divinity.

(3) The signs and the deeds that He performed in Egypt against Pharaoh king of Egypt and all his land: This is mercy: the Lord came to your aid at the time of the Exodus.

(4) What He did to Egypt's army, its horses and chariots; how the Lord rolled back upon them the waters of the Sea of Reeds when they were pursuing you, thus destroying them: And he punished Pharaoh – this is justice.

Once and for all: Literally, “Until this [very] day.” I.e., this is familiar to all as common knowledge even now.

The news of Pharaoh's punishment spread throughout the entire surrounding world, as we know from the words of Rahab, who rescued the two spies whom Joshua sent to the Jericho region: “She said to the men, ‘I know that the Lord has given the country to you, because dread of you has fallen upon us, and all the inhabitants of the land are quaking

before you. For we have heard how the Lord dried up the waters of the Sea of Reeds for you when you left Egypt, and what you did to Sihon and Og, the two Amorite kings across the Jordan, whom you doomed. When we heard about it, we lost heart, and no man had any more spirit left because of you; for the Lord your God is the only God in heaven above and on earth below' " (Josh. 2:9-11).

(5) What He did for you in the wilderness before you arrived in this place: This is the kindness shown to you in the wilderness.

(6) And what He did to Dathan and Abiram, sons of Eliab son of Reuben, when the earth opened her mouth and swallowed them, along with their households, their tents, and every living thing in their train, from amidst all Israel: This is the punishment of those who committed serious crimes.

Thus, Moses demonstrates to the people the unity of mercy and justice – at the international level, and also the internal, national level. All this taken together is called "the lesson of the Lord your God" (Deut. 11:2).

It is noteworthy that Korah is not mentioned here in connection with this rebellion, although by all indications he was its primary instigator (as recounted in Num. 16:1 ff.). Perhaps this is because it became clear in retrospect that Dathan and Abiram were the primary villains in the incident, while Korah's intentions were in certain respects noble and positive (as we have explained in the *Biblical Dynamics* commentary there).

(7) But that it was you who saw with your own eyes all the marvelous deeds that the Lord performed: Although Moses is speaking to a relatively young generation who have not personally seen those marvelous deeds, he unites ancestors and descendants into a single group, as noted earlier.

(8) Keep, therefore, all the Instruction that I enjoin upon you today, so that you may have the strength to enter and take possession of the land that you are about to cross into and possess: This is a repeating refrain in the book of Deuteronomy: the primary purpose of the Torah is its practical implementation in the Land of Israel.

(9) And that you may long endure upon the soil that the Lord swore to your fathers to assign to them and to their heirs, a land flowing with milk and honey: The non-negotiable condition for preserving the life of the Jewish nation in its land is the fulfillment of the commandments.

§ 10.11. “THE LAND THAT YOU ARE ABOUT TO ENTER
IS NOT LIKE THE LAND OF EGYPT” (11:10-12)

י כִּי הָאָרֶץ אֲשֶׁר אַתָּה בֹּא־שָׁמָּה לְרִשְׁתָּהּ לֹא כַּאֲרֶץ מִצְרַיִם הִוא
אֲשֶׁר יֵצְאתֶם מִשָּׁם אֲשֶׁר תֵּזְרַע אֶת־זֶרְעֶךָ וְהִשְׁקִיתָ בְּרִגְלֶךָ כְּגֹן הַיָּרֹק:
יא וְהָאָרֶץ אֲשֶׁר אַתֶּם עֹבְרִים שָׁמָּה לְרִשְׁתָּהּ אֶרֶץ הָרִים וּבִקְעֹת לִמְטָר
הַשָּׁמַיִם תִּשְׁתָּה־מִּמֶּי: יב אֶרֶץ אֲשֶׁר־יִי אֱלֹהֶיךָ דֹרֵשׁ אֹתָהּ תָּמִיד עֵינָי יִי
אֱלֹהֶיךָ בָּהּ מִרְשִׁית הַשָּׁנָה וְעַד אַחֲרִית שָׁנָה:

(10) For the land that you are about to enter and possess is not like the land of Egypt from which you have come. There the grain you sowed had to be watered by your own labors, like a vegetable garden;

(11) but the land you are about to cross into and possess, a land of hills and valleys, soaks up its water from the rains of heaven.

(12) It is a land which the Lord your God looks after, on which the Lord your God always keeps His eye, from year's beginning to year's end.

(10) For the land that you are about to enter and possess is not like the land of Egypt from which you have come: The virtues of the Land of Israel have already been mentioned more than once. But here they are considered from a completely different angle, with the emphasis on the differences between Egypt and the Land of Israel.

There the grain you sowed had to be watered by your own labors, like a vegetable garden: The Hebrew of “watered by your own labors” translates literally as “irrigated by foot.” We can understand this in two ways:

- (i) It refers to a person who digs ditches, and then opens and closes with his feet the dams that block the channels that give his crops access to water.
- (ii) The landowner lifts the water by turning a water wheel with his feet.

The irrigation systems of ancient Egypt were built on these principles. In Egypt, there is always water in the Nile, so watering depends only on physical labor – a purely material component. In that environment man is beholden to the natural aspects of his existence, and he bows before the physical forces that gives him power over nature. In ancient Egypt, the more such power a person had, and the more slaves, the longer would be the canal he could dig, the larger the area he would be able to water, and the more bountiful his harvest.

(11) But the land you are about to cross into and possess, a land of hills and valleys, soaks up its water from the rains of heaven: In contrast, the Land of Israel is a land where a person senses his dependence on the Almighty, because the land itself establishes that connection. Hard work here is not a guarantee of success. A person might exert extreme effort but reap no harvest nonetheless. Therefore, he must learn to live in the hope of receiving Divine support, which is given only when a person lives morally and ethically. Thus, dependence on Divine assistance serves as the motivator for each individual, and for the nation, to lead a worthy life.

(12) It is a land which the Lord your God looks after, on which the Lord your God always keeps His eye, from year's beginning to year's end: The people of the Land of Israel are constantly dependent on rain, which means that each and every day the Almighty decides anew the fate of the people of Israel. Therefore, in this land it is impossible to live only in the material world. The land itself requires people to gaze at the heavens and pray for rain. This reality creates a constant connection between the people and the Almighty.

10.12. "I WILL GRANT THE RAIN FOR YOUR LAND
IN SEASON," AND THE SECOND PARAGRAPH
OF THE SHEMA (11:13-21)

יג וְהָיָה אִם־שָׁמַעַתְּ תִּשְׁמְעוּ אֶל־מִצְוֹתַי אֲשֶׁר אֶנְכִּי מְצִוֶּה אֶתְכֶם הַיּוֹם
לְאַהֲבָה אֹתִי אֱלֹהֵיכֶם וּלְעַבְדּוֹ בְּכָל־לִבְבְּכֶם וּבְכָל־נַפְשְׁכֶם: יד וְנָתַתִּי
מִטֶּר־אֶרְצְכֶם בְּעֵתוֹ יוֹרֶה וּמִלְקוֹשׁ וְאֶסַּפְתָּ דִּגְגָךְ וְתִירְשֶׁךָ וְיִצְהַרְךָ:
טו וְנָתַתִּי עֵשֶׂב בְּשָׂדֶךָ לִבְהֶמְתֶּךָ וְאֶכְלֹתָ וּשְׂבַעְתָּ: טז הַשְׁמֵרוּ לָכֶם פֶּן
יִפְתָּה לִבְבְּכֶם וְסִרְתֶּם וְעַבַּדְתֶּם אֱלֹהִים אֲחֵרִים וְהִשְׁתַּחֲוִיתֶם לָהֶם: יז
וְחָרָה אַף־יִי בָכֶם וְעָצַר אֶת־הַשָּׁמַיִם וְלֹא־יִהְיֶה מִטֶּר וְהָאֲדָמָה לֹא תִתֵּן
אֶת־יְבוּלָהּ וְאֶבְדֶּתֶם מִהֲרָה מֵעַל הָאָרֶץ הַטֹּבָה אֲשֶׁר יִי נָתַן לָכֶם: יח
וּשְׁמַתֶּם אֶת־דְּבָרֵי אֱלֹהַ עַל־לִבְבְּכֶם וְעַל־נַפְשְׁכֶם וּקְשַׁרְתֶּם אֹתָם לְאוֹת
עַל־יְדֵיכֶם וְהָיוּ לְטוֹטְפֹת בֵּין עֵינֵיכֶם: יט וְלִמַּדְתֶּם אֹתָם אֶת־בְּנֵיכֶם לְדַבֵּר
בָּם בְּשִׁבְתְּךָ בְּבֵיתְךָ וּבְלִכְתְּךָ בַּדֶּרֶךְ וּבְשֹׁכְבְּךָ וּבְקוּמְךָ: כ וְכִתַּבְתֶּם עַל־
מְזוֹזוֹת בֵּיתְךָ וּבִשְׁעֶרֶיךָ: כא לִמְעַן יִרְבּוּ יְמֵיכֶם וְיָמֵי בְנֵיכֶם עַל הָאֲדָמָה
אֲשֶׁר נִשְׁבַּע יִי לְאַבְרָהָם לֵאמֹר לָהֶם כִּימֵי הַשָּׁמַיִם עַל־הָאָרֶץ:

(13) If, then, you obey the commandments that I enjoin upon you this day, loving the Lord your God and serving Him with all your heart and soul,

(14) I will grant the rain for your land in season, the early rain and the late. You shall gather in your new grain and wine and oil –

(15) I will also provide grass in the fields for your cattle – and thus you shall eat your fill.

(16) 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.

(18) Therefore impress these My words upon your very heart: bind them as a sign on your hand and let them serve as a symbol on your forehead,

(19) and teach them to your children – reciting them when you stay at home and when you are away, when you lie down and when you get up;

(20) and inscribe them on the doorposts of your house and on your gates –

(21) to the end that you and your children may endure, in the land that the Lord swore to your fathers to assign to them, as long as there is a heaven over the earth.

(13) If, then, you obey: This is the second of the three paragraphs of the *Shema` Yisra'el*. (The first paragraph appeared above, Deut. 6:4-9.) Jewish tradition requires all three paragraphs to be recited twice daily – morning and evening.

The commandments that I enjoin upon you this day: Moses says “I” in the first person, but he is speaking in God’s name. Tradition describes it as “God speaking through Moses as His mouthpiece.”

Loving the Lord your God and serving Him with all your heart and soul: The first paragraph of the *Shema` Yisra'el* speaks of general ideals. In Jewish tradition, reciting those verses is called “taking upon oneself the yoke of the Kingdom of Heaven,” then, in this second paragraph of the *Shema` Yisra'el*, those ideals are revealed as commandments. And so it begins with the words “If, then, you obey the commandments.” Thus, loving God is reformulated as a means of actively serving Him.

(14) I will grant the rain for your land in season, the early rain and the late. You shall gather in your new grain and wine and oil: In the Land of Israel rain falls only in winter. In summer rain is not needed, and is even undesirable then, because it damages the harvest. It is therefore imperative that the “early rain” and the “late rain” will fall at their proper times – autumn and spring, respectively.

Just above we learned that the Land of Israel “soaks up its water from the rains of heaven.” But here the Torah adds the essential point that the rainfall will depend on the observance of the commandments. Thus, one of the main themes of the second paragraph of the *Shema` Yisra'el* is the principle of Divine reward and punishment.

The reward for observing the commandments is understood here as rains that fall in their proper time, a rich harvest, and the well-being of the people in their land. And conversely, the punishment for violating the commandments is the people's expulsion from the land. The reward is thus granted at the national level, and it is received by all the people collectively, not only by individuals. Moreover, the reward is granted in this world, not in the afterlife. As a lesson in all these points, Jewish tradition requires that this paragraph (along with the other two paragraphs of the *Shema` Yisra'el*) be recited, preferably aloud, every morning and every evening.

Thus, the primary objective of the Torah is to foster a dialogue with God at the national level. Needless to say, the personal dialogue of each individual with the Almighty is also very important. But the national dialogue is even more important.

(15) I will also provide grass in the fields for your cattle: The Midrash notes that there were two ways to graze cattle in the ancient world: on the steppe (*midbar*, usually located far from human habitation), and in the field (*sadeh*, usually located close to home, and most typically used for growing crops). An indicator of the special fertility of the land was that the same fields used to harvest crops could be used also to feed livestock. Thus, the owners need not drive their livestock to distant pastures in order for those animals to graze.

And thus you shall eat your fill: The word "thus" does not appear in the text. But it is reasonable to understand "you shall eat your fill" as the consequence of the immediately preceding, "I will also provide grass in the fields for your cattle." In other words, in addition to the grain, wine, and oil of the previous verse, since there will be ample fodder for your cattle, you shall have also meat and dairy products to consume.

"And thus you shall eat your fill" in original Hebrew, literally, is "And you shall be sated." Satiety depends not only on having an abundance of food, but also on eating a healthy variety of both plant and animal products: grains, fruits, wine, butter, meat, and milk.

(16) Take care not to be lured away to serve other gods and bow to them: As noted above, any mention of material prosperity and well-being in the Torah is almost invariably followed by a warning not

to forget the Almighty. Material prosperity is a very good thing, but it is also dangerous.

(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: Instead of the translation given here, "You will soon perish from the good land," the Hebrew, *va-avadtem*, means, more generally, "to be lost or disappear." Thus, an alternate translation is, "You will soon disappear [i.e., be removed, be exiled] from the good land that the Lord is assigning to you." Like the reward, the punishment for forsaking God and His commandments also falls on the nation collectively – in the form of exile from the land.

(18) Therefore impress these My words upon your very heart: bind them as a sign on your hand and let them serve as a symbol on your forehead: This verse and those that follow are an almost exact repetition of the corresponding passage in the first paragraph of the *Shema` Yisra'el* (Deut. 6:8-9). One significant difference, however, is the change from the singular in that first paragraph to the plural here – i.e., *u-keshartam*, "you [singular] shall bind them," vs. *u-keshartem*, "you [plural] shall bind." Throughout the book of Deuteronomy singular and plural regularly alternate.

However, there is a more significant (if less immediately obvious) difference between the two passages: the change of context. Here, the ideals and commandments – seeing the world and behaving according to the principles of the Torah, as well as observing the commandments of Torah study, tefillin and mezuzah – follow the verse that mentions expulsion from the land. Thus, while the first passage of the *Shema` Yisra'el* was about implementing those ideals and commandments in the Land of Israel specifically, this second paragraph stresses (tacitly, if not explicitly) the importance of adhering to those same principles and commandments even while in exile.

(19-20) And teach them to your children – reciting them when you stay at home and when you are away, when you lie down and when you get up; and inscribe them on the doorposts of your house and on your gates: The sequence here, as compared with that of the

first paragraph of the *Shema` Yisra'el*, is also different. There the order was: Torah study – tefillin – mezuzah. That is, first comes understanding, followed by performance of the commandments by the individual, and only then – the familial and social commandments (as represented by the mezuzah on the doorposts of the home and the gates of the city). But here, with reference to the period of exile, the order is different: *Tefillin* – Torah study – mezuzah. I.e., the commandments of the individual come first, followed by comprehending the Torah's prescriptions, and finally – family and social commandments.

In the Land of Israel and under its influence, understanding the Torah is possible for an individual even if he does not himself observe the commandments. Torah study (understanding) is therefore mentioned first, followed then by observance. But in Exile, there can be no understanding without observance. Therefore, observance is first in importance, with Torah study in second place.

(21) To the end that you and your children may endure, in the land that the Lord swore to your fathers to assign to them: Here we are back in the Land of Israel. The Midrash believes that this verse speaks of Israel's renewed life in the land, after their return from exile. The people must experience a very long exile from their land, and only upon their return can they fully realize their Divine mission.

That you and your children may endure in the land ... as long as there is a heaven over the earth: The Hebrew *ki-yimei ha-shamayim `al ha-arets* only means, literally, "like the days of the heavens on [or over] the earth."

Note that "days" in the Torah very often means years, and so should we understand it here. However, the nature of the comparison of the years of the life of the people in the land to the years of the existence of the heavens is not made explicit. The usual and obvious interpretation is that it refers to length of time, and this is the Torah's way of saying: forever. But since the Hebrew word *`al* can mean either "over" or "on," the literal translation can also be, "like the days of heaven on earth."

Thus, we can also understand this verse as referring to the era of the Patriarchs – Abraham, Isaac, and Jacob – for whom heaven existed, as it were, here on earth. That is, there was completeness and perfection in

their families and in every area of their natural, material life. We can say that their life was “heaven on earth.” Such completeness and perfection will return to the world when Israel is back in their land. They too will experience “heaven on earth” – the Almighty’s presence will be manifest in every aspect of life.

§ 10.13. “EVERY SPOT ON WHICH YOUR
FOOT TREADS” (11:22-25)

כב כִּי אִם־שָׁמַר תִּשְׁמְרוּן אֶת־כָּל־הַמִּצְוָה הַזֹּאת אֲשֶׁר אֲנִי מֵצִוֶּה
אֶתְכֶם לַעֲשֹׂתָהּ לְאַהֲבָהּ אֶת־יְיָ אֱלֹהֵיכֶם לָלֶכֶת בְּכָל־דֶּרֶכָיו וּלְדַבְּקָהּ־
בּוֹ: כג וְהוֹרִישׁ יְיָ אֶת־כָּל־הַגּוֹיִם הָאֵלֶּה מִלְּפָנֶיכֶם וִירִשְׁתֶּם גּוֹיִם גְּדֹלִים
וְעַצְמִים מְבֹרָכִים: כד כָּל־הַמָּקוֹם אֲשֶׁר תֵּדְרֹךְ בְּיַרְגְּלֶיכֶם בּוֹ לָכֶם יִהְיֶה מִן־
הַמִּדְבָּר וְהַלְבָּנוֹן מִן־הַנָּהָר נְהַר־פָּרָת וְעַד הַיָּם הָאַחֲרֹון יִהְיֶה גְבֻלְכֶם:
כה לֹא־יִתְעַצֵּב אִישׁ בְּפָנֶיכֶם פַּחַדְכֶם וּמִוְרָאֲכֶם יִתֵּן | יְיָ אֱלֹהֵיכֶם עַל־פָּנָי
כָּל־הָאָרֶץ אֲשֶׁר תֵּדְרֹכֶנָּה בְּאִשֶׁר דִּבֶּר לָכֶם:

(22) If, then, you faithfully keep all this Instruction that I command you, loving the Lord your God, walking in all His ways, and holding fast to Him,

(23) the Lord will dislodge before you all these nations: you will dispossess nations greater and more numerous than you.

(24) Every spot on which your foot treads shall be yours; your territory shall extend from the wilderness to the Lebanon and from the River – the Euphrates – to the Western Sea.

(25) No man shall stand up to you: the Lord your God will put the dread and the fear of you over the whole land in which you set foot, as He promised you.

(22) If, then, you faithfully keep all this Instruction that I command you, loving the Lord your God, walking in all His ways, and holding fast to Him: This short passage of four verses concludes Moses' second address with a summary of its key points.

(23) The Lord will dislodge before you all these nations: you will dispossess nations greater and more numerous than you: This has already been stated earlier (Deut. 7:1, 7:17 ff.).

(24) Every spot on which your foot treads shall be yours; your territory shall extend from the wilderness to the Lebanon and from the River – the Euphrates – to the Western Sea: But this verse, on the other hand, advances a new principle not stated before, namely: although you have only been commanded to conquer Canaan, “the lands of the seven nations,” if you can take back some of the territories of the lands of the ten nations, which extend eastward as far as the Euphrates River, that too will be yours.

(25) No man shall stand up to you: the Lord your God will put the dread and the fear of you over the whole land in which you set foot, as He promised you: And you are promised success in that endeavor, when, having conquered Canaan, you resolve, by your own initiative, to conquer also the entire Land of Israel, which is even much larger.

**WEEKLY
PORTION 4**

RE'EH

§ 11. KEEPING DISTANCE FROM IDOLATROUS PRACTICES

§ 11.1. WEEKLY PORTIONS *RE'EH, SHOFETIM, AND KI TETZE*

Weekly portion *Ekev*, just concluded, marks also the end of Moses' second introductory address, in which he spoke of the union of the spiritual and the material, and about how, through observance of the commandments, the relationship between those two fundamental aspects of human existence can be regulated. Thus, while not neglecting the material side of life, neither will a person plunge into it too deeply.

The first, retrospective part of the book of Deuteronomy ends with that, and the exposition now moves on to a completely new set of principles and commandments. Although those have not yet been covered anywhere in the Torah, they comprise the very foundations of national-political life in the Land of Israel. These principles and commandments are the subject of the next three weekly portions of Deuteronomy: *Re'eh*, *Shofetim*, and *Ki Tetze*.

The central topic of weekly portion 4, *Re'eh* is the concept of a single national religious center, around which Jewish religious life in the Land of Israel will be built.

Weekly portion 5, *Shofetim* details the four governmental arms of the Jewish state: the judiciary, the priesthood, the monarchy, and the prophets.

Weekly portion 6, *Ki Tetze* covers the principles of familial and social life.

Each of these three weekly portions will be fully elaborated in the sections of this *Biblical Dynamics* commentary that follow.

§ 11.2. “SEEING” VS. “HEARING” (11:26)

(26) See, this day I set before you: Moses begins his address here with the word *re’eh*, “see,” the word that also gives this weekly portion its name, from which we understand that it is a concept of considerable importance. However, the instruction “See!” is unusual in Jewish tradition, where the concept of “*Shema`*,” – “listen” (or “hear”) – is far more common.

Much is said about hearing in the earlier chapters of Deuteronomy. The celebrated *Shema*, *Yisra’el* – “Hear, O Israel!” – appeared toward the end of the *Va’etchanan* portion. Moreover, the immediately following portion *Ekev* also began with the expression *`ekev tishme`un*, “And if you do obey,” literally, “And if you do listen.” But here suddenly there is a transition to *re’eh* – “see.” And a number of other passages later in this book of Deuteronomy also begin with the the instruction *re’eh*, “see.”

The Greeks believed that the most important of the five human senses is vision, and following them the same is also accepted in European culture generally – cultures that greatly value aesthetics. In the first place, these peoples developed painting, sculpture, plastic arts, and theater – all of which must be seen to be appreciated; that is, perceived by sight. Aristotle extolled vision as the primary mechanism of perception – the most important tool we have for understanding the world. Vision plays such an important role among European peoples that in European languages any system of values and principles is called a “worldview.”

In contrast, Jewish tradition generally maintains that the Jews – a people of ethics, not aesthetics – should prioritize hearing over sight. The Torah repeatedly emphasizes that God cannot be seen, but only heard. E.g., “The Lord spoke to you out of the fire; you heard the sound of words but perceived no shape – nothing but a voice” (Deut. 4:12). The

Torah categorically requires that all idols and all images of deities, often exquisite statues that depict the objects of worship of the nations of the world, must be destroyed. In a large sense this means negating the beauty that exists in the world – abandoning sight, to listen and hear instead. When proclaiming the foundations of Jewish faith by reciting the *Shema*’ *Yisra’el* twice or three times daily, it is customary to close or cover one’s eyes. Through the power of sound and hearing, profundity that is not visually apparent is then revealed.

Although this distinction between seeing and hearing is, so far as it goes, correct and useful, it should not be raised to an absolute. Indeed, the Torah has much to say not only about hearing, but about seeing as well.

In psychological terms, the process of seeing occurs as follows: the subject of the action is “I,” and the object is the rest of the world. When I see, I feel that I am the master of everything within my gaze. It is as if I take the world in my hands – as reflected in the expression “to take a look.” In this way, vision entails a sense of possession of the object seen, and even a certain measure of pride.

Now compare that to listening, where there are not one but two subjects: “I” and the speaker. When I see, I am completely independent, but when I listen, I am beholden to the words as the speaker understands them. It is no mere coincidence that the verb “listen” can be used as an almost identical substitute for “obey.” Thus hearing, unlike seeing, implies dialogue and humility.

It would be wrong, however, to believe that the Torah wants us only to listen. It enjoins us also to observe and to see. Weekly portion *Re’eh* is meant to establish a balance between these two very different ways of perceiving the world.

When you observe the here and now, such vision correlates you to the reality that you are experiencing today. However, two difficulties arise in the process of such observation.

First, vision is shallow and superficial. Appearance often deceives. Very often, the most important aspect of something that we see actually remains hidden from view. As already noted, God cannot be seen. He can only be heard.

And second, since vision occurs in the here and now, only the personal experience of the beholder is relevant – I see only what I see, not what previous generations saw. Through vision alone one cannot understand anything beyond the immediate moment. For investigating origins and causes, and understanding the flow of history, vision does not suffice. All this must be received from others, and that requires listening. History cannot be seen, for it is much longer than the life of the beholder. History must be heard.

Thus, we can understand today's reality by seeing it, but the historical and religious context, the underlying meaning of that reality can be perceived only by hearing. These two contexts are interleaved throughout the book of Deuteronomy.

On the whole, Jewish culture in the Diaspora is much more focused on listening than on seeing, because seeing is accomplished through action, whereas the Jewish people in the Diaspora, in dispersion and exile, are in a weak position, which leaves them quite restricted in their ability to act; they can only listen. No matter how they view the world around them, in the Diaspora that will not afford them strength or self-confidence; on the contrary, what they see only overwhelms. But conversely, listening in the Diaspora gives strength, because it provides the historical context, revealing the achievements of the past and pointing to the goals of the future.

Life in the Land of Israel must balance these two modes of perceiving reality, and this is precisely what the Torah is telling us. Therefore, in giving the Jewish people instructions for their future life, Moses appeals equally to their sight and to their hearing. On the one hand, each individual must see himself as a part of Jewish history, which happens when he is required to listen. But on the other hand, he must see what is happening around him, and for this he is prompted to look.

People who are overly inclined to look might accurately perceive the present situation, but they ignore the development and lessons of the past, including the invisible, spiritual background of events. And because their decisions do not correlate to the actual causes of events, the results will often be inadequate. But individuals who fail to see, because they are more inclined to listen, are often too immersed in tradition, which is likewise not conducive to making the right decisions. This is why it is so important to balance one's ability – and desire – to see and also to listen.

When the Babylonian Talmud, which was written in the Diaspora, wishes to adduce an argument in support of some premise, it commonly uses the expression *ta shema*`, “come and hear.” But in the Jerusalem Talmud and the Zohar, both of which have their origins in the Land of Israel, the more common expression is *ta chazei*, “come and see.” Vision is the standard level of perception of the Land of Israel, and of the Kabbalah. Moreover, the highest level of prophecy is called *chazon*, “vision.”

In the Land of Israel, one needs, most importantly, to see. But in the Diaspora, in exile, hearing is paramount. Seeing is the distinguishing feature of the prophets, while hearing is the hallmark of the sages.

As explained in the Kabbalah, there are three levels of seeing and listening. The lowest of those is the simple physical ability to see the surrounding world. Above that is the ability to listen. But highest of all is the ability to perceive higher worlds, which derives from an understanding of the things that a person has previously heard. Therefore, at a certain stage you need to just close your eyes and listen. But when you reach the next level, you will also begin to see – and much more than you saw before.

(Note, however, that these three levels of advancement are operative not only in the realm of holiness; they apply generally to all of human knowledge, and to science and art in particular. A beginner has only a

superficial view of the subject. A more advanced student progresses by listening to his teachers, thereby learning for the first time the subject's non-obvious aspects. And finally, an expert in his field looks again, and sees incomparably more.)

Thus, even when you are able to see, which is the most basic level, you must then learn to listen, in order to achieve the second stage. Only then can you reach the third level –perceiving the deep significance of the things you are seeing and hearing.

§ 11.3. THE BLESSINGS AND CURSES ON MOUNT GERIZIM AND MOUNT EBAL (11:26-32)

כּו רָאָה אָנֹכִי נָתַן לִפְנֵיכֶם הַיּוֹם בְּרָכָה וּקְלָלָה: כּו אֶת־הַבְּרָכָה
אֲשֶׁר תִּשְׁמְעוּ אֶל־מִצְוֹת יְיָ אֱלֹהֵיכֶם אֲשֶׁר אָנֹכִי מִצְוֶה אֹתְכֶם הַיּוֹם:
כח וְהַקְלָלָה אִם־לֹא תִשְׁמְעוּ אֶל־מִצְוֹת יְיָ אֱלֹהֵיכֶם וְסָרְתֶם מִן־הַדֶּרֶךְ
אֲשֶׁר אָנֹכִי מִצְוֶה אֹתְכֶם הַיּוֹם לָלֶכֶת אַחֲרֵי אֱלֹהִים אֲחֵרִים אֲשֶׁר לֹא־
יֵדְעֶתֶם: כט וְהָיָה כִּי יִבְיֹאֵךְ יְיָ אֱלֹהֶיךָ אֶל־הָאָרֶץ אֲשֶׁר־אַתָּה בֹא־שָׁמָּה
לְרִשְׁתָּהּ וְנָתַתָּה אֶת־הַבְּרָכָה עַל־הַר גְּרִזִּים וְאֶת־הַקְלָלָה עַל־הַר עֵיבָל:
ל הֲלֹא־הִמָּה בְּעֶבֶר הַיַּרְדֵּן אַחֲרֵי דָרֶךְ מִבּוֹא הַשֶּׁמֶשׁ בָּאָרֶץ הַכְּנָעֲנִי
הַיֹּשֵׁב בְּעֶרְבָה מֹול הַגְּלִיל אֶצֶל אֱלֹזַי מֶרֶה: לא כִּי אַתֶּם עֹבְרִים אֶת־
הַיַּרְדֵּן לְבֹא לְרִשֹּׁת אֶת־הָאָרֶץ אֲשֶׁר־יְיָ אֱלֹהֵיכֶם נָתַן לָכֶם וִירְשִׁתֶּם
אֹתָהּ וְיִשְׁבְּתֶם־בָּהּ: לב וְשִׁמְרֶתֶם לַעֲשׂוֹת אֵת כָּל־הַחֻקִּים וְאֵת־
הַמִּשְׁפָּטִים אֲשֶׁר אָנֹכִי נָתַן לִפְנֵיכֶם הַיּוֹם:

(26) See, this day I set before you blessing and curse:

(27) blessing, if you obey the commandments of the Lord your God that I enjoin upon you this day;

(28) and curse, if you do not obey the commandments of the Lord your God, but turn away from the path that I enjoin upon you this day and follow other gods, whom you have not experienced.

(29) When the Lord your God brings you into the land that you are about to enter and possess, you shall pronounce the blessing at Mount Gerizim and the curse at Mount Ebal. –

(30) Both are on the other side of the Jordan, beyond the west road that is in the land of the Canaanites who dwell in the Arabah – near Gilgal, by the terebinths of Moreh.

(31) For you are about to cross the Jordan to enter and possess the land that the Lord your God is assigning to you. When you have occupied it and are settled in it,

(32) take care to observe all the laws and rules that I have set before you this day.

(26) See, this day I set before you blessing and curse: Don't just listen; you must also see. Rather than merely talking about these eventualities theoretically, you must learn to see them, the blessing and the curse, with the same clarity with which you see all other aspects of reality.

I set before you blessing and curse: To offer a person a choice is to acknowledge that he has freedom of choice, and that he is responsible for the consequences of his own actions. The Torah rejects all forms of determinism, whether physical ("free will is merely illusory"), psycho-social (a criminal cannot be held responsible for his crimes, because he acts under the influence of subconscious complexes, childhood traumas, a dysfunctional environment, and so on), or mystical determinism ("it is his destiny"). This topic, the freedom to choose between the blessing and the curse, will be further elaborated below.

(27) Blessing, if you obey the commandments of the Lord your God that I enjoin upon you this day: This verse says "if you obey," and the next, "if you do not obey." But in the Hebrew the modifiers used are different: *asher* and *im*. I.e., "That [or when] you obey," and "if you do not obey."

The difference, the commentators explain, is as follows. "That you obey" is not a precondition for receiving the blessing (as in "if... then..."), but is itself the blessing. Observing the commandments, behaving morally and ethically, and having a connection with the Almighty are themselves blessings – life-changing realities.

(28) And curse, if you do not obey the commandments of the Lord your God, but turn away from the path that I enjoin upon you

this day and follow other gods, whom you have not experienced:

Tradition understands this verse to mean: non-observance of the commandments will render you ineligible for the special Divine protection that the commandments confer. When you are unprotected, troubles and hardships will befall you naturally. This was the fate shared by all tiny nations. Thus, there is no concept here of a special reward from Above for observing the commandments, or a special punishment for violating them. Rather, the reward and punishment arise on their own as natural processes that are simply the consequences of human behaviors and actions.

(29) When the Lord your God brings you into the land that you are about to enter and possess, you shall pronounce the blessing at Mount Gerizim and the curse at Mount Ebal: As you enter the Land you must renew your covenant with the Almighty. Through that process you will come to understand the essence of these blessings and curses, and to assimilate their meaning for your benefit.

As discussed earlier, the original covenant of the Patriarchs has already been revised and enhanced in two later ones – the covenant of Sinai and the covenant of the steppes of Moab. But now the Torah informs us of yet one more such renewal of the covenant, which will happen after the conquest and possession of the land.

At each new stage in the people's development their covenant with the Almighty must be updated with a new superstructure that enhances and extends the previous level of the covenant. This is the meaning of the Jewish concept of *berit chadashah*, a "new covenant," as introduced by the prophet Jeremiah: "See, a time is coming – declares the Lord – when I will make a new covenant with the House of Israel and the House of Judah" (Jer. 31:31). Because the nation-state in the Land of Israel enjoys a completely new level of dialogue between God and the Jewish people, its creation requires an update of the Almighty's covenant.

The procedure for renewing the covenant on Mount Gerizim and Mount Ebal will be described in greater detail later in this book (see the *Biblical Dynamics* commentary on Deut. 27:11 ff.). It is significant, however, that that future covenant is already mentioned here, even before

the exposition of the commandments specific to the Land of Israel that will soon follow in the sections immediately below.

(30) Beyond the west road that is in the land of the Canaanites who dwell in the Arabah – near Gilgal: In the Hebrew here, “beyond the road” is *acharei derech*.

In the language of the Torah the two very similar words *achar* and *acharei* actually have rather distinct meanings. Both of those words mean “after” or “beyond.” But *achar* means “soon or immediately beyond,” while *acharei* – the word the Torah uses here in this verse – denotes a time or physical position that is far off (relative to that of the speaker and his listeners).

Accordingly, we understand that the mountains of Gerizim and Ebal are at a considerable distance from the Jordan where Moses is speaking these words. The cantillations²¹ on this verse likewise indicate that it should be read not as “beyond the west road,” but “far off, along the west road.” (That road extends from the Jordan River along the valley toward the central mountains of Samaria, and then on to Elon Moreh, which is near Shechem.)

Likewise, *mul ha-gilgal*, in the latter part of this verse actually means “opposite Gilgal.” Although it is translated here as “near Gilgal,” these two words should be understood as “far from Gilgal.” (Gilgal is near the place where Joshua, after Moses’ death, led the Israelites across the Jordan. See Josh. 4:19.) All these locators point to the Shechem region. The two mountains surrounding Shechem indeed have the names Gerizim and Ebal.

However, the Torah does not explicitly mention Shechem here, and it is also unclear whether the *Eilonei Moreh*, “the terebinths of Moreh,” of this verse can be identified with the *Eilon Moreh* of the book of Genesis (12:6), which is located near Shechem. (*Eilon* and *eilonei* are the singular and plural, respectively, of “terebinth,” a tree of the cashew family.)

²¹ The cantillation system applies musical notes to the text of the Tanakh, the Hebrew Scriptures. These determine, in the manner of punctuation, the logical structure of the text, and also the melody used when chanting the verses, when read publicly in the synagogue, and sometimes when studied privately as well.

Both are ... in the land of the Canaanites who dwell in the Arabah – near Gilgal, by the terebinths of Moreh: “Both” means Gerizim and Ebal. This second geographical locator for Gerizim and Ebal contradicts the first one just given. The word “Arabah,” “steppe,” can only be referring to the Jordan Valley; it cannot mean the mountainous region of central Samaria. Likewise, “in the land of the Canaanites” cannot refer to the mountains of Samaria, because we have already been told (Num. 13:29, 14:25) that the Canaanites dwell only in the lowlands, on the sea and near the Jordan, while it is the Amorites who live on the “central mountain” in Samaria. Thus, according to the latter part of the verse, Gerizim and Ebal must be located in the valley near Jericho, which contradicts its first part.

Why does the Torah give the location of these mountains in such a strangely ambiguous form, instead of stating clearly that the place of the renewal of the Covenant is near Shechem, or near Jericho – whichever is actually the case?

And later too, after centuries have passed, this duality still persists. A number of Talmudic sages position Gerizim and Ebal near Shechem, but others say that they are near Jericho. Eusebius of Caesarea (4th century CE), the preeminent Christian authority on the geography of the Holy Land, reported in his *Onomasticon* that the Samaritans believed Gerizim and Ebal to be in Shechem, while the Jews maintained that they are located near Jericho. On a mosaic map found at Medeba (cf. Num. 21:30) in modern-day Jordan, which was drawn according to the *Onomasticon*, inscriptions appear next to Shechem, written in Greek, “Mount Gerizim” and “Mount Ebal,” while next to Jericho the words read, simply, “Gerizim” and “Ebal.”

It thus seems that this dichotomy is not merely accidental. It is telling us that the renewal of the covenant had to take place at the very center of the Land of Israel – its geographical center. However, there is not just one such point, but two, depending on where we consider Israel’s boundaries to be at the time when the covenant is renewed. The Land of Israel at that time might have included only Canaan, which extended from the Mediterranean Sea to the Jordan. This was the “land of the seven nations,” the area of the presumed conquest just after the Exodus. In that case, its geographical center was Shechem. Or alternatively, the

Land of Israel extended much further eastward, to include territory on both sides of the Jordan River. In that case, its geographical center was Jericho.

These two variants of the location where the renewal of the covenant took place – Shechem or Jericho – differ according to how we view the ultimate purpose of the Jewish commonwealth of that time. If the goal was only to develop Israel's own potential, then the land of Canaan, with its center in Shechem, sufficed for that. But if it was about the nation's influence on all of humanity, then that much more ambitious goal required the land's widest boundaries, reaching from Egypt's Nile River on the west to the Euphrates River in Babylon on the east, and having its geographical center at the ancient city of Jericho.

From the book that bears his name (Josh. 24) we know that in Joshua's era the renewal of the covenant took place in Shechem, which means that the Transjordan was not included. This corresponded to the land's narrower boundaries, and to the lower level of the people's development at that time.

(31) For you are about to cross the Jordan to enter and possess the land that the Lord your God is assigning to you. When you have occupied it and are settled in it: In concluding the instructions concerning the renewal of the covenant, the end-goal of the Exodus is repeated once more.

(32) Take care to observe all the laws and rules that I have set before you this day: Once again the Torah emphasizes that only through observance of the commandments will the Jewish people be allowed to remain in their land. This addition at the end of so many passages in Deuteronomy is due to the nature of the book, which was originally entirely oral.

§ 11.4. WORSHIPPING GOD – NOT IN THE MANNER THAT THE IDOLATERS WORSHIP THEIR DEITIES (12:1-7)

אֱלֹהֵי הַחַקִּים וְהַמְשַׁפְּטִים אֲשֶׁר תִּשְׁמְרוּן לַעֲשׂוֹת בְּאֶרֶץ אֲשֶׁר נָתַן יי
אֱלֹהֵי אֲבֹתֵינוּ לָךְ לְרִשְׁתָּהּ כְּלִי־יָמִים אֲשֶׁר־אַתָּם חַיִּים עַל־הָאָדָמָה:

ב אַבְדִּי תִּאֲבֹדוּן אֶת־כָּל־הַמִּקְדָּמוֹת אֲשֶׁר עֲבָדוּ־שָׁם הַגּוֹיִם אֲשֶׁר אַתֶּם יֹרְשִׁים אַתֶּם אֶת־אֱלֹהֵיהֶם עַל־הַהָרִים הָרָמִים וְעַל־הַגְּבָעוֹת וְתַחַת כָּל־עֵץ רַעֲנָן: ג וְנִתְּצֹתֶם אֶת־מִזְבְּחֵיהֶם וְשִׁבְרֹתֶם אֶת־מַצֵּבֵיהֶם וְאֲשֵׁרֵיהֶם תִּשְׁרֹפוּן בָּאֵשׁ וּפְסִילֵי אֱלֹהֵיהֶם תִּגְדְּעוּן וְאִבַּדְתֶּם אֶת־שִׁמְם מִן־הַמָּקוֹם הַהוּא: ד לֹא־תַעֲשׂוּן כִּן לִי אֱלֹהֵיכֶם: ה כִּי אִם־אֱלֹהֵי־מָקוֹם אֲשֶׁר־יִבְחַר יִי אֱלֹהֵיכֶם מִכָּל־שִׁבְטֵיכֶם לְשׁוֹם אֶת־שִׁמּוֹ שָׁם לִשְׁכֹּןוֹ תִדְרְשׁוּ וְגִבַּאת שְׁמֹה: ו וְהִבֵּאתֶם שְׁמֹה עֲלֵיתֶכֶם וְזִבְחֵיכֶם וְאֵת מַעֲשְׂרֵיתֶכֶם וְאֵת תְּרוּמַת יְדְכֶם וְנִדְרֵיכֶם וְנִדְבָתֵיכֶם וּבְכֹרֶת בְּקָרְכֶם וְצֹאנְכֶם: ז וְאָכַלְתֶּם־שָׁם לִפְנֵי יִי אֱלֹהֵיכֶם וּשְׂמִיחָתֶם בְּכֹל מַשְׁלַח יְדְכֶם אַתֶּם וּבְתֵיכֶם אֲשֶׁר בִּרְכָךְ יִי אֱלֹהֶיךָ:

(12:1) **These are the laws and rules that you must carefully observe in the land that the Lord, God of your fathers, is giving you to possess, as long as you live on earth.**

(2) **You must destroy all the sites at which the nations you are to dispossess worshiped their gods, whether on lofty mountains and on hills or under any luxuriant tree.**

(3) **Tear down their altars, smash their pillars, put their sacred posts to the fire, and cut down the images of their gods, obliterating their name from that site.**

(4) **Do not worship the Lord your God in like manner,**

(5) **but look only to the site that the Lord your God will choose amidst all your tribes as His habitation, to establish His name there. There you are to go,**

(6) **and there you are to bring your burnt offerings and other sacrifices, your tithes and contributions, your votive and freewill offerings, and the firstlings of your herds and flocks.**

(7) **Together with your households, you shall feast there before the Lord your God, happy in all the undertakings in which the Lord your God has blessed you.**

(12:1) **These are the laws and rules that you must carefully observe in the land that the Lord, God of your fathers, is giving you to possess, as long as you live on earth:** What follows here is no longer about idolatry itself, but the prohibition of emulating the idolaters. That is, even when serving the Almighty, Jews must not do so in the manner

that idolaters worship their deities. Jews must distance themselves from all such practices.

(2) You must destroy all the sites: In the Hebrew, this is *et kol ha-mekomot*, “all the places.” This commandment to destroy not only the images, altars, and other objects of idolatry, but even the places themselves, seems rather strange. After all, a place always remains a place. It is just a location, an objective reality that is independent of anything that exists there or is done there. How can a place be destroyed?

The answer is that the root of all idolatry does in fact lie in the presumption that the places themselves are sacred. If we consider the geography of “holy sites” around the world, we will see that these sites are locations that have long outlasted the religions that first sanctified them. In the Middle East, for example, under many mosques one can find the remains of Christian churches, under which lie the remains of Roman or Greek temples, under which there are caves of various sorts containing the remnants of ancient prehistoric cults.

All this derives from a sense that there is some compelling force that makes these places “special.” The Torah is therefore saying: you must destroy even the idea that these are places of any importance. Eradicate all traces of local worship, and create instead just a single religious center for the Almighty – not in any of those places, but elsewhere. (In the initial stage it will be a religious center for the Jewish people, but at the next stage for all of mankind.)

Moreover, you must “look only to the site that the Lord your God will choose amidst all your tribes as His habitation, to establish His name there. There you are to go” (Deut. 12:5). You are to disregard all other places but that one, regardless of how sacred anyone might have previously thought those places to be. This represents the transition from deifying the forces of nature to the idea of a single transcendental and Supreme Being Whose existence is entirely independent of nature.

At which the nations you are to dispossess worshiped their gods, whether on lofty mountains and on hills or under any luxuriant tree: Those pagans made a point of worshipping their idols in places where the power of nature was most keenly felt. Particularly sensitive people feel the energy, the life-force, of such places, even regarding them as

“sacred” for just those reasons. But it is in this that the very roots of idolatry lie, and whence pagan cults derive and flourish. Idolatry arises first and foremost from the earth itself, as it were.

In the ancient Roman pantheon there was a concept of *genius loci*: the “genius” of a given location – its protective, patron spirit. This term entered European language and culture in the sense of “a special soul associated with particular geographical area.” Even today it is often believed that we can never understand the character of a place, or fit in there, unless we first grasp the essence of that “soul.”

We wish to emphasize here that the Torah is by no means ordering the Jews to abandon Canaanite customs categorically. On the contrary, the Torah’s position is that Jews can – and even should – assimilate many traditional elements of Canaanite culture. But only in the domain of the material. In the realm of religion and moral standards, no such borrowing may occur.

And that is why the Canaanite places of worship had to be not merely modified and adapted for worshipping the Almighty, but eradicated completely.

(3) Tear down their altars, smash their pillars: An “altar,” *mizbei’ach*, is a structure upon which sacrifices are brought. Because it is constructed of multiple stones, its destruction can be achieved simply by dismantling it (“tear down their altars”). But a “pillar,” *matzeivah*, also usually erected at the site where idolatrous sacrifices are offered, is a monolith, which means it consists of a single very large stone. In order to destroy it, it must be smashed.

Put their sacred posts to the fire, and cut down the images of their gods, obliterating their name from that site: This is how the place of idolatry is destroyed. That process begins with destroying the cult objects. Then the place is renamed, which obliterates any former connection it had with idol worship. And finally, the place, moving forward, must be used only for ordinary, secular life, but never again for religious service of any kind.

(4) Do not worship the Lord your God in like manner: The literal translation is actually more general: “You shall not do so unto the Lord your God.” Thus, this verse has two possible meanings:

- (i) You shall not serve the Almighty at many locations, but only in the one place that He chooses – one place for the entire Jewish people and for the world.
- (ii) You shall not destroy anything used in the service of the Almighty. It is forbidden to destroy anything related to holiness, and, in particular, sacred books and texts that contain any of the names of God.

(The second of those two interpretations is the source of the tradition that in order to avoid obliterating God's name, worn-out holy books that are no longer fit for use must be respectfully buried. Or, they are permanently deposited in a *genizah* – a storeroom or repository, most often located in a synagogue, where damaged or defective books, papers, and sacred objects are placed for permanent safekeeping.)

(5) But look only to the site: Not many sites, but only that one site.

That the Lord your God will choose: The peculiarity of this place is that it is associated with no special force of nature valued by humans; rather, it was specially chosen by Almighty Himself. Mount Moriah in Jerusalem, which the Almighty indicated to David was the site on which the Temple was to be built, was not sacred to the Canaanite peoples. There was nothing noteworthy there except a threshing floor where Araunah the Jebusite processed his grain harvest (2 Sam. 24:16).

Of course, we now sense the extreme holiness of that place, but only because the Almighty chose it so long ago, and His presence, the *Shechinah*, is preserved there. Only after God marked this place with His presence did it come to have, because of that, special spiritual value.

The Torah is saying here: when choosing a place to worship God, you must break all ties with the forces of nature. Go only to the place that God will designate, and serve Him only there.

Thus, we see here that the monotheistic approach to the organization of worship, as presented here, differs from other approaches in three essential ways:

- (i) The service takes place not in many or multiple places, but only in one place.

- (ii) God is not identified with nature. He transcends nature.
- (iii) The people designate the place of worship not at their own initiative and as they see fit, but only in accordance with God's special direction, which is in no way associated with the natural character of the place.

Idolatry was the natural choice for people who worshipped what they saw and felt. Monotheism in this sense is "supra-natural." Human beings are expected to overcome their natural feelings and inclinations and follow instead the instructions they receive from Above.

Amidst all your tribes as His habitation, to establish His name there. There you are to go: Establishing a single center of religious life for all is essential for reinforcing national integrity. Serving the Almighty in a single center unites the people, and then, ultimately, all of humanity.

(6) And there you are to bring your burnt offerings and other sacrifices, your tithes and contributions, your votive and freewill offerings, and the firstlings of your herds and flocks: This verse stresses the importance of visiting the Temple regularly, such that it will always seethe with activity, and forever remain the focal point of Jewish religious identity.

(7) Together with your households, you shall feast there before the Lord your God, happy in all the undertakings in which the Lord your God has blessed you: The point here is not only that we must give thanks to God for the blessings that he has bestowed. Even more, rejoicing in the fruits of one's labors that the Almighty has blessed is itself one of the ways that humans are expected to serve Him.

These verses make no mention whatsoever of the *kohanim*, the priests. It might almost seem that each individual performs his own sacrifices in the Temple – which of course is not the case. This omission is due to the fact that, unlike the prescriptions in Exodus and Leviticus, where only the *kohanim* oversee and perform the sacrifices, Deuteronomy perceives the entire nation as "a nation of priests" serving in the Temple.

(Halachically speaking, it goes without saying that the sacrifices must be performed only by the *kohanim*. The book of Deuteronomy does not change the halachah. But the inner essence of what is actually happening is that every Israelite is involved in the Temple service.)

§ 11.5. ISRAEL'S WORSHIP OF THE ALMIGHTY
MUST BE CENTRALIZED (12:8-14)

ח לא תעשון ככל אשר אנחנו עשים פה היום איש כלהישר בעיניו:
ט כי לאבאתם עד-ערתה אלהמנוחה ואלהמנוחה אשר-י אלהיך
נתן לך: ובעברתם אתהירדן וישבתם בארץ אשר-י אלהיכם מנחיל
אתכם והניח לכם מכל-איביכם מסביב וישבתם בטח: יא והיה
המקום אשר-יבחר יי אלהיכם בו לשכן שמו שם שמה תביאו את
כל-אשר אנכי מצוה אתכם עולתיכם וזבחיכם מעשרתיכם ותרמת
ידכם וכל מבחר גדידכם אשר תדדו ליי: יב ושמתם לפני יי אלהיכם
אתם ובניכם ובנותיכם ועבדיכם ואמהתיכם והלוי אשר בשעריכם כי
אין לו חלק ונחלה אתכם: יג השמר לך פן-תעלה עלתיד בכל-מקום
אשר תראה: יד כי אם-במקום אשר-יבחר יי באחד שבטיך שם
תעלה עלתיד ושם תעשה כל אשר אנכי מצוה:

(8) You shall not act at all as we now act here, every man as he pleases,

(9) because you have not yet come to the allotted haven that the Lord your God is giving you.

(10) When you cross the Jordan and settle in the land that the Lord your God is allotting to you, and He grants you safety from all your enemies around you and you live in security,

(11) then you must bring everything that I command you to the site where the Lord your God will choose to establish His name: your burnt offerings and other sacrifices, your tithes and contributions, and all the choice votive offerings that you vow to the Lord.

(12) And you shall rejoice before the Lord your God with your sons and daughters and with your male and female slaves,

along with the Levite in your settlements, for he has no territorial allotment among you.

(13) Take care not to sacrifice your burnt offerings in any place you like,

(14) but only in the place that the Lord will choose in one of your tribal territories. There you shall sacrifice your burnt offerings and there you shall observe all that I enjoin upon you.

(8) You shall not act at all as we now act here, every man as he pleases: I.e., after you enter Canaan, and in the matter of a single national sanctuary (which is the topic of this section), it will not be acceptable to continue doing as you do today, every man as he pleases.

At first this statement seems incomprehensible. Was every individual truly free to do as he saw fit? Even in the wilderness, weren't the people obliged to obey their leader Moses? Apparently, this verse is referring not to the forty years in the wilderness, but to the past five months (or thereabouts) since the victory over Sihon and Og, when the tribes of Reuben and Gad began populating the Transjordan and building cities for their families. All the other tribes too, even while still on the steppes of Moab, now felt that they were not mere wanderers, but already settled occupants in the land. (After all, the former kingdom of Sihon had become Jewish territory – Israel's national possession.)

It is therefore entirely possible that the Reubenites and Gadites, and other tribes as well, had already begun to bring "voluntary peace offerings" on the hills, according to the local custom since ancient times, and which persisted also for many centuries thereafter (throughout the entire era of the Judges and even later). It is this practice that Moses means when he says, "as we now act here, every man as he pleases."

(9) Because you have not yet come to the allotted haven that the Lord your God is giving you: As you are still on the road, no permanent sacrificial system has yet been established. Full realization of the Torah is possible only under the tranquil conditions of the "allotted haven" – literally, "the rest and the inheritance" – that is, the Land of Israel. (In the Hebrew it is a phrase of particular beauty: *El ha-menuchah ve-el ha-nachalah*.)

(10) When you cross the Jordan and settle in the land that the Lord your God is allotting to you, and He grants you safety from all your enemies around you and you live in security: As long as Israel is engaged in waging war, the Temple cannot fulfill its true function – spreading the Divine light in the world.²² Therefore, they cannot build the Temple until the conquest and possession of the land are complete, and all enemies have been defeated. Only then will Israel feel secure from any outside threat or danger.

History shows that the Jews felt safe and secure in their land as early as reign of King David. In the book of Samuel this is described as follows: “When the king was settled in his palace and the Lord had granted him safety from all the enemies around him, the king said to the prophet Nathan: ‘Here I am dwelling in a house of cedar, while the Ark of the Lord abides in a tent!’ ” (2 Sam. 7:1). Only after safety and security had been attained did David decide that it was time to build the Temple. (He was not destined, however, to bring that idea to fruition. Only his son Solomon was able to achieve it.)

(11) Then you must bring everything that I command you to the site where the Lord your God will choose to establish His name: The Torah does not actually identify the place, which is quite interesting, consider that other important places in Canaan (Gerizim and Ebal, for example) are indicated.

Moreover, this verse says, “the site where the Lord your God will choose” – that is, He will choose at some time in the future. Thus, the matter of the location of the Temple remains an open question at the time of Moses’ prophecy, awaiting further Divine revelation. (And likewise, it seems, for many other details of the Temple’s construction that are not mentioned in the Torah.) This is the only one of the commandments of the Torah whose most important details are not transmitted through Moses, but must be communicated to Israel through future revelation. We shall expand on this point below.

²² The concept of “Moses’ Temple” and “Aaron’s Temple” has been explored in the *Bible Dynamics* commentary on the book of Exodus, § 21 – in the introduction to weekly portion *Terumah* (Exod. 25:1 ff.).

Then you must bring ... to the site where the Lord your God will choose to establish His name ... your burnt offerings and other sacrifices, your tithes and contributions, and all the choice votive offerings that you vow to the Lord: In the previous passage (Deut. 12: 5-7) the commandment to choose only a single sanctuary was explained in terms of the prohibition of following in the path of idolaters. But here the emphasis is on the one Temple as a unifying force for the nation.

(12) And you shall rejoice before the Lord your God with your sons and daughters and with your male and female slaves: Slaves and maidservants were treated as members of the family. They too must be included with their masters in the rejoicing and celebration.

Along with the Levite in your settlements, for he has no territorial allotment among you: This verse is quite similar to an earlier one in this section (Deut. 12:7), but it adds one more aspect – the Levites. This addition was not needed when the topic was keeping distance from idolaters and idolatry, but it is highly relevant to preserving the unity of the nation.

When the entire nation becomes a nation of priests (as also noted earlier), it might seem that the Levites no longer serve any useful purpose. The Torah therefore reminds us that irrespective of the people's status as a priestly nation, it is imperative that they continue to support the Levites, for without them the proper functioning of all the other tribes is impossible.

The Levite in your settlements: The Levites had their own separate cities, which were distributed throughout the territories of all the other tribes. But the Levites often moved about, because they had no inheritance of their own in the land; thus, they were not tied to any one allotment or territory, and were free to wander. The Levites lived wherever they found people who valued their presence. For example, the book of Judges (19:1) recounts how a certain Levite from Bethlehem goes to the hill country of Ephraim to live, and carves out a niche for himself there.

Precisely because the Levites have no permanent place of residence, people might be inclined to ignore them. The Torah therefore stresses here that that must not be allowed to happen.

(13) Take care not to sacrifice your burnt offerings in any place you like: Burnt offerings were performed by the *kohanim*, the priests (Lev. 6:1-6, 7:8). Therefore, the mention here of burnt offerings specifically is meant to emphasize the people's status as "a kingdom of priests."

(14) But only in the place that the Lord will choose in one of your tribal territories. There you shall sacrifice your burnt offerings and there you shall observe all that I enjoin upon you: In the later periods when there was still no dedicated religious center, it was permitted to offer sacrifices to the Almighty on *bamot*, "heights" – sites specially designated for that purpose. But when such a center did exist (in Shiloh, for example), sacrificing on a *bamah* was forbidden. And once the permanent Temple had been built in Jerusalem, sacrificing "on the heights" was completely prohibited, although, as we know from the Tanakh, in practice this prohibition was by far not always observed.

§ 11.6. THE COMMANDMENT TO BUILD THE TEMPLE WILL REQUIRE A FUTURE REVELATION

Among the most fundamental tenets of Judaism, as elaborated in detail in the Talmud and later codified by Maimonides, is the principle that "the Torah is not in the heavens" (Deut. 30:12). This is understood to mean that no further Divine revelation, whether directly by God Himself, or through a prophet, is still needed in order for the Torah to be fully revealed. Rather, the entire Torah has already been given and is now with us here on earth – in the hands of the Sages.

Note that this principle of "everything has already been revealed" fundamentally refers only to the commandments and the manner of their observance. It is obvious that that does not apply to non-halachic issues – questions of Jewish thought and ideology – many of which were in fact added to the Torah by the prophets. (The idea of the coming of the Messiah is just one prominent example.) The legislative part of the Torah, however, is deemed for all time complete, and already fully in the possession of the sages. No prophet is authorized to change any Torah law. A prophet can, at most, institute only "temporary enactments," but

he has no authority to make permanent modifications to any of the Torah's commandments.

It turns out, however, that there is an exception to that rule: with respect to the Temple it is stipulated in advance that the details of its implementation must come from Heaven, as a later Divine revelation. The Torah says in this chapter (Deut. 12:11), "Then you must bring everything that I command you to the site where the Lord your God will choose to establish His name." I.e., it is the place that He will choose in the future. The Almighty will inform us of His choice at that time. Even the actual form that that future revelation will take is not clearly defined here. It could happen through a prophet, or perhaps it will come in some other way.

The Temple must be a source of Divine light, a center of unity and connection with God, first for the Jewish people, and later for all of mankind. Moreover, these aspects are interconnected. The Jewish nation can transmit the Divine light to humanity only when it is itself united. The light of that internal unit derives from the point of connection between Joseph and Judah.²³ We now know that that connection point is Mount Moriah, in the territory of Benjamin, while the rest of Jerusalem was in the territory of Judah. I.e., the Temple had to be built nowhere else but there. But in Moses' time this was not known; it would become clear only much later. And, for that matter, many other issues that govern the proper functioning of the Temple (especially as concerns the aspect of the "Temple of Revelation" – see the *Biblical Dynamics* commentary on the book of Exodus, § 21.5) were not specified in the Torah, and required further clarification as Jewish history unfolded.

Apparently, this is because the underlying meaning and message of the Temple is addressed to society – to the Jewish people and also

²³ An elaboration on the topic of the territories of Joseph and Judah as the two focal points of the Jewish nation can be found in the *Bible Dynamics* commentary on the book of Genesis, § 48.3, 54.1, 59.5.

to all of humanity. And therefore, the specific place where the Temple functions would happen, and the form that those functions would take, had to be consistent with the circumstances and cultural achievements of human society at the time the Temple would be built. These factors could not be determined in advance.

The connection of the Temple with the *Mashiach*, the Messiah, can be seen in just this aspect. Strictly speaking, the commandment to build the Temple is not related to the coming of the Messiah – these two are distinct and independent. But it is through their internal essence that the Messiah and the Temple are indeed connected. Both perform the same task with respect to the Jewish people – they unite the nation into a single indivisible unit. The *Mashiach* does this as king, and the Temple as the nation’s spiritual center.

Moreover, the Messiah and the Temple perform that same function in relation to all of mankind, bringing them the Divine light. This is the source of the idea that the Messiah must rebuild the Temple (which will happen not immediately, but at an advanced stage of the Messianic process). But as already noted much earlier, the Torah makes no explicit mention of the *Mashiach*.²⁴ The very idea of his coming is formulated in clear form only by the later prophets (primarily Isaiah).

The reason for the Torah’s silence on this issue is that Moses’ most salient quality was *anavah*, humility (Num. 12:3), whereas the Messiah’s primary characteristic is *chutzpah*, impudence. Adam exhibited both of these qualities. But after he sinned by eating the fruit of the tree of knowledge of good and bad, those two antithetical characteristics, *anavah* and *chutzpah*, were separated. Moses, humble in the extreme, cannot himself become the daring *Mashiach*, nor in the Torah or in his era even explain Messianic times, or the functioning of the “Temple of Revelation.”

²⁴ There is no explicit mention of the *Mashiach* in the Torah. Only a few verses – in the prophecies of Balaam, for example – can be understood as vague allusions to the Messiah and his coming. See the *Biblical Dynamics* commentary to Num. 24:17.

The Torah (Deut. 12:5) formulates the proper attitude toward the Temple as follows: “But look only to the site that the Lord your God will choose amidst all your tribes as His habitation, to establish His name there. There you are to go.” However, the latter part of that verse would be more literally translated as “Unto His habitation shall you seek, and there you are to go.” The words “Unto His habitation shall you seek” in the Hebrew are *le-shichno tidreshu*, which we can read as “You shall demand His *Shechinah*.” You must actively demand of the Almighty to place His Divine Presence there. And then, there you are to go. Thus, there must first be an “awakening from below” – we must express our demands to God. Only then will the Almighty send us a revelation with the details of how the Temple should be built, and how it is to function.

In historical terms, King David and King Solomon were each themselves a Mashiach. The literal translation of the word *ha-Mashiach* is “the anointed.” This refers to the ancient practice of inaugurating a new king into his reign by anointing his head with oil. By initiating efforts to build the Temple, David and his son Solomon were “demanding the *Shechinah*” – demanding that God would establish His presence there. The Almighty then indicated through the prophets Samuel, Nathan, and Gad that they were to assist those two greatest of kings in constructing the Temple.

We have no prophets in our times. But there is a well-established principle that “even if the Jewish people are not prophets, they are nonetheless the children of prophets.” Thus, although no one individual today has the gift of prophecy, those prophetic abilities are distributed throughout the entire nation. And that means that when we fervently “demand His *Shechinah*,” it will surely be granted, and the matter of the Divine revelation that it requires will be resolved in its proper time as well.

In all events, the construction of the Temple can only begin “when Lord your God grants you safety from all your enemies around you and you live in security” (Deut. 12:10). But preparations for that are already actively happening today – most significantly, in altering the consciousness of Israeli society.

When the Jewish people have advanced to the possibility of constructing the Third Temple, then either prophets will appear anew, or the people will realize their own potential as both a collective *Mashiach* and a collective prophet, and they will decide all the key issues on their own. In either case, this action will be the fulfillment of “the site where the Lord your God will choose to establish His name.” God will choose a place for Himself through them, His chosen people, the Jewish nation.

§ 11.7. SACRIFICIAL MEAT AND ORDINARY MEAT

(12:15-28)

טו רַק בְּכָל-אֹת נִפְשָׁךְ תִּזְבַּח | וְאָכַלְתָּ בָשָׂר כְּבָרְכַת יי אֱלֹהֶיךָ אֲשֶׁר
נָתַן-לְךָ בְּכָל-שְׁעָרֶיךָ הַטָּמֵא וְהַטְהוֹר יֵאָכְלוּ כַּצִּי וְכַאֲיִל: טז רַק הַדָּם
לֹא תֹאכְלוּ עַל-הָאָרֶץ תִּשְׁפְּכֶנּוּ כַּמִּים: יז לֹא-תוֹכֵל לֵאָכֹל בְּשַׁעְרֶיךָ
מִעֶשֶׂר דָּגָיִךְ וּתְרִשָׁן וּצְהָרֶךְ וּבְכֹרֶת בִּקְרָךְ וּצְאֻנֶּךָ וְכֹל-נִדְרֶיךָ אֲשֶׁר
תִּתֵּן וְנִדְבַתְּךָ וּתְרוּמַת יָדֶךָ: יח כִּי אִם-לִפְנֵי יי אֱלֹהֶיךָ תֹאכְלֶנּוּ בַּמָּקוֹם
אֲשֶׁר יִבְחַר יי אֱלֹהֶיךָ בּוֹ אֶתָּה וּבִנְךָ וּבִתְּךָ וְעַבְדְּךָ וַאֲמָתְךָ וְהַלְוִי אֲשֶׁר
בְּשַׁעְרֶיךָ וְשִׁמְחֶתָ לִפְנֵי יי אֱלֹהֶיךָ בְּכָל מִשְׁלַח יָדֶךָ: יט הַשֹּׁמֵר לְךָ פֶּן-
תֵּעָזֹב אֶת-הַלְוִי כְּלִימֶיךָ עַל-אֲדָמְתְּךָ: כ כִּי-יִרְחִיב יי אֱלֹהֶיךָ אֶת-גְּבֻלְךָ
כַּאֲשֶׁר דִּבֶּר-לְךָ וְאָמַרְתָּ אֲכַלָּה בָשָׂר כִּי-תֵאָוֶה נִפְשָׁךְ לֵאָכֹל בָּשָׂר
בְּכָל-אֹת נִפְשָׁךְ תֹאכַל בָּשָׂר: כא כִּי-יִרְחַק מִמֶּךָ הַמָּקוֹם אֲשֶׁר יִבְחַר יי
אֱלֹהֶיךָ לָשׂוּם שְׁמוֹ שָׁם וְזִבְחֹתַי מִבִּקְרָךְ וּמִצְאֻנֶּךָ אֲשֶׁר נָתַן יי לְךָ כַּאֲשֶׁר
צִוִּיתִךָ וְאָכַלְתָּ בְּשַׁעְרֶיךָ בְּכָל אֹת נִפְשָׁךְ: כב אִךְ כַּאֲשֶׁר יֵאָכֹל אֶת-
הָעֶזְבִּי וְאֶת-הָאֵיִל כֵּן תֹאכְלֶנּוּ הַטָּמֵא וְהַטְהוֹר יַחְדוֹ וְאֵכְלֶנּוּ: כג רַק חִזֹּק
לְבַלְתִּי אֲכַל הַדָּם כִּי הַדָּם הוּא הַנֶּפֶשׁ וְלֹא-תֹאכַל הַנֶּפֶשׁ עִם-הַבָּשָׂר:
כד לֹא תֹאכְלֶנּוּ עַל-הָאָרֶץ תִּשְׁפְּכֶנּוּ כַּמִּים: כה לֹא תֹאכְלֶנּוּ לִמְעַן יִיטֵב
לְךָ וּלְבִנְיָךְ אַחֲרֶיךָ כִּי-תַעֲשֶׂה הַיִּשָּׂר בְּעֵינֶי יי: כו רַק קִדְשֶׁיךָ אֲשֶׁר-
יְהִיו לְךָ וּנְדָרֶיךָ תִּשָּׂא וּבָאתָ אֶל-הַמָּקוֹם אֲשֶׁר-יִבְחַר יי: כז וְעָשִׂיתָ
עֲלֵיתְךָ הַבָּשָׂר וְהַדָּם עַל-מִזְבֵּחַ יי אֱלֹהֶיךָ וְדָם-זִבְחֶיךָ יִשְׁפֹּךְ עַל-מִזְבֵּחַ
יי אֱלֹהֶיךָ וְהַבָּשָׂר תֹאכַל: כח שֹׁמֵר וְשֹׁמֵרֶת אֶת כָּל-הַדְּבָרִים הָאֵלֶּה
אֲשֶׁר אֲנִי מְצַוְךָ לִמְעַן יִיטֵב לְךָ וּלְבִנְיָךְ אַחֲרֶיךָ עַד-עוֹלָם כִּי תַעֲשֶׂה
הַטוֹב וְהַיִּשָּׂר בְּעֵינֶי יי אֱלֹהֶיךָ:

(15) But whenever you desire, you may slaughter and eat meat in any of your settlements, according to the blessing that the Lord your God has granted you. The unclean and the clean alike may partake of it, as of the gazelle and the deer.

(16) But you must not partake of the blood; you shall pour it out on the ground like water.

(17) You may not partake in your settlements of the tithes of your new grain or wine or oil, or of the firstlings of your herds and flocks, or of any of the votive offerings that you vow, or of your freewill offerings, or of your contributions.

(18) These you must consume before the Lord your God in the place that the Lord your God will choose – you and your sons and your daughters, your male and female slaves, and the Levite in your settlements – happy before the Lord your God in all your undertakings.

(19) Be sure not to neglect the Levite as long as you live in your land.

(20) When the Lord enlarges your territory, as He has promised you, and you say, “I shall eat some meat,” for you have the urge to eat meat, you may eat meat whenever you wish.

(21) If the place where the Lord has chosen to establish His name is too far from you, you may slaughter any of the cattle or sheep that the Lord gives you, as I have instructed you; and you may eat to your heart’s content in your settlements.

(22) Eat it, however, as the gazelle and the deer are eaten: the unclean may eat it together with the clean.

(23) But make sure that you do not partake of the blood; for the blood is the life, and you must not consume the life with the flesh.

(24) You must not partake of it; you must pour it out on the ground like water:

(25) you must not partake of it, in order that it may go well with you and with your descendants to come, for you will be doing what is right in the sight of the Lord.

(26) **But such sacred and votive donations as you may have shall be taken by you to the site that the Lord will choose.**

(27) **You shall offer your burnt offerings, both the flesh and the blood, on the altar of the Lord your God; and of your other sacrifices, the blood shall be poured out on the altar of the Lord your God, and you shall eat the flesh.**

(28) **Be careful to heed all these commandments that I enjoin upon you; thus it will go well with you and with your descendants after you forever, for you will be doing what is good and right in the sight of the Lord your God.**

(15) But whenever you desire, you may slaughter and eat meat in any of your settlements: Literally, “In all your gates.” In the Torah, the term “gates” most often has the connotation of “city.” Here, “in all your gates” means everywhere you may be living.

You may slaughter and eat meat ... according to the blessing that the Lord your God has granted you: This relates to the prohibition mentioned earlier of offering sacrifices “on the heights,” *bamot*. Although it is forbidden to slaughter animals outside the Temple as sacrifices, doing so for regular food is permitted. This is a major innovation in the institutions of everyday life.

During the forty years of wanderings in the wilderness, it was forbidden to consume the meat of cattle, goats, and sheep as normal, ordinary food. According to the book of Leviticus, a person who wanted to eat meat had to bring a *korban shelamim*, a “peace offering” (Lev. 17). The animal is brought to the Tent of Meeting to be slaughtered there, and the blood is sprinkled on the altar. Then, part of the meat is burned on the altar, part is given to the priests, and the rest is eaten by the person bringing the sacrifice, his family, and anyone else he wishes to invite. All who partake must meet the requisite conditions of ritual purity, of course.

All the food eaten during those wilderness years had a direct connection to Heaven. (That includes, most notably, the manna that fell daily from the sky, and also the miraculous travelling well that provided water.) But now, as the people are moving toward ordinary, natural food,

eating meat is also allowed, with no requirement that the animal be offered as a sacrifice, or that the conditions of ritual purity be met.

The unclean and the clean alike may partake of it, as of the gazelle and the deer: The gazelle and the deer, which the Torah considers wild animals, can never be brought as sacrifices. And therefore, even during the wilderness years they could be eaten without recourse to an altar, nor did eating such meat require a state of ritual purity.

An animal that lives in the wild and has no immediate relationship with humans cannot be brought as a sacrifice. This is because a person may offer up to God only something that is a part of his world, but not something that exists beyond those boundaries. We will discuss this issue in greater detail below.

(16) But you must not partake of the blood; you shall pour it out on the ground like water: When there is no sacrifice, no blood is sprinkled on the altar, and one might mistakenly think that in that case it is permitted to eat the blood. This verse comes to disabuse us of that notion.

(17) You may not partake in your settlements of the tithes of your new grain or wine or oil, or of the firstlings of your herds and flocks, or of any of the votive offerings that you vow, or of your freewill offerings, or of your contributions: The Torah is emphasizing here that although now, when one wishes to eat meat, offering a *shelamim*, a peace offering, is not mandatory but optional, the status of all other offerings in the Temple nonetheless remains as before.

(18-19) These you must consume before the Lord your God in the place that the Lord your God will choose – you ... and the Levite in your settlements – ... Be sure not to neglect the Levite: As the people become more and more involved in establishing a connection with the Almighty, they have less reliance on the functions of the Levites. Therefore, it is all the more important to remind them once again that without the Levites, the entire system cannot function.

As long as you live in your land: Literally, “All your days, on your land.” The Midrash notes that the addition of the words “on your land” limits the special status of the Levites to the Land of Israel. While the Jewish nation is in exile there is no requirement to take special care of

the Levites. And in our times too, although the Jewish people are now already returning to their land, the status of the Levites has not yet been restored.

(20) When the Lord enlarges your territory, as He has promised you, and you say, “I shall eat some meat,” for you have the urge to eat meat, you may eat meat whenever you wish: The expression *ta’avat ha-nefesh*, “lust of the soul” (for meat, in this case) seems strange, and even crude, as if a concession is being made to some base human instinct. And yet, the Torah’s tone here is clearly an approving one.

With the limits of the people’s geographical habitation now expanding, a commensurate increase in their longings and desires is natural and expected, and is therefore considered a positive phenomenon. But responding to those new, increased desires while remaining within the framework of holiness is possible only in the Land of Israel. Therefore, the Jewish commentators in the Diaspora often understood the “soul” and its cravings of which this verse speaks in a crude sense, as referring to brute animal urges that gives rise to low-level material desires in people as well. However, in the Land of Israel the understanding of this verse is changing, and even “lust” can be an aspect of holiness.

It should be noted in this regard that in the story of Adam and Eve in the garden of Eden, the first commandment that they received (and that any human had ever received) was the commandment, “Of every tree of the garden you are free to eat” (Gen. 2:16). Indeed, we live to “eat.” We are created for the purpose of consuming and assimilating our entire surrounding world – “of every tree of the garden.” (Except that the fruit of the tree of knowledge of good and bad must not be eaten immediately, but only much later in human history, when mankind is finally ready for that.²⁵) “Eating the fruit of every tree in the garden” can take many different forms. But what they all have in common is fostering an internal identity engendered by a passion for “knowledge through consumption.”

In this sense, the “lust” for meat in the Land of Israel is not crude, but is in fact a manifestation of a life force in the higher human soul –

²⁵ For full coverage of the episode of Adam and Eve in the garden of Eden, see the *Bible Dynamics* commentary on the book of Genesis, § 6.

striving to eat (i.e., experience) and thereby to know the entire world. The Torah therefore fully supports that aspiration.

(21) If the place where the Lord has chosen to establish His name is too far from you: Unlike the previous verse, this one advances a purely technical reason for allowing consumption of meat without bringing a sacrifice. To wit: even in the Land of Israel, many Jews will be living too far from the Temple, and it will not be practical for them to bring a sacrifice every time they want to eat meat.

These two rationales, the substantive and the technical, are in fact complementary, serving to balance each other. Increasing desires and passions are a positive phenomenon. But even so, it is preferable nevertheless to eat meat not merely for its own sake, but in the context of a *shelamim* sacrifice.

You may slaughter any of the cattle or sheep that the Lord gives you, as I have instructed you; and you may eat to your heart's content in your settlements: This is an actual commandment (and not merely permission) to eat the meat of non-sacrificial animals, if the soul so desires. The Torah is telling us that such food is conducive to achieving holiness, because the Almighty is served in the fullness of life's experiences and sensations. (Compare this with the commentaries on Isaac's wish to eat the meat of two choice kids before blessing his son. See Gen. 27.)

In this sense, as it turns out, the significant geographical distance between "the place where the Lord has chosen to establish His name" and where many of the people will be living is actually a positive factor. Because of that distance, holiness spreads throughout the entire land. It is as if the Temple itself and the city of Jerusalem both migrate even to the extreme limits of the Land of Israel.

You may slaughter any of the cattle or sheep that the Lord gives you, as I have instructed you: Considering this verse from an halachic standpoint, the Talmud sees it as evidence that even in Moses' time there already was an Oral Torah. For although the laws pertaining to slaughtering animals for food are not found anywhere in the Written Torah, this verse says "as I have instructed you," as if taking for granted that those laws are by now known to all.

Seen within the context of fundamental Torah principles and ideals, the requirement that slaughtering animals for food must be done in conformity with a detailed and rigorous procedure suggests that even ordinary food bears within it some element of an actual Temple sacrifice.

(22) Eat it, however, as the gazelle and the deer are eaten: the unclean may eat it together with the clean: After making the point that even the routine consumption of meat includes aspects of a sacrifice, the Torah must emphasize once again that such meat is nonetheless not really a sacrifice, and it may be eaten even in a state of ritual impurity.

(23) But make sure that you do not partake of the blood: Literally, “But you must fortify yourself to abstain from eating the blood.” This phrasing, quite unusual in its intensity, is not found in connection with any other offense in the Torah, even the very most serious.

Jewish tradition therefore implements uncommonly strict laws for removing all blood from meat before it can be considered kosher for eating. First, the blood is allowed to drain. Then the meat is sprinkled with coarse salt and left to stand; this extracts any remnants of blood that did not drain off in the previous step. Finally, the salt is carefully rinsed from the meat, which only then is deemed permissible for consumption.

For the blood is the life, and you must not consume the life with the flesh: The prohibition of eating animal blood is first mentioned in Genesis (9:4) as a general principle, and then elaborated in detail in Leviticus (17:11,14; 19:26).

The treatment in Leviticus relates to the Temple service specifically. Thus, the reason for the prohibition against eating blood is explained there by the fact that the blood is offered on the altar as “the part that belongs to God,” and therefore man must not appropriate it for himself. But here in Deuteronomy, the prohibition of eating blood stands on its own: since the entire soul of the animal is concentrated in the blood, it must not be eaten, lest that animal soul become incorporated into the person who consumes it.

(24) You must not partake of it; you must pour it out on the ground like water: Allow the soul of the animal to descend into the ground. It must not become a part of you.

This prohibition is repeated here several times in severe terms, including, “But you must fortify yourself to abstain from eating the blood” (Deut. 12:23). From this we understand that in those days people found blood especially alluring, which is why it was necessary to speak out so strongly against eating it. That attraction derives from the fact that the blood of true sacrifices is offered on the altar. Thus, the greater a person’s realization that even his ordinary food has the essence of sacrifice, the greater is the danger that he will want to “offer” (i.e., eat) the blood as well. And so we must remind him: if you wish to present to the Almighty the blood of an animal, then by all means, offer an actual sacrifice upon the altar. But eating blood is unacceptable.

(25) You must not partake of it, in order that it may go well with you and with your descendants to come, for you will be doing what is right in the sight of the Lord: Eating blood diminishes the moral and spiritual qualities of a human being. And conversely, refraining from eating blood preserves the human character. By renouncing consumption of blood, “you will be doing what is right in the sight of the Lord,” i.e., preserving the standard of morality among humankind.

(26) But such sacred and votive donations as you may have shall be taken by you to the site that the Lord will choose: Yet again the importance of coming to the Temple is stressed. And thus, the aspect of a sacrifice in every ordinary meal remains, as it must, an uplifting idea at most. There must be no temptation to experience it as a reality by eating the blood. In order that the local connection to the Almighty will not eclipse the national connection, the Torah stresses the importance of coming to the Temple.

(27) You shall offer your burnt offerings, both the flesh and the blood, on the altar of the Lord your God; and of your other sacrifices, the blood shall be poured out on the altar of the Lord your God, and you shall eat the flesh: Once again the contrast is highlighted: although blood is an essential element of a true sacrifice, it must never become an element of your food.

(28) Be careful to heed all these commandments that I enjoin upon you; thus it will go well with you and with your descendants after you forever, for you will be doing what is good and right in

the sight of the Lord your God: If you listen attentively and understand the words of the Torah, then “you will be doing what is good and right in the sight of the Lord your God” – where there is a clear law, and also where there is not, which demands great moral sensitivity.

§ 11.8. NATURE VS. MORALITY

As already noted, when the Torah allows both clean and unclean persons to eat meat outside the Temple, it expresses that idea with the phrase, “The unclean and the clean alike may partake of it, as of the gazelle and the deer.” Since those creatures are considered wild animals, they are never sacrificed on the altar, and ritual purity is therefore not required for eating their meat.

Wild animals belong to nature, not to the human world. We can only raise up to God that which belongs to the human world and is close to man.

The reasoning behind this dichotomy is that service in the Temple is based on gratitude as the primary moral principle: since the Almighty has given me food, as a token of my gratitude I offer sacrifices to Him.

However, morality exists only in the human world; there is no concept of morality in nature, nor any understanding of good or evil, or of freedom of choice. Everything that happens in nature therefore lies outside the plane of morality.

And that is why wild (“natural”) animals are not offered on the altar. If you crave meat you may eat those animals, but you must not include them in your service to the Almighty. They are too distant from you. In order to catch such an animal you must go beyond human habitation and connect with natural life. But then you are no longer within human space.

Thus, a fundamental idea of the Temple is “holiness as contrasted with nature.” Even in nature there is holiness, of course, but it is a different kind of holiness – one that a person in the earliest stages of his development cannot detect. Therefore, initially – when the Torah is first given, and for many generations to come – man is forbidden to pursue that course. However, when the Torah reveals that even the ordinary use

of meat as food includes an element of sacrifice, it expresses that as “the unclean may eat it together with the clean.” These words clearly demonstrate that in future eras both the clean and the unclean will eat sacrifices together, because there will be no longer any “unclean” – everything natural will also be holy.

But this is a expansive topic. Detailed coverage of such issues is beyond the scope of this work.

§ 11.9. DO NOT BE LURED BY IDOLATRY –
NEITHER ADD TO THE COMMANDMENTS
NOR TAKE AWAY FROM THEM (12:29-13:1)

כט כִּי־יָבִיִּיתָ יְיָ אֱלֹהֶיךָ אֶת־הַגּוֹיִם אֲשֶׁר אֲתָהּ בָּאֲשָׁמָה לְרִשְׁתָּ אוֹתָם
מִפְּנֵיךְ וַיִּרְשֶׁתָּ אוֹתָם וַיִּשְׁבֶּתָּ בָּאָרֶץ: לֹא הִשְׁמַר לְךָ פֶּן־תִּנְקֹשׁ אַחֲרֵיהֶם
אַחֲרֵי הַשְׁמָדָם מִפְּנֵיךְ וּפֶן־תִּדְרֹשׁ לֵאלֹהֵיהֶם לֵאמֹר אֵיכָה יַעֲבֹדוּ הַגּוֹיִם
הָאֵלֶּה אֶת־אֱלֹהֵיהֶם וַאֲעֲשֶׂה־כֵן גַּם־אֲנִי: לֹא לֹא־תַעֲשֶׂה כֵן לַיְי אֱלֹהֶיךָ
כִּי כָל־תֹּעֲבֹת יְיָ אֲשֶׁר שָׁנָא עָשׂוּ לֵאלֹהֵיהֶם כִּי גַם אֶת־בְּנֵיהֶם וְאֶת־
בְּנֹתֵיהֶם יִשְׂרְפוּ בָאֵשׁ לֵאלֹהֵיהֶם: יֵאָדָּא אֶת כָּל־הַדָּבָר אֲשֶׁר אָנֹכִי מַצְוֶה
אֲתָכֶם אֹתוֹ תִּשְׁמְרוּ לַעֲשׂוֹת לֹא־תִסָּף עָלֶיךָ וְלֹא תִגָּרַע מִמֶּנּוּ:

(29) When the Lord your God has cut down before you the nations that you are about to enter and dispossess, and you have dispossessed them and settled in their land,

(30) beware of being lured into their ways after they have been wiped out before you! Do not inquire about their gods, saying, “How did those nations worship their gods? I too will follow those practices.”

(31) You shall not act thus toward the Lord your God, for they perform for their gods every abhorrent act that the Lord detests; they even offer up their sons and daughters in fire to their gods.

(13:1) Be careful to observe only that which I enjoin upon you: neither add to it nor take away from it.

(29-30) When ... you have dispossessed them and settled in their land, beware of being lured into their ways after they have been wiped out before you! Do not inquire about their gods, saying, “How did those nations worship their gods? I too will follow those practices”: The Torah warns against worshipping the Almighty in the manner that the idolaters serve their gods.

Earlier in this chapter the same prohibition was considered in the context of the danger of rapprochement with the Canaanites. But here the situation is different. Since there will no longer be Canaanites at this time, there is no danger of direct participation in idolatry. But there is still the attraction of seeking other ways to worship God that had been practiced by the idolaters in earlier eras.

Indeed, what is local is perceived as more authentic, so might it be possible to elevate the local customs to the service of the Almighty? A person who adopts this mode of thinking is not striving to practice idolatry per se; he still wants to serve the Almighty, but seeks inspiration from other peoples and their cults in how to approach it.

(31) You shall not act thus toward the Lord your God, for they perform for their gods every abhorrent act that the Lord detests; they even offer up their sons and daughters in fire to their gods: Citing the most heinous practices of the Canaanites, the Torah warns against incorporating the rites of idolaters into worship of the Almighty. The following verse, “neither add nor take away,” should be understood in this context.

(13:1) Be careful to observe only that which I enjoin upon you: neither add to it nor take away from it: This verse is often misconstrued as prohibiting any addition to or taking away from the teachings of the Torah whatsoever. But such an understanding is not consistent with the rest of Tanakh. The Book of Esther informs us that Mordechai and Esther enacted new institutions for the annual celebration of Purim, and that the Jewish people accepted those as binding for all time. Nor is such an understanding consistent with Jewish tradition as a whole, which recognizes the authority of the Jewish sages to implement many new prohibitions and obligations.

Halachically speaking, this verse is understood as prohibiting the issuance of only such new decrees that are then presented as commandments of the Torah itself. There must always be a clear and unequivocal distinction between the Torah's commandments and later enactments and decrees.

As concerns the straightforward meaning of the text, this verse should be understood, in its context, as the completion of the previous passage that spoke of the customs of idolaters: "You must not borrow those customs, by adding them to your religious service, nor by allowing them to take away from what you are commanded." Seen in this light, the prohibition of adding or taking away pertains only to idolatrous practices specifically, and nothing else.

Note, too, that a correct understanding of this verse is further hindered by the conventional numbering system, which considers this first verse the beginning of a new chapter of the Torah. This creates the impression that rather than completing the previous topic, it is the beginning of a new topic.

It is a well-established fact, however, that the division of the text of the Torah and the other books of the Jewish scriptures into chapters is the work not of Jews, but of Christian clerics of the thirteenth century. Many mistakes were made, and many sections were delimited incorrectly, reflecting a non-Jewish understanding of the Hebrew text. Such is the case here as well. From the Jewish perspective, this verse is not the beginning of a new topic, but only the conclusion of the previous topic.

§ 11.10. THE PROPHET WHO CALLS FOR WORSHIPPING IDOLATRY (13:2-6)

ב כִּי־יָקִים בְּקֶרֶבְךָ נָבִיא אֶל חֵלֶם חֲלוֹם וְנָתַן אֱלֹהִי אֹת אֹם מוֹפֶת:
ג וְבָא הָאֹת וְהַמּוֹפֶת אֲשֶׁר־דִּבֶּר אֱלֹהִי לְאִמָּר גִּלְיָה אַחֲרֵי אֱלֹהִים
ד אַחֲרֵים אֲשֶׁר לֹא־יָדַעְתֶּם וְנִעְבְּדֶם: ה לֹא תִשְׁמַע אֶל־דִּבְרֵי הַנָּבִיא
ו הָהוּא אֶל־חֲלוֹם הַחֲלוֹם הָהוּא כִּי מִנְסָה יְיָ אֱלֹהֵיכֶם אֶתְכֶם לַדָּעַת
ז הַיִּשְׁכֶּם אֱלֹהִים אֶת־יְיָ אֱלֹהֵיכֶם בְּכָל־לִבְבְּכֶם וּבְכָל־נַפְשְׁכֶם: ח אַחֲרֵי
ט יְיָ אֱלֹהֵיכֶם תֵּלְכוּ וְאֵתוּ תִירָאוּ וְאֶת־מִצְוֹתָיו תִּשְׁמְרוּ וּבְקִלּוֹ תִשְׁמְעוּ
י וְאֵתוּ תַעֲבֹדוּ וְבוֹ תִדְבְּקוּ: יא וְהַנָּבִיא הָהוּא אֶל חֵלֶם הַחֲלוֹם הָהוּא

יוֹמָת כִּי דְבַר־סֵרָה עַל־יְיָ אֱלֹהֵיכֶם הִמּוֹצִיא אֶתְכֶם | מֵאֶרֶץ מִצְרַיִם
וְהִפְדֹּךְ מִבֵּית עֲבָדִים לְהַדְיָחְךָ מִן־הַדֶּרֶךְ אֲשֶׁר צִוָּךְ יְיָ אֱלֹהֶיךָ לָלֶכֶת
בָּהּ וּבַעֲרַת הָרַע מִקִּרְבְּךָ:

(2) If there appears among you a prophet or a dream-diviner and he gives you a sign or a portent,

(3) 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,

(4) 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.

(5) 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.

(6) As for that prophet or dream-diviner, he shall be put to death; for he urged disloyalty to the Lord your God – who freed you from the land of Egypt and who redeemed you from the house of bondage – to make you stray from the path that the Lord your God commanded you to follow. Thus you will sweep out evil from your midst.

(2) If there appears among you: This chapter discusses several situations where one or more persons is seduced to idolatry in various settings. The invitation may come from a prophet (spiritual leader) or a family member (one’s closest circle); even an entire city might be seduced to idolatry. The proper response to each of these situations is covered in detail.

If there appears among you a prophet or a dream-diviner: It is edifying to note that nowhere in the Tanakh (the five books of the Torah and the other nineteen books of the Jewish Scriptures) does the term “false prophet” appear. Only the term *navi*, “prophet” is used, although Jeremiah does speak of “prophets who prophesy falsely in my [God’s] name” (Jer. 23:25). We thus understand that here too, the prophet who commits the crime of seducing the people to idolatry, thereby earning for himself the death penalty, does in fact have the status of a real prophet.

A “false prophet” is by no means just a liar. An individual who arrives on the scene, claiming to be a prophet, and making false claims, has no prophetic status at all. And since he is not a prophet, he cannot be a “false prophet.”

Anyone claiming to be a prophet must in the first place be worthy of that position. He must be wise, strong-willed, wealthy, humble, and renowned for his kindness and righteousness. Moreover, he must validate his claim of being a prophet by performing signs and wonders that alter the course of nature, or by predicting the future. If he succeeds at that he is granted the status of a prophet. But if he then calls for practicing idolatry or negates or challenges the principles of the Torah, then he is declared a false prophet and is subject to execution. This is described in greater detail in the next weekly portion, *Shofetim* (Deut. 18:19-22).

Thus, the Jewish false prophet is not an impostor, but “a prophet of that which is false” – a true prophet gone astray. Rather than predicting that which God has told him, he misleads or seduces. In the Tanakh we find several true historical Jewish “prophets who spoke falsely” – Haniah ben Azzur, who spoke out against Jeremiah’s prophecy (Jer. 28), and the false prophets of King Ahab (2 Kings 22), to cite two examples.

During the Biblical era, the existence of prophets was not something extraordinary, but the norm. There were even “schools of the prophets” that played an important role in society. The prophets not only gave people instructions on how and under what circumstances they should act, but, above all, they developed an understanding of the Almighty’s direct participation in the life of society, creating a real sense that His word lives among us.

(We can compare the prophecy of old to scientific advancement in our modern era. It is important for society today that science continues to develop close to the people. This happens, most notably, in the universities, where professors and top-tier researchers, including many Nobel Prize laureates, can be found advancing their areas of scientific specialization. To be sure, not everyone knows exactly what modern science is studying at every level. But the very existence of science, and the universities where scientific work is performed, determines the character of the world we live in. It is our “spiritual space,” as it were.)

Nonetheless, an excessive abundance of prophets can be dangerous and lead to abuses. Rigorous restrictions must be implemented and enforced to ensure that wayward prophets – and these sometimes include even malicious ones – will not induce the people to commit evil acts.

And he gives you a sign or a portent: A little later (Deut. 18) the Torah will explain in detail that such signs and portents are primary conditions for recognizing an individual as a genuine prophet.

(3) 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: Later in Deuteronomy we will learn that there is a positive commandment to obey a prophet’s instructions: “The Lord your God will raise up for you a prophet from among your own people, like myself; him you shall heed” (Deut. 18:15). But this must not be seen as absolute, and here the Torah sets limits on that commandment.

“Let us follow and worship another god”: The concept of “worshipping other gods” includes not only actual idolatry, but even any abolition of the Torah’s commandments, or reduction of their status.

Whom you have not experienced: For that very reason it is new and especially attractive to you.

(4) Do not heed the words of that prophet or that dream-diviner: The prophet is granted enormous powers. As already noted, there is a clear commandment to obey his instructions, and he is even authorized to overrule outright, if only temporarily, explicit rulings of the Torah. Many examples of this can be found in the Tanakh. However, the Torah informs us in advance that the Almighty will never allow a true prophet to “follow and worship another god.” And therefore, a prophet who calls for embracing idolatry or permanently abolishing any commandment of the Torah is a wanton, false prophet.

For the Lord your God is testing you to see whether you really love the Lord your God with all your heart and soul: A test is a situation when a person must suspend some positive quality, refining or restricting it, in order that that quality can be positively revealed later.

The required attitude of obeying a prophet is itself positive, but it must be restricted, not followed blindly. Verily the Almighty has

bestowed on the prophet the ability to perform signs and portents, but by no means should the people follow him indiscriminately. Those signs and portents are only a test. A person who is able to think critically will not obey the prophet who calls for “following and worshipping other gods,” despite all the signs and wonders that the Almighty empowers that prophet to perform.

The Lord your God testing you to see whether you really love the Lord your God: Literally, “The Lord your God is testing you in order to know whether you really love the Lord your God.”

Needless to say, God needs no such test in order to know that, or anything else. Rather, it means that by virtue of this test you will know it about yourselves. Unless you have passed this test, you do not know whether you really love the Lord your God with all your heart and soul. Thus, this test is presented as an opportunity for God’s people to express themselves and to grow through it.

(5) 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: The foundation of the Torah’s religion is not miracles, but Divine revelation, i.e., the direct contact that the entire nation had with the Almighty during the Exodus and the giving of the Torah.

No miracle can possibly compare to actual Divine revelation, nor shake or shatter it in any aspect mentioned in this verse – not in the fear of God, nor in observing His commandments, nor in “listening to the voice of God” (religious intuition), nor in the praxis of serving God, nor in the thirst for clinging to Him.

(6) As for that prophet or dream-diviner, he shall be put to death; for he urged disloyalty to the Lord your God: A prophet or a dreamer (and, more generally, any person with sufficiently elevated status) who has so perverted his gift that he uses it to seduce the people to commit egregious acts has forfeited his right to live.

Who freed you from the land of Egypt and who redeemed you from the house of bondage: All the events associated with the Exodus from Egypt were a direct and immediate manifestation of the Divine

Presence among the entire people. This revelation is the foundation of the religion of Israel.

To make you stray from the path that the Lord your God commanded you to follow: The essence of such straying lies in replacing Divine revelation, and Israel's appointed mission, with obedience to miracle workers, and following after them.

Thus you will sweep out evil from your midst: The Torah demands toughness here not only in order to punish those persons guilty of practicing idolatry and seducing the people to it, but, above all, to check the spread of evil and eradicate it for all time to come.

§ 11.11. FAMILY MEMBERS WHO SEDUCE TO IDOLATRY (13:7-12)

ז כי יסיתך אחיך בן־אמך או־בנך או־בתך או־אשת חיקך או־רעך
אשר כנפשו בסתר לאמר גלכה ונעבדה אלהים אחרים אשר לא
ידעת אתה ואבתיך: ח מאלהי העמים אשר סביבתיכם הקרבים אליך
או־הרחקים ממך מקצה הארץ ועד־קצה הארץ: ט לא־תאבה לוֹ ולא
תשמע אליו ולא־תחוס עינך עליו ולא־תחמל ולא־תכסה עליו: י כי
הרג תהרגנו ידך תהי־בן בראשונה להמיתו ויד פלהעם באחרונה:
יא וסקלתו באבנים ומת כי בקש להדיחך מעל יי אלהיך המוציאך
מארץ מצרים מבית עבדים: יב וכל־ישראל ישמעו ויראו וְלֹא־יוֹסִפוּ
לַעֲשׂוֹת כַּדָּבָר הַזֶּה הַזֶּה בְּקִרְבָּךְ:

(7) If your brother, your own mother's son, or your son or daughter, or the wife of your bosom, or your closest friend entices you in secret, saying, "Come let us worship other gods" – whom neither you nor your fathers have experienced –

(8) from among the gods of the peoples around you, either near to you or distant, anywhere from one end of the earth to the other:

(9) do not assent or give heed to him. Show him no pity or compassion, and do not shield him;

(10) **but take his life. Let your hand be the first against him to put him to death, and the hand of the rest of the people thereafter.**

(11) **Stone him to death, for he sought to make you stray from the Lord your God, who brought you out of the land of Egypt, out of the house of bondage.**

(12) **Thus all Israel will hear and be afraid, and such evil things will not be done again in your midst.**

(7) If your brother, your own mother's son, or your son or daughter, or the wife of your bosom, or your closest friend entices you in secret, saying, "Come let us worship other gods" – whom neither you nor your fathers have experienced: In the previous passage the danger of seduction to idolatry came from a prophet – a spiritual leader, but not someone personally close to the individuals being seduced. They might even be perfect strangers. But now we consider the case where the seduction comes from within, from the inner circle of those being led astray. And for just that reason it is far more difficult to resist.

Your brother, your own mother's son: In a society where polygamy is permitted, children from different mothers often form rival clans within the family, whereas brothers of the same the mother (and not merely the same father) almost invariably have a much closer relationship.

Entices you in secret: This is the second variant of seduction to idolatry. The self-proclaimed dream-diviner of the previous section acted publicly, but relatives typically work behind closed doors.

(8) From among the gods of the peoples around you, either near to you or distant, anywhere from one end of the earth to the other: A human being is naturally attracted to the exotic. What is close and familiar often seems banal to him, but the distant and unknown attracts.

(9) Do not assent or give heed to him. Show him no pity or compassion, and do not shield him: The stages that the rejection of the seduction is to follow are indicated here in their proper sequence – the actions to be taken in the complex circumstance of a loved one who progressively pushes his family toward idolatry. At first, they might wonder

whether he even means it seriously. If so, it's enough to simply express disagreement. But if he persists, they must resolve to give him no audience. If, however, it becomes apparent that he means what he says, that requires more drastic action: they must neither spare nor pity him. If he persists even so, they must not cover up his crimes, but accuse and denounce him publicly.

(10) But take his life. Let your hand be the first against him to put him to death, and the hand of the rest of the people thereafter: This apparent cruelty is in fact designed to frighten the people and teach them the dangers of idolatry – not only for those around them, but for the entire nation. The very existence of such a law that makes it a capital crime should discourage any future attempts to entice family members to idolatry.

(11) Stone him to death, for he sought to make you stray from the Lord your God, who brought you out of the land of Egypt, out of the house of bondage: This most horrific crime is causing otherwise upstanding citizens to “stray from the Lord their God,” because it deprives the Exodus from Egypt, and the very existence of the Jewish nation, of any meaning whatsoever.

(12) Thus all Israel will hear and be afraid, and such evil things will not be done again in your midst: Such a ghastly execution stuns the people. The news of it will doubtlessly spread quickly throughout the countryside. The purpose of the execution is not to increase the suffering of criminals, but to shock the nation, thereby averting further attempts to seduce its members to worshipping idolatry.

§ 11.12. WHEN AN ENTIRE CITY EMBRACES IDOLATRY

(13:13-19)

יג כִּי־תִשְׁמַע בְּאַחַת עָרֶיךָ אֲשֶׁר יִי אֱלֹהֶיךָ נָתַן לְךָ לְשֹׁבֵת שָׁם לֵאמֹר:
יד יֵצְאוּ אָנָשִׁים בְּנֵי־בְלִיעַל מִקִּרְבְּךָ וַיְדִיחוּ אֶת־יֹשְׁבֵי עִירָם לֵאמֹר גִּלְזָה
וְנַעֲבֹדָה אֱלֹהִים אֲחֵרִים אֲשֶׁר לֹא־יְדַעְתֶּם: טו וְדַרְשֵׁת וְחֻקֶּרֶת וְשִׂאלָה
הֵיטֵב וְהִנֵּה אָמַת נָכוֹן הַדָּבָר נַעֲשֶׂתָה הַתּוֹעֵבָה הַזֹּאת בְּקִרְבְּךָ: טז הִכָּה
תִּכָּה אֶת־יֹשְׁבֵי הָעִיר הַהוּא לְפִי־חֶרֶב הַחֶרֶם אֲתָה וְאֶת־כָּל־אֲשֶׁר־

בָּהּ וְאֶת־בְּהֶמְתָּהּ לְפִי־חָרֵב: י וְאֶת־כָּל־שְׁלָלָהּ תִּקְבֹּץ אֶל־תוֹךְ רִחְבָּהּ וְשָׂרְפָתָהּ בָּאֵשׁ אֶת־הָעִיר וְאֶת־כָּל־שְׁלָלָהּ כָּלִיל לַיהוָה וְהָיְתָה תֵּל עוֹלָם לֹא תִבְנֶה עוֹד: יא וְלֹא־יִדְבֹק בְּיָדָךְ מְאֻמָּה מִן־הַחֲרָם לְמַעַן יָשׁוּב יי מִחֲרוֹן אַפּוֹ וְנִתְּנָלְךָ רַחֲמִים וְרַחֲמָךְ וְהִרְבָּד בְּאֲשֶׁר נִשְׁבַּע לְאַבְרָהָם: יב כִּי תִשְׁמַע בְּקוֹל יי אֱלֹהֶיךָ לְשׁמֹר אֶת־כָּל־מִצְוֹתָיו אֲשֶׁר אֲנֹכִי מִצְוֶה הַיּוֹם לַעֲשׂוֹת הַיֵּשֶׁר בְּעֵינֵי יי אֱלֹהֶיךָ:

(13) If you hear it said, of one of the towns that the Lord your God is giving you to dwell in,

(14) that some scoundrels from among you have gone and subverted the inhabitants of their town, saying, “Come let us worship other gods” – whom you have not experienced –

(15) you shall investigate and inquire and interrogate thoroughly. If it is true, the fact is established – that abhorrent thing was perpetrated in your midst –

(16) put the inhabitants of that town to the sword and put its cattle to the sword. Doom it and all that is in it to destruction:

(17) gather all its spoil into the open square, and burn the town and all its spoil as a holocaust to the Lord your God. And it shall remain an everlasting ruin, never to be rebuilt.

(18) Let nothing that has been doomed stick to your hand, in order that the Lord may turn from His blazing anger and show you compassion, and in His compassion increase you as He promised your fathers on oath –

(19) for you will be heeding the Lord your God, obeying all His commandments that I enjoin upon you this day, doing what is right in the sight of the Lord your God.

(13) If you hear it said, of one of the towns that the Lord your God is giving you to dwell in: The third case of seduction to idolatry involves the targeting of an entire city. Every member of the given society is implicated.

Jewish tradition informs us that never in history has there been, nor will there ever be, any actual instance of this calamity, nor the need to the apply the commandments indicated in the upcoming section as the proper response to it. The Torah establishes this procedure solely for its

educational value, so that we may acquire a complete understanding of the world.

There is a fairly common belief that the purpose of Jewish life is to fulfill each and every one of the Torah's commandments. But the presence in the Torah of a commandment that can never be realized in practice demonstrates that that idea is fundamentally incorrect. God's laws and commandments are boundaries that must never be crossed. But we need not advance to the very edge of the precipice. Our true goal should be not fulfilling every commandment without exception, but correcting and improving humanity, by bringing them closer to the Almighty, and revealing the Divine Light in this world.

The laws and commandments are not ends in themselves, but only tools to achieve that goal.

(14) That some scoundrels from among you have gone and subverted the inhabitants of their town, saying, "Come let us worship other gods" – whom you have not experienced: The Torah emphasizes here that these villains have arisen from within the Jewish nation itself.

It is a categorical mistake to believe that the worst scoundrels are "most likely not really Jews."

Of course, the Almighty chose the Jewish people to fulfill the Divine mission. But even that collective mission in no way negates the fact that there can be scoundrels even among the Jews.

(15) You shall investigate and inquire and interrogate thoroughly. If it is true, the fact is established – that abhorrent thing was perpetrated in your midst: The strict requirement that legal cases must be thoroughly vetted in court is mentioned in other places in the Torah as well (see, e.g., Deut. 17). It is stated here with reference to an accusation of idolatry, and later (Deut. 19) concerning perjury. Here, however, the word *ve-chakarta*, "you shall delve deeply" has been added, to stress that what is happening here is a heinous crime that demands a particularly thorough investigation.

(16) Put the inhabitants of that town to the sword and put its cattle to the sword. Doom it and all that is in it to destruction: *Cherem*, the "dooming" of which this verse speaks, is a curse placed on property such that it cannot be appropriated or used for any purpose in

the future. Anything so cursed must be thoroughly destroyed, because nothing good can ever come of such property.

Note that the Torah does not place such a ban on the property of the pagan Canaanite peoples. There is no prohibition against using their houses. But if an entire Jewish city has been seduced to idolatry, this is a much more terrifying situation that requires a fierce reaction.

(17) Gather all its spoil into the open square, and burn the town and all its spoil as a holocaust to the Lord your God. And it shall remain an everlasting ruin, never to be rebuilt: The city must be summarily annihilated: its human inhabitants, its cattle, the houses and trees, and even its very name obliterated from among the cities of Israel.

(18) Let nothing that has been doomed stick to your hand: With this the Torah anticipates and prevents up front, and in emphatic terms, any possibility that some individual, or the state, might use this punishment for personal or communal gain. The history of persecution of “heretics” in Europe during the Middle Ages demonstrates that this is a precaution of vital importance. Without it, lust for material gain may very well itself provoke persecution of innocent people.

In order that the Lord may turn from His blazing anger: Seeing that extreme cruelty is demanded here (this is nothing less than a war – if only a civil war – that requires total destruction of the enemy), it is critically important to clarify why this response is necessary. I.e., refraining from the required course of action would create an imminent danger of kindling the Almighty’s “blazing anger,” and bringing down His wrath upon all the people.

And show you compassion, and in His compassion increase you as He promised your fathers on oath: In the Hebrew the apparent redundancy is even more apparent: “And He will give you compassion, and have compassion on you, and increase you.” Neither the reason for the duplication of the compassion, nor how that compassion relates to an increase in the nation’s numbers, is immediately clear.

But the commentators explain it. Since you are obliged in this case to act with extreme cruelty, perhaps you will fret that your soul will become hardened. That anxiety might prevent you from fulfilling this commandment. The Torah therefore gives its promise: if you do not recoil

from doing what this situation requires, God will show you compassion and give you compassion. That is, the compassion that God grants you will allow you too to be compassionate (hence the duplication). Despite the overtly cruel acts that you have been called upon to execute, your souls will suffer no harm, but, quite the contrary, you will remain compassionate, and your souls will remain intact. The end result will be that your offspring will not decrease, but only increase.

(19) For you will be heeding the Lord your God, obeying all His commandments that I enjoin upon you this day, doing what is right in the sight of the Lord your God: This is a condition for fulfilling the commandment. Even when you exact such an extreme human toll your soul will suffer no harm. But that will be true only if you have executed the punishment honestly and with no ulterior motives – solely for the sake of fulfilling God’s will, and with no mercenary intent.

§ 12. THE SANCTITY OF THE ENTIRE NATION, AND SOCIAL JUSTICE

§ 12.1. GOD'S PATERNAL RELATIONSHIP WITH ISRAEL – ISRAEL AS A PEOPLE CONSECRATED TO HIM (14:1-2)

א בָּנִים אַתֶּם לַיהוָה אֱלֹהֵיכֶם לֹא תִגְדְּדוּ וְלֹא־תִשְׂיִמוּ קִרְחָה בֵּין
עֵינֵיכֶם לְמֵת: ב כִּי עַם קָדוֹשׁ אַתֶּה לַיהוָה וּבָדָךְ בָּחַר יי לְהִיּוֹת
לְךָ לְעַם סִגְלָה מִכָּל הָעַמִּים אֲשֶׁר עַל־פְּנֵי הָאֲדָמָה:

(14:1) You are children of the Lord your God. You shall not gash yourselves or shave the front of your heads because of the dead.

(2) For you are a people consecrated to the Lord your God: the Lord your God chose you from among all other peoples on earth to be His treasured people.

(14:1) You are children of the Lord your God: After the detailed coverage of the prohibition of idolatry and its violators, the Torah moves on to discussing the holiness of the people. It forbids gashing one's body for the dead, establishes the laws of *kashrut* and the obligation to bring tithes to the Temple, and speaks of social justice.

The elaboration of these topics begins with the fundamental principle, "You are children of the Lord your God," i.e., all humans are God's children. Only through the lens of our filial relationship with the Almighty can we understand the meaning of the Torah's institutions.

You shall not gash yourselves or shave the front of your heads because of the dead: This prohibition has already been mentioned earlier in the Torah (Lev. 19:27, 21:5), but with specific reference to the *kohanim*, the priests, and in connection with the prohibition of “following the rites of idolaters,” among whom such gashing and shaving of the front of the head was a regular practice. We find it, for example, in the episode of Elijah and the prophets of Baal on Mount Carmel where this rite is presented as a normal feature of their idolatrous worship: “So they shouted louder, and gashed themselves with knives and spears, according to their practice, until the blood streamed over them” (1 Kings 18:28).

Here, however, the prohibition is extended to the entire nation, and is associated instead with Israel’s status as “God’s children,” who must not stoop to the degradation of self-mutilation. This extension here in Deuteronomy is best understood in light of the principle that the Jewish people are “the priests of mankind,” whose mission is to bring the Divine light to the world. That idea was originally proclaimed in brief at the giving of the Torah (Exod. 19:6), where it could have been understood in some merely poetic sense. But here in Deuteronomy that principle is elaborated in great detail and transformed into a practical framework of behavior for the entire nation.

(2) For you are a people consecrated to the Lord your God: Holiness means being consecrated to the Almighty. The nation of Israel is a holy people created for the purpose of establishing contact between God and humankind.

A saint must comply with many more requirements than what is expected from ordinary citizens. In the following passages, the practical conditions for becoming and remaining a holy people are therefore explained in detail. Those requirements apply to both rituals and the social sphere.

Being holy means aspiring to the fullness of life, which includes physical health and integrity. In particular, if a priest had physical deformities, he could not serve in the Temple, and in the same manner, an animal having a defect was excluded from becoming a sacrifice. Therefore, the Jewish people, being a holy people, likewise have no right to inflict bodily harm on themselves.

The Lord your God chose you from among all other peoples on earth to be His treasured people: A similarly worded verse appears above (Deut. 7:6). See the *Bible Dynamics* commentary there.

§ 12.2. KOSHER AND NON-KOSHER ANIMALS (14:3-21)

ג לא תאכל כל־תועבה: ד זאת הבהמה אשר תאכלו שֹׁר שֶׁה
כְּשָׁבִים וְשֶׁה עֲזִים: ה אֵיל וְצִבִּי וְיַחְמוֹר וְאֶקֹּוּ וְדִישֹׁן וְתֹאזֹ וְזֹמֶר:
ו וְכֹל־בְּהֵמָה מִפִּרְסַת פִּרְסָה וְשִׁסְעַת שִׁסְעַל שְׁתֵּי פִרְסוֹת מַעֲלַת
גִּרָה בְּבֵהֶמָה אֹתָהּ תֹאכְלוּ: ז אֵךְ אֶת־זֶה לֹא תֹאכְלוּ מִמַּעֲלֵי הַגִּירָה
וּמִמִּפְרִי־הַפִּרְסָה הַשְּׂסוּעָה אֶת־הַגִּמְלָה וְאֶת־הָאֲרָנְכַת וְאֶת־הַשֹּׁפָן
כִּי־מַעֲלָה גִרָה הֵמָּה וּפִרְסָהּ לֹא הִפְרִיסוּ טְמֵאִים הֵם לָכֵם: ח וְאֶת־
הַחֲזִיר כִּי־מִפְרִי־סִרְסָה הוּא וְלֹא גִירָה טְמֵא הוּא לָכֵם מִבְּשָׂרָם
לֹא תֹאכְלוּ וּבְנִבְלָתָם לֹא תִגְעוּ: ט אֶת־זֶה תֹאכְלוּ מִכָּל אֲשֶׁר בָּמִים
כָּל אֲשֶׁר־לֹו סִנְפִיר וְקִשְׁקֶשֶׁת תֹאכְלוּ: י וְכָל אֲשֶׁר אֵין־לֹו סִנְפִיר
וְקִשְׁקֶשֶׁת לֹא תֹאכְלוּ טְמֵא הוּא לָכֵם: יא כָּל־צִפּוֹר טְהוֹרָה תֹאכְלוּ:
יב וְזֶה אֲשֶׁר לֹא־תֹאכְלוּ מֵהֶם הַנָּשָׂר וְהַפֶּרֶס וְהַעֲזִינָה: יג וְהָרֹאֵה
וְאֶת־הָאִיָּה וְהַדִּיָּה לְמִינָהּ: יד וְאֶת כָּל־עֶרֶב לְמִינֹו: טו וְאֶת בֶּת
הַיַּעֲנָה וְאֶת־הַתַּחֲמָס וְאֶת־הַשֹּׁחַף וְאֶת־הַנֶּזֶץ לְמִינָהּ: טז אֶת־הַכּוֹס
וְאֶת־הַיִּנְשׁוּף וְהַתְּנַשְׁמָת: יז וְהַקָּאֵת וְאֶת־הָרַחֲמָה וְאֶת־הַשִּׁלָּד:
יח וְהַחֲסִידָה וְהָאֲנָפָה לְמִינָהּ וְהַדּוֹכִיפַת וְהָעֵטֶלֶף: יט וְכָל שֶׁרֶץ הָעוֹף
טְמֵא הוּא לָכֵם לֹא יֹאכְלוּ: כ כָּל־עוֹף טְהוֹר תֹאכְלוּ: כא לֹא תֹאכְלוּ
כָּל־זִבְלָה לִגְרָ אֲשֶׁר־בְּשַׁעֲרֵי־הַתְּנִינָה וְאֶכְלָה אִזּוֹ מִכָּל לִנְכָרִי כִּי עִם
קְדוֹשׁ אֹתָהּ לִי אֱלֹהִיד לֹא־תִבְשַׁל גְּדִי בַחֲלָב אִמּוֹ:

(3) You shall not eat anything abhorrent.

(4) These are the animals that you may eat: the ox, the sheep,
and the goat;

(5) the deer, the gazelle, the roebuck, the wild goat, the ibex,
the antelope, the mountain sheep,

(6) and any other animal that has true hoofs which are cleft in
two and brings up the cud – such you may eat.

(7) But the following, which do bring up the cud or have true
hoofs which are cleft through, you may not eat: the camel,

the hare, and the daman – for although they bring up the cud, they have no true hoofs – they are unclean for you;

(8) also the swine – for although it has true hoofs, it does not bring up the cud – is unclean for you. You shall not eat of their flesh or touch their carcasses.

(9) These you may eat of all that live in water: you may eat anything that has fins and scales.

(10) But you may not eat anything that has no fins and scales: it is unclean for you.

(11) You may eat any clean bird.

(12) The following you may not eat: the eagle, the vulture, and the black vulture;

(13) the kite, the falcon, and the buzzard of any variety;

(14) every variety of raven;

(15) the ostrich, the nighthawk, the sea gull, and the hawk of any variety;

(16) the little owl, the great owl, and the white owl;

(17) the pelican, the bustard, and the cormorant;

(18) the stork, any variety of heron, the hoopoe, and the bat.

(19) All winged swarming things are unclean for you: they may not be eaten.

(20) You may eat only clean winged creatures.

(21) You shall not eat anything that has died a natural death; give it to the stranger in your community to eat, or you may sell it to a foreigner. For you are a people consecrated to the Lord your God. You shall not boil a kid in its mother's milk.

(3) You shall not eat anything abhorrent: One of the first expressions of Israel's special status is the general restriction on what foods they are allowed to eat and, in particular, the prohibition of eating "abhorrent" foods.

The “clean and unclean” (i.e., kosher and non-kosher) animal species have already been enumerated in detail in the book of Leviticus (Lev. 11). That list appears here in a condensed form.

As in Leviticus, the sanctity of Israel is the justification given for these prohibitions. But Leviticus speaks of holiness only after listing the species of kosher and non-kosher animals, to which it may be seen as only an adjunct. But here the rationale of preserving holiness is mentioned from the very outset – the overarching principle whence the entire discussion begins.

Thus, for the generation that was liberated from Egyptian bondage, the laws were stated as rules to be accepted without commentary or explanation. Only after that was it possible to step back and formulate the general underlying principles. But for the generation of free people whom Moses is addressing here, the principles are paramount, with the details perceived as merely their logical consequence.

(4-5) These are the animals that you may eat: the ox, the sheep, and the goat; the deer, the gazelle, the roebuck, the wild goat, the ibex, the antelope, the mountain sheep: Domestic animals are listed first, followed by wild animals. From the point of view of the Halachah, the primary difference between them is that after the slaughter of a wild animal (or bird), the blood must be covered up with a sprinkling of loose earth (Lev. 17:13), but there is no requirement to cover the blood of a domestic animal.

Also, the consumption of certain fats (*chelev*, “suet”) of domestic animals is strictly forbidden, whereas no such prohibition exists for wild animals. (See Lev. 7:25: “If anyone eats the fat of animals from which offerings by fire may be made to the Lord, the person who eats it shall be cut off from his kin.” The qualification “from which offerings by fire may be made” excludes wild animals, which cannot be brought as a sacrifice, to be burnt on the altar.)

(6) And any other animal that has true hoofs which are cleft in two and brings up the cud – such you may eat: These tokens of “kosherness” in land animals can be understood symbolically.

The hoof is, as it were, an “external feature” of the creature, which separates the animal itself from the earth, and from naturalness. Cloven hooves thus symbolize the weakening of natural aggression.

Chewing the cud (bringing up and re-chewing food previously swallowed – which defines a ruminant) demonstrates an attitude of readiness for an even more complete assimilation of what “has already been grasped,” and is therefore a sign of the weakening of natural greed.

(7) But the following, which do bring up the cud or have true hoofs which are cleft through, you may not eat: the camel, the hare, and the daman – for although they bring up the cud, they have no true hoofs – they are unclean for you: Biologically speaking, the hare and the daman do not actually “bring up their cud”; they only make chewing movements similar to that. However, the Torah is not trying to present a scientific systematization of animal species. Rather, it focuses on “how humans view it,” not on what biological science says about it. The real reasons that some animals are deemed kosher and some not are not known to us. The external indicators required by the Torah are only symbolic.

(8) Also the swine – for although it has true hoofs, it does not bring up the cud – is unclean for you: According to Torah law, a pig is no more unkosher than any other forbidden animal. However, because the Jews in European countries lived among peoples for whom pork was a staple, rejecting pork became a characteristic feature of Jewish culture and such meat acquired a powerful emotional charge.

You shall not eat of their flesh or touch their carcasses: These two prohibitions, against eating the flesh and against touching the carcasses, are presented side by side, since both of them affect the holiness of the people.

Halachically, however, each of those two has a different status. Eating nonkosher meat is unconditionally forbidden *per se* (this prohibition is mentioned also elsewhere in the Torah), while the prohibition of touching the carcass is associated only with ritual impurity that prevents entry into the Temple. A person who does not wish to enter the Temple need not refrain from touching such carcasses.

This applies to our times specifically, when the Jews have had no Temple for almost two millennia. (The second Temple in Jerusalem was destroyed by the Romans in the year 70 CE.) Since all Jews today are deemed ritually unclean because of contact, direct or indirect, with human corpses – a far more serious form of impurity than that conferred by animal carcasses – there is no prohibition against exposing oneself to any additional, lesser impurity. Thus, in our times touching the carcasses of nonkosher animals is not prohibited. (Wearing pigskin shoes, for example, is allowed.)

(9-10) These you may eat of all that live in water: you may eat anything that has fins and scales. But you may not eat anything that has no fins and scales: it is unclean for you: These tokens by which aquatic animals are deemed kosher, like the split hooves and ruminant digestion of land animals seen earlier, cannot be explained rationally. But we can offer a symbolic interpretation. Fins are a sign of freedom, and scales separate the animal from its surrounding environment. (In this one can find a certain analogy to the hooves that separate land animals from the land on which they tread.)

(11) You may eat any clean bird: For land and water creatures the Torah gives clear and comprehensive rules for determining which are kosher and which are not. But for birds the Torah presents no general rule. It merely states which birds are “unclean,” from which we infer that all other birds may be eaten.

(12) The following you may not eat: the eagle, the vulture, and the black vulture: Birds of prey are enumerated here. These birds are rapacious predators, pouncing on their food, which consists mainly of other living creatures, and tearing them apart.

(17-18) The pelican, the bustard, and the cormorant; the stork, any variety of heron, the hoopoe, and the bat: These birds too are predatory, feeding on live fish, frogs, snakes, and insects.

(19) All winged swarming things are unclean for you: they may not be eaten: Aesthetically, these creatures engender disgust in humans, which must be taken into account as well. In fact, this entire section regarding kosher and non-kosher animals began with it: “You shall not eat anything abhorrent” (Deut. 14:3).

(20) You may eat only clean winged creatures: This repeats the general rule (Deut. 14:11): all birds not explicitly mentioned above as off limits are “clean,” and may be eaten.

(21) You shall not eat anything that has died a natural death: This restriction applies to any kosher species of animal that has not been slaughtered in accordance with Jewish law, but died in any other way, whether it died a natural death, or was killed by predators, or even if slaughtered without adherence to the strict ritual laws of kosher slaughtering. Any such dead animal In Hebrew, is called *neveilah*, which technically means “carion,” but in a more general sense, something disgusting or abhorrent. Note, however, that such animals are “disgusting” only for Jews, who are bound by special restrictions, because they are the “priests of mankind.”

Give it to the stranger in your community: This refers to a *ger toshav*, “a non-Jew who has taken up residence in the Jewish community.” (For more on the two types of *ger*, “stranger,” see the commentary on Deut. 10:19 above.) Such a non-Jew, although he is living in a Jewish community and is a member of Jewish society, is not bound by the laws of *kashrut*. (According to the Torah, the only food restriction that applies equally to both Jews and non-Jews is the prohibition of eiver *min ha-chai*, eating the “limb [of an animal] that is still alive.”)

Give it to the stranger in your community to eat: This completely refutes the viewpoint that eating any such meat is fundamentally harmful or wrong. The requirement of ritual slaughter derives only from the status of the Jewish nation as “the priests of humanity.” Even ordinary food is seen as incorporating a sacrificial aspect, but this does not extend to all the rest of mankind.

Or you may sell it to a foreigner: Note the distinction here. “Give it to the stranger in your community to eat, or you may sell it to a foreigner.” The stranger – *ger toshav* – has distanced himself from idolatry and shares your worldview, and you maintain friendly relations with him. It is therefore recommended that you present such meat to him as a gift. But with the foreigner, on the other hand, who is an idolater, it is more appropriate to maintain commercial rather than amicable relations.

For you are a people consecrated to the Lord your God: All these commandments must be observed by the priestly nation for the sake of fulfilling their universal mission – i.e., serving as instruments for establishing and maintaining a connection with God among all of humanity.

You shall not boil a kid in its mother's milk: This prohibition is found three times in the Torah, once here and twice in the book of Exodus (23:19; 34:26). However, in Exodus it is associated with renouncing idolatrous practices, while here the motivation is to promote holiness among the Jewish people.

The significance of this prohibition in the context of human morality is that while meat may be consumed as food, it nonetheless involves a form of murder – snuffing out a living creature. And similarly, eating dairy products, although permitted, is form of robbery, because the milk does not exist for humans, but for the nourishment of the animal's offspring.

Although the Torah permits such “murder” and such “robbery,” committing these acts is not the ideal, by far.

Jewish law understands the prohibition of “You shall not boil a kid in its mother's milk” as forbidding, more generally, cooking, consuming, or benefiting from any mixture of milk and meat. By meticulously separating meat and milk we make a distinction, at least, between murder and robbery. And it reminds us that in future eras all such forms of behavior that are less than ideal will have to be corrected.

A person who combines milk and meat demonstrates that there is no essential difference between them – that in general there are no firm values. This blurring of the boundaries between what is acceptable and what is not acceptable is inappropriate behavior for the Jewish people, who are the “priests of humanity.” It is this idea that is expressed by the prohibition, “You shall not boil a kid in its mother's milk.”

§ 12.3. SEPARATING TITHES (14:22-29)

כב עֲשֹׂר תַעֲשֹׂר אֶת כָּל-תְּבוּאָת זֶרְעֶךָ הַיֵּצֵא הַשָּׂדֶה שָׁנָה שָׁנָה:
כג וְאָכַלְתָּ לִפְנֵי יְיָ אֱלֹהֶיךָ בַּמָּקוֹם אֲשֶׁר-יִבְחָר לְשִׁכֵּן שְׁמוֹ שָׁם
מֵעֵשֶׂר דִּגְנֶךָ תִּירֹשְׁךָ וְיִצְהָרְךָ וּבְכֹרֶת בְּקֶרֶךָ וְצֹאֲנֶךָ לְמַעַן תִּלְמַד

לִירְאָה אֶת־יְיָ אֱלֹהֶיךָ כָּל־הַיָּמִים: כִּדּוּכִי־רִבָּה מִמֶּךָ הִדְרִיךְ כִּי לֹא
 תֹּכֵל שְׂאֵתוֹ כִּי־יִרְחֹק מִמֶּךָ הַמָּקוֹם אֲשֶׁר יִבְחַר יְיָ אֱלֹהֶיךָ לְשׁוֹם
 שְׁמוֹ שָׁם כִּי יִבְרַכְךָ יְיָ אֱלֹהֶיךָ: כֹּה וְנִתְּתָה בַּכֶּסֶף וְצִרְתָּ הַכֶּסֶף בְּיָדְךָ
 וְהִלַכְתָּ אֶל־הַמָּקוֹם אֲשֶׁר יִבְחַר יְיָ אֱלֹהֶיךָ בּוֹ: כֹּה וְנִתְּתָה הַכֶּסֶף בְּכָל־
 אֲשֶׁר־תֵּאֱזָה נִפְשֶׁךָ בְּבִקְרָה וּבִצְאָן וּבִלְיִן וּבְשֹׂכָר וּבְכָל אֲשֶׁר תִּשְׁאַלְךָ
 נַפְשְׁךָ וְאִבְלֹתַי שָׁם לִפְנֵי יְיָ אֱלֹהֶיךָ וְשִׂמַּחְתָּ אִתָּהּ וּבִיתְךָ: כֹּה וְהִלְוִי
 אֲשֶׁר־בְּשַׁעְרֶיךָ לֹא תִעְזְבוּנוּ כִּי אֵין לּוֹ חֶלֶק וְנִחְלָה עִמָּךְ: כֹּה מִקְצֵה
 | שְׁלֹשׁ שָׁנִים תֹּצִיא אֶת־כָּל־מַעֲשֶׂיךָ תְּבוּאָתְךָ בְּשִׁנָּה הַהִוא וְהִנַּחְתָּ
 בְּשַׁעְרֶיךָ: כֹּס וּבֹא הֲלֹוִי כִּי אֵין־לּוֹ חֶלֶק וְנִחְלָה עִמָּךְ וְהִגֵּר וְהִתְּוֹם
 וְהָאֻלְמָנָה אֲשֶׁר בְּשַׁעְרֶיךָ וְאָכְלוּ וְשָׂבְעוּ לְמַעַן יִבְרַכְךָ יְיָ אֱלֹהֶיךָ
 בְּכָל־מַעֲשֶׂה יָדְךָ אֲשֶׁר תַּעֲשֶׂה:

(22) You shall set aside every year a tenth part of all the yield of your sowing that is brought from the field.

(23) You shall consume the tithes of your new grain and wine and oil, and the firstlings of your herds and flocks, in the presence of the Lord your God, in the place where He will choose to establish His name, so that you may learn to revere the Lord your God forever.

(24) Should the distance be too great for you, should you be unable to transport them, because the place where the Lord your God has chosen to establish His name is far from you and because the Lord your God has blessed you,

(25) you may convert them into money. Wrap up the money and take it with you to the place that the Lord your God has chosen,

(26) and spend the money on anything you want – cattle, sheep, wine, or other intoxicant, or anything you may desire. And you shall feast there, in the presence of the Lord your God, and rejoice with your household.

(27) But do not neglect the Levite in your community, for he has no hereditary portion as you have.

(28) Every third year you shall bring out the full tithe of your yield of that year, but leave it within your settlements.

(29) 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.

(22) You shall set aside every year a tenth part of all the yield of your sowing that is brought from the field: The principle of tithing is first mentioned in the story of Abraham (Gen. 14:17), and in Jacob's pledge to God: "And this stone, which I have set up as a pillar, shall be God's abode; and of all that You give me, I will set aside a tithe for You." (Gen. 28:22). As actual commandments, tithing first appears in the Torah in Leviticus (27:30) and Numbers (18:21). But the overall approach to tithing here in Deuteronomy is entirely different from that of the tithings mentioned earlier in the Torah, as we shall soon explain.

Every year: The Hebrew here is, *shanah shanah*, literally, "year [by] year." The fruits of this year may not be tithed in satisfaction of last's years tithing obligation (nor the reverse). Each year's tithes must be separated only from the produce of that year. This rule emphasizes that Divine providence is constant, sustaining us without interruption or delay.

(23) You shall consume the tithes of your new grain and wine and oil, and the firstlings of your herds and flocks, in the presence of the Lord your God, in the place where He will choose to establish His name: Earlier the Torah stated that tithes must be given to the Levite, and the firstborn of cattle to the *kohen*. But here the presentation is completely different. Go yourselves to the Temple and eat there the tithes and the firstborns of the herd. In other words, it is as if you are yourselves Levites and *kohanim*. A full tenth of your food should be treated as "holy food." This approach can work only when the entire people is holy, and they see themselves as priests.

In the book of Leviticus, only the tribe of Levi and Aaron's descendants are clothed with holiness; the nation of Israel is positioned around them, but off in the distance, on the "periphery of holiness." Under such conditions it is assumed that an ordinary citizen is not capable of eating foods in the state of holiness that holy foods require. He therefore gives his offerings to the Levite and to the *kohen*, who eat those foods in ho-

liness, and thanks to them the giver too is exalted. But here, in the book of Deuteronomy, man exalts himself, and occupies his own central place in the Temple.

On a practical level, these two very different approaches are incompatible. You cannot give your food to a Levite or a *kohen*, and at the same time also eat it yourself. The Oral Torah (which means, essentially, the Talmud) resolves this contradiction within the framework of the practical Halachah as follows. As concerns tithing, two different tithes are meant. *Ma`aser rishon*, “first tithe,” (ten percent of the harvest) is given to the Levite, as prescribed in the Torah: “And to the Levites I hereby give all the tithes in Israel as their share in return for the services that they perform, the services of the Tent of Meeting” (Num. 18:21). From the remaining ninety percent, *ma`aser sheini*, “second tithe” (nine percent of the harvest) is separated. The owner brings that second tithe to the Temple and eats it there (except that in certain years it is given to the poor instead – see below.) On the question of the firstlings of cattle, the Talmud rules that in practice they are eaten by the *kohanim*. The owner participates in that only symbolically.

However, in the sense of the Torah’s principles and ideals – as contrasted with the strict, practical Halachah – these are not “mutually contradictory practical instructions,” but two different levels of attitude towards holy food. At the initial level the foods of holiness are eaten by Temple functionaries specially appointed for this role. But at a higher level of development the entire nation eats those foods.

Only a portion of this lofty ideal is realized in practice, i.e., when the bearer eats his second tithe. The firstborn of cattle are still off-limits to the common man, remaining the symbol of an ideal that is as yet still unattainable.

(“Eating in holiness” also embodies symbolically the idea of “consuming,” – i.e., assimilating – knowledge of the universe. For an elaboration of this line of thinking, see the *Biblical Dynamics* commentary on Num. 18:8.)

So that you may learn to revere the Lord your God forever: Literally, “So that you may learn to fear the Lord your God forever.” When a person eats holy food, he learns to fear the Almighty. However, soon the Torah will say that the meal must be conducted in a state of rejoicing.

I.e., the ideal is for awe and merriment to be combined in life in equal measures.

(24) Should the distance be too great for you, should you be unable to transport them, because the place where the Lord your God has chosen to establish His name is far from you and because the Lord your God has blessed you: The harvest is so plentiful that even a tenth part of it cannot be transported to such a remote location (the site of the Temple).

(25) You may convert them into money. Wrap up the money and take it with you to the place that the Lord your God has chosen: The Hebrew for “money” is *kesef*, literally, “silver.” This silver now bears the status of “potential food of holiness,” while the fruits that were tithe but are now redeemed have lost their special status and have become common food.

(26) And spend the money on anything you want: The “potential holiness” temporarily contained in the money obtained from the produce of the tithe is now transferred to the food bought with this money.

Cattle, sheep, wine, or other intoxicant, or anything you may desire. And you shall feast there, in the presence of the Lord your God, and rejoice with your household: These holy foods must be eaten “before the Lord,” which realizes the Divine aspect of the fullness of life and of joy.

(27) But do not neglect the Levite in your community: Now that you have yourself reached the level of a Levite (and even a *kohen*), you must not think that you no longer need the Levites. You acquire that status only occasionally and temporarily. But the Levite, for whom it is permanent and ongoing, is your channel of communication with the Almighty.

For he has no hereditary portion as you have: It is important also for the Levite of your city to come to the Temple, but he may not have the means for that. And therefore, when your family goes on a pilgrimage to the Temple, it is proper and expected that you will take a local Levite along with you.

(28) Every third year: The tithings, together with the seventh year, the *Shemittah* year (the topic of the following passage), constitute a

cycle in which there are two three-year intervals – years 1-2-3 and years 4-5-6 – followed immediately by year 7, the *Shemittah*. In that year fields are not cultivated. All share equally in the harvest, and tithes are not separated.

In the first and second years of each of the three-year intervals (i.e., years 1, 2, 4, and 5 of the seven-year cycle), the tithe is eaten by its owners at the Temple, while in years 3 and 6 it is called *ma'sar `ani*, “the tithe of the poor,” as described by this verse.

You shall bring out the full tithe of your yield of that year, but leave it within your settlements: Literally, “in your gates.” That is, move the tithe to a public space, outside of your private property. (The term “your gates” in the Torah is very often synonymous with “your city.”)

(29) 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: Here all the poor and disadvantaged are treated as equally deserving, regardless of their lineage. One must give the same level of assistance to the poor Levite, to the orphan, to the widow, and to the indigent stranger. This is one of the most important principles of social justice in the Torah.

§ 12.4. THE *SHEMITTAH* YEAR, AND AIDING THE POOR (15:1-11)

א מִקֵּץ שִׁבְע־שָׁנִים תַּעֲשֶׂה שְׁמִטָּה: ב וְזֶה דְּבַר הַשְּׁמִטָּה שְׁמוֹת
כָּל־בְּעַל מִשָּׁה יָדוֹ אֲשֶׁר יֵשֶׁה בְּרֵעֵהוּ לֹא־יִגָּשׁ אֶת־רֵעֵהוּ וְאֶת־
אָחִיו כִּי־קָרָא שְׁמִטָּה לֵּי: ג אֶת־הַנִּכְרִי תִגָּשׁ וְאֲשֶׁר יִהְיֶה לָּךְ אֶת־
אֲחִידֶךָ תִּשְׁמַט יָדָךְ: ד אֶפֶס כִּי לֹא יִהְיֶה־בָּךְ אֲבִיּוֹן כִּי־בָרָךְ יִבְרַכְךָ
י' בְּאֶרֶץ אֲשֶׁר יִי אֱלֹהֶיךָ נָתַן־לָךְ נַחֲלָה לְרִשְׁתָּהּ: ה רַק אִם־שָׁמוּעַ
תִּשְׁמַע בְּקוֹל יִי אֱלֹהֶיךָ לְשֹׁמֵר לַעֲשׂוֹת אֶת־כָּל־הַמִּצְוָה הַזֹּאת אֲשֶׁר
אֶנְכִי מִצְוֶה הַיּוֹם: ו כִּי־יִי אֱלֹהֶיךָ בְּרַכְךָ בְּאֲשֶׁר דִּבֶּר־לְךָ וְהִעֲבַטְתָּ
גוֹיִם רַבִּים וְאַתָּה לֹא תַעֲבֹט וּמַשְׁלֵת בְּגוֹיִם רַבִּים וּבָךְ לֹא יִמְשְׁלוּ:
ז כִּי־יִהְיֶה בָּךְ אֲבִיּוֹן מֵאֲחִידֶךָ בְּאֶתֶד שְׁעִידֶךָ בְּאֶרֶץ אֲשֶׁר־יִי
אֱלֹהֶיךָ נָתַן לָךְ לֹא תֹאמַן אֶת־לִבְּךָ וְלֹא תִקַּפֵּן אֶת־יָדְךָ מֵאֲחִידֶךָ

הָאֲבוֹיוֹן: ה' כִּי־פָתַח תִּפְתָּח אֶת־יָדְךָ לּוֹ וְהָעֶבֶט תַּעֲבִיטְנוּ יְיָ מִחֲסָרוֹ
 אֲשֶׁר יִחְסַר לּוֹ: ט הַשְׁמַר לְךָ פֶּן־יִהְיֶה דְבָר עִם־לִבְבְּךָ בְּלֹאֵל לֵאמֹר
 קָרַבָּה שְׁנַת־הַשְּׁבַע שְׁנַת הַשְּׁמִטָּה וְרָעָה עֵינֶיךָ בְּאֹחִיד הָאֲבוֹיוֹן וְלֹא
 תִּתֵּן לּוֹ וְקָרָא עָלֶיךָ אֱלֹהֵי וְהָיָה בְּךָ חָטָא: י נָתַן תִּתֵּן לּוֹ וְלֹא־יִרָע
 לְבִבְךָ בַּתְּתִיךָ לּוֹ כִּי בְּגִלָּל | הַדָּבָר הַזֶּה יִבְרַכְךָ יי אֱלֹהֶיךָ בְּכָל־מַעֲשֶׂיךָ
 וּבְכָל מַשְׁלַח יָדְךָ: יא כִּי לֹא־יִחַדֵּל אֲבוֹיוֹן מִקְרֹב הָאָרֶץ עַל־כֵּן אֲנֹכִי
 מְצֻנֵּה לֵאמֹר פָּתַח תִּפְתָּח אֶת־יָדְךָ לְאֹחִיד לַעֲנִיךָ וּלְאֲבוֹנֶיךָ בְּאַרְצְךָ:

(15:1) Every seventh year you shall practice remission of debts.

(2) This shall be the nature of the remission: every creditor shall remit the due that he claims from his fellow; he shall not dun his fellow or kinsman, for the remission proclaimed is of the Lord.

(3) You may dun the foreigner; but you must remit whatever is due you from your kinsmen.

(4) There shall be no needy among you – since the Lord your God will bless you in the land that the Lord your God is giving you as a hereditary portion –

(5) if only you heed the Lord your God and take care to keep all this Instruction that I enjoin upon you this day.

(6) For the Lord your God will bless you as He has promised you: you will extend loans to many nations, but require none yourself; you will dominate many nations, but they will not dominate you.

(7) If, however, there is a needy person among you, one of your kinsmen in any of your settlements in the land that the Lord your God is giving you, do not harden your heart and shut your hand against your needy kinsman.

(8) Rather, you must open your hand and lend him sufficient for whatever he needs.

(9) Beware lest you harbor the base thought, “The seventh year, the year of remission, is approaching,” so that you are mean to your needy kinsman and give him nothing. He will cry out to the Lord against you, and you will incur guilt.

(10) Give to him readily and have no regrets when you do so, for in return the Lord your God will bless you in all your efforts and in all your undertakings.

(11) For there will never cease to be needy ones in your land, which is why I command you: open your hand to the poor and needy kinsman in your land.

(15:1) Every seventh year you shall practice remission of debts: Literally, “At the end of seven years you shall make a release.” The Hebrew term is *Shemittah*, from the verb *SH-M-T*, which means “to let go.” That verb appears in this passage as *shamot* (which, we note, is not related in any way to *shemot*, “names.”)

The Torah continues the themes of social justice and helping the poor that it began earlier, moving on here to the matter of forgiveness of standing debts. This entire discussion is a subtopic of the principle of holiness at the national level, in which aiding the weak and socially disadvantaged is deemed a value of paramount importance. Thus, as a means of achieving holiness, which is the theme taken up at the beginning of the previous chapter, the Torah stresses not the remission of sins, but the remission of debts.

In the books of Exodus (23:10) and Leviticus (25:1) the Torah commanded that every seventh year a *Shemittah* of the land must be observed. During that year it is forbidden to cultivate the land, for it is a “Sabbath for the earth.” Thus, the primary emphasis was on the ritual aspect. But there is a social aspect as well. Here, for the new generation of free people, it is the social and charitable aspects of the *Shemittah* year that come to the fore.

Seventh year: As already mentioned, the *Shemittah* year completes a pair of “tithing cycles” of three years each. Thus, the Torah is commanding to remit all unpaid charity at the end of every three years, and to forgive all debts every seven years. This is the path from simple charity to holiness.

Every seventh year: Literally, “At the end of seven years.”

The law of debt forgiveness goes into effect not at the beginning of the seventh year, but at its end. One reason for this is that during the entire the seventh year, the *Shemittah* year, the harvest is considered

common property, and offering any part of it for sale is forbidden. Since most of the population in the Land of Israel was engaged in agriculture, they had no income in the seventh year from their land allotments. But if a landowner, remaining idle from his agricultural labors, could earn sustenance from handicrafts or other forms of permitted work (like everyone else, he was allowed to eat of the crop that the fields and gardens produced without cultivation), then he could repay his debts by the end of the seventh year. But if he had no such work, then by the end of the seventh year his situation would have become especially dire. At that moment the Torah understands that he needs all the help he can get, and it makes such an allowance for him by commanding that the debts that he owes be forgiven.

(2) This shall be the nature of the remission: every creditor shall remit the due that he claims from his fellow; he shall not dun his fellow or kinsman, for the remission proclaimed is of the Lord: This man has done a good deed by lending money to a needy neighbor, and with no tangible benefit accruing to himself, since charging interest on loans to one's neighbor is generally forbidden by the Torah.²⁶ And now the Torah requires this creditor to step up and take the next step – to forgive the debt altogether.

The Torah protects property rights. It prohibits appropriating another person's property, and it requires the repayment of debts. But at the same time it limits any individual's right to property. He enjoys the rights of using it, but he does not own it in any absolute sense.

For the remission proclaimed is of the Lord: By acting righteously in the domain of fiscal relationships, a person advances spiritually and draws nearer to the Almighty.

(3) You may dun the foreigner; but you must remit whatever is due you from your kinsmen: The commentators point out that the *Shemittah* of the land – the prohibition of cultivating the land in the seventh year – does not apply to foreigners. Thus, following the line of reasoning expressed above, there is no need to extend the *Shemittah* of debts to him, i.e., to forgive his debts. On the other hand, that explana-

²⁶ See Exod. 22:24, Lev. 25:35, Deut. 23:20.

tion, which connects observance of *Shemittah* of the land with *Shemittah* of debts, works for agricultural people, but we cannot consider it complete, since the law requires forgiving the debts even of those kinsmen who are not engaged in agriculture. Rather, this difference in the law between foreigners and kinsmen should therefore be understood in terms of the contrast of “justice” vs. “mercy,” as we shall now explain.

The general requirement that debts must be repaid is in principle entirely just and moral. Moreover, there is nothing immoral or improper even in charging interest on a loan. If A has rendered a service to B by lending him money, which means that A now has no use of those funds for a significant interval, is it not fair that A should be compensated for that commensurately in the form of interest? (The modern global banking system, which is founded on just that principle – loans offered in exchange for the interest they earn – has benefited all of mankind with enormous socio-economic progress and a very high standard of living, even for the poor, compared to earlier centuries. Thus, that system must be deemed consistent with fundamental principles of morality.)

Therefore, the permission granted by the Torah to collect interest on loans given to people of other nations, and likewise permission not to forgive their debts in the *Shemittah* year, are both moral and just. This is not about discriminating against strangers, or condoning a bad attitude towards them; on the contrary, these allowances reflect relationships rooted in justice. But the prohibition of the Torah against collecting interest from one’s kinsman, and the requirement to remit one’s neighbor’s debts in the *Shemittah* year, should be viewed as much more than justice, for they are motivated by true mercy and brotherly relations.

(4-5) There shall be no needy among you – since the Lord your God will bless you in the land that the Lord your God is giving you as a hereditary portion – if only you heed the Lord your God and take care to keep all this Instruction that I enjoin upon you this day: Only a little later the Torah will say just the opposite: “For there will never cease to be needy ones in your land” (Deut. 15:11). The Midrash therefore connects Deut. 15:4 and 5, and sees a condition here: if you will heed the Almighty and keep His instructions, then there shall be no needy among you. But if you fail to meet those conditions, then there will never cease to be needy ones in your land.

It is also possible, however, that this apparent contradiction is actually describing a permanent economic duality. The needy disappear everywhere, but are also ubiquitous everywhere, because as society develops, absolute poverty (which makes it physically impossible to survive) almost disappears, while relative poverty (the poor as compared with the wealthy) is always preserved.

(6) For the Lord your God will bless you as He has promised you: you will extend loans to many nations, but require none yourself; you will dominate many nations, but they will not dominate you: A person who borrows from another becomes dependent on him. Therefore, a blessing is bestowed that will make borrowing unnecessary. But loans will be given to the people of many other nations.

(7) If, however, there is a needy person among you, one of your kinsmen in any of your settlements in the land that the Lord your God is giving you, do not harden your heart and shut your hand against your needy kinsman: In the matter of distribution of charity there is a well-established Torah principle – the poor of your own city take priority over those of other cities. We must always help those closest to us first, and those who are farther away only after that. The rationale for this is not that strangers are somehow less worthy than neighbors, but that a person better understands the problems of people whom he sees regularly and knows well. Charity therefore operates more efficiently within a given civil or social domain.

(8) Rather, you must open your hand and lend him sufficient for whatever he needs: Helping a neighbor begins with giving him an interest-free loan, not with an outright gift. An entirely free welfare system for the poor quickly corrupts the recipients, who lapse into idleness. But interest-free loans motivate them to work in order to pay back what they have received.

Only if the needy individual's situation has not improved, and he is still unable to repay the loan, will the *Shemittah* year then cancel his debt outright. Thus, the desperately poor eventually receive a benefit from society, but it is not a permanent benefit and it is not given immediately. Those who have the opportunity to get back on their feet are

expected to strive for that, because it is they who will most benefit from that in the long run.

(9) Beware lest you harbor the base thought, “The seventh year, the year of remission, is approaching,” so that you are mean to your needy kinsman and give him nothing. He will cry out to the Lord against you, and you will incur guilt: The fact that the Torah here obliges the people to extend loans even immediately before *Shemittah* is indicative of a high level of social morality. As noted earlier, forgiving debts in the *Shemittah* year is not just a simple charity, but a sublime charity that leads to holiness. But with that said, any attempt to elevate oneself is fraught with danger. In trying to rise to a level that is beyond a person’s abilities, he might not manage even to remain at the level where he is today. And thus, the obligation to forgive debts can easily lead a person, even a person of means, to refuse to lend money at all as the *Shemittah* year approaches. This is a reality of human nature.

Tradition eventually realized that the poor are often so desperate for loans that they would be willing to receive those funds even under more difficult terms; that is, without the dispensation that the Torah provides for remission of their debts in *Shemittah* – because this is clearly more advantageous to them than not receiving loans at all. Toward the end of the Second Temple period (516 BCE–70 CE), it turned out that many of the people who were capable of giving loans were refraining from doing so, fearing the forgiveness of debts in the seventh year. Hillel the Elder, the leading sage of that era, therefore established the institution of *prozbul*, a legal enactment that provides that the obligation on the borrower to repay any loan received will remain in force, despite *Shemittah*.

(10) Give to him readily and have no regrets when you do so, for in return the Lord your God will bless you in all your efforts and in all your undertakings: When granting a loan, the lender must not give the appearance that it is difficult for him to part with the money, or that he fears that the loan will not be repaid. Besides doing the right thing, he must also do it with a light heart. The Almighty’s blessings will then reimburse him for any costs he might incur.

(11) For there will never cease to be needy ones in your land, which is why I command you: open your hand to the poor and

needy kinsman in your land: The ideal was described above – the people strictly observe the commandments, and the Divine blessing provides everyone with sufficient income. But here we are dealing not with the ideal, but the reality – people do sometimes behave badly, and therefore poverty will never disappear. In such circumstances one must be merciful toward one's neighbor and do everything possible to help him.

§ 12.5. LIMITS ON THE TERMS OF SLAVERY (15:12-18)

יב כִּי־יִמְכַר לְךָ אֶחָיִךְ הָעִבְרִי אוֹ הָעִבְרִיָּה וְעַבְדְּךָ שֵׁשׁ שָׁנִים וּבִשְׁנָה
הַשְּׁבִיעִת תְּשַׁלְּחֶנּוּ חֲפָשִׁי מֵעִמְךָ: יג וְכִי־תִשְׁלַחְנֻהוּ חֲפָשִׁי מֵעִמְךָ לֹא
תִשְׁלַחְנֻהוּ רֵיקָם: יד הָעֲנִיֹק תַעֲנִיֵק לוֹ מִצֹּאֲנֶךָ וּמִגִּרְנֶךָ וּמִיִּקְבֶּךָ אֲשֶׁר
בִּרְכָּךָ יי אֱלֹהֶיךָ תִתֶּן־לוֹ: טו וְזָכַרְתָּ כִּי עֶבֶד הָיִיתָ בְּאֶרֶץ מִצְרַיִם
וַיִּפְדֶּךָ יי אֱלֹהֶיךָ עַל־כֵּן אֲנֹכִי מְצִוֶּה אֶת־הַדָּבָר הַזֶּה הַיּוֹם: טז וְהָיָה
כִּי־יֵאמֶר אֵלֶיךָ לֹא אֵצֵא מֵעִמְךָ כִּי אֶהְבֶּךָ וְאֶת־בֵּיתְךָ כִּי־טוֹב לוֹ
עִמְךָ: יז וְלִקַּחְתָּ אֶת־הַמִּרְצָע וְנִתְּתָהּ בְּאָזְנוֹ וּבִדְלָת וְהָיָה לְךָ עֶבֶד
עוֹלָם וְאִם לֹא־מָתָךְ תַעֲשֶׂה־כֵן: יח לֹא־יִקָּשֶׁה בְּעֵינֶיךָ בְּשַׁלְּחֶךָ אֹתוֹ
חֲפָשִׁי מֵעִמְךָ כִּי מִשְׁנֵה שָׂכָר שְׂכִיר עַבְדְּךָ שֵׁשׁ שָׁנִים וּבִרְכָּךָ יי
אֱלֹהֶיךָ בְּכֹל אֲשֶׁר תַעֲשֶׂה:

(12) 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.

(13) When you set him free, do not let him go empty-handed:

(14) Furnish him out of the flock, threshing floor, and vat, with which the Lord your God has blessed you.

(15) 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.

(16) But should he say to you, "I do not want to leave you" – for he loves you and your household and is happy with you –

(17) you shall take an awl and put it through his ear into the door, and he shall become your slave in perpetuity. Do the same with your female slave.

(18) 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.

(12) If a fellow Hebrew, man or woman, is sold to you: The passive construction, “Is sold to you,” is very neutral – the Torah does not specify under what circumstances he was sold. Perhaps he sold himself into slavery because he had no means to support himself. Or perhaps he is a thief sold by the court as payment for the loss his theft had caused: “He must make restitution; if he lacks the means, he shall be sold for his theft” (Exod. 22:2).

Halachically speaking, since the case of a person selling himself into temporary slavery has already been discussed elsewhere in the Torah (Lev. 25:39), the situation here concerns a person who is sold by the court. From the context, however, we can also understand it to mean that the person has sold himself into slavery, and the Torah is further developing here the topic of social assistance. The immediately preceding sections were about loans to the poor. But now the Torah moves on to an even more drastic situation, in which neither the granting of a loan nor the cancellation of debts will enable the person to get back on his feet, and he has therefore decided to sell himself into temporary slavery.

He shall serve you six years, and in the seventh year you shall set him free: Forgiveness of debts happens at the end of seven years, in the *Shemittah* year. And in a similar manner, slaves go free in the seventh year from the onset of their servitude. Thus, this is the second option for liberating a person who has degraded into a state of full dependency on others.

A fellow Hebrew, man or woman: Even much earlier (Exod. 21:2) the Torah spoke of this limitation on the period of slavery. But here two new details are added.

- (i) This verse says, “a fellow Hebrew, man or woman,” emphasizing that these laws apply equally to men and women. This conforms

to the overall approach of the book of Deuteronomy, in which the status of women is higher than it was in previous books of the Torah.²⁷

- (ii) A new principle appears here: “When you set him free, do not let him go empty-handed: Furnish him out of the flock, threshing floor, and vat, with which the Lord your God has blessed you” (Deut. 15:13-14). This is essential for enabling the former slave to become self-sufficient once again. This was not an issue for the generation that left Egypt, but it is highly relevant to this generation, a society of free people.

(13) When you set him free, do not let him go empty-handed: During all this time that he has been working for his master, he has been unable to address his own needs. The master should actively and generously acknowledge this with a bountiful gift at the end of the slave’s period of indenture.

(14) Furnish him out of the flock, threshing floor, and vat, with which the Lord your God has blessed you: He must be given the things that are essential for beginning a new, independent life. While living in his master’s house for six years he has seen how a normal household is managed. In light of that experience, it is hoped that he will now be able to use these gifts in order to provide for himself.

(15) 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 left Egypt, “the house of bondage,” God gave you gifts in the form of gold and silver taken from the Egyptians (Exod. 12:35-36). Now you must do the same for your slave who is going free, in accordance with the principle of *imitatio Dei* – behaving as God behaves (see the commentary on Deut. 7:19 earlier).

(16) But should he say to you, “I do not want to leave you” – for he loves you and your household and is happy with you: Jewish

²⁷ We have seen an example of this in the Ten Commandments. See the *Bible Dynamics* commentary to Deut. 5:18 earlier.

slavery, unlike other forms of slavery in the ancient world, could please a person even to such a degree that he does not want his freedom.

A person who sold himself into slavery, or was sold by the court, did not become the property of his master. Rather, slavery was a worker-for-hire relationship. The master provided for his slave's essential needs, but the slave did not forfeit his human rights at any level.

This picture is very different from how we usually envision slavery. The patriarchal slavery of the Torah bore no resemblance whatsoever to the industrial slavery of Greece and Rome that we know from the literature of those civilizations, in which slaves were considered true property, and subject to a wide variety of abuses, some even quite heinous, at the hands of their owners.

(17) You shall take an awl and put it through his ear into the door, and he shall become your slave in perpetuity. Do the same with your female slave: The law of piercing the ear of a slave who chooses not to go free has already been stated in Exodus (21:6, see the *Bible Dynamics* commentary there). The difference between the two descriptions is that in Exodus the situation is considered from the perspective of the slave and his rights. A primary motivation mentioned there for the slave's desire to remain a slave is his love for the woman, a Canaanite maidservant, whom the owner has given him as his wife (and who would not go free with him, if he were to exercise that option for himself). In the eyes of the Exodus generation, protecting the basic rights of the slave is paramount. But here in Deuteronomy, the situation is considered from the point of view of the master's obligations. (He must allow the slave to go free, he must bestow gifts upon him at his departure, he must not be aggrieved by having to free the slave, and so on.) From this perspective, the actual reason why a slave might choose to forego his freedom is not all that important; all such reasons are summarized in the one explanation the Torah provides here: "For he loves you and your household and is happy with you." Nevertheless, that desire is worthy of condemnation, in the form of a humiliating ear-piercing ceremony.

You shall take an awl and put it through his ear: "Through his ear" means through the ear lobe.

And he shall become your slave in perpetuity: But even so, “in perpetuity” means not in the literal sense, but only until the next Jubilee year of the fifty-year Jubilee cycle. All slaves must then go free, even against their own wishes (Lev. 25:10).

Do the same with your female slave: “Do the same” refers only to the endowment of gifts that she is entitled to receive, but not to the piercing of the ear, which does not apply to female slaves.

(18) 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: Although you paid for this slave when you got him, and you are also giving him generous gifts as he departs, it is all still a win for you economically. Because, if you are willing to see only the positive in this situation, and to rejoice in your slave’s liberation, the Almighty will reward you for that with success in all your endeavors.

§ 12.6. FIRSTLINGS OF LIVESTOCK (15:19-23)

יט כָּל־הַבְּכוֹר אֲשֶׁר יוֹלֵד בַּבֶּקֶרֶךְ וּבַצֹּאֲנָה הַזָּכָר תִּקְדָּשׁ לַיהוָה
 לֹא תַעֲבֹד בַּבֶּקֶר שׁוֹרֶךְ וְלֹא תִגְזַז בְּכוֹר צֹאֲנֶךָ: כ לִפְנֵי יְיָ אֱלֹהֶיךָ
 תֹּאכְלֶנּוּ שָׁנָה בְּשָׁנָה בַּמָּקוֹם אֲשֶׁר־יִבְחָר יְיָ אֱתָהּ וּבִיתְךָ: כא וְכִי־
 יִהְיֶה בּוֹ מוֹם פֶּסֶחַ אוֹ עוֹר כֹּל מוֹם רָע לֹא תִזְבְּחֶנּוּ לַיהוָה:
 כב בְּשַׁעֲרֶיךָ תֹּאכְלֶנּוּ הַטֶּמֶא וְהַטְּהוֹר יַחְדָּו כַּצִּי וְכַאִיל: כג רַק אֶת־
 דָּמּוֹ לֹא תֹאכַל עַל־הָאָרֶץ תִּשְׁפְּכֶנּוּ כַּמֵּים:

(19) You shall consecrate to the Lord your God all male firstlings that are born in your herd and in your flock: you must not work your firstling ox or shear your firstling sheep.

(20) You and your household shall eat it annually before the Lord your God in the place that the Lord will choose.

(21) But if it has a defect, lameness or blindness, any serious defect, you shall not sacrifice it to the Lord your God.

(22) Eat it in your settlements, the unclean among you no less than the clean, just like the gazelle and the deer.

(23) Only you must not partake of its blood; you shall pour it out on the ground like water.

(19) You shall consecrate to the Lord your God all male firstlings that are born in your herd and in your flock: The laws of aiding the poor were a continuation of the theme of “tithing for the poor,” and thus interrupted the discussion of sacrifices brought to the Temple. The Torah now returns to them, and continues its coverage of tithes and other offerings that are eaten at the Sanctuary.

You must not work your firstling ox or shear your firstling sheep: The idea that all the firstborns of livestock belong to the Almighty is associated with one of the most important events in the Exodus story. On the very eve of the Exodus, as the last of the ten plagues that God brought upon the Egyptians, all their firstborns, including even the firstborns of their livestock, perished. But the firstborns of Israel, including their livestock, were unaffected. Accordingly, the book of Exodus (13:2, 22:29) establishes that every firstborn of livestock belongs to the Almighty. As this verse states, any such firstborn may not be put to ordinary use; rather, it must be offered as a sacrifice in the Temple.

In this respect, a firstling of cattle and of flocks is sacred like other “firsts,” such as human firstborns who must be redeemed from a *kohen*, the first fruits of the harvest, the first portion of dough (*challah*), and others.

(20) You and your household shall eat it annually before the Lord your God in the place that the Lord will choose: A firstborn symbolizes abundance. When one eats a firstborn animal, he is eating meat that belongs not to him, but to the Almighty. Therefore, eating such an animal requires special conditions of holiness to be observed.

As noted previously, in the book of Numbers (18:15), the commandment to eat the firstborns of livestock is addressed to the *kohanim*, the priests: “The first issue of the womb of every being, man or beast, that is offered to the Lord, shall be yours.” But here the same instruction is addressed to every Israelite: “You and your household shall eat it annually before the Lord your God.” Thus, there is an apparent contradiction.

Halachically, this contradiction is resolved such that the *kohanim* eat the firstborn animals on behalf of the Jews who bring those firstborns

to the Temple. But at the level of Torah ideals, this is simply a matter of how the thing should be viewed, even if it differs from the reality: every individual must sense within himself the potential of being a member of the priesthood. Thus, the Torah is saying: for a brief interval you become a Levite, as it were, when you eat at the Temple the tithe (“second tithe,” see Deut. 14:23) that you have brought there. And thus, with respect also to the firstborns of your cattle and flock, although you do not physically become a kohen to be able to eat those firstborns, that same ideal should guide you.

(21) But if it has a defect, lameness or blindness, any serious defect, you shall not sacrifice it to the Lord your God: This requirement applies not only to firstlings of cattle and flocks, but to all sacrifices. Only perfect animals that are entirely without blemish may be offered on the altar (see Lev. 22:17-25).

(22) Eat it in your settlements, the unclean among you no less than the clean, just like the gazelle and the deer: If a firstling of livestock is born with (or later acquires) some form of material bodily defect, it cannot be sacrificed. Thus it loses its special status, and may be eaten in the manner of ordinary meat.

(23) Only you must not partake of its blood; you shall pour it out on the ground like water: Although this firstborn, once a potential sacrifice, has now become ordinary meat because of its blemish, and its blood can no longer be offered on the altar, the prohibition of eating its blood remains in force nonetheless.

§13. THE PILGRIMAGE FESTIVALS

§ 13.1. PASSOVER (16:1-8)

א שְׁמוֹר אֶת־חֹדֶשׁ הָאָבִיב וְעָשִׂיתָ פֶּסַח לַיהוָה אֱלֹהֶיךָ כִּי בְחֹדֶשׁ
הָאָבִיב הוֹצִיאָךְ יְיָ אֱלֹהֶיךָ מִמִּצְרַיִם לַיְלָה: ב וְזָבַחְתָּ פֶסַח לַיהוָה
צֹאן וּבָקָר בַּמָּקוֹם אֲשֶׁר־יִבְחָר יְיָ לְשָׁכֵן שְׁמוֹ שָׁם: ג לֹא־תֹאכַל עָלָיו
חֵמֶץ שִׁבְעַת יָמִים תֹּאכַל־עָלָיו מִצּוֹת לֶחֶם עֲנִי כִּי בַחֲפוּזִין יֵצְאֶת
מִמִּצְרַיִם לְמַעַן תִּזְכֹּר אֶת־יוֹם צֵאתְךָ מֵאֶרֶץ מִצְרַיִם כֹּל יְמֵי
חַיֶּיךָ: ד וְלֹא־יֵרָאָה לָךְ שְׂאֵר בְּכָל־גִּבְלֶךָ שִׁבְעַת יָמִים וְלֹא־יֵלִין מִן־
הַבָּשָׂר אֲשֶׁר תִּזְבַּח בָּעֶרֶב בַּיּוֹם הָרִאשׁוֹן לַבֹּקֶר: ה לֹא תֹאכַל לְזִבְחֶךָ
אֶת־הַפֶּסַח בִּאֲתָד שְׂעָרֶיךָ אֲשֶׁר־יְיָ אֱלֹהֶיךָ נָתַן לָךְ: ו כִּי אִם־אֵל־
הַמָּקוֹם אֲשֶׁר־יִבְחָר יְיָ אֱלֹהֶיךָ לְשָׁכֵן שְׁמוֹ שָׁם תִּזְבַּח אֶת־הַפֶּסַח
בָּעֶרֶב כִּבּוֹא הַשֶּׁמֶשׁ מִזְעֵד צֵאתְךָ מִמִּצְרַיִם: ז וּבִשְׁלָתָּ וְאָכַלְתָּ
בַּמָּקוֹם אֲשֶׁר יִבְחָר יְיָ אֱלֹהֶיךָ בּוֹ וּפְנִיתָ בַּבֹּקֶר וְהִלַּכְתָּ לְאֶהֱלֶיךָ:
ח שֵׁשֶׁת יָמִים תֹּאכַל מִצּוֹת וּבַיּוֹם הַשְּׁבִיעִי עֲצַרְתָּ לַיהוָה אֱלֹהֶיךָ לֹא
תַעֲשֶׂה מְלָאכָה:

(16:1) Observe the month of Abib and offer a passover sacrifice to the Lord your God, for it was in the month of Abib, at night, that the Lord your God freed you from Egypt.

(2) You shall slaughter the passover sacrifice for the Lord your God, from the flock and the herd, in the place where the Lord will choose to establish His name.

(3) You shall not eat anything leavened with it; for seven days thereafter you shall eat unleavened bread, bread of distress – for you departed from the land of Egypt hurriedly – so that

you may remember the day of your departure from the land of Egypt as long as you live.

(4) For seven days no leaven shall be found with you in all your territory, and none of the flesh of what you slaughter on the evening of the first day shall be left until morning.

(5) You are not permitted to slaughter the passover sacrifice in any of the settlements that the Lord your God is giving you;

(6) but at the place where the Lord your God will choose to establish His name, there alone shall you slaughter the passover sacrifice, in the evening, at sundown, the time of day when you departed from Egypt.

(7) You shall cook and eat it at the place that the Lord your God will choose; and in the morning you may start back on your journey home.

(8) After eating unleavened bread six days, you shall hold a solemn gathering for the Lord your God on the seventh day: you shall do no work.

(16:1) Observe the month of Abib and offer a passover sacrifice: The *Shalosh Regalim*, the three pilgrimage (or “ascension”) festivals are mentioned multiple times in the Torah. Each book deals with the aspects of those festivals that correspond to the central theme of that particular book. In Exodus (23:14 ff.) the three pilgrimage festivals are established as features of Jewish statutory legislation. In Leviticus (23:4 ff.) those same festivals are presented as the link between the earthly and the heavenly domains. Numbers (28:16 ff.) details the special sacrifices that must be offered on those festivals (i.e., above and beyond the daily, weekly, and monthly sacrifices). And finally, here in Deuteronomy the following sections emphasize the importance of these festivals for establishing a national religious center.

In these sections the focus is on those new aspects of the pilgrimage festivals that relate specifically to the life of the Jewish people in the Land of Israel. There is therefore no mention of the holy days and holidays that were observed even in the wilderness (Shabbat, Rosh Hashanah, and Yom Kippur). Only the three pilgrimage holidays – Passover, Shavuot, and Sukkot – are discussed. The *Shalosh Regalim* emphasize

the mitzvah of *re'iyah* – appearing before the Almighty at His Temple: “Three times a year ... all your males shall appear before the Lord your God in the place that He will choose” (Deut. 16:16). This commandment mandates a periodic gathering at the national religious center, with the objective of renewing the people’s sense of unity with God and assuring its preservation for the future.

The pilgrimage festivals have a double meaning. Each is associated not only with an event that occurred during the Exodus, but with a particular phase of the harvest in the annual agricultural cycle. Thus, these festivals serve as a bridge connecting the everyday, economic life of the Jewish people with their historic mission.

The month of Abib: Abib (Hebr., *aviv*) is the first month of the Jewish calendar, which later came to be known as Nisan. It is the month in which the Exodus happened, and therefore the month in which Pesach – Passover – is celebrated.

The barley crop is already ripe by this time, and its harvest is celebrated on Passover, as expressed in the commandment (Lev. 2:14-16, 23:9 ff.) to bring an omer (an ancient unit of dry measure) of the new barley crop as a meal offering in the Temple.

Observe the month of Abib: The Torah’s calendar is lunisolar: its months are determined by the moon, but its years by the sun. Thus, “observing the month of Abib” means that this month must always be made to coincide with the maturation of the grain crop, which is obviously a function of the solar, not the lunar, calendar.

Keeping the lunisolar calendar synchronized with both the sun and the moon takes some doing, because twelve lunar months are about ten days shorter, astronomically speaking, than twelve solar months. (The length of an astronomical lunar month is, on average, about 29 days, 12 hours, and 44 minutes. Thus, twelve such months amount to approximately 354.4 days, as compared with an average solar year of about 365.25 days.)

“Observing” (or preserving) the month of Abib as required by this verse means that the Jewish calendar must be adjusted periodically to assure that it remains synchronized with the natural (solar) cycle, so

that Passover will always be observed in springtime. In the Temple period this was achieved as follows.

If in the given year the grain had already ripened to the stage of *aviv*, then the Sanhedrin (the supreme Jewish court) allowed the thirteenth month following the previous Nisan to be Nisan again in the normal manner. (As signs that spring had indeed arrived, the Oral Torah adds: spring could be felt in the air, the sun was now high in the sky, and the roads had already dried up after the winter rains. This last condition was essential, because Passover is one of the three pilgrimage festivals, and Jews would have to travel from far and wide to celebrate the holiday in Jerusalem. Making such a trek on wet roads would present an undue hardship for them.)

If, however, in the given year, spring had not yet arrived, and the grains were not yet sufficiently ripe, an additional month was intercalated, thus giving the previous year a thirteenth month. The arrival of Nisan, and Passover, would thus be postponed for another month, until the *aviv*, the spring, was firmly in place.

Sometime after the destruction of the Second Temple in 70 CE, the “observation-based” Jewish calendar just described was replaced by a mathematically determined, “fixed” Jewish calendar. Thus, the mechanism for establishing when Passover will be celebrated each year is now very different, but the underlying principle, of assuring that Passover will always be observed in springtime, never in winter, remains paramount. Every two or three years a thirteenth month is intercalated to “postpone” Passover, in order to assure that it will be observed at its proper time within the solar cycle.

And offer a passover sacrifice to the Lord your God: It should be noted that the word “sacrifice” does not appear here in the Hebrew, which merely reads, “And offer a *pesach* to the Lord your God.” In Temple times, *pesach* meant, first and foremost, the “Passover sacrifice,” and only tangentially, we could say, the festival itself that bears the name of that sacrifice.

How was the Passover sacrifice performed? Each family would slaughter a goat or a lamb on the eve of the holiday. A priest would sprinkle its blood on the altar in the manner of all animal sacrifices.

Then, after nightfall, the head of household would partake of the meat of the sacrifice together with his family, and anyone else whom he had invited in advance.

Note that the Passover sacrifice was not eaten by a priest, but by the person who had brought it as a sacrifice, together with his household. Once again, this emphasizes that every Jew incorporated within himself or herself a “priestly aspect.” And that is why the description of this festival, and thus of this chapter’s sequence of festivals, begins with the Passover sacrifice as a meal of holiness.

For it was in the month of Abib, at night, that the Lord your God freed you from Egypt: The Exodus did not take place at just any time of the year, but in the springtime specifically, and this is by design, because the Exodus symbolizes as it were, “the springtime of mankind.”

For it was ... at night, that the Lord your God freed you from Egypt: The book of Exodus (12:31) records that during the night preceding the Exodus, Pharaoh had already granted permission to the Jewish nation to leave Egypt. From that moment Israel became free and independent (notwithstanding that the actual, physical Exodus commenced only in the morning, see Exod. 12:51).

This aspect – “For it was ... at night, that the Lord your God freed you from Egypt” – is given particular emphasis in the Passover Haggadah, in traditional Passover hymns, and other written sources that characterize the holiday’s key features. In other words, Pharaoh’s consent itself is seen as the onset of the actual Exodus. The focus of Passover holiday is more on this fundamental change in Israel’s situation than on its consequence in the form of their physical liberation from slavery.

(2) You shall slaughter the passover sacrifice for the Lord your God, from the flock and the herd: This seems to contradict the book of Exodus, which states clearly that the Passover sacrifice must be brought only from lesser livestock, that is, sheep or goats: “Your lamb shall be without blemish, a yearling male; you may take it from the sheep or from the goats” (Exod. 12:5).

To resolve this apparent inconsistency, the Halachah explains that “from the herd” refers not to the *Pesach* sacrifice, but to the *Korban Chagigah*, the “celebratory sacrifice” that was offered likewise on the eve of

Passover (but is in fact a feature of all the pilgrimage festivals, and not only of *Passover* specifically). Thus, the festive meal would include not just one but two types of meat: “of the flock” (a sheep or goat as the Pesach sacrifice), and “of the herd” (cattle, as the *Chagigah* sacrifice).

So far as the straightforward meaning of this verse is concerned, however, there is no mention of a *Chagigah*. Rather, the text seems to be saying that cattle may in fact be used even for the Passover sacrifice itself. This emphasizes the abundance of the festive meal, corresponding to the general approach of this weekly portion *Re’eh*, which stresses the importance of serving the Almighty from a position of abundance and wealth. It is this principle, apparently, that the Torah here wishes to convey, even if the Oral Torah rules that in practice the Pesach sacrifice must not be brought from cattle.

In the place where the Lord will choose to establish His name:

This directive is primary here. Proper execution of the Passover sacrifice is possible only in the context of the national religious center. This motif of a central sanctuary that the Almighty chooses and designates is stressed many times in this section, and especially in connection with the observance of the three pilgrimage festivals.

(3) You shall not eat anything leavened with it; for seven days thereafter you shall eat unleavened bread, bread of distress: This law repeats the requirements of Passover as stated earlier. But here the emphasis is on the contrast with other prevalent (but erroneous) attitudes toward material success. The correct approach, as expressed by the Torah here, is that despite today’s abundance and wealth, the Jewish people must remember their origins amid the poverty of Egypt.

For you departed from the land of Egypt hurriedly: Matzah, the unleavened bread eaten on Passover, recalls not only the poverty of Egypt, but also the haste of the departure: “And they baked unleavened cakes of the dough that they had taken out of Egypt, for it was not leavened, since they had been driven out of Egypt and could not delay; nor had they prepared any provisions for themselves” (Exod. 12:39).

Chippazon, the Hebrew word used here to denote “haste,” is quite uncommon. It appears in all of Tanakh in only three places: here in Deuteronomy, once in the book of Exodus (12:11) with reference to the

Passover sacrifices that were offered in Egypt at the Exodus itself, and once more in the book of Isaiah (52:12). In Exodus and Deuteronomy the word *chippazon* relates to the *ge'ulah rishonah*, the “initial redemption” (that is, the Exodus from Egypt), which happened hurriedly. But in Isaiah, the same word is used to describe the *ge'ulah acharonah*, the “final redemption” that will occur with the arrival of the Messiah. Of that final deliverance Isaiah says: “For you will not depart in haste, Nor will you leave in flight; For the Lord is marching before you, The God of Israel is your rear guard” (Isa. 52:12). Thus, for the liberation from Egypt, haste is characteristic, but for the Messianic redemption – on the contrary – gradualness is key. Since, as indeed Isaiah says, the Almighty Himself will be marching up ahead, surely, He would not do so hurriedly. In haste there is something unbecoming of a king, who would certainly not march that way. This would seem to imply that the hasty Exodus from Egypt was in a certain sense problematic.

Rabbi Judah Loew ben Bezalel of Prague (d. 1609), more commonly known as the *Maharal*,²⁸ explains that any natural, social process takes time. It must proceed gradually, because it requires significant preparation. Specifically, the society that will be affected by that process must be ready for it. Conversely, a supernatural event does not require such time or preparation or gradualness, because it is, inherently, a violation of the natural order of things. Thus, the haste of the Exodus is indicative of the supernatural, miraculous nature of that event.

Paradoxically, however, every miracle has a major shortcoming – it contradicts and negates nature, because nature cannot participate in a miracle. Therefore, a miraculous phenomenon cannot embrace the entire world and all of mankind. Thanks to a miracle, the Exodus from Egypt, the Jewish people achieved their *ge'ulah* (deliverance). But the rest of the world, who could not be redeemed along with Israel, only remained at the same level where they had been all along. In other words, in Egypt so long ago, the Exodus, and the miracles that occurred to make

²⁸ The *Maharal* was a prominent rabbinical authority of the sixteenth century, and one of the most important Jewish philosophers of that era. *Maharal* is the Hebrew acronym of *Moreinu ha-Rav Loew*, “Our Teacher, Rabbi Loew.”

it possible, were an “affront” to nature itself. But in the future, several thousand years after the Exodus, nature will “take comfort” by participating in the process of the Messianic redemption that will embrace all of mankind. However, this process must take place naturally, and therefore, not hurriedly, but only gradually.

Thus, the commandment to eat only matzah on Pesach indeed glorifies the Almighty, by serving as a reminder of the Exodus. But it also highlights the shortcomings of the Exodus. In this way the matzah links the past with the future, the Messianic redemption, which will correct those shortcomings.

So that you may remember the day of your departure from the land of Egypt as long as you live: At the Passover meal, which later became known as the Passover Seder, the main dish is the Passover sacrifice, accompanied by matzah: “They shall eat the flesh that same night; they shall eat it roasted over the fire, with unleavened bread and with bitter herbs” (Exod. 12:8).

However, the meat of the Pesach sacrifice is eaten only on the first night of Passover, while the eating of matzah, which began as an accompaniment to the sacrifice on the first night, then continues for an entire week. Thus, its taste will remain in the mouth even the whole year through. Thus is realized the commandment, “So that you may remember the day of your departure from the land of Egypt as long as you live.” The week that Israel eats no leaven, but only matzah, is highly memorable. It creates, in this sense, the “aftertaste of the Passover sacrifice.” In human life, the aftertaste of a “food” (i.e., anything we consume, in all possible senses of that word) is profoundly significant, because it so often determines our attitude toward a multitude of other phenomena as well.

(4) For seven days no leaven shall be found with you in all your territory: Literally, “For seven days no leaven shall be seen with you in all your territory.” The categorical rejection of leaven during the week of Passover, such that it is not even visible anywhere in any Jewish habitation, intensifies the role of the matzah as an aftertaste of the Passover sacrifice.

And none of the flesh of what you slaughter on the evening of the first day shall be left until morning: This refers to the Passover sacrifice, which is slaughtered on the eve of the festival, to be eaten after nightfall. As Rashi explains here in his commentary, “the first day” here means not the fifteenth of Nisan, the first day of Passover, but the day before, the fourteenth of Nisan, when the sacrifice is slaughtered.

None shall be left until morning: The Torah sets a very restrictive “best if used before” expiration date for all sacrifices, after which they may no longer be eaten. Most sacrifices may be eaten for either one or two days. But for the Passover sacrifice that period is even shorter. None of its meat may remain until morning.

There are two reasons that the Torah has established a generalized (if somewhat variable) restriction on the interval for eating sacrificial meat. Firstly, so that the person who brings the sacrifice will not delay in eating it. (As if to say, “I’m in no hurry with this; I’ll get to it whenever,” which would be disrespectful to the sacrifice and its sanctity.) The second reason for limiting the period for eating sacrifices is to encourage the person bringing the sacrifice, rather than eating it all himself or with his small family, to invite others, even a large group, to partake.²⁹ At the Passover Seder that second aspect is especially important, because it strengthens a sense of unity among the people who were born as a nation on this day.

(5) You are not permitted to slaughter the passover sacrifice in any of the settlements that the Lord your God is giving you: The obligation to come to the Temple and to celebrate Passover there is further reinforced by the explicit prohibition against bringing the Passover sacrifice in a local city or community.

²⁹ The widespread misconception that these time restrictions were put in place so that the meat would not putrefy in the prevailing hot climates is entirely indefensible. Methods of meat preservation (drying, salting, etc.) were well known in the ancient Middle East. Moreover, this alleged concern for health completely fails to explain why the permitted interval for consuming sacrificial meat varies according to the sacrifice. Some sacrifices must be consumed within two days, some only on the same day, and the Passover sacrifice only until daybreak.

(6) But at the place where the Lord your God will choose to establish His name, there alone shall you slaughter the passover sacrifice, in the evening, at sundown, the time of day when you departed from Egypt: The special place for the Passover celebration is further coupled with a special time for the sacrifice as well. No fewer than three different points of time are indicated: “in the evening”; “at sundown”; “the time of day when you departed from Egypt.” Tradition understands this as three actions that must be performed at the Temple:

- (i) “In the evening” the Passover sacrifice is slaughtered and roasted. This is the interval from noon until sunset, which is the halachic meaning of the Hebrew word *erev*, translated here as “evening.”
- (ii) “At sundown” refers to the meal. At this time the attendees come together to eat the meat of the sacrifice.
- (iii) “The time of day when you departed from Egypt,” is understood to mean by morning. At that time the uneaten remains of the Passover sacrifices are consigned to the flames, in accordance with the commandment: “You shall not leave any of it over until morning; if any of it is left until morning, you shall burn it” (Exod. 12:10).

Significantly, these three points in time correspond also to the three stages of the actual, historical Exodus from Egypt, as follows:

- (i) “In the evening” – more precisely, the preceding day, i.e., the afternoon of the day before the Exodus – the Israelites in Egypt slaughtered their Passover sacrifices, thus symbolically slaughtering the Egyptian deities, as it were. In a certain sense, this was the turning point that was the psychological Exodus.
- (ii) “At sundown,” i.e., at nightfall, the Egyptian firstborns were smitten, and Pharaoh consented to allow the Jewish nation to leave Egypt.
- (iii) “The time of day when you departed from Egypt,” i.e., the morning, when the actual physical Exodus occurred.

Thus, the general provision as stated above, “For it was ... at night, that the Lord your God freed you from Egypt” (Deut. 16:1) is elaborated here in detail, by dividing it into three stages, each of which is worthy of note during the Passover celebration.

(7) You shall cook and eat it at the place that the Lord your God will choose: The commandment, “You shall cook” seems strange, given that the book of Exodus states explicitly and emphatically that the Passover sacrifice must be roasted, not cooked: “Do not eat any of it raw, or cooked in any way with water, but roasted – head, legs, and entrails – over the fire” (Exod. 12:9).

The Halachah resolves this contradiction by interpreting the term “cook” here in a broad sense, to mean, “prepare it (i.e., roast it) with fire.”³⁰ But as concerns the straightforward meaning of this verse, we should see it as emphasizing the principle of holiness achieved by experiencing a material abundance and variety of food. As already noted, this is the main theme of this entire weekly portion *Re’eh*. (It is also possible that roasting in fire aligns Pesach more closely with the *olah* sacrifices – “burnt offerings” – that were offered in their entirety on the altar to the Almighty, with no part of them eaten by any person. Thus, roasting is seen as reducing the human element in this meal, whereas cooking, stresses the aspect of human participation in consuming this sacrifice.)

And in the morning you may start back on your journey home: Begin the celebration by offering the Passover sacrifice in the Temple. Then continue at home.

³⁰ The Book of Chronicles as well speaks of the Passover sacrifice as being cooked: “They roasted the passover sacrifice in fire, as prescribed, while the sacred offerings they cooked in pots, cauldrons, and pans, and conveyed them with dispatch to all the people” (2 Chron. 35:13). However, the literal translation is, “They cooked the passover sacrifice ... while the sacred offerings they cooked in pots.” From the contrast of “cooking” the Passover sacrifice (with no qualification), vs. cooking the other sacrifices in pots, we can infer that the word “cooking” refers to any preparation of food that uses fire. And in this case, that the “cooking” is done with no use of a pot, i.e., the sacrifice was roasted on an open flame. This is consistent with the instruction as stated in the book of Exodus, quoted above.

(8) After eating unleavened bread six days, you shall hold a solemn gathering for the Lord your God on the seventh day: you shall do no work: Eat matzah, the “aftertaste” of the Passover sacrifice, for six more days after the first day of the holiday, and conclude the celebration with another holy day (the seventh) – not in the Temple, but at home, in your city. In this way the memory of the Exodus will become an integral aspect of your everyday life.

§ 13.2. SHAVUOT, THE FESTIVAL OF WEEKS (16:9-12)

ט שְׁבַע שָׁבָעַת תִּסְפֹּר־לָךְ מִהַחֵל חֶרֶם בְּקֹמָה תַּחֲלֵל לִסְפֹּר שְׁבַעַת שָׁבָעוֹת: וְעָשִׂיתָ חַג שְׁבָעוֹת לַיהוָה מִסֵּת נִדְבַת יָדְךָ אֲשֶׁר תִּתֵּן כְּאֲשֶׁר יִבְרַכְךָ יְיָ אֱלֹהֶיךָ: יֵא וְשִׁמַּחְתָּ לִפְנֵי יְיָ אֱלֹהֶיךָ אַתָּה וּבִנְךָ וּבִתְךָ וְעַבְדְּךָ וַאֲמָתְךָ וְהַלּוֹי אֲשֶׁר בְּשַׁעְרֶיךָ וְהַגֵּר וְהִיתוּם וְהַאֲלֻמָּה אֲשֶׁר בְּקִרְבְּךָ בְּמָקוֹם אֲשֶׁר יִבְחַר יְיָ אֱלֹהֶיךָ לְשֹׁכֵן שְׁמוֹ שָׁם: יב וְזָכַרְתָּ כִּי־עֶבֶד הָיִיתָ בְּמִצְרַיִם וְשִׁמַּרְתָּ וְעָשִׂיתָ אֶת־הַחֻקִּים הָאֵלֶּה:

(9) You shall count off seven weeks; start to count the seven weeks when the sickle is first put to the standing grain.

(10) Then you shall observe the Feast of Weeks for the Lord your God, offering your freewill contribution according as the Lord your God has blessed you.

(11) You shall rejoice before the Lord your God with your son and daughter, your male and female slave, the Levite in your communities, and the stranger, the fatherless, and the widow in your midst, at the place where the Lord your God will choose to establish His name.

(12) Bear in mind that you were slaves in Egypt, and take care to obey these laws.

(9) You shall count off seven weeks: The Hebrew word *shavua`*, “week,” is very closely related to *sheva`*, “seven.” Seven is a special number in the system of the universe (for example, the seven days of Creation), and also in the cycle of the Jewish festivals, which begin with the first day of Pesach, commemorating the Exodus from Egypt and the birth of the Jewish people. Seven days after that, the final day of Pesach com-

memorates the splitting and crossing of the Sea of Reeds. Seven weeks after Passover the festival of Shavuot is celebrated, and in the seventh month following Passover (we call that month Tishri) – the festival of Sukkot.

Start to count the seven weeks when the sickle is first put to the standing grain: This counting must begin immediately after the beginning of the harvest. But since different people may start harvesting their field on different days, the count is marked with a special ceremony, the Reaping of the Omer, the first sheaf of the new barley crop (which is the first crop to ripen in the new agricultural year).

This omer of barley grain (a dry measure equal to approximately 2.2 liters, see *Bible Dynamics* commentary on Exod. 16:36) is offered in the Temple on the sixteenth of Nisan, the second day of Passover (see Lev. 23:10 ff.). The seven weeks of counting of which this verse speaks begin with that moment, and end with the festival of Shavuot, which is always observed on the fiftieth day from the second day of Pesach. (Unlike every other Jewish holiday, Shavuot is not associated with a particular month and day in the Jewish calendar, but only with the count of fifty days from the second day of Passover.)

(10) Then you shall observe the Feast of Weeks for the Lord your God: According to the Oral tradition, the festival of Shavuot coincides historically with the day on which the Sinai Revelation occurred. However, there is no explicit indication of this anywhere in the five books of the Written Torah. (This all-important aspect of Shavuot has been covered in detail earlier, see commentary to Deut. 4:33.)

In the agricultural cycle, Shavuot, the second of the harvest festivals, is the time of the wheat harvest. Exodus (23:16) calls this festival *chag ha-katzir*, “the Feast of the Harvest,” while in the book of Numbers (28:26) it is called *yom ha-bikkurim*, “the day of the first fruits,” i.e., the Shavuot festival also celebrates the beginning of the gathering of the fruit harvest. Thus, in those books it is mainly the agricultural character of this holiday that is emphasized. But in the book of Leviticus this holiday is not mentioned by name at all and is presented as only a natural continuation of Pesach. Here the name “Feast of Weeks” indicates likewise a connection with Pesach, by virtue of the counting of seven weeks

from that holiday until Shavuot. Thus, the idea that the three pilgrimage holidays actually form a single complex is emphasized.

Offering your freewill contribution: Tradition understands this “freewill contribution” as *shelamim* sacrifices, “peace offerings” (see Lev. 7:11). Of these festive sacrifices, most of the meat is eaten by the person bringing the offering, his family, and his invited guests. Nonetheless, these sacrifices are considered a gift to the Almighty, because they are eaten in His honor at the Temple.

According as the Lord your God has blessed you: That is, according to the capacity of the person offering the sacrifice. On Pesach a strictly defined sacrifice was mandated, the Passover lamb (or goat). But on Shavuot every member of the Jewish nation offered sacrifices commensurate with his means.

(11) You shall rejoice before the Lord your God ... at the place where the Lord your God will choose to establish His name: Here sacrifices are no longer mentioned. The central aspect of the festival is the rejoicing.

You ... with your son and daughter, your male and female slave, the Levite in your communities, and the stranger, the fatherless, and the widow in your midst: All who are in need must be invited to the festive meals, because personal rejoicing alone is not sufficient. The celebration must include caring for the weak, defenseless, and disadvantaged, and sharing the joy with all persons who have made the pilgrimage and are in need.

Maimonides writes in the Laws of Feasts (6:17): “If one locks his doors and eats and drinks with his wife and children, but gives no food or drink to the poor and the desperate, he is not observing a religious celebration, but merely indulging in the celebration of his belly.” And the Midrash, speaking on behalf of the Almighty, says: “My four (the Levite, the stranger, the orphan, and the widow) for your four (your son, daughter, slave, and maidservant). If you will bring gladness to My four, then I will do the same for yours.”

(12) Bear in mind that you were slaves in Egypt, and take care to obey these laws: The memory of having been slaves in Egypt is supposed to motivate the people to action – in particular, caring for the poor. As we were ourselves once poor, we are expected to understand the importance of helping the people who still are.

§ 13.3. SUKKOT, THE FEAST OF BOOTHS (16:13-15)

ג חג הסוכות תעשה לך שבועת ימים באספך מגרנך ומיקבך:
 יד ושמחת בחגך אתה ובנך ובתך ועבדך ואמך והלוי והגר
 והיתום והאלמנה אשר בשעריך: טו שבועת ימים תחג ליי אלהיך
 במקום אשר יבחר יי כי יברכך יי אלהיך בכל תבואתך ובכל
 מעשה ידיך והיית אדם שמח:

(13) After the ingathering from your threshing floor and your vat, you shall hold the Feast of Booths for seven days.

(14) You shall rejoice in your festival, with your son and daughter, your male and female slave, the Levite, the stranger, the fatherless, and the widow in your communities.

(15) You shall hold a festival for the Lord your God seven days, in the place that the Lord will choose; for the Lord your God will bless all your crops and all your undertakings, and you shall have nothing but joy.

(13) After the ingathering from your threshing floor and your vat: I.e., when the harvest period has ended and the crop has been safely stored. The book of Exodus (23:16 and 34:22) calls this Sukkot holiday *chag ha-asif*, “the Feast of Ingathering.” It is the last of the three festivals in the agricultural cycle – the end of the harvest for all forms of produce, before the onset of winter.

You shall hold the Feast of Booths for seven days: Leviticus (23:43) relates this to the booths that the Almighty provided for the Israelites in the wilderness after they left Egypt: “You shall live in booths seven days; all citizens in Israel shall live in booths, 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.” Thus, once again the Torah emphasizes both aspects of the festival – the agricultural, and the historical.

(14) You shall rejoice in your festival, with your son and daughter, your male and female slave, the Levite, the stranger, the fatherless, and the widow in your communities: This instruction is repeated for each holiday to emphasize the importance of offering social assistance to those in need.

(15) You shall hold a festival for the Lord your God seven days:

Note that the Torah makes no mention here of Shemini Atzeret, about which Leviticus (23:36) says, “On the eighth day you shall observe a sacred occasion.” Although that day follows immediately after Sukkot, technically it is its own separate and independent one-day festival, completing the annual cycle of all the festivals that began with Passover.

We can explain this omission as follows. Since only certain festivals are mentioned here in Deuteronomy, because of their special connection with the Land of Israel, but neither Rosh Hashanah nor Yom Kippur is mentioned, the cycle is in all events not complete, strictly speaking. And therefore, Shemini Atzeret, which has no agricultural meaning of its own, is also not mentioned.

In the place that the Lord will choose: All seven days of Sukkot must be celebrated in the Temple. This contrasts with Passover, when – as the Torah said a little earlier – from the second day onward the celebration continues at home.

Since Sukkot (together with Shemini Atzeret) is the completion and culmination of the annual cycle of all the festivals, these holidays are marked by a particularly high level of abundance and joy. The people are therefore expected to remain for the entire eight days at the place that the Lord will choose.

For the Lord your God will bless all your crops and all your undertakings, and you shall have nothing but joy: With Sukkot, the harvest cycle is complete. There is no more work to be done in the fields, for it is the end of the agricultural year. The joy of the celebration is therefore very pure, with no element of anxiety whatsoever. “You shall have nothing but joy!”

§ 13.4. THE PILGRIMAGE FESTIVALS: CONCLUSION

(16:16-17)

טז שְׁלוֹשׁ פַּעַמִּים | בַּשָּׁנָה יֵרָאֶה כָּל־זְכוּרָךְ אֶת־פָּנָי | יי אֱלֹהֶיךָ בַּמָּקוֹם
אֲשֶׁר יִבְחָר בַּחֹג הַמִּצְוֹת וּבַחֹג הַשְּׂבָעוֹת וּבַחֹג הַסֻּכּוֹת וְלֹא יֵרָאֶה
אֶת־פָּנָי יי רִיקִם: יי אִישׁ כַּמִּתְנֶה יָדוֹ כְּבִרְכַּת יי אֱלֹהֶיךָ אֲשֶׁר נָתַן־לְךָ:

(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. 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.

(16) Three times a year: All three pilgrimage festivals will now be summarized, since, as already noted, they form a single complex.

All your males shall appear before the Lord your God in the place that He will choose. They shall not appear before the Lord empty-handed: Three times each year every Jew must leave his city, town, or farm and ascend to the place that God will choose, in order to experience periodically the feeling of being one with the entire nation, standing in the Almighty's direct presence

On the Feast of Unleavened Bread, on the Feast of Weeks, and on the Feast of Booths: Here Pesach is called "the Feast of Unleavened Bread." This means that although the central aspect of the festival is the *Korban Pesach*, the Passover sacrifice, the aspect of matzah is primary when this holiday is considered within the complex of the three pilgrimage festivals taken together. Apparently, this is because matzah is eaten during the entire seven days of the celebration and holiday. It is therefore the most prominent and memorable aspect of Passover.

Throughout the Torah we find two different names for the Passover holiday. In the book of Exodus it is called, as it is here, "the Feast of Unleavened Bread" because that book is focusing on the process of the Exodus itself, and on the narrative of "the dough did not have sufficient time to rise": "So the people took their dough before it was leavened, their kneading bowls wrapped in their cloaks upon their shoulders ... And they baked unleavened cakes of the dough that they had taken out of Egypt, for it was not leavened, since they had been driven out of Egypt and could not delay; nor had they prepared any provisions for themselves" (Exod. 12:34, 39). Leviticus (23:5-6) states that on the fourteenth day of the first month the Passover sacrifice is offered, and from the fifteenth onward there is a "Feast of Unleavened Bread." Thus, it could

almost seem that there are two different holidays: Pesach, the festival “declared from Above,” and the “Feast of Unleavened Bread,” motivated by an awakening from below – that is, occasioned by human action. In the book of Numbers (28:16-17) there is no mention of a “Feast of Unleavened Bread,” although the text there does state that there is an obligation to eat matzah along with the Passover sacrifice. This is because the primary topic there is the sacrifices.

Finally, the two aspects of Passover here in Deuteronomy are understood as one and the same festival, i.e., its dual nature comes together as one.

They shall not appear before the Lord empty-handed: Not appearing before the Lord empty-handed means that festive sacrifices must be offered and eaten. Thus it is assured that there will be lavish meals appropriate to the occasion, and a joyful holiday celebration.

These final verses of weekly portion *Re'eh* emphasize yet again its main theme we have seen throughout: the blessings of material affluence, and service of the Almighty through abundance and wealth.

(17) But each with his own gift, according to the blessing that the Lord your God has bestowed upon you: The pilgrimage festivals help a person to understand that personal wealth is a Divine gift.

WEEKLY
PORTION 5

SHOFETIM

§ 14. THE FOUR BRANCHES OF JEWISH GOVERNMENT

§ 14.1. FOUR INDEPENDENT SYSTEMS OF POWER

Weekly portion *Re'eh*, just ended, was devoted to the centralization of the religious cult and the description of how to “serve the Almighty from abundance.” The portion now beginning, *Shofetim*, “Judges,” addresses another aspect in the life of the people – the political structure of the Jewish nation.

The Torah requires the Jewish state to have four independent branches of government:

- (i) Judges – these are the Torah sages who combine legislative and judicial powers, including the enforcement of court decisions and verdicts. These Judges also respond to questions concerning the practical application of Torah law, and they draft Halachic decrees and enactments.
- (ii) The king is responsible for the security of the state, and for upholding the central authority that maintains order in society.
- (iii) The priests and Levites are responsible for teaching the Torah to the people, and managing and executing the operation and services of the Temple.
- (iv) The prophets convey God’s word to the authorities and to the people. They also critique the other three branches of government, and are empowered to override their decisions.

Each of the four branches of government appoints its own leadership and operates independently of the others. Thus, the essential principle of separation of powers was promulgated and implemented in the Jewish state (probably for the first time in the history of mankind).

In European political thought, it should be noted, the principle of separation of powers was first formulated in the eighteenth century by Montesquieu. In his opinion, the purpose of the separation of powers is to prevent abuses, since each of the branches of power serves to limit the reach of the others. In the Torah system that same principle of branches limiting one another is also present, but the rationale advanced for it is completely different.

During the forty years of Israel's wanderings in the wilderness, all four institutions of power were concentrated in the hands of just one person, Moses. He was, simultaneously, king, judge, supreme high priest³¹ and chief prophet. Thus, Moses himself did precisely what he later (in this book of Deuteronomy) deemed forbidden: he combined every form of power in one person – himself.

Moses headed each of the four institutions of power. But besides founding each of those institutions, he was them. I.e., all those institutions were embodied in the person of Moses as the leader of the people.

This was possible only because the Jewish people were living then in the wilderness – a people in their infancy who still had no independent, historical existence. The wilderness was for them an “introductory course,” as it were. Since they were given food, drink, clothing, and protection from the elements, their only responsibility was to succeed at their studies. But they had no important decisions to make, nor had they arrived yet on the stage of history. It was, rather, a national “prehistory.”

But as soon as the people emerged from the wilderness to begin their self-sufficient life, the four institutions of power diverged, becoming separate entities. Eleazar became the high priest, and the role of king was transferred to Moses' leading disciple, Joshua the son of Nun. The judicial system, tradition informs us, was headed by Othniel the son

³¹ It was therefore Moses who anointed Aaron, in order to initiate him as high priest. But in fact, Aaron was appointed only as Moses' deputy (see Exod. 28:1).

of Kenaz (see Jud. 3:9). And Phinehas, Eleazar's son, became the national prophet.

In one form or another, these four institutions continued to operate throughout all of Jewish history.

The first institution of power described here in the Torah is not the king, but the judicial system. This means that according to the Torah, the primary and most urgent need of society is not centralized state power, but a healthy judicial system. If such a system is lacking, then society collapses.³²

Heading the judicial system was the supreme Jewish court, whose offices were physically located on the Temple site itself, but which functioned independently of it.³³ This court combined the functions of the highest court of appeal, the dominant authority in the field of Halachah, and the leading academy for the study of the Torah. Status in this system is determined by scholarship. New judges are appointed by collegiate decision rendered by all members of the court – i.e., through a system of co-option, as is true of most academies. (Co-option is the process of adding members to an elite group under the direction of, and at the discretion of, the members of the group itself.)

In the Jewish state it is the king who commands central authority, and that is the second most-important national institution. Matters of national defense and foreign policy are under the king's exclusive juris-

³² Moreover, the Torah presupposes that the Jewish nation could exist even without a central authority, and with their society being organized around a judicial system alone. According to some opinions, Jewish tradition even considers this the ideal. Historically and practically, however, that kind of system has proved largely ineffectual.

³³ The Torah states that controversies in matters of Torah law are to be resolved by turning to the priests, Levites, and judges (see Deut. 17:9). However, that does not mean that all those functions should be combined. It only means that many judges come from among the priests and the Levites, because they study the Torah assiduously from a very early age, and are therefore most likely to be highly competent in judicial matters.

diction. On questions of domestic policy, the king's authority parallels that of the sages of the Torah (i.e., the supreme court). Both the king and the judiciary can enact laws and pass judgment. The king has broad executive powers, but the judges too can exercise certain functions of executive power, for they have sheriffs and bailiffs at their disposal.

The Torah establishes very strict requirements for judicial procedure, in the absence of which any judicial verdict is invalid. For example, when investigating a murder, it is not sufficient to accurately identify the killer; the witnesses must have been present at the actual moment that the murder was committed and have seen it happen. Other requirements stipulated by the Oral Torah make it very difficult to convict the criminal in the vast majority of capital cases. The Torah therefore allows the king, to execute independent judgment, if necessary, in order to ensure national security and maintain the social order. The king needs not limit himself to that same rigorous judicial procedure. This obviously and inevitably opens the door to potential abuses on the part of royalty. But if the king were not granted that empowerment, society could not function normally.

The third branch of Jewish government is the institution of the priests and the Levites. This system of authority differs from the first two already discussed in the manner of how individuals are chosen to receive it. Authority is delegated to the priests and the Levites only by inheritance, i.e., it is passed down from father to son. No such mechanism exists for the king, who, as a condition for that office, must receive the support of the people. (Transfer of regal power by inheritance is possible, but not obligatory or assumed.) And likewise, the sages of the supreme court, as mentioned earlier, are co-opted by other judges – the normal procedure in such academies.

These three branches of government in the Jewish state are all completely autonomous.³⁴ None of them may give guidance to the others. But the prophets, the fourth branch of power, have a different status.

³⁴ According to the Oral Torah, exceptions are made in certain cases, such that the different branches are required to coordinate their actions. For example, if the king wishes to initiate a war of conquest, he must first secure the approval of the sages of the supreme court.

In contradistinction to the other three branches of authority, the Almighty appoints prophets directly. Any such prophet is authorized to challenge, criticize, or critique the king, the supreme court, or the priests, and a prophet can provisionally even suspend the functioning of any of the other three branches of government, or even temporarily override an actual commandment of the Torah (except for the prohibition of idolatry). At the same time, the prophets are an integral element of the system they critique, and they must be careful not to compromise that system – i.e., by summarily cancelling the functioning of another branch and arrogating its power to themselves. In other words, the prophets serve as a kind of safety valve – they step in in situations where one of the other branches of government is clearly in the wrong, and needs the prophet to set it straight.

The initial letters of the names of the representatives of the four branches of power – *Melech* (king), *Shofet* (judge), *Kohen* (priest) and *Navi* (prophet) – form the word *Mishkan*, Tabernacle. It is the seat of the Shechinah, the Almighty's sacred Presence.

It is interesting to note in this regard an important difference here when we compare the Jewish system to the other most important political system of antiquity, the Greek *polis*, a city-state. In that system, the physical and conceptual focus was the *agora*, the city square in which the people thronged – because it was the people who were deemed both the center and sovereign of the political system of the *polis*. In the system of the Jewish state, by contrast, the physical center is the Temple – Holy of Holies that was “filled with emptiness” – symbolizing Israel's invisible God. In the First Temple that space contained the Ark and the Tablets of the Covenant. But in the Second Temple the Holy of Holies was simply empty. Only once a year was anyone allowed to enter the Holy of Holies: the High Priest on Yom Kippur.

The word *Mishkan* as the acronym for the names of the four branches of power symbolizes that the Almighty Himself always remains at the center of the political system. The primary task of each of the branches of power that together comprise the state is to communicate with God and execute His will. None of the four branches in isolation – neither the priests, nor the king, nor the sages, nor the prophets – can implement the requirements of Israel's connection with the Almighty. But when

they work in unison they become God's Temple, realizing His presence on earth.

This is the meaning of separation of powers in the government of the Jewish state, as envisioned and established by the Torah.

§ 14.2. REGIONAL JUDGES (16:18-20)

יח שפֹּטִים וְשֹׁטְרִים תִּתֶּן-לָךְ בְּכָל-שְׁעָרֶיךָ אֲשֶׁר יִי אֱלֹהֶיךָ נָתַן לָךְ
 לְשִׁבְטֶיךָ וְשָׁפְטוּ אֶת-הָעָם מִשְׁפָּט-צֶדֶק: יט לֹא-תִטֶּה מִשְׁפָּט לֹא
 תִּכְרֹךְ פָּנִים וְלֹא-תִקַּח שֹׁחַד כִּי הַשֹּׁחַד יַעֲוֶה עֵינֵי חֲכָמִים וַיְסַלֶּף
 דְּבָרֵי צְדִיקָם: כ צֶדֶק צֶדֶק תִּרְדֹּף לְמַעַן תַּחֲיֶה וַיִּרְשֶׁתָּ אֶת-הָאָרֶץ
 אֲשֶׁר-יִי אֱלֹהֶיךָ נָתַן לָךְ:

(18) **You shall appoint magistrates and officials for your tribes, in all the settlements that the Lord your God is giving you, and they shall govern the people with due justice.**

(19) **You shall not judge unfairly: you shall show no partiality; you shall not take bribes, for bribes blind the eyes of the discerning and upset the plea of the just.**

(20) **Justice, justice shall you pursue, that you may thrive and occupy the land that the Lord your God is giving you.**

(18) You shall appoint magistrates and officials: The Hebrew word here rendered as “magistrates” is *shofetim*, more commonly translated as “judges.”

A properly functioning judicial system is the foundation of civilized society. The description of any true state must begin with that. The name of this weekly portion is therefore the same as its first word – *Shofetim*, Judges.

The mandate of the Jewish courts is not merely to resolve conflicts, but, rather, through their decisions, to infuse Jewish life with holiness. When justice is realized here on earth, the Almighty is *ipso facto* sanctified.

You shall appoint magistrates: The manner of choosing and appointing those judges is not indicated.

Given that these judges must render their decisions based on Torah law, clearly, they must be experts in Torah. But which experts should be appointed as judges is also not indicated here. However, from the context of this verse, which says “you shall appoint,” and with the pronoun “you” appearing in grammatically singular form (which we understand to mean the people as a whole) we may infer that the appointment of local judges should be based on a general consensus of the population.

And officials: These officials are members of the government’s executive branch. The judges render their decisions, which are then enforced by these “officials” (bailiffs). Without such enforcement, the decisions of the judiciary will remain ineffectual.

In all the settlements: Literally, “in all your gates.” The square in front of the gates of the city is its primary public space where residents meet and gather. Accordingly, whenever the Torah says, “in your gates” it almost always means “in your cities.” Thus, the courts as well were located there. (Cf. Prov. 31:23: “Her husband is prominent in the gates, as he sits among the elders of the land.”)

In all the settlements ... that the Lord your God is giving you: It is vital that the court be accessible to all everywhere. The court of any given city has the best understanding of local conditions and is close to all who may need it; thus, decisions can be rendered quickly, which is important for the smooth functioning of society.

For your tribes: Each tribe has its own unique characteristics and customs. The local courts take those into account.

The Torah establishes a judicial system at two levels: regional (local city courts organized according to the characteristics of each tribe) and central (the supreme court located at the Temple, see § 14.4). In addition to the judiciary, this system also has legislative and executive functions. The “magistrates” establish halachic norms, and the “officials” are subordinate to them.

But at the same time, as we shall soon see, the real governmental power structures exist only at the central level. There are no fully independent administrative institutions at the local level. This means that in peacetime, when the state is not threatened by external danger (and it is primarily the king’s role to protect against that), local society can

function without recourse to administrative power. Its organization and proper functioning derive solely from the law.

And they shall govern the people with due justice: Literally, “And they shall judge the people with righteous judgment.”

The importance of a fair trial is understood by the Torah not only in pragmatic terms, as a guarantee of social order and a better life for all, but also as essential for promoting and preserving the sanctity of society, and of the nation.

And they shall govern the people with due justice: The Hebrew here is *mishpat tzedek*, “righteous judgment.” But *tzedek* can also be translated as “mercy.” Although mercy and law are in many ways essentially incompatible, the goal of justice is to realize both of those simultaneously.

The terminology here parallels how Abraham is described: “For I have singled him out, that he may instruct his children and his posterity to keep the way of the Lord by doing what is just and right [*tzedakah u-mishpat*, literally, what is righteous and just]” (Gen. 18:19, see also the *Bible Dynamics* commentary there). In other words, what Moses is establishing in Deuteronomy realizes in practice those same ideals that Abraham was commanded to embrace so long before in the book of Genesis.

(19) You shall not judge unfairly: you shall show no partiality; you shall not take bribes, for bribes blind the eyes of the discerning and upset the plea of the just: The principles of a just judicial system have already been set forth in detail multiple times in the Torah (see, e.g., Exod. 23:1-9). Here they are repeated in an abridged form and reduced to just three principles, corresponding to the three elements of the judicial process:

- (i) The correctness of the law by which justice is meted out (“do not pervert the law”).
- (ii) The equality of the litigants in the eyes of the law (“show no favor”).
- (iii) The honesty of the judges themselves (“take no bribes” – the judge must have no personal interest in the outcome of the judicial process).

(20) Justice, justice shall you pursue: Nowhere previously in the Torah has this principle been formulated so emphatically. The point made here is that a judge must not be satisfied with his initial impression of the dispute or crime that has come before him. He must examine and evaluate the case in all its details, and consider all circumstances. A judge is obligated to decide cases not merely on the basis of superficial justice, but according to a truly penetrating “fair judiciary.”

This instruction given to local judges is especially important when the population has dispersed throughout the land, with the effect that the local courts are given significant autonomy, thus greatly influencing the lives of the people. When selecting their judges, society must therefore consider this aspect.

The reduplication here of the term *tzedek*, “justice” (“Justice, justice shall you pursue”) occasions in the Midrash a number of different interpretations of this verse. For example: “There is not only one justice, but two. There is justice that follows the letter of the law, and justice as compromise.” Thus, there are different types of justice. In some situations, it is more correct for a judge to decide strictly according to the law, but in other cases a compromise between the parties should be sought – even when this means violating the actual letter of the law. When and where appropriate, the judge should offer the litigants that option.

Alternatively, however, the word *tzedek* can be understood to mean “truth.” This verse would then be translated as “Truth, truth shall you pursue,” i.e., strive for truth always. On this basis the Midrash concludes: “Always seek the truth only by means of the truth.” That is, falsehood must never be employed as a means of ensuring that the truth will ultimately win out.

That you may thrive and occupy the land that the Lord your God is giving you: The best indicator that the judicial system is operating correctly and effectively is that the people of Israel are living prosperously all throughout their land, and after successfully possessing and inhabiting it. If the reality is otherwise, then the judicial system can be assumed to be not functioning properly – even if the law, including all its procedures and regulations, is being meticulously observed.

§ 14.3. PRINCIPLES OF JURISPRUDENCE (16:21-17:7)

כא לֹא־תִטֵּעַ לְךָ אֲשֶׁרָה כָּל־עֵץ אֲצֵל מִזְבֵּחַ יְיָ אֱלֹהֶיךָ אֲשֶׁר תַּעֲשֶׂה־
 לְךָ: כב וְלֹא־תָקִים לְךָ מַצֵּבָה אֲשֶׁר שָׁנָא יְיָ אֱלֹהֶיךָ: יז א לֹא־תִזְבֹּחַ
 לִיְי אֱלֹהֶיךָ שׁוֹר וְשֶׂה אֲשֶׁר יִהְיֶה בּוֹ מִוֹם כָּל דָּבָר רָע כִּי תִזְעַבְתָּ
 יְיָ אֱלֹהֶיךָ הוּא: ב כִּי־יִמָּצֵא בְּקִרְבְּךָ בְּאַחַד שְׁעָרֶיךָ אֲשֶׁר־יְיָ אֱלֹהֶיךָ
 נָתַן לְךָ אִישׁ אוֹ־אִשָּׁה אֲשֶׁר יַעֲשֶׂה אֶת־הָרָע בְּעֵינֵי יְיָ אֱלֹהֶיךָ לַעֲבֹר
 בְּרִיתוֹ: ג וַיֵּלֶךְ וַיַּעֲבֹד אֱלֹהִים אֲחֵרִים וַיִּשְׁתַּחֲוֶה לָהֶם וּלְשִׁמְשׁ | או
 לַיָּרֵחַ אוֹ לְכָל־צָבָא הַשָּׁמַיִם אֲשֶׁר לֹא־צִוִּיתִי: ד וְהִגַּדְתָּ לְךָ וּשְׁמַעְתָּ
 וְדִרְשֶׁתָּ הֵיטֵב וְהִנֵּה אִמָּת נָכוֹן הַדָּבָר נַעֲשֶׂתָה הַתּוֹעֵבָה הַזֹּאת
 בִּישְׂרָאֵל: ה וְהוֹצֵאתָ אֶת־הָאִישׁ הַהוּא אוֹ אֶת־הָאִשָּׁה הַהוּא
 אֲשֶׁר עָשָׂה אֶת־הַדָּבָר הָרָע הַזֶּה אֶל־שַׁעְרֶיךָ אֶת־הָאִישׁ אוֹ אֶת־
 הָאִשָּׁה וּסְקַלְתֶּם בְּאֲבָנִים וּמָתוּ: ו עַל־פִּי | שְׁנַיִם עֵדִים אוֹ שְׁלוֹשָׁה
 עֵדִים יוֹמֵת הַמֵּת לֹא יוֹמֵת עַל־פִּי עֵד אֶחָד: ז יֵד הָעֵדִים תְּהִיָּה־בּוֹ
 בְּרֹאשׁוֹנָה לְהַמִּיתוֹ וְיֵד כָּל־הָעָם בְּאַחֲרֹנָה וּבַעֲרֹתָ הָרָע מִקִּרְבְּךָ:

(21) You shall not set up a sacred post – any kind of pole beside the altar of the Lord your God that you may make –

(22) or erect a stone pillar; for such the Lord your God detests.

(17:1) You shall not sacrifice to the Lord your God an ox or a sheep that has any defect of a serious kind, for that is abhorrent to the Lord your God.

(2) If there is found among you, in one of the settlements that the Lord your God is giving you, a man or woman who has affronted the Lord your God and transgressed His covenant –

(3) turning to the worship of other gods and bowing down to them, to the sun or the moon or any of the heavenly host, something I never commanded –

(4) and you have been informed or have learned of it, then you shall make a thorough inquiry. If it is true, the fact is established, that abhorrent thing was perpetrated in Israel,

(5) you shall take the man or the woman who did that wicked thing out to the public place, and you shall stone them, man or woman, to death. –

(6) A person shall be put to death only on the testimony of two or more witnesses; he must not be put to death on the testimony of a single witness. –

(7) Let the hands of the witnesses be the first against him to put him to death, and the hands of the rest of the people thereafter. Thus you will sweep out evil from your midst.

In this section the Torah provides examples of a properly functioning judicial system. The description that began earlier with the local courts is now further extended to include the laws that concern the central, supreme court.

(21) You shall not set up a sacred post – any kind of pole beside the altar of the Lord your God that you may make: The prohibition against planting an asherah, a tree designated for cult worship, means that it is forbidden to plant any tree at all at God's altar. This is because, as we have noted earlier, Israel's service must be directed not toward nature, but to the Almighty as the Transcendental Being.

Given the present context, however, this prohibition should be understood as further revealing a principle of the judicial system. Trees appear often in Jewish tradition as symbols of beauty. Thus, the prohibition against planting trees at the altar means that a judge must not be guided by aesthetic norms or considerations. A judge must decide not whose position is "beautiful," but who is in the right – even if such rightness is perceived as "ugly."

(22) Or erect a stone pillar; for such the Lord your God detests: The *matzeivah* outlawed here is a stone pillar that was used for cult sacrifices – a monolithic altar (i.e., consisting of just one very large stone). Seeing that the Torah is referring here to a monument made for the service of the Almighty, this prohibition is not about idolatry. It is forbidden in all events to make an altar of one large stone; rather it must be fashioned from many smaller ones. And yet, earlier in Jewish history, in the era of the Patriarchs, it was permissible to erect a *matzeivah* (as did Jacob, for example, see Gen. 35:14).

The Midrash formulates this law in the following terms: "A *matzeivah* was beloved to the Almighty in the era of the Patriarchs, but is odious to Him in the era of their descendants." The essence of this change

is that a *matzeivah*, being a monolith, symbolizes serving the Almighty through only one of His qualities. This was in fact the approach adopted by the Patriarchs: Abraham represented the attribute of *chesed*, mercy; Isaac – the attribute of *gevurah*, judgment; and Jacob – *tiferet*, balance, beauty, truth. Thus, using a *matzeivah* as an altar was appropriate only to those times and that mode of service.

In the era of the Patriarchs' descendants, a numerous and diverse people, the situation has changed. Proper and adequate service to the Almighty can be achieved only through a "unity of diverse values." This new circumstance is reflected in an altar composed of many stones, symbolizing the collective synthesis of all of the Almighty's qualities.

But once again we note that the theme of this section is juridical procedure. Taken in this context, the *matzeivah* prohibition means that the functioning of the judiciary too must be based on a pooling of values. Any given problem that comes before the court must be examined comprehensively and in all its complexity. A judge must never focus on just one aspect of a situation.

(17:1) You shall not sacrifice to the Lord your God an ox or a sheep that has any defect of a serious kind, for that is abhorrent to the Lord your God: This law too has already been stated repeatedly in the Torah. Sacrificing an animal that has a physical defect, or even a "moral" defect (a stolen animal, for example), profanes the very idea of serving the Almighty.

In the context of legal principles, this requirement emphasizes that a judge, as representative of the judicial system, must always strive to adopt a position that is perfectly honest and upright in every respect. No "mutilations, deformities, or flaws" will be tolerated.

(2) If there is found among you, in one of the settlements that the Lord your God is giving you, a man or woman who has affronted the Lord your God and transgressed His covenant: Here the Torah will provide an example of how to investigate and punish those implicated in a very serious crime – in this case, the sin of idolatry.

(3) Turning to the worship of other gods and bowing down to them, to the sun or the moon or any of the heavenly host, something I never commanded: Here is meant not only the actual worship

of other deities, but even worship of the Almighty, if such service is effected through visible images – the sun, the moon, or any other “heavenly host” – for this too is strictly forbidden to the Jewish people. Service to the Almighty must be performed only in the manner indicated by Him. Jews are therefore strictly forbidden to worship the Almighty by deifying the forces of nature.

(4) And you have been informed or have learned of it, then you shall make a thorough inquiry. If it is true, the fact is established, that abhorrent thing was perpetrated in Israel: Here the Torah is not merely prescribing the punishment for the grave sin of idolatry (for this has been mentioned many times before). Rather, the key point here is the investigation of that crime in the context of general principles of the judiciary. The court must hear all testimony and carefully ascertain exactly what happened.

That abhorrent thing was perpetrated in Israel: Here, as everywhere else in the Torah, “in Israel” means “among the people of Israel” (not “in the Land of Israel”).

(5) You shall take the man or the woman who did that wicked thing out to the public place, and you shall stone them, man or woman, to death: This is a general principle of the Torah. Idolatry is one of the eighteen crimes in the Torah that are punishable by stoning (Mishnah, Sanhedrin 7:4).

(6) A person shall be put to death only on the testimony of two or more witnesses; he must not be put to death on the testimony of a single witness: An important legal principle is expressed here: for a criminal charge, several independent sources of evidence are needed. The testimony of just one eyewitness cannot be accepted as evidence. (And likewise for self-incrimination, i.e., testimony against oneself cannot be accepted as evidence.)

(7) Let the hands of the witnesses be the first against him to put him to death, and the hands of the rest of the people thereafter: Thus, the Torah here connects the obligation of the witnesses to testify in court concerning a capital offense with carrying out the death sentence for the crime. The intent is to impress upon the witnesses that giving testimony is a very serious responsibility.

Thus you will sweep out evil from your midst: The purpose of the execution is not to exact revenge, but to eradicate the practice of idolatry.

§ 14.4. THE SUPREME COURT LOCATED ON THE TEMPLE PREMISES (17:8-13)

ח כִּי יִפְלֹא מִמֶּךָ דְּבַר לְמִשְׁפָּט בֵּין-דָּם | לְדָם בֵּין-דָּין לְדִין וּבֵין גֶּגֶעַ
לְגִגֶּעַ דְּבָרֵי רִיבָת בְּשַׁעֲרֶיךָ וְקִמַּמְתָּ וְעָלִיתָ אֶל-הַמָּקוֹם אֲשֶׁר יִבְחָר
יְיָ אֱלֹהֶיךָ בּוֹ: ט וּבָאתָ אֶל-הַכֹּהֲנִים הַלְוִיִּם וְאֶל-הַשֹּׁפֵט אֲשֶׁר יִהְיֶה
בֵּינֵם הֵהֵם וְדִרְשָׁתָּ וְהִגִּידוּ לָךְ אֶת דְּבַר הַמִּשְׁפָּט: י וַעֲשִׂיתָ עַל-
פִּי הַדָּבָר אֲשֶׁר יִגִּידוּ לָךְ מִן-הַמָּקוֹם הַהוּא אֲשֶׁר יִבְחָר יְיָ וְשִׁמַּרְתָּ
לַעֲשׂוֹת כְּכֹל אֲשֶׁר יֹרֹד: יא עַל-פִּי הַתּוֹרָה אֲשֶׁר יֹרֹד וְעַל-הַמִּשְׁפָּט
אֲשֶׁר-יֹאמְרוּ לָךְ תַּעֲשֶׂה לֹא תִסּוּר מִן-הַדָּבָר אֲשֶׁר-יִגִּידוּ לָךְ יָמִין
וּשְׂמָאל: יב וְהָאִישׁ אֲשֶׁר-יַעֲשֶׂה בְּזִדּוֹן לְבַלְתִּי שָׁמַע אֶל-הַכֹּהֵן הָעֹמֵד
לְשֹׁרֵת שָׁם אֶת-יְיָ אֱלֹהֶיךָ אֹו אֶל-הַשֹּׁפֵט וּמֵת הָאִישׁ הַהוּא וּבִעֲרַתָּ
הָרָע מִיִּשְׂרָאֵל: יג וְכָל-הָעָם יִשְׁמְעוּ וִירָאוּ וְלֹא יִזְדָּדוּ עוֹד:

(8) If a case is too baffling for you to decide, be it a controversy over homicide, civil law, or assault – matters of dispute in your courts – you shall promptly repair to the place that the Lord your God will have chosen,

(9) and appear before the levitical priests, or the magistrate in charge at the time, and present your problem. When they have announced to you the verdict in the case,

(10) you shall carry out the verdict that is announced to you from that place that the Lord chose, observing scrupulously all their instructions to you.

(11) You shall act in accordance with the instructions given you and the ruling handed down to you; you must not deviate from the verdict that they announce to you either to the right or to the left.

(12) Should a man act presumptuously and disregard the priest charged with serving there the Lord your God, or the

magistrate, that man shall die. Thus you will sweep out evil from Israel:

(13) all the people will hear and be afraid and will not act presumptuously again.

(8) If a case is too baffling for you to decide, be it a controversy over homicide, civil law, or assault – matters of dispute in your courts – you shall promptly repair to the place that the Lord your God will have chosen: The supreme court, which was located on the Temple grounds, dealt with cases that the regional courts were not able to handle.³⁵ And as the Torah academy of the highest authority as well, the supreme court would also rule on the correct interpretation of Torah law.

Tradition informs us that new members joined the supreme court through a process of co-optation by its sitting members. (Most typically a new member replaced a judge who had died, or could no longer serve due to illness or the like). Only the most learned and knowledgeable candidates were accepted into the court.

The existence of this supreme court and its activity in the First Temple period is mentioned in the book of Chronicles (2 Chron. 19:9). Toward the end of the Second Temple era this court received the Greek name *Synhedrion* (in Hebrew pronunciation: *Sanhedrin*).

Over homicide, civil law, or assault: The Hebrew here for “assault” is *nega`*, which most typically means one of the affections of the skin (or garment, or house) that induces a state of ritual impurity and often requires quarantine (see Lev. 13:1-14:57; Deut. 24:8). Although cases of such affection are routinely handled by the priests as the first resort, the relevant laws are particularly complex, and could easily require elucidation and adjudication by Torah experts. Thus, three types of court cases are indicated here: criminal offenses, civil property disputes, and matters of ritual.

³⁵ A system was later implemented such that the supreme court dealt only with issues of national importance. For the consideration of appeals it appointed regional courts in the territories of the individual tribes. Later this system was permanently institutionalized in the Halakhah.

You shall promptly repair to the place that the Lord your God will have chosen: The seat of the supreme court was at the national religious center, i.e., at the Temple. But they were nevertheless two independent entities. The need to appeal to the Temple for justice, and the association of the court with the national religious center, significantly influenced the national Jewish consciousness.

(9) And appear before the levitical priests, or the magistrate: The Torah presumes that there will be many priests and Levites among the members of the supreme court. This is because the priests and Levites dedicate their lives entirely to studying and teaching the Torah.

In charge at the time: Literally, “that shall be in those days.” At first glance these words appear self-evident and therefore redundant. How could anyone appear before a priest, Levite, or judge living in a different era? A number of possible interpretations have therefore been proposed.

The Talmud explains: “Even if the judge in your day is much lower in stature than the great judges of the past, you must abide only by the decision of the judges in your day” (even if it happens to contradict a decision of an illustrious judge of an earlier era). But another explanation is also possible.

Among today’s judges there are two kinds. There are “the judges of your days,” who understand what is happening in the world around them, and are guided by the realities of modern life. But then there are “the judges of past eras,” who live only within the tradition, but have no understanding of the demands of modern life. The Torah is advising here to consult only “the judges of your days” – those who understand the problems of your particular era. The decisions of “the judges of past eras” will often prove inadequate – not because they are deficient in their knowledge of the Torah or the tradition, but because judgments that were based on the reality of a previous generation are no longer correct for later generations.

Present your problem. When they have announced to you the verdict in the case ...: The Hebrew for “Present your problem” is *ve-darashta*. This usage here is often translated as “You shall inquire.” But since the extended meaning of the verb *D-R-SH* includes “active-

ly demanding” and “delving into a question or issue,” it seems to us more correct to translate it here as “You shall deliberate [with them].” This denotes an active exchange of ideas from both sides. (In this sense, *D-R-SH* is also the root of the word *midrash*. Thus we see that it means not only simple inquiry, but careful deliberation and interpretation, usually through discussion among several expert authorities.)

(10) You shall carry out the verdict that is announced to you from that place that the Lord chose, observing scrupulously all their instructions to you: Only a decision proclaimed from the site of the Temple is recognized as unequivocally authoritative. In particular, when after the destruction of the Second Temple the Sanhedrin was relocated to Yavneh, it lost its status as supreme court in the full sense, and its powers were greatly reduced.

(11) You shall act in accordance with the instructions given you and the ruling handed down to you: The decisions of the supreme court are predicated on two foundations: canonical law and legal opinion.

The supreme court has the broadest powers of any court. It determines how a given law of the Torah should be applied under the currently prevailing circumstances, and it has the right to change the interpretation of the law if it deems it necessary.

You must not deviate from the verdict that they announce to you either to the right or to the left: This means you must not veer from their decision, regardless of whether in a more stringent or more lenient direction.

(12) Should a man act presumptuously and disregard the priest charged with serving there the Lord your God, or the magistrate, that man shall die. Thus you will sweep out evil from Israel: “Man” here in the Hebrew is *ish*, which usually denotes a person of particular stature. The expression, “Should a man act presumptuously” is understood to mean that he opposes the decision of the court with a flagrantly rebellious spirit and intent (rather than merely having a dissenting opinion). On this basis, Jewish tradition maintains that this verse refers only to “an individual of recognized stature [in such matters]” – a Torah sage who is a member of the court and has undisputed religious author-

ity. Moreover, “acting presumptuously” here describes not merely this sage’s personal views, but how he instructs other people to act. A judge or sage is not obliged to agree with the decision of the supreme court; he has every right to express his dissenting opinion. However, he has no right to instruct other persons to defy the decision of the court, because the highest priority is to preserve the unity of the Torah’s acceptance in Israel, even if this might occasionally mean that the people will be acting on an erroneous court decision.

If such a person instructs others to do otherwise than the supreme court has ruled, he is considered a *zaken mamre*, “an obstinate sage-rebel,” and is subject to the death penalty. In this context, the words, “Thus you will sweep out evil from Israel” mean eradicating from Israel anything that could undermine the unity of the Torah.

In the private sphere, however, and in their personal conduct, neither a recognized Torah sage nor even a common man is obliged to abide by every decision of the supreme court. The Talmud goes so far as to state that if a person knows that the Sanhedrin is wrong in a given situation, then he is in fact forbidden to act according to the decision of the supreme court, and, on the contrary, he must abide by the dictates of his own conscience and understanding. At the same time, however, he is also forbidden to instruct or encourage others to defy a decision of the Sanhedrin. The aim of this duality is to achieve a certain balance between freedom of personal conscience and the need to preserve unity in society.

(13) All the people will hear and be afraid and will not act presumptuously again: By virtue of this execution, the people will understand that it is categorically unacceptable even for a great sage to engage in public malice at this level, defying a decision of the highest national court and instructing the people to challenge along with him the supreme authority of the Sanhedrin.

§ 14.5. APPOINTING A KING (17:14-15)

יִּכְתֹּבָא אֱלֹהֵאֲרֵץ אֲשֶׁר יִי אֱלֹהֶיךָ נָתַן לָךְ וַיְרִשְׁתָּהּ וַיִּשְׁבְּתָהּ בָּהּ
וְאַמְרַתְּ אִשְׁמָה עָלֶיךָ מֶלֶךְ כְּכָל־הַגּוֹיִם אֲשֶׁר סְבִיבְתִי: טו שׁוֹם תִּשְׁמִים
עָלֶיךָ מֶלֶךְ אֲשֶׁר יִבְחַר יִי אֱלֹהֶיךָ בּוֹ מִקְרֵב אֲחֵיךָ תִּשְׁמִים עָלֶיךָ מֶלֶךְ
לֹא תוּכַל לָתֵת עָלֶיךָ אִישׁ נָכְרִי אֲשֶׁר לֹא־אֲחִיךָ הוּא:

(14) If, after you have entered the land that the Lord your God has assigned to you, and taken possession of it and settled in it, you decide, “I will set a king over me, as do all the nations about me,”

(15) you shall be free to set a king over yourself, one chosen by the Lord your God. Be sure to set as king over yourself one of your own people; you must not set a foreigner over you, one who is not your kinsman.

(14) If, after you have entered the land that the Lord your God has assigned to you, and taken possession of it and settled in it: A king may be appointed only after the conquest and possession of the land are complete. The organization of national life that it is the king’s job to promote and protect is relevant only when the people are peacefully and securely settled in their land.

You decide, “I will set a king over me, as do all the nations about me”: For establishing a central government the wish of the people is the determining factor. Until the people themselves are ready for that, there is no commandment to appoint a king.

This is the only instance of a commandment whose fulfillment depends on the readiness of the people. But once they have reached that stage, then *som tasim alechah melech* (Deut. 17:15); the reduplication, *som tasim*, is for emphasis: “Once you have decided that you are ready for a king, then you must surely appoint a king!”

You decide, “I will set a king over me, as do all the nations about me”: “You decide” here in the Hebrew is *ve-amarta*, which means, simply, “You will say”; i.e., you – the people, the society – will feel a desire to appoint a king. Until a king is appointed, the power rests in the hands of the people. Either way, it is only they who are sovereign, and who are

the source of all state power. But the people may decide to transfer their powers to an individual whom they wish to govern the state, and that person is the king of this Torah passage.

In other words, the “king” of which the Torah speaks here means, more broadly, any form of state government that the people might choose, be it a monarchy, an oligarchy, or a democracy. Any of these forms of government has the authority of a king.³⁶

As do all the nations about me: With this the Torah is saying that the form of government that the people choose may (and should) be borrowed from the other nations of the world. This is the only case of a Torah commandment in which the Jewish people are instructed to follow the example of other nations. In any given era, Israel must study the governmental systems of the peoples of the world, and then choose the form of government that is most effective for them at that time.³⁷

It is the people who must decide that the time has come to establish a kingdom. If the people have not expressed that desire, then no Torah sage, nor even a prophet, may appoint a king. This accords with the fundamental principle that the only legitimate form of government is one in which the power of the state is derived from the consent of the citizens themselves.

(15) You shall be free to set a king over yourself: “You shall be free to set” is a free translation. The Hebrew here is *som tasim*, a doubling of the verb that would usually be translated as “you shall surely set

³⁶ This means that in our times the Knesset and all other official arms of government in the State of Israel have *din melech* – the halachic status of a king. Absenting that status they would have no authority to collect taxes (and would be forbidden to do so, because it would be a violation of the commandment, “You shall not steal”) or to send troops to war (which would be a violation of the commandment, “You shall not murder”). But when the people willingly authorize these acts, they are effectively “appointing a king” and recognizing the authority of the government that now represents them.

³⁷ As applied to the modern era, this means that since the most efficient states of our time are obviously Western democracies, that is precisely the form of government, in the view of the Torah, that the modern State of Israel should choose.

up.” This emphasizes the obligatory nature of this action. In other words, it is a commandment, and not merely a recommendation or permission.

As already noted, however, the fulfillment of this commandment depends on the desire and readiness of the people. When they want a king, the people are obligated to appoint one, while the absence of that desire means that it is not yet time to fulfill this commandment, and there is no obligation to appoint a king.

This commandment has this unusual conditional form mainly because the untimely appointment of a king can very easily lead to a rift within the nation. If the people are not ready for a certain system of state power, then they will rebel against it, likely leading to war and bloodshed. Immediately after the conquest of Canaan, for example, each of the tribes of Israel considered itself an independent entity. Had the tribes of Israel been asked at that time to submit to a single authority, a civil war could easily have erupted. It follows therefore that a king should be appointed only with the full readiness and consent of the people.

One chosen by the Lord your God. Be sure to set as king over yourself one of your own people; you must not set a foreigner over you, one who is not your kinsman: If the words “chosen by the Lord your God” are understood to mean that the king will be designated by a prophet, then why would the additional instruction “you must not set a foreigner over you” be needed? After all, any true prophet acting on the basis of bona fide prophecy would appoint a proper king, without any need for such formal rules.

Obviously then, it is not a prophet who should appoint the king, but the people, which is why they must be warned not to elect a foreigner. If indeed they make the proper choice, then the king they have appointed is considered to have been chosen by God Himself, as the beginning of the verse states. Thus, we can say that in this situation the Torah endorses the position of *vox populi – vox Dei* – the voice of the people is the voice of God.

Be sure to set as king over yourself one of your own people; you must not set a foreigner over you, one who is not your kinsman: In order to understand the needs of the people the king must be “one of

their kinsmen” – one of them. Only then can he fully appreciate that his ultimate objective as king must be not achieving external dominance for his country, but promoting the internal welfare of its inhabitants.

There are numerous examples in human history of empires that rose under rulers of foreign origin. Such rulers were often invited into the country in the belief that an external power would act as a neutral arbiter with respect to various groups and clans all vying for dominance and influence. And that in this way the foreign king would be endowed with the authority and special powers that contribute to the strength of the state. (Such was the case of the early medieval Kyivan Rus where Slavic subjects were ruled by the Viking dynasty.) But the Torah rejects this approach, and forbids inviting such foreigners into Israel’s kingdom. The Jewish nation must be able to function independently, and to bear all responsibility for itself internally.

§ 14.6. LIMITS ON THE KING’S CAVALRY, HIS WIVES, AND HIS WEALTH (17:16-17)

טו רַק לֹא-יִרְבֶּה-לּוֹ סוּסִים וְלֹא-יָשִׁיב אֶת-הָעָם מִצְרֵימָה לְמַעַן
הִרְבּוֹת סוּס וַיִּאָּמַר לָכֵם לֹא תִסְפּוּן לָשׁוּב בְּדֶרֶךְ הַזֶּה עוֹד: יו וְלֹא
יִרְבֶּה-לּוֹ נָשִׁים וְלֹא יִסּוֹר לִבּוֹ וַיִּכְסֹף וַיִּהְיֶה לֹא יִרְבֶּה-לּוֹ מֶאֶד:

(16) Moreover, he shall not keep many horses or send people back to Egypt to add to his horses, since the Lord has warned you, “You must not go back that way again.”

(17) And he shall not have many wives, lest his heart go astray; nor shall he amass silver and gold to excess.

(16) Moreover: After the commandment to establish royal power in the manner of other nations, special restrictions are now imposed on Jewish kings, and situations are enumerated in which, on the contrary, a Jewish king is expected to behave differently from the kings of the world.

A king’s primary passions are in many ways no different from the passions of people in general: wealth, fame, and women. But since a king has more avenues of opportunity open to him than an ordinary person

does, there is a real danger that he will use the resources of the state to indulge his personal passions, and with disastrous results.

He shall not keep many horses: Horses are a symbol of military might. “Many” here means more than the minimum necessary to defend the country and keep it secure. Anything in excess of that number creates prestige for the king but is detrimental to the welfare of the state.

Or send people back to Egypt to add to his horses: The Book of Kings (1 Kings 10:26) relates that King Solomon purchased a very large number of warhorses and chariots in Egypt. And not only for himself, but also for international trade: “The king’s dealers would export them to all the kings of the Hittites and the kings of the Arameans” (1 Kings 10:28-29).

There was also a very real danger that Jewish mercenaries might be sent to do service and to reside in Egypt permanently in exchange for supplies of horses. A Jewish military colony did later exist in Elephantine, on Egypt’s southern border. The Torah here very explicitly forbids this practice.

Since the Lord has warned you, “You must not go back that way again”: In the era of the Patriarchs, the Israelite people regarded Egypt as the economic center of the world, and were dependent on it economically and even psychologically.³⁸ This ultimately led to more than two centuries of Egyptian slavery.

If, after the conquest of Canaan, when the people would become economically self-sufficient, they were to rely militarily on Egyptian horses once again, this could have led to a repetition of the previous pattern of dependence and excessive susceptibility to Egyptian influence. The need to prevent that was the rationale for the admonition: “You must not go back that way again.”

(17) And he shall not have many wives, lest his heart go astray: In those times marrying the daughters of foreign kings was a common diplomatic strategy and an instrument of foreign policy. Such a

³⁸ See the *Bible Dynamics* commentary to the story of Abraham in Egypt (Gen. 12:10) and Joseph’s dreams of the sun, moon, and stars, and of the sheaves (Gen. 37:5-11, 42:9).

multitude of “political marriages” increases the influence of alien cultures in Israel. Ultimately, this is what happened in the case of King Solomon when he failed to abide by this prohibition (1 Kings 11:4).

Nor shall he amass silver and gold to excess: The state must amass enough wealth to provide for the minimum required budget, but it should not strive for luxury. King Solomon transgressed this prohibition as well.

Although King Solomon’s violation of the Torah’s rules for proper administration of the kingdom is a difficult problem to solve when we seek an understanding of the Tanakh, we will not discuss it here. We only note that by all indications those violations were the primary reason that the unified kingdom fell apart after Solomon’s death, and could never be restored thereafter.

§ 14.7. THE KING MUST WRITE HIS OWN COPY OF THE TORAH (17:18-20)

יח וְהָיָה כְּשִׁבְתּוֹ עַל כִּסֵּא מַמְלַכְתּוֹ וְכָתַב לוֹ אֶת-מִשְׁנֵה הַתּוֹרָה
הַזֹּאת עַל-סֵפֶר מִלִּפְנֵי הַכֹּהֲנִים הַלְוִיִּם: יט וְהָיְתָה עִמּוֹ וְקָרָא בּוֹ
כָּל-יְמֵי חַיָּיו לְמַעַן יִלְמַד לִירְאָה אֶת-יְיָ אֱלֹהָיו לְשָׁמֵר אֶת-כָּל-דְּבָרֵי
הַתּוֹרָה הַזֹּאת וְאֶת-הַחֻקִּים הָאֵלֶּה לַעֲשׂוֹתָם: כ לְבִלְתִּי רוּם-לְבָבוֹ
מֵאֲחֵיו וּלְבִלְתִּי סוּר מִן-הַמִּצְוָה יְמִין וּשְׂמֹאל לְמַעַן יֵאָדָּר יָמָיו עַל-
מַמְלַכְתּוֹ הוּא וּבָנָיו בְּקֶרֶב יִשְׂרָאֵל:

(18) **When he is seated on his royal throne, he shall have a copy of this Teaching written for him on a scroll by the levitical priests.**

(19) **Let it remain with him and let him read in it all his life, so that he may learn to revere the Lord his God, to observe faithfully every word of this Teaching as well as these laws.**

(20) **Thus he will not act haughtily toward his fellows or deviate from the Instruction to the right or to the left, to the end that he and his descendants may reign long in the midst of Israel.**

(18) When he is seated on his royal throne: “When he is seated” means when the king is established on the throne, i.e., when his dominion has become secure and is expected to endure. Of course, the king had to be familiar with the Torah even before he ascended the throne. But the king should not write this special Torah scroll for himself until he has solved the initial problems of confirming his power.

He shall have a copy of this Teaching written for him on a scroll: The Hebrew says, “He shall write for himself a copy of this teaching on a scroll.”

The expression *mishneh (ha-)Torah*, “a copy of the Teaching,” later became one of the names of this book itself, Deuteronomy, the fifth book of the Torah. As mentioned earlier (§ 1.1), this book, which was first translated from Hebrew to Greek, and then from there into other European languages, became known as “Deuteronomy” – “the Repetition of the Law,” although a more correct translation is “the Repetition of the Teaching.”

Opinions in Jewish tradition vary as to whether the words “this Teaching” here mean that the king’s personal scroll must include the entire five books of the Torah, or only this final book of the five, the book of Deuteronomy. I.e., which part of the Torah must the king write for himself. Be that as it may, by observing this commandment – writing for himself a Torah scroll (or a portion thereof) “so that he may learn to revere the Lord his God, to observe faithfully every word of this Teaching” – a major pedagogical purpose is served, namely, building the proper relationship between the leadership and the people.

He shall have a copy of this Teaching written for him on a scroll by the levitical priests: An alternate, free translation is, “He shall write for himself a copy of this teaching on a scroll, copied from the Torah scroll that resides with the Levites and priests.” The master Torah scroll that serves as the basis for any other to be written is kept in the Temple alongside the Ark of the Covenant (Deut. 31:26).

(19) Let it remain with him and let him read in it all his life: The king must read the Torah on his own and thus learn the answers to his own questions. This is fundamentally different from the instruction we saw above (Deut. 17:8-9), wherein issues that arise are resolved in

the court by the priests, the Levites, and the judges. Thus, the king's approach to learning the Torah, and to making decisions based on the Torah, is very different from that of other members of the population, including the local judges (i.e., not only ordinary people, but even Torah scholars).

Later, at the end of the book of Deuteronomy, the Torah says: "Therefore, write down this poem and teach it to the people of Israel" (Deut. 31:19). The Tradition understands this as a commandment, the very last of the 613 commandments, in fact, which requires every Jew to write his own personal copy of the Torah.

Thus, a king must write two Torah scrolls for himself: the one that every Jew is commanded to write, and a second one that is specific to him as king. This symbolizes the king's two approaches to studying and observing the Torah:

- (i) The standard approach, which understands the Torah as a legislative text, interpreted by the Oral Tradition and encoded in the Halachah.
- (ii) The specifically "royal" approach, as embodied in the straightforward meaning of the verses ("let him read in it all his life," i.e., the king should understand it literally, as written). This approach, rather than limiting the king to the framework of the Halachah, gives him an understanding of the general course of history, its direction, and his own place within it. That understanding also provides the king with the inspiration he needs to understand his unique responsibility for the future of the Jewish nation and the Land of Israel.

We find an example of this in the book of Kings, which relates how the reading of the Torah inspired King Amaziah to entertain a merciful policy even toward the family of an actual rebel against the kingdom: "Once he had the kingdom firmly in his grasp, he put to death the courtiers who had assassinated his father the king. But he did not put to death the children of the assassins, in accordance with what is written in the Book of the Teaching of Moses, where the Lord commanded, 'Parents shall not be put to death for children, nor children be put to death for

parents; a person shall be put to death only for his own crime' ” (2 Kings 14:5-6).

So that he may learn to revere the Lord his God, to observe faithfully every word of this Teaching as well as these laws: Highly significant for a king is the motivation that compels him to act in accordance with the dictates of the Torah. The king derives such motivation from his reading of the Written Torah, not by studying the Oral Torah.

(20) Thus he will not act haughtily toward his fellows or deviate from the Instruction to the right or to the left, to the end that he and his descendants may reign long in the midst of Israel: So that the members of the royal dynasty (“he and his descendants”) can rule successfully, they must have the following qualities: awe of the Almighty, strict observance of the Torah, and a brotherly attitude devoid of arrogance toward the entire Jewish people.

History has demonstrated that for the elite, especially if they have held power for a long time, the requirement that they relate to the common people without arrogance is often harder to achieve than their compliance with the law. Often, violating that principle brings those in power, and the system they represent, to ruin and actual death.

§ 14.8. HOW THE PRIESTS AND LEVITES ARE TO CONDUCT THEIR LIVES (18:1-8)

א לא־יִהְיֶה לַכֹּהֲנִים הַלְוִיִּם כָּל־שִׁבְט לְוִי חֶלֶק וְנַחֲלָה עַם־יִשְׂרָאֵל
אֲשֵׁי יִי וְנַחֲלָתוֹ יֵאָכְלוּ: ב וְנַחֲלָה לֹא־יִהְיֶה־לּוֹ בְּקִרְבֹּ אָחִיו יִי הוּא
נַחֲלָתוֹ כְּאִשָּׁר דִּבֶּר־לּוֹ: ג וְזֶה יִהְיֶה מִשְׁפָּט הַכֹּהֲנִים מֵאֵת הָעָם מֵאֵת
זְבָחֵי הַזֶּבַח אִם־שׂוֹר אִם־שָׁה וְנָתַן לַכֹּהֵן הַזֶּזֶע וְהַלְחִיִּים וְהַקִּבָּה:
ד רֹאשִׁית דִּגְגָן תִּירֶשֶׁךָ וִיצְהָרְךָ וְרֹאשִׁית גֶּזַע צֹאנְךָ תִּתֵּן־לּוֹ: ה כִּי בּוֹ
בָחָר יִי אֱלֹהֶיךָ מִכָּל־שִׁבְטֶיךָ לַעֲמֹד לְשֵׁרֶת בְּשֵׁם־יִי הוּא וּבָנָיו כָּל־
הַיָּמִים: ו וְכִי־יָבֹא הַלְוִי מֵאֶחָד שְׁעָרֶיךָ מִכָּל־יִשְׂרָאֵל אֲשֶׁר־הוּא גֵר
שָׁם וּבָא בְּכָל־אֶגֶת נִפְשׁוֹ אֶל־הַמָּקוֹם אֲשֶׁר־יִבְחָר יִי: ז וְשֵׁרֶת בְּשֵׁם יִי
אֱלֹהָיו כָּכֹל־אָחִיו הַלְוִיִּם הָעֹמְדִים שָׁם לִפְנֵי יִי: ח חֶלֶק כְּחֶלֶק יֵאָכְלוּ
לֶבֶד מִמִּכְרֵיו עַל־הָאֲבוֹת:

(18:1) The levitical priests, the whole tribe of Levi, shall have no territorial portion with Israel. They shall live only off the Lord's offerings by fire as their portion,

(2) and shall have no portion among their brother tribes: the Lord is their portion, as He promised them.

(3) This then shall be the priests' due from the people: Everyone who offers a sacrifice, whether an ox or a sheep, must give the shoulder, the cheeks, and the stomach to the priest.

(4) You shall also give him the first fruits of your new grain and wine and oil, and the first shearing of your sheep.

(5) For the Lord your God has chosen him and his descendants, out of all your tribes, to be in attendance for service in the name of the Lord for all time.

(6) If a Levite would go, from any of the settlements throughout Israel where he has been residing, to the place that the Lord has chosen, he may do so whenever he pleases.

(7) He may serve in the name of the Lord his God like all his fellow Levites who are there in attendance before the Lord.

(8) They shall receive equal shares of the dues, without regard to personal gifts or patrimonies.

(18:1) The levitical priests, the whole tribe of Levi, shall have no territorial portion with Israel. They shall live only off the Lord's offerings by fire as their portion: After describing the justice system and the regal power structure, the Torah moves on to the third national institution, the system of the priests and the Levites.

(2) And shall have no portion among their brother tribes: the Lord is their portion, as He promised them: Here the Levites' anomalous position is emphasized. Their situation with respect to the nation of Israel is at variance with that of the rest of the people. Because only by being "on the outside," as it were, can the priests and Levites fulfill their religious function.

(3) This then shall be the priests' due from the people: Everyone who offers a sacrifice, whether an ox or a sheep, must give the shoulder, the cheeks, and the stomach to the priest: A person bring-

ing a *shelamim* sacrifice, a “peace offering” (which was usually done in the context of a family celebration at the Temple) first offered a small part of it on the altar, and gave the parts indicated in this verse to the priests. He and his family then ate the remainder. Thus, this meal united him with the Almighty’s altar and with the priests. These three parts of the animal sacrifice represent action, prayer, and sustenance – the three aspects in which the priests facilitate the people’s connection with God.³⁹

(4) You shall also give him the first fruits of your new grain and wine and oil, and the first shearing of your sheep: These priestly gifts, are not portions of animal sacrifices, but are separated from the harvest. They are not quantified here in precise terms; the verse only states that the “first” of each category belong to the priests.

(5) For the Lord your God has chosen him and his descendants, out of all your tribes, to be in attendance for service in the name of the Lord for all time: These “firsts” are given to the *kohen* in order to establish, through the priests, a direct connection between the people and the Temple.

(6) If a Levite would go: After the offerings to be given to the priests have been specified, the Torah moves on to the provisions made for the Levites. The key point is that the Levites are treated as a single, unified social group. And not, as often happens, a body of individuals, each of whom receives, for sustenance, a tithe from the inhabitants of his particular region.

From any of the settlements throughout Israel where he has been residing, to the place that the Lord has chosen: Here we have the case of a Levite who has been living on the periphery, in a Levite city somewhere in the territory of one of the tribes of Israel. And now he wishes to come to the Temple and live there, which effectively means that this Levite no longer wants to be a “district teacher of the tradition.” He wants instead to live in the “central yeshivah” of the capital city. This can happen, for example, if the Levite has suffered “job burnout.”

³⁹ The priests’ table symbolizes a mindset of “embracing the entire world and everything in it.” See Num. 18:8 and the *Bible Dynamics* commentary there.

He needs the spiritual nourishment that comes from renewal of knowledge and advanced training in one's field.

(7) He may serve in the name of the Lord his God like all his fellow Levites who are there in attendance before the Lord: He has the right to interrupt his work on the periphery in order to live in the country's religious center.

(8) They shall receive equal shares of the dues, without regard to personal gifts or patrimonies: While he is at the Temple, he receives sustenance on an equal footing with all the other Levites who live there (provided to him, as it were, in the form of a "stipend"). In doing so, he is not required to spend the funds he has received from the sale of his family home. This preserves for him the option of buying a new home in one of the Levitical cities, where he can then move if he wishes to resume teaching on the periphery. This system allowed a Levite to take a sabbatical of sorts from his permanent assignment, while still retaining the option to secure new employment later on.

§ 14.9. THE INSTITUTION OF PROPHECY (18:9-22)

ט כי אתה בא אל־הארץ אשר־י אלהיך נתן לך לא־תלמד לעשות
 כתועבת הגוים ההם: י לא־ימצא בך מעביר בנזובתו באש קסם
 קסמים מעוגן ומנחש ומכשף: יא וחבר חבר ושאל אוב וידעני ודרש
 אלהי־מתים: יב כִּי־תועבת יי כִּלְעֵשָׁה אלה ובגלל התועבת האלה
 יי אלהיך מוריש אותם מפניך: יג תמים תהיה עם יי אלהיך: יד
 כי | הגוים האלה אשר אתה יורש אותם אל־מענגים ואל־קסמים
 ישמעו ואתה לא כן נתן לך יי אלהיך: טו נביא מקרבך מאחריך
 כמני יקים לך יי אלהיך אליו תשמעון: טז ככל אשר־שאלת מעם יי
 אלהיך בחרב ביום הקהל לאמר לא אסף לשמע את־קול יי אלהי
 ואת־האש הגדלה הזאת לא־אראה עוד ולא אמות: יז ויאמר יי אלי
 היטיבו אשר דברו: יח נביא אקים להם מקרב אחיהם כמִוֹד ונתתי
 דברי בפיו ודבר אליהם את כל־אשר אצונו: יט והיה האיש אשר
 לא־ישמע אל־דברי אשר ידבר בשמי אנכי אדרש מעמו: כ אך
 הנביא אשר יזיד לדבר דבר בשמי את אשר לא־צויתיו לדבר ואשר
 ידבר בשם אלהים אחרים ומת הנביא ההוא: כא וכי תאמר בלבבך

אִיכָּה גִּדַּע אֶת־הַדִּבֶּר אֲשֶׁר לֹא־דִבְּרוּ יִי: כִּבְּ אֲשֶׁר יִדְבֵּר הַנְּבִיא בְּשֵׁם
 יִי וְלֹא־יִהְיֶה הַדִּבֶּר וְלֹא יֵבֵא הוּא הַדִּבֶּר אֲשֶׁר לֹא־דִבְּרוּ יִי בְּזִדּוֹן דִּבְּרוּ
 הַנְּבִיא לֹא תִגּוֹר מִמֶּנּוּ:

(9) 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.

(10) 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,

(11) one who casts spells, or one who consults ghosts or familiar spirits, or one who inquires of the dead.

(12) 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.

(13) You must be wholehearted with the Lord your God.

(14) 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.

(15) The Lord your God will raise up for you a prophet from among your own people, like myself; him you shall heed.

(16) This is just what you asked of the Lord your God at Horeb, on the day of the Assembly, saying, "Let me not hear the voice of the Lord my God any longer or see this wondrous fire any more, lest I die."

(17) Whereupon the Lord said to me, "They have done well in speaking thus.

(18) I will raise up a prophet for them from among their own people, like yourself: I will put My words in his mouth and he will speak to them all that I command him;

(19) and if anybody fails to heed the words he speaks in My name, I myself will call him to account.

(20) But any prophet who presumes to speak in My name an oracle that I did not command him to utter, or who speaks in the name of other gods – that prophet shall die."

(21) And should you ask yourselves, “How can we know that the oracle was not spoken by the Lord?” –

(22) if the prophet speaks in the name of the Lord and the oracle does not come true, that oracle was not spoken by the Lord; the prophet has uttered it presumptuously: do not stand in dread of him.

(9) When you enter the land that the Lord your God is giving you: After describing three of the four arms of political authority – the judiciary, the kingdom, and the priesthood – the Torah advances to the fourth and last branch, the prophets. The primary function of a prophet is to reveal to the people the Divine, living word. But apart from that the prophets serve also a political function, as an institution of the state, in which they act as critics and potentially even opponents of the other three branches of power. We find numerous instances in the Tanakh of contention that arose between kings and prophets.

In critical situations the Torah authorizes the prophets to temporarily revoke the powers of the other institutions of power, even those of the courts and of the king. But even so, a prophet cannot establish his own institutions of power in the state. Rather, his mandate is only to intervene provisionally and temporarily, by correcting any wrongful or destructive actions on the part of the other branches of government.

In view of these enormous powers conferred upon the prophets, it is essential that there be a readily available methodology for distinguishing true prophets from false ones. The Torah has already addressed this issue earlier, but returns to it here in the context of the organization of the Jewish state.

You shall not learn to imitate the abhorrent practices of those nations: Any attempt to make contact with otherworldly forces, instead of turning to the Almighty, is considered an abomination, which is what the Torah calls it here in so many words.

Jewish tradition is unequivocal in forbidding any such practice. But it has two points of view on the actual effectiveness of the forbidden methods themselves. The rationalist school (as represented most prominently by Maimonides) maintains that such methods are nothing more than vain superstitions and empty delusions. The mystical (Kabbalis-

tic) school, on the contrary, believes that these occult methods really do work (or at least they worked in antiquity, when the channels of communication with Heaven were more open and accessible). But the Torah forbade them, because they are rooted in a base aspect of spirituality, addressing death and the remnants of the life spirit that have been preserved in the bones of the dead. The Jewish approach insists that the Almighty is the “living God” (Deut. 8:23), and the Torah is a doctrine of life, not death.

(10) Let no one be found among you who consigns his son or daughter to the fire: This was one way that ancient cultures laid open such hidden realms. Those who consigned their children to the flames believed that the secrets of this world could thus be revealed to them.

(10-11) Let no one be found ... 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: This abundance of terms for describing the various types of fortune-tellers, magicians, and soothsayers demonstrates that such practices were an integral aspect of life back then, and why it was such a challenge to eradicate those practices from the Jewish nation. A conspicuous example of this is famously preserved in the incident of King Saul and the necromancer of En-dor, as recounted in the book of Samuel (1 Sam. 28:7 ff.).

(12) 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: In order to stress the severity of these prohibitions, no fewer than three times in this one passage (once in Deut. 18:9 and twice here) the Torah calls them *to`evah* – “something abhorrent,” “an abomination.”

The rationale for using that word is that the use of these forms of magic in no way requires or involves any measure of personal self-improvement. Neither the technical knowledge of such spiritual worlds nor the practical application of such knowledge is conducive to the elevation or improvement of the human species. Such practices are therefore nothing more than an immoral attempt to “hijack” the spiritual forces received from the Creator and to use them for other, ignoble purposes.

(13) You must be wholehearted with the Lord your God: This verse is difficult to translate because the Hebrew word *tamim*, rendered here as “wholehearted,” has various meanings.

Tamim is closely related to *tam*, which means “complete,” but it can also mean “simple, naive.” (As a noun, *tam* can mean “simpleton.” Some readers will recognize the *tam* as the third of the well-known “four sons” of the Passover Haggadah – “the simple son.”) Accordingly, this verse is often understood as an instruction to “be naive with the Lord” – i.e., not to aspire to excessive sophistication or to attempt to be “too clever” – specifically in trying to predict the future. But this understanding is inconsistent with the context of the passage as a whole, which states explicitly that it is a prohibition against consulting sorcerers, a commandment to seek counsel from Israel’s prophets instead.

Closely related to *tam* is *tamim*, the word used here, and also used early in the book of Genesis (6:9 and 17:1) to describe the most salient attribute of both Noah and Abraham. It is usually translated there as “blameless.” The *simil* which is derived from the same root as *to’amim*, means “correspondence, agreement, consistency.” The Hebrew word for twins, *te’omim*, derives likewise from the same root.) Thus, *tamim* of this verse can be translated as “that which has attained integrity and unity.” In the current context, the phrase, “You must be *tamim* with the Lord your God” can be understood to mean: “Adjoin yourselves to the Almighty, in order to achieve perfection and completeness by virtue of that connection with Him. You must not distance yourself from Him by engaging with fortune tellers and sorcerers.”

(14) 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: The spiritual leaders of those nations create a connection between a person and the base realms of spirituality. You, however, the Jewish people, cling directly to the Almighty.

(15) A prophet ... like myself: We can infer from this phrasing that all other Jewish prophets are on the same level as Moses. For although Moses’ dominant position is unquestioned, he is “the first among equals,” as Rabbi Judah Halevi (Spanish Jewish physician, poet and philosopher, d. 1141 CE) so aptly expressed it. But other verses of the Torah

(Num. 12:8; Deut. 34:10) seem to be saying that, on the contrary, Moses stands on a fundamentally higher plane than all other prophets. And this is the position adopted by Maimonides as well.

The Lord your God will raise up for you a prophet from among your own people, like myself: Your prophets will arise from your midst, “from among your own people,” because their primary purpose is to reveal an understanding of the living Divine word that dwells among the people.

Him you shall heed: I.e., the institution of prophecy is established as one of the branches of governmental authority.

(16-17) This is just what you asked of the Lord your God at Horeb, on the day of the Assembly, saying, “Let me not hear the voice of the Lord my God any longer or see this wondrous fire any more, lest I die.” Whereupon the Lord said to me, “They have done well in speaking thus: The Almighty approves the appointment of a mediator only because the people’s fears prevent them from accepting direct revelation from Heaven.

(18) I will raise up a prophet for them from among their own people, like yourself: I will put My words in his mouth and he will speak to them all that I command him: “Like yourself” once again stresses that the later prophets will be on par with Moses. Their authority will therefore be sufficient to override orders issued by any of the other three arms of power.

(19) And if anybody fails to heed the words he speaks in My name, I myself will call him to account: The obligation to heed the words of the prophets is supplemented here by a punishment for disobedience. At the same time, “I [i.e., God] will call him to account” means that death will be exacted only from Heaven. Those who disobey a prophet are not subject to judgment in a human court of law.

(20) But any prophet who presumes to speak in My name an oracle that I did not command him to utter, or who speaks in the name of other gods – that prophet shall die”: A prophet who prophesies falsely, however, is subject to a far more severe punishment – the death penalty imposed by the court (strangulation, see Mishnah

Sanhedrin 11:1). A false prophet is much more dangerous than individuals who refuse to obey a prophet's orders.

(21) And should you ask yourselves, “How can we know that the oracle was not spoken by the Lord?”: In light of the enormous authority wielded by the prophet, every civilian needed a way to verify the truth of his prophecy.

(22) If the prophet speaks in the name of the Lord and the oracle does not come true, that oracle was not spoken by the Lord; the prophet has uttered it presumptuously: do not stand in dread of him: Tradition expands on this as follows. A prophet who makes a favorable prediction that fails to materialize is deemed a false prophet. But if he predicts something unfavorable, there is no requirement whatsoever that it would come true. Perhaps the people have repented, or the Almighty has chosen to demonstrate forbearance or mercy, allowing the decree to be annulled.

Earlier, however (see Deut. 13:2-6 and the commentary there), other criteria for verifying the authenticity of a prophet are enumerated.

Thus, the Torah specifies a simple scheme for addressing this issue. But later in the Tanakh we see that this “simple” scheme turned out to be very difficult to implement in practice.⁴⁰ This emphasizes that every person bears an individual, moral responsibility to properly distinguish a true prophet from a false one in any situation that requires it.

⁴⁰ See, for example, Jer. 28 and 2 Kings 22.

§ 15. ADDITIONAL LAWS OF THE STATE

§ 15.1. THE UNWITTING MANSLAYER, AND THE CITIES OF REFUGE (19:1-13)

א כִּי־יִכָּרִית יי אֱלֹהִיךָ אֶת־הַגּוֹיִם אֲשֶׁר יי אֱלֹהֶיךָ נָתַן לְךָ אֶת־אֶרֶץ
וִירֻשָּׁתָם וַיִּשְׁבְּתָם בְּעָרֵיהֶם וּבְבִתְיֵיהֶם: ב שְׁלוֹשׁ עָרִים תִּבְדִּיל לְךָ בְּתוֹךְ
אֶרֶץךָ אֲשֶׁר יי אֱלֹהֶיךָ נָתַן לְךָ לְרִשְׁתָּהּ: ג תִּכְיֶן לְךָ הַדֶּרֶךְ וְשַׁלֶּשְׁתָּ
אֶת־גְּבוּל אֶרֶץךָ אֲשֶׁר יִנְחִילֶךָ יי אֱלֹהֶיךָ וְהָיָה לְנוֹס שָׁמָּה כְּלִי־רֹחֶץ:
ד וְזֶה דְּבַר הַרְצַח אֲשֶׁר־יָנוּס שָׁמָּה וְחִי אֲשֶׁר יֵכֶּה אֶת־רַעְלוֹ בְּבִלִי־
דַּעַת וְהוּא לֹא־שָׂנֵא לוֹ מִתֵּמֶל שְׁלֹשׁ: ה וְאֲשֶׁר יָבֵא אֶת־רַעְלוֹ בִּיעֵר
לְחֹטֵט עֲצִים וְנִדְחָה יָדוֹ בְּגִרְזֹן לְכַרֵּת הָעֵץ וְנָשַׁל הַבְּרוֹזֶל מִן־הָעֵץ וּמָצָא
אֶת־רַעְלוֹ וּמָת הוּא יָנוּס אֶל־אַחַת הָעָרִים־הָאֵלֶּה וְחִי: ו פֶּן־יִרְדֹּף גֹּאֵל
הָדָם אַחֲרֵי הַרְצַח כִּי־יִחַס לְכַבּוֹ וְהִשְׁיִגוּ כִּי־יִרְבֶּה הַדֶּרֶךְ וְהִכְהוּ נֶפֶשׁ
וְלוֹ אֵין מִשְׁפָּט־מָוֶת כִּי לֹא שָׂנֵא הוּא לוֹ מִתֵּמֶל שְׁלֹשׁ: ז עַל־כֵּן
אֲנֹכִי מִצְוֶה לָאמֹר שְׁלֹשׁ עָרִים תִּבְדִּיל לְךָ: ח וְאִם־יִרְחִיב יי אֱלֹהֶיךָ
אֶת־גְּבוּלֶךָ כְּאֲשֶׁר נִשְׁבַּע לְאַבְרָהָם וְנָתַן לְךָ אֶת־כָּל־הָאָרֶץ אֲשֶׁר דִּבֶּר
לְתַת לְאַבְרָהָם: ט כִּי־תִשְׁמַר אֶת־כָּל־הַמִּצְוָה הַזֹּאת לַעֲשׂוֹתָהּ אֲשֶׁר
אֲנֹכִי מִצְוֶה הַיּוֹם לְאַהֲבָהּ אֶת־יי אֱלֹהֶיךָ וּלְלַכֵּת בְּדַרְכָּיו כָּל־הַיָּמִים
וַיִּסְפָּק לְךָ עוֹד שְׁלֹשׁ עָרִים עַל הַשְּׁלֹשׁ הָאֵלֶּה: י וְלֹא יִשְׁפֹךְ דָּם
נָפִי בְּקִרְבֵּי אֶרֶץךָ אֲשֶׁר יי אֱלֹהֶיךָ נָתַן לְךָ נַחֲלָה וְהָיָה עָלֶיךָ דָּמִים:
יא וְכִי־יִהְיֶה אִישׁ שָׂנֵא לְרַעְלוֹ וְאַרְבַּ לּוֹ וְקָם עָלָיו וְהִכְהוּ נֶפֶשׁ וּמָת וְנָס
אֶל־אַחַת הָעָרִים הָאֵלֶּה: יב וְשִׁלְחוּ זִקְנֵי עִירוֹ וְלָקְחוּ אֹתוֹ מִשָּׁם וְנָתְנוּ
אֹתוֹ בְּיַד גֹּאֵל הָדָם וּמָת: יג לֹא־תַחֲנוּס עֵינֶיךָ עָלָיו וּבַעֲרַת דָּם־הַנָּקִי
מִיִּשְׂרָאֵל וְטוֹב לְךָ:

(19:1) 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,

(2) you shall set aside three cities in the land that the Lord your God is giving you to possess.

(3) You 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.

(5) 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, 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. –

(6) Otherwise, when the distance is great, the blood-avenger, pursuing the manslayer in hot anger, may overtake him and kill him; yet he did not incur the death penalty, since he had never been the other's enemy.

(7) That is why I command you: set aside three cities.

(8) And when the Lord your God enlarges your territory, as He swore to your fathers, and gives you all the land that He promised to give your fathers –

(9) if you faithfully observe all this Instruction that I enjoin upon you this day, to love the Lord your God and to walk in His ways at all times – then you shall add three more towns to those three.

(10) Thus blood of the innocent will not be shed, bringing bloodguilt upon you in the land that the Lord your God is allotting to you.

(11) If, however, a person who is the enemy of another lies in wait for him and sets upon him and strikes him a fatal blow and then flees to one of these towns,

(12) the elders of his town shall have him brought back from there and shall hand him over to the blood-avenger to be put to death;

(13) you must show him no pity. Thus you will purge Israel of the blood of the innocent, and it will go well with you.

Having defined the primary branches of government, the Torah speaks now of a number of other institutions needed to assure the proper functioning of society in the Land of Israel. The first of these to be considered is the system of cities of refuge for protecting an individual who has committed manslaughter. (That term implies the absence of any actual malicious intent.)

This topic has been covered before, mostly in the book of Numbers (see Num. 35 and commentary there). But here the treatment proceeds from a different perspective.

When the cities of refuge are introduced there in Numbers, their purpose is to limit the incidence of retribution against the manslayer at the hands of the “avenger [literally, redeemer] of the blood” – typically a relative of the victim. Such retribution is presumed a natural consequence of even an unintentional killing, because even in the absence of malice the perpetrator is nonetheless guilty, i.e., for not having taken sufficient precautions to safeguard the life of his neighbor. Thus, he has to some degree been negligent, even contemptuous, with respect to the life of his fellow man. However, the Torah’s primary objective in such cases is to establish fair and just laws (Num. 35:29 ff.). And therefore, although a person guilty of unintentional manslaughter is not subject to the death penalty, he is punished by being exiled to a city of refuge. The entire scenario is considered there in Numbers from the standpoint of his guilt: under what conditions must he repair to a city of refuge, how long must he remain there, and so on.

But here in Deuteronomy the same situation is considered from a different point of view. When the people are living in their own land, the essential values that must be preserved in society are peace and salutary relations among people. Exacting punishment is only secondary. Seen in this context, manslaughter is an event equally tragic for all parties. The priority in this situation is protecting the manslayer from the mortal

danger that the avenger's wrath poses to him in turn, so that the tragedy will not be compounded even further.

The most important criterion for determining that the killing happened unintentionally is therefore the absence of prior enmity between the killer and the victim. This contrasts with the treatment in the book of Numbers, where the primary factors for making that determination are the size and material of the object that effected the killing. The prior relationship between the manslayer and the victim are viewed as only ancillary considerations.

(1) 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: The cities of refuge are to be assigned only after the conquest and possession of the land is complete. This is because the system they implement is suitable only to peacetime.

(2) You shall set aside three cities in the land that the Lord your God is giving you to possess: These three cities of refuge in the Canaan territory of Land of Israel, taken together with the three that Moses has already set aside on the east bank of the Jordan (Deut. 4:41), will bring the total number of cities of refuge to six: "The towns that you thus assign shall be six cities of refuge in all. Three cities shall be designated beyond the Jordan, and the other three shall be designated in the land of Canaan: they shall serve as cities of refuge. These six cities shall serve the Israelites and the resident aliens among them for refuge, so that anyone who kills a person unintentionally may flee there" (Num. 35:13-15).

The actual fulfillment of this commandment is recounted in the book of Joshua (Josh. 21, 32).

(3) You 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: Divide the territory of the country, from south to north, into three equal subsections, such that each of those will have its own city of refuge.

You shall survey the distances: So that a manslayer can find shelter most quickly and easily. But the Hebrew, translated literally, actually reads, “You shall prepare the way” (or “road”).

Besides laying and paving the roads, the Oral Torah understands this as an obligation to place guideposts and directional signs at every crossroads. And what is more, the roads are even considered extensions of the cities of refuge themselves. This means that protection for the killer goes into effect as soon as he finds his way onto one of those roads. The protection that the Torah affords the manslayer from violence at the hands of the “avenger of the blood” goes even that far.

So that any manslayer may have a place to flee to: The Hebrew text uses the word *rotze’ach*, “murderer.” (Cf. the sixth of the Ten Commandments: *Lo tirtzach*, “You shall not murder.”)

Every killer, regardless of whether he acted intentionally or unintentionally, was obliged to make his way immediately to a city of refuge. The court would then determine the ultimate disposition of the case. This approach provides maximum protection for the unwitting manslayer, and highlights the importance of doing so.

It also emphasizes that regardless of how patently obvious the circumstances of a killing might seem, it is only the court that is empowered with making the final determination of murder vs. manslaughter. An “avenger of the blood” who takes it upon himself to kill even an “obvious” murderer who has come under such provisional protection of a city of refuge, and before the court has made its official determination, would himself be guilty of murder.

(4-5) One who has killed another unwittingly, without having been his enemy in the past. 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, the ax-head flies off the handle and strikes the other so that he dies: Thus, to establish that the killing was unintentional, two conditions must be met: the absence of prior enmity, and the inadvertent manner in which the death was caused. Here the Torah provides a concrete, real-life scenario of a common occupational accident, in order to make the point that almost anyone could find himself in this kind of situation, requiring him to flee to a city of refuge.

The ax-head flies off the handle: The Hebrew word used here, *`etz*, can mean either “tree” or “wood” (i.e., the material). Thus, two options for translation are possible: the ax-head flies off its wooden handle, or the ax chips off a piece of the tree.

In the first case, the cause of death was the iron blade that became dislodged from the ax handle. In the second case, the victim was killed by a chunk of wood that flew off from the tree being hewn. The first case can be seen as a failure to observe proper safety precautions. But the second scenario is well-nigh unpredictable. The point being made is that manslaughter is often the result of pure accident, which obviously must not be avenged.

(6) Otherwise, when the distance is great, the blood-avenger, pursuing the manslayer in hot anger, may overtake him and kill him: Unlike the assumptions in the book of Numbers, here the avenger’s actions are seen as a crime of passion – he “pursues the manslayer in hot anger,” rather than out of a pure desire to see justice done. Even if we can find some justification for such motives, we must not actively support them in any way.

When the distance is great ... may overtake him and kill him: This is the rationale for requiring that the land be divided into three parts, each with its own city of refuge, and that roads be constructed to facilitate the manslayer’s escape to the closest of the three.

Yet he did not incur the death penalty, since he had never been the other’s enemy: Once again the Torah emphasizes the value of peaceable and amicable relations between neighbors, and the absence of hostility as the primary criterion for determining that the killing was unintentional.

(7) That is why I command you: set aside three cities: The point is stressed yet again that the highest priority is protecting the unwitting manslayer from mortal danger.

(8) And when the Lord your God enlarges your territory, as He swore to your fathers, and gives you all the land that He promised to give your fathers: This “enlarged” territory is that of which the Torah speaks in Genesis: “On that day the Lord made a covenant with

Abram, saying, ‘To your offspring I assign this land, from the river of Egypt to the great river, the river Euphrates’ ” (Gen. 15:18).

(9) If you faithfully observe all this Instruction that I enjoin upon you this day, to love the Lord your God and to walk in His ways at all times: If you live appropriately in that part of the Land of Israel being given to you now, i.e., Canaan, “the lands of the seven nations,” then the Almighty will expand your boundaries, and you will go on to conquer the entire Land of Israel – “the lands of the ten nations.”

Then you shall add three more towns to those three: This will assure that the distance from anywhere in the Land of Israel to the closest city of refuge will be relatively short. Thus, the Land of Israel consists of three distinct regions: Canaan, the Transjordan region that Israel conquered under Moses, and the remainder of the territory that reaches all the way from the Nile to the Euphrates. Each of these regions would have three cities of refuge.

(10) Thus blood of the innocent will not be shed, bringing bloodguilt upon you in the land that the Lord your God is allotting to you: The dire severity of this expression, “Thus blood of the innocent will not be shed, bringing bloodguilt upon you,” emphasizes the commensurately extreme degree of culpability. In the absence of a system of cities of refuge – because the people had failed to establish such a system – the guilt for the death of any unwitting manslayer felled by the hand of an “avenger of the blood” would be imputed to the entire nation of Israel.

(11) If, however: In order to maintain the necessary balance, and not create the impression that killing under any circumstances is to be treated lightly, the proper punishment for murderers who are not worthy of receiving the protection of a city of refuge is also mentioned here.

A person who is the enemy of another lies in wait for him and sets upon him and strikes him a fatal blow and then flees to one of these towns: An intermediate scenario is not mentioned here, i.e., where in fact there had been a pronounced enmity between the killer and the victim before the incident, but the death nonetheless occurred as the result of happenstance and with no malicious intent. The Torah does not attempt to cover explicitly every possible eventuality, but only

to establish general ethical guidelines. In the case being discussed here, the Torah's primary emphasis is on condemning enmity between man and his fellow man, because it often entails violence and even murder.

If, however, they had been enemies beforehand, and then the one killed the other unwittingly, we find two opinions in Jewish tradition. One of those maintains that such a murder, even if not planned, should be considered premeditated, because the psychological disposition of the killer could very well have led to the crime. He might have completely understood the occupational risk, but not have taken the necessary precautions, because subconsciously he wished for the death of his enemy. The situation must therefore not be deemed an accident. But the dissenting opinion considers even that scenario an unintentional killing in the full sense.

(12) The elders of his town shall have him brought back from there and shall hand him over to the blood-avenger to be put to death: If a true murderer has been officially sentenced to death by the court, then the avenger of the blood carries out the sentence (but only by consent of the court, and under its supervision). Justice is thus served – to some extent, at least.

(13) You must show him no pity: The mercilessness of this pronouncement once again emphasizes the Torah's balanced yet uncompromising approach to punishing murder. Sparing a wanton murderer is not a show of mercy, but utter indifference to the shedding of innocent blood.

Thus you will purge Israel of the blood of the innocent: For exonerating a willful murderer the entire nation would be held to account, because it is the equivalent of allowing a murder to proceed when one has the power to prevent it.

And it will go well with you: Because, as a consequence, murders and murderers will cease to exist in the land.

§ 15.2. THE PROHIBITION OF MOVING
A BOUNDARY MARKER (19:14)

יִדְּ לֹא תִסֵּיג גְּבוּל רֵעֶךָ אֲשֶׁר גָּבְלוּ רִאשֹׁנִים בְּנַחֲלֶתְךָ אֲשֶׁר תִּנְחַל
בְּאֶרֶץ אֲשֶׁר יְיָ אֱלֹהֶיךָ נָתַן לָךְ לְרִשְׁתָּהּ:

(14) **You shall not move your countryman's landmarks, set up by previous generations, in the property that will be allotted to you in the land that the Lord your God is giving you to possess.**

(14) You shall not move your countryman's landmarks, set up by previous generations: Here several questions arise: Who are these *rishonim*, the “previous generations,” to whom Moses addresses these words? And what is the actual meaning of this prohibition?

According to the interpretation of this verse adopted by most translators and commentators, these *rishonim* are the ancestors – the first generation who conquered Canaan and apportioned the land among tribes and families. The translation would then be: “You shall not move your countryman's landmarks, set up by your ancestors.” And this verse is addressed not to this generation about to enter the land, but to their descendants, who are prohibited from altering the internal boundaries established during the division of the land after its conquest. The meaning of the commandment is to prohibit the appropriation of a neighbor's land.

But this interpretation leads to yet more questions: Why does Moses in the midst of his address to the generation standing directly before him, suddenly, without explanation, turn to future generations? And then, no less inexplicably, he returns once again to addressing the wilderness generation? Moreover, robbery, including robbery of real property, has already been outlawed. What then is the point of repeating the same prohibition in the special case of boundaries between land allotments?

Taking all this into account, we seem to require a different reading, according to which this verse, like Moses' address as a whole, is in fact directed to the wilderness generation that stands before him. And the *rishonim*, “the previous generations,” are the Canaanites who inhabited the land before Israel's arrival. These peoples too consisted of tribes,

clans, and families, and they too had divided the land so that each tribe, clan, and family had its own allotted inheritance.

Under this interpretation, the meaning of the passage is that Israel must inherit from the Canaanites an understanding of the nature of the land, because the internal boundaries that those peoples had established correctly reflected the land's territorial nature. Upon inheriting the land and its territories from the Canaanites, Israel is commanded to preserve those boundaries and that nature.

This is not the only instance in the Torah where Israel is commanded to retain Canaanite precedents. For example, certain laws in the Torah are stated using the term "vineyard." (E.g., the prohibition of *kil'ayim*, "planting or grafting diverse species of crops," and also the laws of who is obligated to go to war: "Is there anyone who has planted a vineyard but has never harvested it? Let him go back to his home, lest he die in battle and another harvest it," see Deut. 20:6.) Thus, a precise definition of "vineyard" is needed. What is the minimum number of vines that can be considered a vineyard? For such applications, Jewish tradition requires at least five vines planted in the shape of a trapezoid – two rows of two vines each, and one more vine above those. This criterion is derived from the practices of the Canaanites, who observed it in their own vineyards. Even after Israel conquered and possessed the land, that same convention remained in force.

This important concept, that laws of the land are to be learned from the Canaanites, becomes clearer when we consider that the Land of Israel is called the "Land of Canaan" (e.g., Num. 35:14). The Canaanites knew best the land on which they lived; any conflict that Israel might have with them is no reason to disregard that knowledge. On the contrary, it is important to preserve that knowledge and include it in the body of Jewish law. In Kabbalistic terms, these are the "scattered sparks of holiness" that the Jewish people are to obliged to collect and incorporate into their own light.

§ 15.3. THE MALICIOUS WITNESS (19:15-21)

טו לֹא־יָקוּם עַד אֶחָד בְּאִישׁ לְכַל־עוֹן וּלְכַל־חַטָּאת בְּכַל־חֲטָא אֲשֶׁר יִחַטָּא עַל־פִּי | שְׁנֵי עֵדִים אֹזְעֵי עַל־פִּי שְׁלֹשֶׁה־עֵדִים יָקוּם דָּבָר: טז כִּי־יָקוּם עַד־חֲמִס בְּאִישׁ לַעֲנוֹת בּוֹ סָרָה: יז וְעַמְדוֹ שְׁנֵי־הָאָנָשִׁים אֲשֶׁר־לָהֶם הָרִיב לִפְנֵי יי לִפְנֵי הַפְּהִנִים וְהַשְׁפָּטִים אֲשֶׁר יִהְיוּ בֵּימֵי הָהֵם: יח וְדָרְשׁוּ הַשְׁפָּטִים הַיָּטֵב וְהַיָּה עַד־שֶׁקֶר הָעֵד שֶׁקֶר עָנָה בְּאֶחָיו: יט וְעָשִׂיתֶם לוֹ כַּאֲשֶׁר זָמַם לַעֲשׂוֹת לְאֶחָיו וּבַעֲרַת הָרַע מִקִּרְבֶּךָ: כ וְהַנִּשְׁאָרִים יִשְׁמְעוּ וִירָאוּ וְלֹא־יִסְפוּ לַעֲשׂוֹת עוֹד כַּדָּבָר הָרַע הַזֶּה בְּקִרְבֶּךָ: כא וְלֹא תַחֲסֹס עֵינֶךָ גִּפְשׁ בְּנַפְשׁ עֵין בְּעֵין שֶׁן בְּשֵׁן יָד בְּיָד רֶגֶל בְּרֶגֶל:

(15) A single witness may not validate against a person any guilt or blame for any offense that may be committed; a case can be valid only on the testimony of two witnesses or more.

(16) If a man appears against another to testify maliciously and gives false testimony against him,

(17) the two parties to the dispute shall appear before the Lord, before the priests or magistrates in authority at the time,

(18) and the magistrates shall make a thorough investigation. If the man who testified is a false witness, if he has testified falsely against his fellow,

(19) you shall do to him as he schemed to do to his fellow. Thus you will sweep out evil from your midst;

(20) others will hear and be afraid, and such evil things will not again be done in your midst.

(21) Nor must you show pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.

(15) A single witness may not validate against a person any guilt or blame for any offense that may be committed; a case can be valid only on the testimony of two witnesses or more: Earlier, with respect to idolatry, the Torah stated in very similar terms: “A person shall be put to death only on the testimony of two or more witnesses; he must not be put to death on the testimony of a single witness”

(Deut. 17:6). Here we learn that the same principle applies to all court proceedings, whether capital cases or any other.

(16) If a man appears against another to testify maliciously: “Maliciously” means that the testimony was not merely mistaken or misguided. The expression *`ed chamas* translates literally as “witness-plunderer” or “witness-felon.” In other words, there is obvious criminal intent.

To testify maliciously and gives false testimony against him: The Hebrew word used here to indicate malice is *sara*. It is a stronger term than the more common *sheker*, “falsehood.” *Sara* denotes something that never could have happened at all. Testimony is “malicious” and is deemed a serious crime only when the person purporting to have witnessed an incident could never have seen what he claims to have seen, because at that time he was in an entirely different place (as confirmed by other witnesses who saw him there, and not where he claims to have been).

However, in a situation where, for example, one hundred witnesses claim to have seen the event happen in a certain way, while just two other eyewitnesses testify that it happened differently, the testimony of the latter two witnesses is considered legitimate (although it may be rejected by the court), and no punishment will be exacted from either group of witnesses.

(17) The two parties to the dispute shall appear before the Lord, before the priests or magistrates in authority at the time: There is no clear indication here which court is meant, but by analogy to Deut. 17:9 we can infer that it means the supreme court that resided at the Temple. (Cases of malicious testimony are often complex and have serious consequences, seeing that they entail a collision of ostensibly equally reliable groups of witnesses. Thus, it is natural that the highest court in the land would be consulted.)

(18) And the magistrates shall make a thorough investigation. If the man who testified is a false witness, if he has testified falsely against his fellow: This kind of case demands a very thorough investigation, because witnesses are being accused of bearing false testimony against their neighbor, a particularly serious crime (a violation, after all,

of one of the Ten Commandments – Exod. 20:13, Deut. 5:17). The accusers maintain that the key witnesses in the case were elsewhere at the given time, and could not possibly have seen what they are testifying to.

(19) You shall do to him as he schemed to do to his fellow. Thus you will sweep out evil from your midst: Witnesses who testify maliciously against their neighbor are regarded as particularly dangerous criminals, who are attempting to abuse the justice system to achieve their own nefarious aims – i.e., causing their neighbor’s downfall. Their punishment is therefore commensurately severe.

A person who has merely stated a falsehood about his neighbor is not guilty of perjury, but only slander. It is not a criminal offense, although it is far from praiseworthy behavior, to be sure.

(20) Others will hear and be afraid, and such evil things will not again be done in your midst: Perjury must completely eradicated at its very source.

(21) Nor must you show pity: This is a very serious crime, not to be taken lightly,

Life for life, eye for eye, tooth for tooth, hand for hand, foot for foot: This elaborates the principle stated above: “You shall do to him as he schemed to do to his fellow” (Deut. 19:19). Thus, for example, if the malicious testimony could have led to the execution of the accused, then the malicious witness will himself be subject to the death penalty. And for lesser punishments as well the principle is the same: “You shall do to him as he schemed to do to his fellow.”

On the question of retribution, the principle of absolute justice is promulgated here – measure for measure: the punishment must exactly fit the crime. Nevertheless, for practical purposes the Oral Torah tempers this approach, limiting the punishment to monetary compensation. According to the Oral Law, “an eye for an eye” must never, ever be literally applied by an earthly court.

§ 16. THE LAWS OF WAR

§ 16.1. MOBILIZING TO WAR (20:1-9)

א כִּי־תֵצֵא לַמִּלְחָמָה עַל־אֹיְבֶיךָ וְרָאִיתָ סּוּס וְרֶכֶב עִם רֶב מִמֶּךָ
לֹא תִירָא מֵהֶם כִּי־יִי אֱלֹהֶיךָ עִמָּךְ הַמַּעֲלֶךְ מֵאֶרֶץ מִצְרַיִם: ב וְהָיָה
בְּקִרְבָּכֶם אֶל־הַמִּלְחָמָה וְנִגַּשׁ הַכֹּהֵן וְדִבֶּר אֶל־הָעָם: ג וְאָמַר אֱלֹהִים
שְׁמַע יִשְׂרָאֵל אַתֶּם קִרְבִּים הַיּוֹם לַמִּלְחָמָה עַל־אֹיְבֵיכֶם אֶל־יָרֵךְ
לְבַבְכֶם אֶל־תִּירָאוּ וְאֶל־תַּחֲפֹזוּ וְאֶל־תַּעֲרָצוּ מִפְּנֵיהֶם: ד כִּי יִי אֱלֹהֵיכֶם
הַהֹלֵךְ עִמָּכֶם לְהִלָּחֵם לָכֶם עִם־אֹיְבֵיכֶם לְהוֹשִׁיעַ אֶתְכֶם: ה וְדִבְרוּ
הַשְּׁטָרִים אֶל־הָעָם לֵאמֹר מִי־הָאִישׁ אֲשֶׁר בָּנָה בֵּית־חֹדֶשׁ וְלֹא חָנָכוֹ
יֵלֶךְ וְיָשֵׁב לְבֵיתוֹ פְּנִימוֹת בַּמִּלְחָמָה וְאִישׁ אַחֵר יִחְנַנְנוּ: ו וּמִי־הָאִישׁ
אֲשֶׁר־נָטַע כָּרֶם וְלֹא חָלְלוֹ יֵלֶךְ וְיָשֵׁב לְבֵיתוֹ פְּנִימוֹת בַּמִּלְחָמָה וְאִישׁ
אַחֵר יִחְלָלְנוּ: ז וּמִי־הָאִישׁ אֲשֶׁר־אַרְשׁ אִשָּׁה וְלֹא לָקָחָהּ יֵלֶךְ וְיָשֵׁב
לְבֵיתוֹ פְּנִימוֹת בַּמִּלְחָמָה וְאִישׁ אַחֵר יִקְחָנָה: ח וַיִּסְפּוּ הַשְּׁטָרִים לְדַבֵּר
אֶל־הָעָם וְאָמְרוּ מִי־הָאִישׁ הִירָא וְרוֹךְ הַלֵּבָב יֵלֶךְ וְיָשֵׁב לְבֵיתוֹ וְלֹא יִמָּס
אֶת־לֵבָב אֲחִיו כְּלָבָבוּ: ט וְהָיָה כָּכֵלֶת הַשְּׁטָרִים לְדַבֵּר אֶל־הָעָם וּפָקְדוּ
שְׂרֵי צְבָאוֹת בְּרֹאשׁ הָעָם:

(20:1) When you take the field against your enemies, and see horses and chariots – forces larger than yours – have no fear of them, for the Lord your God, who brought you from the land of Egypt, is with you.

(2) Before you join battle, the priest shall come forward and address the troops.

(3) He shall say to them, “Hear, O Israel! You are about to join battle with your enemy. Let not your courage falter. Do not be in fear, or in panic, or in dread of them.

(4) For it is the Lord your God who marches with you to do battle for you against your enemy, to bring you victory.”

(5) Then the officials shall address the troops, as follows: “Is there anyone who has built a new house but has not dedicated it? Let him go back to his home, lest he die in battle and another dedicate it.

(6) Is there anyone who has planted a vineyard but has never harvested it? Let him go back to his home, lest he die in battle and another harvest it.

(7) Is there anyone who has paid the bride-price for a wife, but who has not yet married her? Let him go back to his home, lest he die in battle and another marry her.”

(8) The officials shall go on addressing the troops and say, “Is there anyone afraid and disheartened? Let him go back to his home, lest the courage of his comrades flag like his.”

(9) When the officials have finished addressing the troops, army commanders shall assume command of the troops.

(20:1) When you take the field against your enemies: All war is a negative phenomenon – highly undesirable and always best avoided. However, until mankind has advanced to the level of the future Messianic times, wars are inevitable. And since the Torah addresses every domain and aspect of life, the laws of warfare are also a part of the Torah. Given that the evils of war cannot be completely avoided, the Torah’s approach, as with other negative aspects of human life, is to limit those evils.

The Torah proceeds from the premise that relations between the Jewish people and the other nations of the world in any age should be based on the norms in effect at that time. Therefore, the starting point of the Torah’s rulings here on the issue of war is the body of accepted international norms of that era. But to those the Torah then adds other conditions and restrictions. Today, when the rules of warfare have

changed dramatically, many of the Torah's laws of war outlined below are no longer applicable in practice.

When you take the field against your enemies: The Oral Torah (the Halachah) distinguishes between two fundamental types of wars.

- (i) "Mandatory wars" – these include the wars that the Israelites fought for the initial conquest of Canaan ("the land of the seven peoples"), and defensive wars to fend off external invasions.
- (ii) "Elective wars" – these are the wars that a Jewish king is authorized to initiate in order to conquer areas of the Land of Israel that were not included in the original borders of Canaan. That is, to conquer lands located in the territories of the remaining three nations of the "lands of the ten nations." Seizing lands anywhere beyond those outermost boundaries is forbidden.

The laws pertaining to these two categories of war, mandatory and elective, differ significantly. The differences, however, are not spelled out in the Written Torah, whose task is only to determine the proper attitude toward war in general, and to outline the basic ethical guidelines and norms that should guide the people in wartime.

And see horses and chariots – forces larger than yours: Victory in Israel's wars is not determined by the size of their army. Moreover, as we shall soon see, a segment of the Jewish military is entirely exempt from serving.

Have no fear of them, for the Lord your God, who brought you from the land of Egypt, is with you: The Almighty brought you out of Egypt in order to entrust you with an historical mission of global scale. Do not doubt, then, that He will help you win the war for the sake of achieving that mission.

(2) Before you join battle, the priest shall come forward: The Jewish military included a special priest known as the *kohen meshu'ach milchamah* – "the priest anointed for war." Only a priest – that is, a representative of religious, not secular authority – has the understanding needed to impart the correct meaning to the war that the people are embarking on.

And address the troops: To win the war that you are waging, you must understand the moral correctness of that war.

(3) He shall say to them, “Hear, O Israel! You are about to join battle with your enemy: Recognize and acknowledge that these people are not merely the peaceful, law-abiding civilian population of some neighboring country. They are your enemies.

(3-4) Let not your courage falter. Do not be in fear, or in panic, or in dread of them. For it is the Lord your God who marches with you to do battle for you against your enemy, to bring you victory”: You are fighting not for profit, but for the realization of Divine ideals. That realization will enable you to overcome your fears and emerge victorious.

(5) Then the officials shall address the troops, as follows: “Is there anyone who has built a new house but has not dedicated it? Let him go back to his home: This is not permission to withdraw, but an actual commandment to do so. Those deemed unworthy of going to battle must not be allowed to go.

Lest he die in battle and another dedicate it: The point here is not only that the thought of another person living instead of you in your new home can lead to psychological dismay that will prevent you from fighting successfully. It is more than that. Normal life takes priority over war, and an awareness of that priority is essential to winning the war. War enables peaceful, normal civilian life, and not vice versa.

(6) Is there anyone who has planted a vineyard but has never harvested it? Let him go back to his home, lest he die in battle and another harvest it: Of all agricultural staples, the vineyard is singled out – apparently because it is associated with an especially intense level of joy. Thus, we can consider the vineyard here as allegorical for “the most beloved of human labors.”

(7) Is there anyone who has paid the bride-price for a wife, but who has not yet married her? Let him go back to his home, lest he die in battle and another marry her”: Thus, three domains comprise a person’s space in life that is closest to him: his home, his vineyard (i.e., his favorite work), and his wife.

If in one of these domains a person has begun a project but cannot complete it, this is a source of significant sorrow not only for him, but for all of society. Therefore, what is most important is not for this person to go to war, but to see his project through to completion, and by virtue of that make his personal, unique contribution to the world.

(8) The officials shall go on addressing the troops and say, “Is there anyone afraid and disheartened? Let him go back to his home, lest the courage of his comrades flag like his”: I.e., a person so affected is required to leave the battlefield, so as not to become a psychological hindrance to the other soldiers, diminishing their ability to fight.

In practical terms, many commentators note that this fourth exemption from military service would be alone sufficient, while the purpose of the first three exemptions (house, vineyard, and bride), is only to allow the “afraid and disheartened” to save face under the guise of a less embarrassing pretense.

But this approach seems rather superficial. Moreover, this fourth exemption is introduced with the words, “The officials shall go on addressing the troops and say,” which marks a clear distinction between the first three exemptions and this one. Thus, we see that the first three exemptions have not merely an “auxiliary” rationale, but their own independent significance, namely, to emphasize the importance and priority of normal, everyday life, so that victory in war will not be erroneously perceived as an end in itself.

(9) When the officials have finished addressing the troops, army commanders shall assume command of the troops: After all four exemption categories have departed, military command passes fully to the officers, who now no longer regard the psychological state of the troops, because on the battlefield that is not an option. Thus, the approach described in this section combines initial human sensitivity with the unforgiving severity that must inevitably follow.

§ 16.2. BESIEGING AND CAPTURING A CITY (20:10-18)

י כִּי־תִקְרַב אֶל־עִיר לְהִלָּחֵם עָלֶיהָ וְקִרְאתָ אֵלֶיהָ לְשָׁלוֹם: יא וְהָיָה אִם־שָׁלוֹם תַּעֲנֶנּוּ וּפָתַחָהּ לָךְ וְהָיָה כָּל־הָעָם הַנִּמְצָא־בָּהּ יִהְיוּ לָךְ לְמַסַּ וְעַבְדֻךָ: יב וְאִם־לֹא תִשְׁלִים עִמָּךְ וַעֲשֵׂתָה עִמָּךְ מִלְחָמָה וְצָרְתָּ עָלֶיהָ: יג וְנִתְּנָה יי אֱלֹהֶיךָ בְּיָדְךָ וְהָפִיתָ אֶת־כָּל־זִכְוֹרָהּ לְפִי־חֶרֶב: יד רַק הַנָּשִׁים וְהַטָּף וְהַבְּהֵמָה וְכָל־אֲשֶׁר יִהְיֶה בְּעִיר כָּל־שְׁלָלָהּ תִּבְזוּ לָךְ וְאָכַלְתָּ אֶת־שְׁלָל אִיבֶיךָ אֲשֶׁר נָתַן יי אֱלֹהֶיךָ לָךְ: טו כֵּן תַּעֲשֶׂה לְכָל־עָרִים הָרַחֲקוֹת מִמָּךְ מֵאֹד אֲשֶׁר לֹא־מַעֲרִי הַגּוֹיִם־הָאֵלֶּה הֵנָּה: טז רַק מַעֲרֵי הָעַמִּים הָאֵלֶּה אֲשֶׁר יי אֱלֹהֶיךָ נָתַן לָךְ נִחְלָה לֹא תַחֲסֶה כָּל־נִשְׁמָה: יז כִּי־יִהְיֶה־סָבִיב תַּחְרִימָם הַחֲתִי וְהָאֲמֹרִי הַכְּנַעֲנִי וְהַפְּרָזִי הַחֲזִי וְהַיְבוֹסִי כָּאֲשֶׁר צִוָּךְ יי אֱלֹהֶיךָ: יח לְמַעַן אֲשֶׁר לֹא־יִלְמְדוּ אֶתְכֶם לַעֲשׂוֹת כְּכָל־תּוֹעֲבֹתָם אֲשֶׁר עָשׂוּ לְאֱלֹהֵיהֶם וְחָטְאתֶם לִי אֱלֹהֵיכֶם:

(10) When you approach a town to attack it, you shall offer it terms of peace.

(11) If it responds peaceably and lets you in, all the people present there shall serve you at forced labor.

(12) If it does not surrender to you, but would join battle with you, you shall lay siege to it;

(13) and when the Lord your God delivers it into your hand, you shall put all its males to the sword.

(14) You may, however, take as your booty the women, the children, the livestock, and everything in the town – all its spoil – and enjoy the use of the spoil of your enemy, which the Lord your God gives you.

(15) Thus you shall deal with all towns that lie very far from you, towns that do not belong to nations hereabout.

(16) In the towns of the latter peoples, however, which the Lord your God is giving you as a heritage, you shall not let a soul remain alive.

(17) No, you must proscribe them – the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites – as the Lord your God has commanded you,

(18) lest they lead you into doing all the abhorrent things that they have done for their gods and you stand guilty before the Lord your God.

(10) When you approach a town to attack it, you shall offer it terms of peace: The moral basis for attacking and conquering a city is that the Almighty has bequeathed this land to the Jewish people. (As noted above, Israel is forbidden to conquer territory beyond the boundaries that were promised to Abraham.) But at the same time, the city must first be given the option to voluntarily become a part of the Jewish state.

(11) If it responds peaceably and lets you in: “Responding peaceably” means submitting fully to the authority of the Jewish state in both the secular and religious domains, including absolute rejection of idolatry.

All the people present there shall serve you at forced labor: In this case, all the inhabitants of the city retain their freedom, their property, and their personal and social rights. But they become subjects of the Jewish state, including that they are fully obligated to pay taxes.

(12) If it does not surrender to you, but would join battle with you, you shall lay siege to it: If a city will not agree to surrender peaceably, this means that its inhabitants are not ready to abandon their idolatrous practices, and are even prepared to fight for their right to continue practicing idolatry. Therefore, leaving them to their own devices is not a viable alternative, because sooner or later this city and its inhabitants will hinder the Jewish people from leading normal lives in their own land.

(13-14) And when the Lord your God delivers it into your hand, you shall put all its males to the sword. You may, however, take as your booty the women, the children, the livestock, and everything in the town – all its spoil – and enjoy the use of the spoil of

your enemy, which the Lord your God gives you: The norms of war in that era provided for the complete annihilation of the inhabitants of the conquered city, and not only the men. But the Torah demanded a more humane approach than was then generally accepted and expected. The female captives would live among the Jewish people in the role of conquered slaves, and most likely – in some cases, at least – as wives.

That approach, certainly humane by the standards of that era, is by no means humane by today's standards. As we noted earlier, the Torah never expected that the world at large would conform to its ideals. The world was not ready for that anyway, and an attempt to realize those ideals at any cost would have only led to yet greater evils. However, it is only thanks to the Torah that the boundaries of humane behavior gradually expanded to the limits that became possible in each respective age, eventually leading to the emergence of human standards that we enjoy in the modern era, and now even take for granted.

(15-16) Thus you shall deal with all towns that lie very far from you, towns that do not belong to nations hereabout. In the towns of the latter peoples, however, which the Lord your God is giving you as a heritage, you shall not let a soul remain alive: Here the difference between the two types of war previously mentioned – mandatory and elective – becomes obvious. In the war for the conquest of Canaan, even women and children could not be allowed to live (that is, the normative wartime practices of that age, as cruel as they were, had to be observed). The primary rationale for that commandment was a concern that captives taken might induce the Jewish people to join them in their idolatrous practices.

Canaan – Israel's internal region, "the land of the seven nations" – was designated as a place for the nascent Jewish people to develop under conditions of maximal isolation from other peoples. But after the consolidation of the Jewish people in the "land of the seven peoples" had been successfully completed, it became necessary to conquer also the lands of the remaining three nations – "from the Nile to the Euphrates" – so that Israel could influence the surrounding world by establishing contact with the peoples who inhabited the land's outer belt. Therefore, Canaanite women who would not voluntarily abandon their idolatry were

not allowed to live even as captive slaves. But in the lands that were a part of the outer belt of the country, that was permitted.

We can summarize the sequence of events in the capture of a city, preceded by the corresponding verse numbers of this Torah passage, as follows.

(10) First invite the population to surrender peaceably. (12) If they make war with you – (13) then put all the men to the sword – (14) And take the women, children, and livestock captive. (15) Thus you shall deal with all towns that lie very far from you, towns that do not belong to nations hereabout. – (16) In the towns of the latter peoples, however, you shall not let a soul remain alive.

It is not clear, however, from the phrasing of these verses whether the condition of verse 15 (the difference between the cities of Canaan and the cities of the surrounding territories) applies only to the immediately preceding verses – 13-14, or also to the verse 10. In other words, was there a requirement to “propose peace” even to Canaanite cities, or only to the cities of the outer territories of the Land of Israel before they were conquered?

Some Torah commentators, including Rashi, believe that the requirement to “respond peaceably” applied only to the cities of the outer portion of the Land of Israel, but in the Canaan region the mandate was simply to destroy everyone. Another opinion, however, which is also that of Maimonides, maintains that the obligation to propose a peaceable solution applied to the cities of Canaan as well.

According to the Talmud, the “invitation to peace” was extended by Joshua the son of Nun (Moses’ successor) before the onset of the war for the conquest of Canaan. Joshua sent a message to each of the kings of the land of Canaan, in which he offered them three options:

- (i) To surrender, whereby they would give up their independence and also their practice of idolatry, but would retain their freedom and property rights, in accordance with the rules stated in this Torah passage.
- (ii) To abandon the land and depart.
- (iii) To be annihilated.

The inhabitants of the city of Gibeon chose to make peace and accept Jewish rule (Josh 9:3 ff.). The Gergashites left Canaan and moved to North Africa. And the remaining cities of Canaan went to war with Israel and were eventually destroyed.

(17) No, you must proscribe them – the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites – as the Lord your God has commanded you: This enumeration of nations makes clear that the principle of utter annihilation was operative only during the conquest of Canaan. It did not apply to other, later wars.

Previously, (Deut. 7:1 and elsewhere) seven Canaanite nations were mentioned. But in this verse we have only six: the Gergashites are conspicuously absent. The Midrash explains that after the aforementioned notifications sent by Joshua, the Gergashites left Canaan voluntarily and returned to Africa, whence all the Canaanite peoples had originated.⁴¹

(18) Lest they lead you into doing all the abhorrent things that they have done for their gods and you stand guilty before the Lord your God: It was only this consideration, and not a desire to capture, destroy, or expel, that was the motivation for the cruel laws of “mandatory war.”

Inhabitants of Canaan who agreed to abandon their idolatry and all associated practices were not subject to destruction. They retained their freedom and full social rights. Thus, the war was waged not to destroy or enslave others, but to create a Jewish state in the Land of Israel in which idolatry would cease to exist, and peace and social justice would reign.

⁴¹ See Gen. 12:6 and 40:15, and the *Bible Dynamics* commentary there.

§ 16.3. THE USE AND PRESERVATION
OF TREES IN WAR (20:19-20)

יִטְ בִּי־תָצוּר אֶל־עִיר יָמִים רַבִּים לְהִלָּחֵם עָלֶיהָ לְתַפְשָׁהּ לֹא־תִשְׁחִית
אֶת־עֵצָהּ לְנֹדַח עָלֶיהָ גִּרְזֹן בִּי מִמֶּנּוּ תֹאכֹל וְאַתָּה לֹא תִכְרֹת בִּי הָאָדָם
עֵץ הַשָּׂדֶה לִבְנֵי מִפְנֶיךָ בַּמָּצוֹר: כִּי עֵץ אֲשֶׁר־תִּדְּעַ בִּי־לֹא־עֵץ מֵאָכֹל
הוּא אַתָּה תִשְׁחִית וְכִרְתָּ וּבְנֵיתָ מָצוֹר עַל־הָעִיר אֲשֶׁר־הוּא עֹשֶׂה עִמָּךְ
מִלְחָמָה עַד רִדְתָּהּ:

(19) When in your war against a city you have to besiege it a long time in order to capture it, you must not destroy its trees, wielding the ax against them. You may eat of them, but you must not cut them down. Are trees of the field human to withdraw before you into the besieged city?

(20) Only trees that you know do not yield food may be destroyed; you may cut them down for constructing siegeworks against the city that is waging war on you, until it has been reduced.

(19) When in your war against a city you have to besiege it a long time in order to capture it, you must not destroy its trees, wielding the ax against them: They must do their best to protect and preserve nature even during ongoing hostilities. This instruction is one of the Torah's commandments that uphold principles of ecology.

You may eat of them, but you must not cut them down: The wording of this verse actually supports multiple readings:

- (i) You must not cut down those trees under any circumstances. Since you are eating their fruit, those trees are already serving you now, and will continue to do so in the future as well (given that the war is taking place on the territory of the Land of Israel).
- (ii) Since you are eating of those trees, but your enemy is not, you must not cut them down. Doing so would not further your military objectives in any way.

In any case, and by either interpretation, the Torah forbids cutting down fruit-bearing trees except when absolutely necessary.

Are trees of the field human to withdraw before you into the besieged city?: This latter part of the verse likewise supports various readings. On the one hand, a tree cannot withdraw, as can a human, to seek cover in a besieged city. But on the other hand, again unlike a human being, a tree is not an enemy. Since it does not fight you or pose any danger, neither are you allowed to fight or endanger it.

Once again, and by either interpretation, the Torah is stressing here that to disregard the value of nature is morally unacceptable.

(20) Only trees that you know do not yield food may be destroyed; you may cut them down for constructing siegeworks against the city that is waging war on you, until it has been reduced: A tree that yields no edible fruit may be cut down if the exigencies of war require it. Ecological principles must be upheld pragmatically, not fanatically. Progress in achieving life's vital objectives must not be impeded for the sake of ecological concerns.

§ 16.4. THE UNSOLVED MURDER (21:1-9)

א כִּי־יִמָּצָא חָלָל בְּאֶדְמָה אֲשֶׁר יִי אֱלֹהֶיךָ נָתַן לְךָ לְרִשְׁתָּהּ נָפֵל בַּשָּׂדֶה
 לֹא נֹדֵעַ מִי הִהָיוּ: ב וַיֵּצְאוּ זִקְנֵיךָ וְשֹׁפְטֶיךָ וּמִדְּדוּ אֶל־הָעֵרִים אֲשֶׁר
 סְבִיבֹת הַחָלָל: ג וְהָיָה הָעִיר הַקְּרֹבָה אֶל־הַחָלָל וְלִקְחוּ זִקְנֵי הָעִיר
 הַהוּא עֲגֹלֹת בָּקָר אֲשֶׁר לֹא־עֹבְדֵי בָּהּ אֲשֶׁר לֹא־מִשְׁכָּה בָּעֵל: ד וְהוֹרְדוּ
 זִקְנֵי הָעִיר הַהוּא אֶת־הָעֲגֹלָה אֶל־גַּחַל אֵיתָן אֲשֶׁר לֹא־יַעֲבֹד בּוֹ וְלֹא
 יִזְרַע וְעֹרְפוֹ־שֵׁם אֶת־הָעֲגֹלָה בַּגַּחַל: ה וַנִּגְשׁוּ הַכֹּהֲנִים בְּנֵי לֵוִי כִּי בָם
 בָּחַר יִי אֱלֹהֶיךָ לְשִׁרְתּוֹ וּלְבָרָךְ בָּשֵׁם יִי וְעַל־פִּיהֶם יִהְיֶה כָּל־רִיב וְכָל־
 גִּגְעַ: ו וְכָל זִקְנֵי הָעִיר הַהוּא הַקְּרֹבִים אֶל־הַחָלָל יִרְחֲצוּ אֶת־יְדֵיהֶם
 עַל־הָעֲגֹלָה הָעֲרוּפָה בַּגַּחַל: ז וַעֲגֹנוּ וְאָמְרוּ יְדֵינוּ לֹא שִׁפְכָה (שִׁפְכוּ)
 אֶת־הַדָּם הַזֶּה וַעֲיִינוּ לֹא רָאוּ: ח כִּפֹּר לַעֲמֹךְ יִשְׂרָאֵל אֲשֶׁר־פָּדִיתָ
 יִי וְאֶל־תִּתֵּן דָּם נָקִי בְּקֶרֶב עַמֶּךָ יִשְׂרָאֵל וְנִכְפַּר לָהֶם הַדָּם: ט וְאַתָּה
 תִּבְעֹר הַדָּם הַנָּקִי מִקֶּרְבְּךָ כִּי־תַעֲשֶׂה הַיֵּשֶׁר בְּעֵינֵי יִי:

(21:1) If, in the land that the Lord your God is assigning you to possess, someone slain is found lying in the open, the identity of the slayer not being known,

(2) **your elders and magistrates shall go out and measure the distances from the corpse to the nearby towns.**

(3) **The elders of the town nearest to the corpse shall then take a heifer which has never been worked, which has never pulled in a yoke;**

(4) **and the elders of that town shall bring the heifer down to an everflowing wadi, which is not tilled or sown. There, in the wadi, they shall break the heifer's neck.**

(5) **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.**

(6) **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.**

(7) **And they shall make this declaration: "Our hands did not shed this blood, nor did our eyes see it done.**

(8) **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.**

(9) **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.**

(21:1) If, in the land that the Lord your God is assigning you to possess, someone slain is found lying in the open, the identity of the slayer not being known: Here, in the midst of the Torah's exposition on the laws of war (which, as we shall soon see, continue into the next weekly portion as well), we encounter what appears to be a digression – the situation of an unsolved murder that shocks the country's entire population.

But in fact, this topic is closely related to the laws of war. In war deaths occur daily, often in huge numbers. Sometimes the dead are not even counted. In such conditions, people can become so inured to death that they even come to regard it as the norm. In order to prevent this, the Torah insists that we not remain indifferent to even a single human life. That is the purpose of the commandment given here.

(2) Your elders and magistrates shall go out and measure the distances from the corpse to the nearby towns: The term “go out” emphasizes that there is a violation here of the established social order. The “elders and magistrates,” we understand here, are the members of the supreme court. In violation of normal protocols, they must leave their seat of activity on the Temple premises, and proceed to the scene of the crime. Rather than sending delegates or representatives, they must perform this all-important task personally.

Shall go out and measure: This matter is far too urgent to be entrusted to assistants. The elders and magistrates must themselves go out into the field with all the necessary surveying equipment, and measure the distance between the corpse of the victim and all the nearest cities, in order to determine which city is the closest.

There is nothing more permanent and immutable than the seat of the supreme court at the Temple.⁴² When the members of the supreme court go out to the scene of the crime, and themselves measure the distance from the corpse to each of the surrounding cities, the case is acknowledged by all as unmistakably high-profile. There is a wide-ranging discussion of the case among the entire population of the land, and this causes an upheaval in society. In this manner, all come to understand that the shedding of innocent blood is an horrific event, especially if the perpetrator cannot be found and punished. Doing nothing in this kind of situation is simply not acceptable.

⁴² As noted earlier, the very authority of the supreme court depends on the permanency of this seat on the Temple premises (see the *Bible Dynamics* commentary to Deut. 17:10).

Moreover, the direct involvement of the elders of the supreme court can actually help solve the crime, as the details of the case become known and discussed. But even without that, the shock value of the situation is critical for the proper education of society.

(1) If ... someone slain is found lying in the open ... (2) Your elders and magistrates shall go out and measure the distances ... to the nearby towns ... (3) The elders of the town nearest to the corpse shall then take ...: A dead man has been found out in the field, among nature. It falls to the city, where human civilization is concentrated, to correct the situation.

Although the word *`ir* that occurs many times in this section is rendered throughout as “town,” the word *`ir* more usually means, simply, “city.” The city is the very antithesis of nature, where the law of the jungle reigns and violence happens regularly and expectedly. In nature, might makes right. Any animal freely kills and eats any other that is weaker than it, simply because it can; there are no moral restrictions. Contrarily, it is the city that is responsible for overcoming natural violence; it organizes space in accordance with human law, thus creating civilization.

It is surely no coincidence that the first murder in human history, the murder of Abel by his brother Cain, took place in the field (Gen. 4:8), i.e., out among nature. And when Cain undertook to atone for his sin, he built a city (Gen. 4:17). Here likewise, a crime has been committed in nature, “out in the open” (Deut. 21:1) according to the laws of nature – i.e., by the right of the strong against the weak. And atonement for that sin must be effected by the people of the nearest city.

(3) The elders of the town nearest to the corpse: After the process of measuring has been completed, and it has been determined which city is the nearest, the elders and judges of that city are included in the procedure. In other words, the inhabitants of the city are held responsible for whatever happens in its vicinity. The intent of all these actions is to stun human society, so that no person will remain indifferent to the tragedy that has occurred.

Shall then take a heifer which has never been worked, which has never pulled in a yoke: They must choose the largest domestic an-

imal, young and strong, without any physical defect, and that has never been used for work. This requirement symbolizes the ideals of freedom and living a fulfilling life.⁴³ It proclaims aloud that murder directly contradicts the embodiment of these ideals.

(4) And the elders of that town shall bring the heifer down to an everflowing wadi, which is not tilled or sown: The description of this place gives us the impression of primeval, untamed nature.

There, in the wadi, they shall break the heifer's neck: The animal is killed in a cruel and unusual manner, very unlike the usual mode of slaughter practiced in Judaism. The heifer's neck is broken with the blow of an axe blade. Thus, the judges and elders symbolically reproduce here the savage, unsolved murder that was committed completely unseen.

The sages of the Talmud interpret the symbolism of this procedure in the following light. "A heifer that has never been used to perform useful work, and from which no human benefit has been derived, is killed in a place where crops cannot grow. This exemplifies to society the tragedy of a person who dies prematurely, and will never again be able to make a useful contribution to the world."

(5) 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: Here, after the members of the supreme court and the local elders have done their part, a third group, the priests, takes up their role in the affair. The involvement of the priests imparts to this procedure the character of a sacrifice (although it is not really that). Thus, we see that many representatives of elite society, both local and national, are called upon in turn to participate in this process.

(6) Then all the elders of the town nearest to the corpse shall wash their hands over the heifer whose neck was broken in the

⁴³ The rules here for choosing the heifer whose neck is to be broken is similar in various respects to the laws for choosing the "red heifer" (see Num 19:1 ff. and the *Bible Dynamics* commentary there)

wadi: This requirement of hand washing demonstrates symbolically that the elders of the city are not responsible, even indirectly, for the heinous crime that has been committed. By washing their hands, they acknowledge the enormity of the tragedy, and are also cleansed of any guilt associated with it.

(7) And they shall make this declaration: “Our hands did not shed this blood, nor did our eyes see it done”: The elders are responsible for educating society. If there are murderers in the city, then this is their fault and their responsibility.⁴⁴

(8) 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: By pronouncing this formula, the priests beg the Almighty not to lay the blame at the feet of the Jewish nation, seeing that the entire population has now shown that it is by no means indifferent to the shedding of innocent blood. The procedure that has now been performed will inspire every member of the Jewish nation to be attentive to his neighbor’s welfare, and to prevent violence.

(9) 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: God forgives, but man remains responsible for correcting the world around him. At the request of the priests, the people are forgiven. But the main point here is not forgiveness of past incidents, but preventing any recurrence in the future. And that the future, unlike forgiveness, depends not on the Almighty, but on the people, on how successful they will be at implementing such correction and improvement, at “doing what is right in the sight of the Lord.”

⁴⁴ This is analogous to holding the High Priest responsible for manslaughter, even unintentional, that is committed under his watch (see Num. 35:28, 32).

**WEEKLY
PORTION 6**

KI TETZE

§ 17. WIVES AND CHILDREN

§ 17.1. GENERAL OVERVIEW OF WEEKLY PORTION *KI TETZE*

The previous weekly portion, 5 *Shofetim*, dealt with the of administering of the state. Weekly portion 6 *Ki Tetze*, addresses life at the familial and social level: how to build a family, the sanctity of married life, the relationship between husband and wife, and raising children. Without proper family organization it will be impossible for Israel to fight successfully for their land, or to live in it. Holiness in the family is the foundation that enables holiness at the state level.

Because *Ki Tetze* marks the Torah's transition from the national level to the familial-personal level, covering it in great detail, it also includes many other commandments as well that depend on human relations in general.

This discussion of commandments for the individual had to follow, not precede, the general description of the proper structure of society, because observance of the commandments between individuals can be achieved only in a well-organized state that already has a functioning judiciary that upholds the principles of justice.

17.2. THE BEAUTIFUL WOMAN WHO HAS BEEN TAKEN CAPTIVE (21:10-14)

י כִּי־תִצֵּא לַמִּלְחָמָה עַל־אֹיְבֶיךָ וַנִּתְּנוּ יְיָ אֱלֹהֶיךָ בְּיָדְךָ וְשָׁבִיתָ שְׁבוּיִם:
 יא וְרָאִיתָ בַּשְּׁבוּיָה אִשָּׁת יַפְתָּתָאֵר וְחִשְׁקָתָ בָּהּ וְלִקַּחְתָּ לָּךְ לְאִשָּׁה:
 יב וְהִבֵּאתָהּ אֶל־תּוֹךְ בֵּיתְךָ וְגִלְחָהּ אֶת־רֹאשָׁהּ וְעִשְׂתָּהּ אֶת־צַפְרָנֶיהָ:
 יג וְהִסִּירָהּ אֶת־שְׂמֹלֶת שְׁבוּיָהּ מֵעַלֶּיהָ וְיִשְׁבַּח בְּבֵיתְךָ וּבְכִתְּהָ אֶת־
 אָבִיהָ וְאֶת־אִמָּהּ יָרַח יָמִים וְאַחֵר כֵּן תָּבוֹא אֵלֶיהָ וּבַעֲלֹתָהּ וְהָיְתָה
 לָּךְ לְאִשָּׁה: יד וְהָיָה אִם־לֹא חָפְצָתָ בָּהּ וְשִׁלַּחְתָּהּ לְנַפְשָׁהּ וּמָכַר לֹא־
 תִּמְכְּרָנָהּ בְּכֶסֶף לֹא־תִתְּעַמְרָ בָּהּ תַּחַת אֲשֶׁר עָנִיתָהּ:

(10) 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,

(11) and you see among the captives a beautiful woman and you desire her and would take her to wife,

(12) you shall bring her into your house, and she shall trim her hair, pare her nails,

(13) 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.

(14) 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.

(10) When you take the field against your enemies: Weekly portion *Ki Tetze* opens with a highly problematic situation, the *yefat to'ar* – “a beautiful woman captured in battle.” The Torah speaks of an era when virtually all peoples in wartime practiced uncontrolled violence toward the enemy's women (which was still true almost up to our own times). Therefore, the Torah here regulates this issue, in order to introduce into it at least some semblance of a civilized framework.

And the Lord your God delivers them into your power and you take some of them captive: In the previous weekly portion, *Shofetim*, the Torah prescribed proper behavior under conditions where Israel could work out a truce with the enemy. Or, if that was not possible, and an enemy city had to be destroyed, the taking of captives was also mentioned, but without elaboration. Here, however, another situation is considered: that of a soldier who is strongly attracted to a woman of the enemy and wishes to bring her home for himself.

The Talmud stresses that this is not optimal behavior by far for a Jewish soldier. But if we forbid this to him, wartime rape will not be checked, and will only become yet more widespread and more violent. Thus, the best we can do in such situations is to channel the energy of rape into marriage.

Here we have yet another example of the Torah's general approach to undesirable practices. (The institution of slavery is perhaps the best other example.) Rather than outlawing these practices outright – since it is a given that such a prohibition would in all events not be observed in real life – the Torah instead recommends specific measures for ameliorating the situation, at least. Wrongful behavior is corrected not by a formal prohibition, but by creating conditions that endeavor to forestall such behavior in the first place. Then, as human history unfolds and people advance, their behavior will gradually improve.

Of course, when in the process of the moral advancement of mankind rape in wartime becomes unacceptable for civilized society, the very same will hold true from the point of view of the Torah as well, and even the law of the *yefat to'ar* will become inapplicable in practice.

(11) And you see among the captives a beautiful woman and you desire her: This speaks of a very strong attraction – the soldier not only likes her, but finds her so irresistible that he needs to have her for himself.

And would take her to wife: Alternate translations that conform to the Hebrew more literally would be “And you will take her to yourself as a wife,” or even “And you shall take her to yourself as a wife.”

Most notable here is that the Torah immediately defines the emerging relationship in terms of “taking as a wife.” There is no other option

for entering into a relationship with a woman captive, except to marry her. The underlying intent of this passage is to demand ultimate respect for the captive woman, and require, without compromise, that she be treated as the human being that she is.

By the mores of those times, women captives were simply spoils of war like any other, and could be treated in any manner their captors saw fit. The Torah categorically opposes any such notion.

But at the same time, some commentators understand the situation as describing a wartime rape that already occurred. Given that it has already happened, the soldier is obligated to continue communicating with this woman, and even beyond that, to marry the woman he has raped. Or, more precisely, to propose marriage to her, which offer she may accept or decline at her prerogative.

But other commentators believe that no matter how overwhelming his desire for this woman, rape is still strictly prohibited. His only path forward is to take her as his wife, following the procedure that the Torah lays out: “You shall bring her into your house, and she shall trim her hair, pare her nails,” and so on.

(12) You shall bring her into your house: Here and below, “house” (that is, the home) is emphasized in stark contrast to conditions of war (Deut. 21:10). When a man always remembers his home and the family life he enjoys there, this helps mitigate for him the horrors of war.

And she shall pare her nails: Literally, “And she shall make her nails,” an ambiguous expression that can be understood in two opposite senses. Either that she should cut her nails, or that she must leave her nails uncut, and allow them to grow long.

(12-13) 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: Here too the commentators are divided in their interpretations of this passage.

According to the first interpretation, all this is done in order to make the woman unattractive to her captor, thus encouraging him to send her on her way. Thus, “And she shall trim her hair, make her nails” is understood in the sense that her shaved head and long unkempt fingernails

will serve to deter him. “And discard her captive’s garb” because she was so attractive to him in the clothes she was wearing when captured, those clothes must be changed. There is an opinion that women were deliberately adorned before the onset of a war, and that this verse is therefore calling for the removal of all those adornments and beautifications, so that the woman will lose her attractiveness. “She shall spend a month’s time in your house” in this degraded condition, constantly catching his eye, and being an endless annoyance to him. “Lamenting her father and mother” (literally, “And let her cry for her father and her mother”) with the same intent – to render the woman unattractive in the man’s eyes.

According to the alternate interpretation, the intent of the entire procedure is to help the captive become acclimated to her new living conditions, to break completely with her past and enter into a new marriage. Thus, “And she shall trim her hair” alludes to her being born anew. Hair in the Torah is symbolically associated with the completion of a time period and advancement from one stage of life to the next. For example, the Levites shave their heads when they acquire their new status (Num. 8:7), as does a Nazarite at the end of the period of his vow (Num. 7:18), and a leper when he is cured (Num. 14:9). “Pare her nails” in order to make herself beautiful, to feel hopeful and encouraged that her life is about to improve. “And discard her captive’s garb” to make a formal break with her past. “She shall spend a month’s time in your house” to give the woman an opportunity to recover from her trauma and become accustomed to her new situation. “Lamenting her father and mother” means that she mourns the loss of her former life in its entirety, as she abandons every trace of idolatry. The intent of all this is to reduce to a minimum, if not completely eliminate, any element of coercion.

(13) After that: That is, after she has accepted becoming a member of the Jewish nation, and the adoption of her new faith.

You may come to her and possess her: There is no need for the customary marriage ceremony. Since he has already during the war “taken her to wife” (Deut. 21:11), this is considered the official consummation of the marriage.

And she shall be your wife: She has all the rights of a wife, regardless of her having come from an entirely alien people, and that she was taken captive in war.

For the soldier, the very idea that a woman captive becomes his wife in every sense, and the mother of his future children too, means that he cannot possibly dehumanize the enemy, believing that “only we are good, while all our enemies are bad” – an attitude that even today is often still promoted in war.

The Torah takes as self-evident that the enemy is no less a human being and has many positive traits. Thus, although one needs to know how to fight when necessary, the enemy must never be humiliated. When “you see among the captives a beautiful woman and you desire her,” this is an indication that there are positive human aspects in the enemy camp that you need in order to advance your own personal development, both individual and national (given that we are talking not only about the woman, but also about the children that she will bear). This understanding is critical in order that the Jewish soldier will not himself become morally degraded by war.

On a simple level then, the law of the beautiful captive woman addresses the problem of rape in war. But on a more serious level, it emphasizes the importance of not dehumanizing the enemy, but, on the contrary, acknowledging their positive elements.

(14) 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 words “since you had your will of her” which complete this passage summarize the essence of the entire episode. However, the commentators differ on the question of just which moment these words are referring to. Once again, this difference corresponds to the two possible interpretations of “and you would take her to wife” (Deut. 21:11).

The first option understands the words “since you had your will of her” as referring to the very beginning of events: “And you desire her and would take her to wife,” meaning the rape that has occurred in the war. The second option assumes that there was no rape initially, and “since you had your will of her” refers only to his having forcibly taken

her as his wife by subjecting her to the complex procedure outlined in this section.

You must release her outright: The Torah authorities also differ as to whether he can force this woman to convert, or it must remain her own decision whether or not she will do so. According to that latter opinion, if she refuses to convert, he cannot marry her, and must send her away. But all agree that if she does not wish to marry him, he cannot force her.

That rule applies not only to the *yefat to'ar*, but to any Jewish marriage whatsoever. It is forbidden to force any woman into a marriage, or even to remain in a marriage. Any married woman has the right to end the relationship at any time. The husband cannot force her to remain married to him against her will. In any such situation he must let her go.

You must not sell her for money ... you must not enslave her: In this case, moreover, if the marriage has not been consummated for whatever reason (e.g., because either the man or the woman is unwilling), he must not sell her or make her a slave. This is because their relationship from the very outset was sexual in nature (whether through rape or forced marriage). It is strictly forbidden to profit from such a circumstance.

§ 17.3. CONCEPTIONS OF “WAR”: POLITICAL AND PSYCHOLOGICAL

The three passages that begin weekly portion *Ki Tetze* speak of especially complex and difficult situations – forcing a woman taken captive in war to marry; two wives, one loved and the other unloved; and the violent and rebellious son. Jewish tradition considers the three a single series of causally related events. (A man who marries a beautiful woman taken captive in war will eventually lose his love for her, and she will bear him a son who will grow up disobedient and rebellious.)

The third of those situations is considered so ghastly that Jewish tradition states: “There never was a case of a rebellious son who received the death penalty as prescribed by the Torah, nor will there ever be.” But

even the first two situations, although possible in principle, are clearly very undesirable.

However, the Torah was given not only for the correction of sinners, but for the righteous as well. It is thus also essential to understand the lessons that a virtuous individual can learn from these topics. With that in mind, we will now offer just one of the available options for understanding these incidents from a “personal-psychological” perspective.

Each of us is fighting an endless war – a war of ideas. But you should not withdraw into yourself and fence yourself off from everything alien. Nor should you be afraid to engage in battle, i.e., to examine constantly and firsthand a world that is alien to you.

As you engage in that war of viewpoints and ideas, if some idea of the “enemy camp” appeals to you – you desire it and feel acutely that it is important for you – then you may take it to yourself. But if the attraction is not strong at all, if it merely “seems like a good idea” and nothing more, then it would be better for you not to take it, but just “send it on its way,” because most likely you won’t be able to handle it in the end, anyway.

In all events, and whichever way it goes, know in advance that the whole situation will prove quite difficult for you, because it is an idea from the enemy camp.

Give the idea a trial period. Let her sit for a month in your house, without her previous clothing that she wore when you captured her. Let the idea “shave her head and grow her nails.” After all that, you will have to evaluate it with great caution, in order to decide whether it is really worth your while to marry a “second wife.”

If you decide in the affirmative, then you will have two “wives” – the idea you entertained previously, and the new one. Expect that the one will be loved and the other unloved. Moreover, it may turn out that your most important successes (i.e., the “son” she bears you) will be associated with the unloved idea. But even so, you must nevertheless recognize them both as the legitimate products of your efforts, and accord them the recognition they so well deserve, regardless of your dislike for the conceptions that gave rise to them.

However, it may later turn out that this “son” is an armed robber, a glutton, and a drunkard, i.e., the results you have achieved with that

foreign idea are living a reprobate and dishonest life, defiantly resisting any attempt to reform them. You might then very well have to “execute” them.

Many passages and elements of the Torah can be understood in this psychological mode. A commentary that adopts this approach can help us see new angles that were not immediately apparent before. Needless to say, however, no such psychological or mystical reading of the Torah should be seen as the primary, straightforward meaning of the text. Although such interpretations are surely valuable in their own right, they are merely supplementary.

§ 17.4. TWO WIVES, ONE LOVED,
THE OTHER UNLOVED (21:15-17)

טו כִּי־תִהְיֶינָה לְאִישׁ שְׁתֵּי נָשִׁים הָאֶחָת אֲהוּבָה וְהָאֶחָת שְׂנוּאָה וְיִלְדוּ־
לּוֹ בָנִים הָאֲהוּבָה וְהַשְּׂנוּאָה וְהָיָה הַבֶּן הַבְּכֹר לְשֵׁנִיָּאָה: טז וְהָיָה בְיוֹם
הַנְּחִילוֹ אֶת־בְּנָיו אֶת אֲשֶׁר־יְהִיָּה לּוֹ לֹא יוּכַל לְבַכֵּר אֶת־בֶּן־הָאֲהוּבָה
עַל־פְּנֵי בֶן־הַשְּׂנוּאָה הַבְּכֹר: יז כִּי אֶת־הַבְּכֹר בֶּן־הַשְּׂנוּאָה יִפִּיר לָתֶת לּוֹ
כִּי שְׁנַיִם בָּכָל אֲשֶׁר־יִמְצָא לּוֹ כִּי־הוּא רִאשִׁית אֲזֹל לּוֹ מִשְׁפֶּט הַבְּכֹרָה:

(15) If a man has two wives, one loved and the other unloved,
and both the loved and the unloved have borne him sons, but
the first-born is the son of the unloved one –

(16) when he wills his property to his sons, he may not treat as
first-born the son of the loved one in disregard of the son of
the unloved one who is older.

(17) Instead, he must accept the first-born, the son of the
unloved one, and allot to him a double portion of all he
possesses; since he is the first fruit of his vigor, the birthright
is his due.

(15) If a man has two wives: The Torah now proceeds from the
“beautiful captive woman” to a situation of a man who has two wives. As
already noted, the topical sequence suggests that this circumstance may

have arisen as the result of the man having brought home a second wife from the battlefield.

One loved and the other unloved: The literal translation of the Hebrew is, “One loved and one hated.” These are the same terms that the Torah used to describe Jacob’s feelings toward his two wives, Rachel and Leah (Gen. 29:30-31).

And both the loved and the unloved have borne him sons, but the first-born is the son of the unloved one: Each son is a firstborn to his mother, but only one of the two sons is the father’s firstborn. And that firstborn son of the father’s two sons is the son of the unloved wife.

(17) Instead, he must accept the first-born, the son of the unloved one: In this humanly difficult and complex situation the father’s relationship to his sons must not depend on his relationship to their mothers.

And allot to him a double portion of all he possesses: It was the accepted practice in those times that a father’s firstborn would inherit a portion in his father’s estate (both real property and chattel) twice as large as that of each of his brothers. The Torah affirms this practice, which it cites in this passage mainly to stress that it must be observed without regard to the father’s feelings toward the mothers of his sons.

Since he is the first fruit of his vigor, the birthright is his due: Only by adopting this approach can the father assure peace among his sons, who will sense the fairness of their father’s decisions.

§ 17.5. UNDERSTANDING THE MEANING OF THE COMMANDMENTS

The passage about the sons of the two wives, one loved and one unloved, demonstrates how the Torah’s commandments are formulated, and also raises a more general question about the meaning of the commandments.

The Torah’s texts are of two types: historical-narrative and legislative-proscriptive. The connection between these two types is that the

meaning of the commandments emerges from within the narrative passages of the Torah. Thus, the stories reveal the meaning of the commandments. It turns out that the formulation of each commandment depends on the meaning inherent in a narrative found somewhere in the Torah. When we search for the meaning of a particular commandment, we must search for some story in the Torah that relates to that commandment. If we can find such a story, then the narrative part contains the key to understanding the halachic part.

The most explicit example of this approach, as revealed by the Torah itself, is found in the case of the *gid ha-nasheh*, the prohibition against eating the thigh muscle of an animal (Gen. 32:33), even a kosher species of animal that has been properly slaughtered.

In the book of Genesis we read: “After taking them across the stream, [Jacob] sent across all his possessions. Jacob was left alone. And a man wrestled with him until the break of dawn. When he saw that he had not prevailed against him, he wrenched Jacob’s hip at its socket, so that the socket of his hip was strained as he wrestled with him” (Gen. 32:24-26). And then, immediately after that struggle: “That is why the children of Israel to this day do not eat the thigh muscle that is on the socket of the hip, since Jacob’s hip socket was wrenched at the thigh muscle” (Gen. 32:33).

Thus, the commandment is mentioned only tangentially, as it were, within the flow of the narrative. And so we understand that the real meaning of the prohibition against eating the thigh muscle is to serve as a reminder of Jacob’s battle with the angel. (According to Tradition the “man” with whom Jacob wrestled was in fact an angel.) The Torah connects this prohibition with Jacob’s injured thigh – a connection that would otherwise not have occurred to us, seeing that it was Jacob’s thigh that was injured, not that of a cow, a sheep, or some other animal. But since the Torah explicitly points to that connection, we understand that that is the true meaning of the commandment. Thus, more generally, every commandment in the Torah has some symbolic meaning, and the narratives of the Torah reveal what the meaning is.

Here too, then. The passage about the two wives, one loved and the other unloved, can be seen as connected to the story of Jacob, whose “unloved” wife Leah, was the mother of Jacob’s firstborn child (Reuben).

But the wife whom Jacob loved most was Rachel, and he therefore favored Joseph, Rachel's son, and elevated Joseph, the youngest, to a position higher than that of all his other sons (see Gen. 29:30, 37:1 ff.) The unfortunate result was a very serious conflict among the brothers, which led to over two centuries of Egyptian exile and bondage. We thus understand the commandment here concerning the sons of the two wives as censuring Jacob for adopting an improper attitude towards his sons. The Torah is saying: you must not repeat the errors of your forefathers.

In summary: the narrative portions of the Torah embody the meanings behind the commandments, while the legislative portions formulate concrete instructions based on those meanings. The justification for many of the Torah's commandments, including those that initially seem rationally incomprehensible, can be found in a story that is recounted somewhere in the Torah.

Let us consider yet another example. The commandment of *sha`atnez*, the prohibition against wearing a garment that contains a combination of wool and linen, is generally considered rationally inexplicable. The Torah introduces that (and a few other similar prohibitions) with the words, "You shall observe My laws" (Lev. 19:19). For "laws" it uses the word *chukkotai*, which denotes, specifically, laws that God imposes by fiat, with no presumption of any logical or rational basis. But in fact, the prohibition of wearing *sha`atnez* should be understood as a reminder of the long-standing conflict between the Hebrews and the Egyptians. The Egyptians usually wore clothes made of linen, while the Israelites dressed in woolen garments. The memory of this conflict is an important aspect of Jewish identity and is therefore enshrined in the *sha`atnez* prohibition. (For more on this point, see §18.8 below.)

We note too that in this case, the story of Jacob and his wives serves as an example of how not to act. This is atypical. The Patriarchs were righteous men whose acts are normally taken as exemplifying proper behavior that we should emulate. And yet, as we see here, there are also instances in the Torah of great and illustrious men whose behavior in certain cases must be avoided rather than emulated.

Of course, Jewish tradition believes that the commandments were laid down even before the Creation of the world, and that they reflect eternal, Divine truths. But nothing we have just written diminishes from

that. For although the commandments are eternal, they descend into the world through events in the lives of the Patriarchs, be they positive or negative events, in order that we may learn by following – or by not following – their example.

§ 17.6. THE WAYWARD AND DEFIANT SON (21:18-21)

יח כִּי־יְהִי־לְאִישׁ בֶּן־סוֹרֵר וּמוֹרָה אֵינָנו שְׁמַע בְּקוֹל אָבִיו וּבְקוֹל אִמּוֹ
וַיִּסְרוּ אֹתוֹ וְלֹא יִשְׁמַע אֲלֵיהֶם: יט וַתִּפְּשׁוּ בּוֹ אָבִיו וְאִמּוֹ וְהוֹצִיאוּ
אֹתוֹ אֶל־זִקְנֵי עִירוֹ וְאֶל־שַׁעַר מִקְדָּמוֹ: כ וְאָמְרוּ אֶל־זִקְנֵי עִירוֹ בְּנֵנוּ זֶה
סוֹרֵר וּמוֹרָה אֵינָנו שְׁמַע בְּקוֹלֵנוּ זֹלָל וְסָבָא: כא וְרָגְמָהוּ כָּל־אֲנָשֵׁי עִירוֹ
בְּאֲבָנִים וּמָת וּבַעֲרַת הָרָע מִקִּרְבָּהּ וְכָל־יִשְׂרָאֵל יִשְׁמְעוּ וְיִרְאוּ:

(18) **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,**

(19) **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.**

(20) **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.”**

(21) **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.**

(18) If a man has: As noted earlier, Jewish tradition considers these three passages a single thread of events, in which the Torah is warning us of the consequences of certain actions that cascade as a sequence of causes and effects.

In other words, if a Jewish soldier takes a beautiful captive woman as his wife, he will eventually no longer love her, and will find himself with two wives, one loved and one unloved, and a son from each. Because of the resulting disharmony in the family, the son of the unloved wife will

inevitably grow up to disrespect and disobey his parents, which will ultimately lead to a death penalty for their rebellious child.

A wayward and defiant son: Because this son has so degenerated, to the point of exhibiting not just one but both of these negative characteristics simultaneously, “wayward and defiant,” there is no way anyone can restore him to normal life.

Who does not heed his father or mother: Literally, “He does not listen to the voice of his father and the voice of his mother.” The word “voice” appears twice – once for each parent. I.e., both parents have tried independently to influence their son. A father will usually speak harshly, and a mother more gently. But in this case neither parent can get their son to mend his ways.

And does not obey them even after they discipline him: The Hebrew for “they discipline him” is *ve-yisseru oto*, which can also be translated as “they scourge him.” (Cf. Deut. 22:18, where the same two words are translated as “they shall flog him.”) Parents will first try to influence their son by using normal methods. But when they see no result, they resort to extreme actions.

(19) 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: That is, they must bring him to the local court that sits at the gates of their city.

(20) 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”: It is no longer just a matter of parents being offended by their son’s disobedience. Rather, the son has already embraced a lifestyle that will inevitably lead him to become a full-fledged criminal. The Oral Tradition elaborates that the son is now stealing money from his parents in order to finance drinking orgies.

(21) Thereupon the men of his town shall stone him to death: He is executed not because he has already committed any serious crime, but because his thievery and drunkenness will inevitably lead him down that path.

Thus you will sweep out evil from your midst: all Israel will hear and be afraid: The entire nation will be stunned and horrified. As the people recount among themselves this horrible story, they will correct and improve their behavior. And thus will evil be eradicated from Israel.

It is of course highly unlikely that such an incident would ever actually occur, since it would require that the father and mother both want to see their child executed, who is guilty as yet of nothing worse than petty thievery and drunkenness. Indeed, the Tradition affirms that throughout all of Jewish history there never has been, nor will there ever be, a case of a wayward and defiant son executed at his parents' behest. Jewish Tradition goes on to say that the case of the wayward and defiant son appears in the Torah solely for the moral benefit that will accrue from studying it. By virtue of such study alone "all Israel will hear and be afraid." Anyone delving into the laws of this commandment will be horrified to learn that a young boy could be executed for crimes he has not yet committed.

The resulting emotional upheaval will itself serve to discipline the people, and thereby "sweep out evil from their midst."

§ 18. SHOWING RESPECT FOR HUMAN BEINGS AND FOR NATURE

§ 18.1. THE COMMANDMENT TO BURY AN EXECUTED CRIMINAL THE SAME DAY (21:22-23)

כב וְכִי־יִהְיֶה בְּאִישׁ חֲטָא מִשְׁפָּט־מוֹת וְהוּמָת וְתָלִיתָ אֹתוֹ עַל־עֵץ:
כג לֹא־תֵלִין גְּבֻלָּתוֹ עַל־הָעֵץ כִּי־קִבֹּר תִּקְבְּרֶנּוּ בַּיּוֹם הַהוּא כִּי־קָלָלָת
אֱלֹהִים תִּלּוֹי וְלֹא תִטְמָא אֶת־אֲדָמְתְּךָ אֲשֶׁר יְיָ אֱלֹהֶיךָ נָתַן לְךָ נַחֲלָה:

(22) If a man is guilty of a capital offense and is put to death, and you impale him on a stake,

(23) you must not let his corpse remain on the stake overnight, but must bury him the same day. For an impaled body is an affront to God: you shall not defile the land that the Lord your God is giving you to possess.

(22) If a man is guilty of a capital offense and is put to death, and you impale him on a stake: This is not an ideal translation, by far. The Hebrew reads, simply, “You shall hang him on [a pole of] wood.”

Based on this verse, the Halachah establishes that the corpse of any criminal executed by stoning must then be hung up – as a warning and deterrent to all. The Torah emphasizes here that the corpse must be taken down before nightfall: “You must not let his corpse remain on the stake over-night, but must bury him the same day.” Thus, this verse should be seen as a continuation of the previous verse that prescribed

stoning as the mode of execution for the wayward and defiant son: “Thereupon the men of his town shall stone him to death” (Deut. 21:21).

The corpse of an already executed criminal is hung up so as to intimidate society. The purpose of any execution is not only to punish the criminal, but also to discourage fresh crimes. With that in mind, the body must not hang for long, but only long enough to frighten the people, who will freely discuss the incident, which will serve to prevent further crimes.

(23) You must not let his corpse remain on the stake overnight, but must bury him the same day: This is the source of the requirement in Jewish law that the dead must be buried as quickly and immediately as possible, preferably on the day of death. (This law is relaxed only when the dignity of the deceased itself requires it; for example, to allow time for close relatives of the deceased to travel from a considerable distance to be present at the funeral.)

For an impaled body is an affront to God: Here again, as in the previous verse, the word “impale” is used in the sense of “hang” (not “pierce”).

The idea expressed here, that a corpse hanging in public view is an affront to God, is often explained to mean that since man was created in the image and likeness of God, hanging up the corpse of a criminal for public viewing mocks the Almighty Himself. However, this explanation cannot be correct, for it would mean that the executed criminal should not be hung up at all. Whereas here, on the contrary, the Torah actually requires that he be hung. But only for a short time.

The meaning of the commandment to take the man down before sunset lies in the fact that even as the court effects the necessary intimidation of the people by means of the hanging, they must exercise great care not to become brutes themselves. When an executed criminal hangs for an indefinite period, this speaks of bloodthirstiness on the part of those who have imposed the death sentence (even if the execution itself was fair and just). Any such bloodthirsty implementation of “justice” is an affront and a mockery of God.

§ 18.2. RETURNING A LOST ARTICLE (22:1-3)

א לֹא-תִרְאֶה אֶת-שׁוֹר אֲחִיךָ אוֹ אֶת-שֵׂי נִדְחִים וְהִתְעַלְמָתָּ מֵהֶם הֲשִׁב
 תְּשִׁיבֵם לְאֲחִיךָ: ב וְאִם-לֹא קָרֹב אֲחִיךָ אֵלֶיךָ וְלֹא יִדְעָתָּ וְאִסְפָּתָּ
 אֶל-תּוֹךְ בֵּיתְךָ וְהָיָה עִמָּךְ עַד דָּרַשׁ אֲחִיךָ אֹתוֹ וְהִשְׁבֵּתוּ לוֹ: ג וְכֵן
 תַּעֲשֶׂה לְחִמְרוֹ וְכֵן תַּעֲשֶׂה לְשִׁמְלָתוֹ וְכֵן תַּעֲשֶׂה לְכָל-אֲבִדַּת אֲחִיךָ
 אֲשֶׁר-תִּאֱבֹד מִמֶּנּוּ וּמִצֵּאתָהּ לֹא תִוָּכַל לְהִתְעַלֵּם:

(22:1) **If you see your fellow's ox or sheep gone astray, do not ignore it; you must take it back to your fellow.**

(2) **If 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.**

(3) **You 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.**

(22:1) **If you see your fellow's ox or sheep gone astray:** The Hebrew word translated here as “your fellow” is *achicha*, literally, “your brother.”

The obligation to return a lost animal has already been mentioned earlier in the Torah: “When you encounter your enemy's ox or ass wandering, you must take it back to him” (Exod. 23:4). That Exodus passage speaks of the obligation to help one's enemy, specifically. The purpose of the commandment to return a lost article is, above all, to eliminate or at least reduce human conflict. This was especially important in the book of Exodus, which was addressing the society that had just left Egypt.

But here in Deuteronomy the Torah calls the owner of the stray animal “your brother.” I.e., it assumes that among people living peacefully in their homeland only good relations will prevail. In Exodus this commandment was formulated only briefly. But here the coverage is more detailed, including instructions on how the lost animal is to be kept and maintained, how the return to its rightful owner is to be achieved, and so on. Once again, all this is particularly important from the practical perspective of life in the people's own country.

Do not ignore it; you must take it back to your fellow: The Hebrew word translated here as “ignore” is *ve-hit`alamta*, which, more emphatically, denotes a conscious act of reflexive hiding: “Do not hide yourself from it.” In other words, you must not pretend that you fail to notice this lost animal. You have no right to remain indifferent to the loss of your neighbor’s property.

(2) If your fellow does not live near you or you do not know who he is: Literally, “If your brother does not live near you... .” Even if you do not know who is the owner of the animal (or inanimate object) you have found, you must treat that owner even in absentia as you would your own brother.

You shall bring it home and it shall remain with you: You must look after it until you have returned it to its owner. However, the Torah does not require the finder to sustain a loss or even to incur normal expenses, on behalf of the owner. Therefore, if, for example, an ox can be put to work in order to cover the cost of its upkeep, the finder may do so. But if maintaining the animal becomes unduly burdensome on the finder, he may then sell it. When the owner is found, the finder would return the find to him in the form of money, instead of the animal itself.

Until your fellow claims it: The word “claims” is understood to mean that the owner must somehow prove that the animal is actually his. Normally he would do so by describing the animal in such terms as only the true owner could possibly know.

(3) You 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: The Oral Tradition limits this duty to a found article that is worth at least the accepted “minimal significant value.” In other words, if the value of the found article is so small that a typical owner would not normally trouble himself to try to retrieve it at all, then the finder has no obligation under this commandment.

You must not remain indifferent: We note a redundancy here, given that the verse above already stated, “Do not ignore it. You must give it back to your fellow” (Deut. 22:1). Moreover, that earlier statement can

in fact be interpreted in some cases to mean exactly the opposite of how we have understood it so far. How so?

The literal translation of that first verse of this passage would be: “You shall not see your fellow’s ox or sheep gone astray and ignore it.” The straightforward meaning is that the word “not” modifies also “ignore it,” as if the text had said: “You shall not see your fellow’s ox or sheep gone astray and ignore it. Rather, you must not ignore it.” However, the Oral Tradition understands “and ignore it” to mean that indeed in certain instances it is in fact permissible to ignore it, and to refrain from taking any responsibility for the lost animal.

An example of such an instance is when the finder is a person of particular stature in the community, such that it would be beneath his dignity to involve himself in the menial undertaking of caring for livestock, which would only degrade him in the eyes of the people. In such situations the finder is in fact justified in ignoring the lost animal, and moving along as if he had not seen it at all. Thus, the Torah balances, to some extent, the rights of the finder against the rights of the owner of the lost creature or item.

§ 18.3. THE OBLIGATION TO OFFER ASSISTANCE (22:4)

ד לֹא־תִרְאֶה אֶת־חֲמֹר אָחִיךָ אוֹ שׁוֹרֹ נִפְלִים בַּדֶּרֶךְ וְהִתְעַלְמָתָּ מֵהֶם
הֶקֶם תִּקֶּים עִמּוֹ:

(4) If you see your fellow’s ass or ox fallen on the road, do not ignore it; you must help him raise it.

This obligation too has already been mentioned in the book of Exodus (23:5): “When you see the ass of your enemy lying under its burden and would refrain from raising it, you must nevertheless raise it with him.” And here too, as in the previous verse, it is now not about an “enemy,” but about *achicha*, “your brother.”

A key point both here and in Exodus is that the owner of the animal is fully expected to participate along with the person who is assisting. “You must help him raise it” means exactly that: you must help him. But suppose, on the other hand, the owner of the animal tells the other,

“Well, since this is your obligation, I’m going to grab a cup of coffee down the block. Thanks so much for your help. I’ll be back when you have completed the task.” In that case there is no obligation on the other to raise the ass or the ox, because he would not be “helping,” but raising the distressed animal entirely by his own efforts, which the Torah does not require him to do.

§ 18.4. THE PROHIBITION OF CROSS-DRESSING (22:5)

ה לא־יִהְיֶה כְּלִי־גִבֹר עַל־אִשָּׁה וְלֹא־יִלְבֹּשׁ גִּבֹר שְׂמֹלֶת אִשָּׁה כִּי תִזְעַבֶּת
יִי אֱלֹהֶיךָ בְּלִעָשָׂה אֲלֶיהָ:

(5) A woman must not put on man’s apparel, nor shall a man wear woman’s clothing; for whoever does these things is abhorrent to the Lord your God.

(5) A woman must not put on man’s apparel: It is forbidden for a woman to wear clothing or objects that are considered uniquely masculine. This prohibition is traditionally applied to weaponry, and to articles of clothing that men wear routinely, but women never do.

Nor shall a man wear woman’s clothing: As in the previous case (a woman wearing man’s apparel), this is a prohibition on posing as a member of the opposite sex with intent to deceive.

For whoever does these things is abhorrent to the Lord your God: The Torah assumes that such cross-dressing is pursued for purposes of debauchery. A man disguised as a woman can infiltrate female society in ways that a man dressed conventionally cannot.

If, however, the clothes or appurtenances in question are not specifically masculine or feminine, then the prohibition does not apply. In modern times, this could be the case for work clothes or sportswear – clothes worn while skiing, for example. Moreover, in a society where it is accepted as normal that women carry weapons in the same manner as men do, then those weapons are no longer a uniquely “male attribute,” and there is no problem for a woman to be so armed (even when her life is not in danger), because there is no deception nor any intent to deceive.

Likewise, women's slacks are not considered "menswear," and there is therefore no prohibition for women to wear such slacks, or other similar garments that are standard women's garb.

§ 18.5. A MOTHER BIRD AND HER FLEDGLINGS OR EGGS (22:6-7)

וְכִי יִקְרָא קוֹנֶצֶפּוֹר | לְפָנָיו בְּדֶרֶךְ בְּכָל־עֵץ | א֥וֹ עַל־הָאָרֶץ אִפְרָחִים
א֥וֹ בִּיטָיִם וְהָאֵם רֹבֶצֶת עַל־הָאִפְרָחִים א֥וֹ עַל־הַבִּיטָיִם לֹא־תִקַּח הָאֵם
עַל־הַבָּנִים: וְשַׁלַּח תִּשְׁלַח אֶת־הָאֵם וְאֶת־הַבָּנִים תִּקַּח־לָךְ לְמַעַן יֵיטֵב
לָךְ וְהָאֲרֻכָּת יָמִים:

(6) If, along the road, you chance upon a bird's nest, in any tree or on the ground, with fledglings or eggs and the mother sitting over the fledglings or on the eggs, do not take the mother together with her young.

(7) Let the mother go, and take only the young, in order that you may fare well and have a long life.

Birds, chicks, and eggs in those times were an important element of the human diet. The Torah here therefore imposes a restriction on such a case when the mother and her offspring (or prospective offspring) are found together out among nature. That restriction is that only the chicks or eggs may be taken. The mother must be set free.

Just below we will examine this commandment in greater depth.

§ 18.6. THE CRISIS OF RELIGIOUS THOUGHT IN AN ERA OF MONUMENTAL HISTORICAL CHANGES

What is the essential idea underlying the commandment to "let the mother go, and take only the young"? The Mishnah (the core text of the Talmud) states that if a *sheliach tzibbur* – the community's representative whom they have appointed to lead them in public prayer – formulates his petition to the Almighty as "Spare us, all-merciful God, just as

You have ordered that the mother bird must be spared,” he should be summarily silenced, and prevented from uttering such words (Mishnah Berachot 5:3). (In the Talmudic era, liturgical texts were not yet firmly established as they are for us today. The person leading the prayers was generally free to choose his words as he saw fit, except where he overstepped prescribed bounds of propriety, as in this case.) Thus, the Talmud is stressing that the essence of this commandment is not a show of mercy or pity for the mother bird or for her offspring. The chicks or eggs may be eaten, after all. And there is no prohibition in general against trapping birds for food. Thus, this commandment to send away the mother is not rooted in a requirement to show compassion for sentient creatures. There must be some other consideration here at work.

The commandment to “send away the mother” has a certain notable feature: the Torah promises longevity as the reward for its observance. This is especially significant, because the Torah, as a general rule, does not inform us of the reward to be expected for fulfillment of individual commandments. But as it happens, there is yet another commandment for which the Torah very conspicuously promises the same reward of a long life. It is the commandment to honor one’s parents, as we saw in the Ten Commandments here in Deuteronomy (5:16), and also in Exodus (20:12). We are thus led to ask: how are these two commandments different from all others, and what do they have in common that determines that longevity should be the reward for their observance?

The Talmud famously takes up just this question in recounting the following poignant incident. Elisha ben Abuya was an outstanding Talmudic sage who lived during the Bar Kochba uprising (early second century CE). He was one of the four great sages of that generation who entered the *Pardes*, “Paradise,” the garden of knowledge of the secret meaning of the Torah. Of those four, only one, the great Rabbi Akiva, emerged unscathed. Elisha ben Abuya did not, as we shall see. The incident that occurred that relates to this passage in Deuteronomy was as follows. As he sat one day near a tall tree, Elisha heard a father say to his son: “Go now, my son, climb that tree, and bring me the chicks from the nest that I see up there.” The young man, acting on his

father's instructions (i.e., fulfilling the Torah's commandment to honor and obey one's parents), immediately brought a ladder and climbed the tree. Without disturbing the mother bird, he drove her away and took only the chicks, in fulfillment of the Torah's commandment of this passage: "Let the mother go, and take only the young." But, then, as he was descending from the tree back to the ground, the young man slipped off the ladder, and fell to his death. Seeing all this, Elisha ben Abuya proclaimed: "These are the very two commandments for the fulfillment of which the Torah promises the reward of a long life! How is it, then, that this man, in the process of fulfilling both of those commandments, has perished? The Torah's promises are obviously false. There is no point to believe in the Torah or to observe its precepts!" At that point Elisha ben Abuya joined forces with the Romans to support them in fighting against the Jews and against the Torah. Describing Elisha's unfortunate end, the Talmud says: "He entered Paradise, but then undertook to uproot its plantings."

It is clear that Elisha Ben Abuya's reaction was way out of proportion to what he had seen. But how indeed can one understand that a man would die while in the process of fulfilling the very two commandments for which the Torah promises the reward of longevity?

The Talmud goes on to cite the words of Rabbi Jacob: "Elisha ben Abuya did not know how to interpret the Torah. The reward for fulfilling the commandments will be received not in this world in which we physically live, but in the afterlife."

There are two oddities here that beg for clarification. First, how can longevity be referring to the afterlife, which is, after all, eternal? And second, we know that Elisha ben Abuya entered the *Pardes*; obviously, then, he was conversant with all levels of Torah interpretation. How could he have lacked the knowledge to interpret just this one aspect of the Torah?

The answer to both of these questions is that the whole approach is based on a fundamentally incorrect premise. The "you" of this Torah verse ("in order that you may fare well and have a long life") is addressed not to any one individual, but to the nation as a whole. When a bird is

sent away and thus allowed to further procreate, even if her chicks or eggs have been taken from her, she earns a promise of longevity not to the person who has released her, but to the nation that is actively committed and engaged in preserving the living world around them. That is, we can say that this is a commandment of an ecological nature, and the longevity of which it speaks is the longevity of the people in their land. Likewise, the promise of long years for honoring one's parents is given not to any particular child who honors his parents, but to the nation as a whole. A people whose youth respect and honor their parents and elders is stable, and able to endure.

Thus, the reward for the observance of this commandment is in fact granted in this world, not in the afterlife. But it is granted to the entire nation, and not to any one individual. When Elisha Ben Abuya tried to apply it to just one individual, he arrived at the erroneous conclusion that "the entire Torah and all its claims are false."

It is no mere coincidence that this episode happened in the era of the Bar Kochba uprising – a moment in history when the collapse of the national organism led the Jewish people to defeat and expulsion from their land. God's dialogue with the Jewish people at that time was moving from a combination of national and individual aspects – from an understanding of "you" that at times meant the individual, and at times the entire nation – to a purely individual dialogue, in which "you" denotes only the individual. The integrity of the nation was shattering from within. Elisha ben Abuya no longer sensed the national character of this commandment and was able to interpret it only with respect to the individual who was fulfilling it. (Note that Rabbi Jacob as well understands the "you" of "that you may have a long life" not in the national sense, but only as it relates to the individual. He therefore feels compelled to understand the promised reward as granted only in the afterlife.)

Not for Elisha ben Abuya alone, but for all the great sages of his era, the final destruction of the Jewish national organism, and the transition to a purely individual understanding of dialogue with God, was extremely painful. The Talmud goes on to say that of the four great

leaders who in that generation entered the *Pardes*, only one survived the experience intact, while the other three failed the mission. One died immediately from the experience, another went insane, and Elisha became an apostate and “undertook to uproot the plantings.” Of the four sages who entered the *Pardes*, only the illustrious Rabbi Akiva entered and exited Paradise completely intact. He went on to develop the principles on which the Talmud is based, and which became the mainstay of the Jewish people for the entire succeeding era even down to our own times.

Any sage, regardless of his level of knowledge, belongs to his times and its particular modes of thought. Whenever life changes dramatically, great people will often fail to find a place for themselves in it, because they have already been organically engraved, as it were, into an earlier model of the world. Like heavy, oversized vehicles, they are often unable to cope with an unexpectedly sharp turn in the road as they move along at very high speed.

§ 18.7. MAKING A PARAPET FOR ONE’S ROOF (22:8)

ח כִּי תִבְנֶה בַּיִת חָדָשׁ וְעָשִׂיתָ מִעָקָה לְגִגְדְּךָ וְלֹא-תָשִׂים דָּמִים בְּבֵיתְךָ
כִּי-יִפֹּל הַנֶּפֶל מִמֶּנּוּ:

(8) When you build a new house, you shall make a parapet for your roof, so that you do not bring bloodguilt on your house if anyone should fall from it.

(8) When you build a new house, you shall make a parapet for your roof, so that you do not bring bloodguilt on your house if anyone should fall from it: Of course, this is just everyday, worldly advice. And yet it has the status of a Torah commandment. There are many such “rationally comprehensible commandments” in the Torah, which, despite their prosaic utility, also represent the embodiment of Israel’s covenant with God, because the well-being and physical preservation of the people is an integral element of that covenant.

You shall make a parapet for your roof: The roof is mentioned only as a typical representative example. We are obligated under this commandment to build the same kind of protective fence in any other place where there is a danger to life.

So that you do not bring bloodguilt on your house: If the owner of the property has not taken the proper precautions, the blame for the consequences lies with him. But conversely, if he has exercised every precaution, and something untoward then happens that he could not have foreseen or prevented, he is not held accountable for that outcome.

§ 18.8. THE PROHIBITION OF JOINING DIVERSE KINDS (22:9-11)

ט לֹא-תִזְרַע כְּרֶמֶךְ בְּלֵאִים פְּנִי-תִקְדָּשׁ הַמִּלֵּאָה הַזֶּה אֲשֶׁר תִּזְרַע
וְתִבּוֹאֶת הַכֶּרֶם: , לֹא-תִחָרֵשׁ בְּשׂוֹר-וּבַחֲמֹר יַחְדָּו: יֵא לֹא תִלְבַּשׁ
שְׂעִטָּיִם צִמָּר וּפְשִׁטִּים יַחְדָּו:

(9) **You shall not sow your vineyard with a second kind of seed, else the crop – from the seed you have sown – and the yield of the vineyard may not be used.**

(10) **You shall not plow with an ox and an ass together.**

(11) **You shall not wear cloth combining wool and linen.**

(9) You shall not sow: The prohibition of *kil'ayim* – mixing or combining diverse species – was summarized in the book of Leviticus: “You shall observe My laws. You shall not let your cattle mate with a different kind; you shall not sow your field with two kinds of seed; you shall not put on cloth from a mixture of two kinds of material” (Lev. 19:19). Here in Deuteronomy this commandment is presented in greater detail. And there are also important differences from the text of Leviticus, as we shall explain.

The laws of *kil'ayim* are often perceived as “inexplicable laws of the Almighty.” But in truth, in all these prohibitions we can find an essential symbolism, the essence of which is to be always cognizant of the

contradictions that exist in the world. Observing these commandments orients us to a constant awareness of those contradictory, irreconcilable aspects of human life.

The very same idea is seen in the Torah's prohibition of combining meat and milk. By allowing meat to be eaten at all, we are permitting murder – the killing of animals. And likewise, allowing humans to drink milk and to eat dairy products means, essentially, permitting them to commit robbery – of animals. While neither of those is forbidden outright, any combination of meat and dairy is prohibited, in order to avoid giving people a sense that this is a world without boundaries, and that robbery and murder are crimes of the same degree of seriousness.

You shall not sow your vineyard with a second kind of seed, else the crop – from the seed you have sown – and the yield of the vineyard may not be used: There are two separate prohibitions here: sowing and using.

You shall not sow your vineyard: In the book of Leviticus, the prohibition was generalized to any two types of crops: “You shall not sow your field with two kinds of seed.” But here it is about grain and grapes specifically. In the prohibition here, “You shall not sow your vineyard with a second kind of seed,” Tradition understands that second kind of seed to mean, primarily, one of the major categories of grain – wheat or barley, or one of their cognate species.

A grapevine is not a simple, ordinary plant. Its products can induce drunkenness, with unpredictable consequences. In fact, wine is actually a kind of drug, and an easily accessible one. Strictly speaking, then, the fruit of the vineyard itself should be banned. Islam, in fact, adopts that much tougher approach, and forbids consumption of wine as a matter of principle.

To forbid something outright is easy. But the Torah chooses a more nuanced approach, allowing Jews to drink wine. On the other hand, the prohibition against “sowing your vineyard with a second kind of seed” is meant to remind us that bread and wine – or, more broadly, food and spirits – are very different things. Although the Torah does not forbid eating and drinking, nevertheless one must always mentally distinguish

wine from bread, in order to be perpetually aware of the problems and dangers that failing to make that distinction would entail.

Else the crop ... may not be used: The use of any such crop is strictly forbidden. It must be burned.

The Hebrew here for “else the crop ... may not be used” is *pen tikdash* – literally, “lest the crop become holy.” But *kadosh* in this sense has a more general meaning of “singled out, special,” or “unsuited, inappropriate, forbidden.” Thus the same Hebrew root *K-D-SH* can be used to convey quite opposite meanings. This emphasizes the “contradiction of specialness” that can be realized in the most positive and attractive things and also the most repugnant and repulsive.

(10) You shall not plow with an ox and an ass together: This prohibition is counted among the laws of the Torah that are intended to prevent suffering to animals. The strength of an ox is very different from that of a donkey, and their work habits are also quite different. Thus, yoking them together will only cause suffering to both.

But at the same time, the parallel verse in the book of Leviticus cites an entirely different prohibition with respect to diverse kinds of animals: “You shall not let your cattle mate with a different kind” – that is, the prohibition against crossbreeding diverse species of animals. We shall elaborate on this difference below.

(11) You shall not wear cloth combining wool and linen: The parallel verse in Leviticus formulates this prohibition more generally as, “You shall not put on cloth from a mixture of two kinds of material.” But here in Deuteronomy the prohibition applies to wool and linen specifically. This represents the separation of animals and plants, and also of all things Jewish and Egyptian.

In the mores of that era, wool symbolized the Hebrew (Jewish) culture of antiquity, while linen symbolized Egyptian culture. The Jewish and Egyptian perceptions of the world were quite antithetical. We therefore read in the book of Genesis (43:32): “For the Egyptians could not dine with the Hebrews, since that would be abhorrent to the Egyptians.” Ultimately, the conflict of the Egyptians and the Hebrews recapitulates the conflict between Adam and Eve’s sons Cain and Abel, the farmer and the herdsman, which ended in Cain killing Abel, thus committing

the first murder in human history (Gen. 4:1 ff.). Although both farmers and pastoralists are equally important to civilization, it is essential to remember that there are fundamental differences between them. The purpose of the prohibition of *sha`atnez* (wearing clothing in which wool and linen are combined) is to remind us always of that.

§ 18.9. LEVITICUS VS. DEUTERONOMY REGARDING THE PROHIBITIONS OF COMBINING DIVERSE KINDS

In the book of Leviticus, the “prohibition of intermingling” is presented as falling under the rubric of “You shall be holy, for I, the Lord your God, am holy” (Lev. 19:2). That principle requires that the Almighty’s laws will be observed even when they are rationally incomprehensible. The corresponding verse prohibiting mixing diverse kinds therefore begins with the words, “You shall observe My laws.” We can translate that more literally as: “You shall observe My decrees,” where a decree is a law that must be observed unconditionally, without ever being questioned or qualified.

But here in Deuteronomy the emphasis is on something else, namely, creating a just society that follows the Divine path. And that is why here in Deuteronomy many of the commandments are presented not as unconditional obedience to an inexplicable Divine decree, but as promoting morality, mercy, and neighborly concern and care.

The book of Leviticus prohibits any mixed sowing of the field. Every species created by God must be allowed to grow separately. But Deuteronomy distinguishes wine that serves for pleasure, and bread, the foundation of human life. Failing to distinguish between wine and bread is therefore immoral. (The priests are forbidden to serve in the Temple while under the influence of intoxicating beverages, see Lev. 9:9. And the Nazirite likewise, see Num. 6:3-4. All this is because the effect of wine taken in large quantities can be highly problematic.)

And the same applies with respect to the animals. The book of Leviticus prohibits crossbreeding. That prohibition, like the prohibition of sowing diverse seeds, has to do with the reality of how the universe is structured, and the need to keep each species intact and distinct. But

here in Deuteronomy the prohibition of combining diverse kinds of animals is about morality. The commandment therefore forbids bringing animals of different species together for work, because that causes suffering to the animals. It also reminds us that enslaving animals for our own human purposes is in general not a good thing, and that we must approach it with care, rather than taking it for granted.

And as concerns *sha`atnez* the same difference is at work. In Leviticus, it is formulated as a prohibition to mix threads of different origin in clothes – i.e., once again: each species must be kept separate. Since God created them separate, we too must respect that separateness. But here in Deuteronomy the same prohibition is presented as a moral lesson. The prohibition applies to a mixture of linen and wool exclusively: plants vs. animals, Egyptian vs. Jewish.

The separation of plants and animals is meant to emphasize the different attitude one must entertain toward each: plants can be used in any manner a person sees fit. But animals are sentient creatures that have feelings. One must therefore avoid causing them unnecessary suffering. Animals must be treated kindly and mercifully.

Egyptian and Jewish culture, agricultural vs. pastoral civilizations respectively, likewise require different attitudes for the preservation and advancement of mankind. The diversity of peoples and cultures is an important factor for the development of mankind as a whole. It would be a serious mistake to suppose that with time all such differences will disappear, and all nations will become the same. Any deterioration of the existing diversity only leads to depersonalization of our world. The *sha`atnez* prohibition exists to remind us of that.

§ 18.10. THE COMMANDMENT OF TZITZIT (22:12)

יב גְּדִלִים תַּעֲשֶׂה-לָּךְ עַל-אַרְבַּע כַּנְפוֹת בְּסוּתֶיךָ אֲשֶׁר תִּכְסֶּה-בָּהּ:

(12) **You shall make tassels on the four corners of the garment with which you cover yourself.**

Because the commandment of tzitzit, making tassels on the corners of one's garment, has already been explained in detail earlier in

the Torah (Num. 15:37 ff.), the text here in Deuteronomy provides no additional specifics. Jewish tradition understands this short verse as supplementing the previous one, which also speaks of clothing: the prohibition of wearing *sha`atnez*, an admixture of wool and linen. Thus, the Tradition understands this verse to be saying that although it is forbidden to wear *sha`atnez* in the body of a garment, the tzitzit on the garment's corners are excepted from that rule and may contain *sha`atnez*. Such is necessarily the case, in fact, with any linen garment, since tzitzit must be fashioned not from linen or any other material but only from wool – the threads of the special blue wool known as *techelet*. (Moreover, *sha`atnez* is permitted in the Temple and in the garments worn by the *kohen gadol*, the High Priest, see Exod. 25:4 and the *Bible Dynamics* commentary there.)

We can understand this as follows. The distinctions in our world manifest at the external level of action (prohibitions of mixing diverse kinds in our ordinary, daily lives). At the same time, at the internal level of holiness (the High Priest's garments and the tzitzit, which are not affected by those prohibitions) all phenomena are ultimately connected. All cultures and civilizations have an inner unity, the unity of pan-humanity. But surely this does not mean that in practice all people and nations are the same.

It would be a serious mistake to violate the practical distinctions that are inherent in all the world's phenomena. But it is no less a mistake to ignore their inner unity.

§ 19. THE SANCTITY OF MARRIAGE

§ 19.1. A BRIDE STANDS ACCUSED (22:13-21)

יג כִּי־יִקַּח אִישׁ אִשָּׁה וּבָא אֵלֶיהָ וּשְׁנָאָהּ: יד וְשֵׁם לָהּ עָלִילַת דְּבָרִים
וְהוֹצֵא עָלֶיהָ שֵׁם רָע וְאָמַר אֶת־הָאִשָּׁה הַזֹּאת לָקַחְתִּי וְאָקְרַב אֵלֶיהָ
וְלֹא־מָצָאתִי לָהּ בְּתוּלִים: טו וְלָקַח אָבִי הַנַּעַר וְאִמָּהּ וְהוֹצִיאוּ אֶת־
בְּתוּלֵי הַנַּעַר אֶל־זִקְנֵי הָעִיר הַשְּׁעָרָה: טז וְאָמַר אָבִי הַנַּעַר אֶל־הַזִּקְנִים
אֶת־בְּתִי נָתַתִּי לְאִישׁ הַזֶּה לְאִשָּׁה וּשְׁנָאָהּ: יז וְהִנֵּה־הוּא שֵׁם עָלִילַת
דְּבָרִים לֹא־מָצָאתִי לְבִתִּי בְּתוּלִים וְאֵלָּה בְּתוּלֵי בְתִי וּפָרְשׁוּ
הַשֹּׁמְרֵי לִפְנֵי זִקְנֵי הָעִיר: יח וְלָקְחוּ זִקְנֵי הָעִיר־הַהוּא אֶת־הָאִישׁ וַיִּסְרוּ
אֹתוֹ: יט וְעָנְשׁוּ אוֹתוֹ מֵאָה כֶּסֶף וְנָתְנוּ לְאָבִי הַנַּעַר כִּי הוֹצִיֵא שֵׁם
רָע עַל בְּתוּלַת יִשְׂרָאֵל וְלֹז־תִּהְיֶה לְאִשָּׁה לֹא־יִכָּל לְשַׁלְּחָה כָּל־יָמֶיהָ:
כ וְאִם־אָמַת הִיָּה הַדֹּבֵר הַזֶּה לֹא־נִמְצְאוּ בְּתוּלִים לַנַּעַר: כא וְהוֹצִיאוּ
אֶת־הַנַּעַר אֶל־פֶּתַח בֵּית־אָבִיהָ וְסָקְלוּהָ אֲנָשֵׁי עִירָהּ בָּאֲבָנִים וּמָתָה
כִּי־עָשְׂתָה נְבִלָה בְּיִשְׂרָאֵל לְזָנוֹת בֵּית אָבִיהָ וּבַעֲרַת הָרָע מִקִּרְבָּהּ:

(13) A man marries a woman and cohabits with her. Then he takes an aversion to her

(14) and makes up charges against her and defames her, saying, "I married this woman; but when I approached her, I found that she was not a virgin."

(15) In such a case, the girl's father and mother shall produce the evidence of the girl's virginity before the elders of the town at the gate.

(16) **And the girl's father shall say to the elders, "I gave this man my daughter to wife, but he has taken an aversion to her;**

(17) **so he has made up charges, saying, 'I did not find your daughter a virgin.' But here is the evidence of my daughter's virginity!" And they shall spread out the cloth before the elders of the town.**

(18) **The elders of that town shall then take the man and flog him,**

(19) **and they shall fine him a hundred [shekels of] silver and give it to the girl's father; for the man has defamed a virgin in Israel. Moreover, she shall remain his wife; he shall never have the right to divorce her.**

(20) **But if the charge proves true, the girl was found not to have been a virgin,**

(21) **then the girl shall be brought out to the entrance of her father's house, and the men of her town shall stone her to death; for she did a shameful thing in Israel, committing fornication while under her father's authority. Thus you will sweep away evil from your midst.**

(13) A man marries a woman and cohabits with her: The law given here, that a woman's loss of virginity before marriage is punishable by death, seems very strange, particularly because even in antiquity there was no way that that principle could have been upheld according to the judicial standards of the Torah.

Two details here are clearly contrary to the Torah's judicial principles, making a death sentence in such situations impossible.

The Torah states unequivocally: "A single witness may not validate against a person any guilt or blame for any offense that may be committed; a case can be valid only on the testimony of two witnesses or more" (Deut. 19:15). In the absence of such testimony and evidence, imposing a death sentence on this bride would directly contradict the Torah's judicial principles, and would therefore be impossible. No less than two

eyewitnesses to a crime are required in order to impose any punishment on the perpetrator. Surely, then, it is impossible to sentence the accused to death (or subject him to any punishment whatsoever) when there are no eyewitnesses at all, and based on circumstantial evidence alone. Moreover, it is beyond all doubt that even the ancients knew that loss of virginity is not always accompanied by bleeding. Therefore, the absence of virgin blood (Deut. 22:17) cannot possibly be taken as evidence of any wrongdoing on the part of the bride.

Even if it turned out that the bride had in fact not been a virgin when the marriage was consummated, there is no way to detect and substantiate at what point the loss of virginity occurred: after the marriage was legally concluded, or before that. If she lost her virginity by being intimate with another man before she was legally married, a death sentence would be categorically improper and inapplicable according to the laws of the Torah.

How all this works needs to be explained more precisely, as follows. The two actions indicated by the words of this verse, “**A man marries a woman and cohabits with her,**” represent the two fundamental stages of a Jewish marriage.

“**A man marries a woman**” means they conclude a legally binding marriage agreement, known as *Kiddushin*, literally, “sanctification.” This term is sometimes translated as “betrothal,” because the groom, in the course of the ceremony, gives the bride a ring. However, its meaning is not merely in creating preliminary agreements, but in the conclusion of marriage in the legal sense. *Kiddushin* establishes an actual marriage. From that moment, the woman is legally married with all the rights and obligations that that entails. However, in ancient times (and until the destruction of the Second Temple) it was the accepted practice that the newlyweds did not start living together immediately after *Kiddushin*. The bride remained in her father’s house for another year, or thereabouts, during which time the man would prepare their future home and all the necessities of family life.

Only after that waiting period came the *Nissu’in*, “marriage” stage, after which the newlyweds began living together as man and wife. The

words “**and cohabits with her**” of this verse refer to that second of the two stages of the marriage process, the beginning of the couple’s life together. (Later it was established that both the *Kiddushin* and *Nissu’in* stages should always be performed in immediate succession in a single ceremony, which is how it is still done today.)

Given the parameters as just described, a girl could be punished for having an affair with another man only if it happened after the *Kiddushin*, i.e., when she was already legally married. If a girl has a sexual relationship with a man before she is married, the Torah imposes no punishment whatsoever: “If a man seduces a virgin for whom the bride-price has not been paid, and lies with her, he must make her his wife by payment of a bride-price. If her father refuses to give her to him, he must still weigh out silver in accordance with the bride-price for virgins” (Exodus 22:15-16). In other words, a bride who was no longer a virgin at the time of the legal conclusion of marriage, the *Kiddushin*, incurs no punishment at all. Although what she has done is far from praiseworthy, neither has she, in the Torah’s view, committed any actual crime.

The upshot of all this is that the bride’s punishment – a death sentence – described in the closing verse of this passage (Deut. 22:21) can never be applied in practice. Rather, we understand that the Torah prescribes it only in order to achieve a balanced presentation. Since, in principle, the girl might or might not be guilty, both of those situations should be mentioned.

On the other hand, the essence of this passage lies in a very real scenario – the case of a man who defames his wife by levelling false charges against her, and the punishment he must bear for that very serious offense.

Then he takes an aversion to her: Literally, “And then he comes to hate her.” We are talking here about a sudden flare-up of actual hatred. Now, of course, a husband has the legal right to divorce his wife at any time, even on the very morning following their wedding. But here there is something more going on. On their wedding night, the newlyweds experience such an extreme conflict that the man wants to expel his wife without paying money for her ongoing maintenance, as

is obligatory in any divorce. And moreover, in justification of that he wishes to dishonor her.

(14) And makes up charges against her and defames her: Beyond simply accusing her, he spreads vicious defamatory rumors about her among the general public.

Saying: We understand this additional action verb to mean that now he goes even further, bringing his accusation into court, thereby making it official in the full legal sense.

I married this woman; but when I approached her, I found that she was not a virgin: He means: “I married her on the assumption that she was a virgin. But when I approached her, I found that she was nothing of the kind.” To resort to such behavior is already humiliating even for the husband himself, as he is making the intimate details of his life a matter of public discussion. The fact that he is willing to do this in order to achieve his aim is itself regarded as very unworthy behavior.

(15) In such a case, the girl’s father and mother: It falls to the parents to protect their daughter’s honor. The girl should not have to discuss her intimate life publicly in a court of law (or anywhere else).

Shall produce the evidence of the girl’s virginity before the elders of the town at the gate: It was standard practice in those times that the elders of the local court would convene at the city gates to hear and adjudicate the cases brought before them by the inhabitants of the city.

(16) And the girl’s father shall say to the elders, “I gave this man my daughter to wife, but he has taken an aversion to her”: Literally, “And now he has come to hate her.” Such behavior on the part of a husband cannot be explained by anything except actual hatred.

(17) So he has made up charges, saying, ‘I did not find your daughter a virgin.’ But here is the evidence of my daughter’s virginity!” And they shall spread out the cloth before the elders of the town: On her wedding night, the girl gave her parents “proof of virginity” – i.e., a bedsheet with the traces of her virgin blood. Such is the straightforward meaning of this verse.

However, from the onset of the Talmudic era (first century CE) any such practice came to be regarded as unthinkable, nothing less than pure barbarism. The sages of the Talmud therefore understood the words “And they shall spread out the cloth before the elders of the town” as merely figurative, meaning not the presentation of such physical evidence as literally stated, but as an allegorical expression meaning a thorough investigation, and cross-examination of all possible witnesses. In the words of the sages: “The elders must conduct a thorough inquest, demanding that the husband produce irrefutable evidence to support his allegations. Thus, the case will acquire the same clarity as a perfectly laundered, spotless cloth.”

(18) The elders of that town shall then take the man and flog him: If the husband can produce no irrefutably conclusive evidence of the bride’s guilt, the judges punish him bodily for his act of defamation, which is itself a very serious crime.

And flog him: The perpetrator would be flogged with the blows of a leather whip. The effect is to disgrace him publicly – a worthy punishment for attempting to besmirch the reputation of an innocent girl.

(18-19) The elders ... shall then ... flog him, and they shall fine him a hundred [shekels of] silver: These are two separate punishments. From the wording of the Torah text this is not completely obvious, because the Hebrew could conceivably be translated as, “The elders ... shall then ... discipline him by fining him a hundred [shekels of] silver.” But in fact, that is not the accepted interpretation. This man must first submit to the court for a shameful whipping, and then also pay a huge fine.

And give it to the girl’s father: The fine is paid to the father of the bride, who has endured the brunt of the disgrace caused by the attempted defamation.

For the man has defamed a virgin in Israel: Defamation of an innocent girl concerns not only herself and her parents. It offends the entire nation.

Moreover, she shall remain his wife; he shall never have the right to divorce her: He wanted to rid himself of her by using a mali-

cious tactic. Now he can never divorce her of his own initiative. (But if she does not wish to stay with him, he cannot force her, as is the case in Jewish law with any wife who wants to terminate a marriage.)

The lesson here is this: if a man really wants a divorce, he should pursue it in the normal way. But he must not try to achieve it by disgracing his wife, simply because the two of them are incompatible, for that is unworthy behavior.

(20) But if the charge proves true, the girl was found not to have been a virgin: As already noted, in actual practice it is impossible to provide material evidence to substantiate such an allegation. That could be achieved only if the husband were to find actual witnesses who would testify concretely to the bride's "lecherous behavior," meeting all the stringent requirements of testimony in Jewish law (see Deut. 22:22). If the husband can find such witnesses, he should immediately bring them to court. But he should not, in any case, be circulating vicious libel.

Thus, these verses are meant not for practical application, but to provide balanced coverage of all the possibilities, and to emphasize the seriousness of the crime, if indeed it has been committed.

(21) Then the girl shall be brought out to the entrance of her father's house: She must be executed at the house of her parents who raised her, so that her disgrace will accrue to them as well.

And the men of her town shall stone her to death: In practice, this is impossible. But the Written Torah was given to put forth only the general principles, while it is the task of the Oral Torah to implement those principles where applicable (which, as is the case here, might in practice never actually happen).

For she did a shameful thing in Israel, committing fornication while under her father's authority: It is not only her own personal disgrace, but a disgrace for the entire nation. This is analogous to what was stated just above in the opposite case (Deut. 22:19), that the husband's act of defamation offends all of Israel.

Thus you will sweep away evil from your midst: The dire terms that Torah uses to recount the whole affair are themselves intended to stun, and thereby to eradicate evil from among the people.

Thus, in the final analysis, the entire passage bears an educational character. For the girl, it stresses the impropriety of adultery. And for the husband – that vicious defamation will not be tolerated.

Thus, in the final analysis, the entire passage bears an educational character. For the girl, it stresses the impropriety of adultery. And for the husband – that vicious defamation will not be tolerated.

§ 19.2. MARITAL INFIDELITY AND RAPE (22:22-27)

כב כִּי־יִמָּצָא אִישׁ שֹׁכֵב | עִם־אִשָּׁה בְּעֶלְת־בָּעַל וּמֵתוּ גַם־שְׁנֵיהֶם
הָאִישׁ הַשֹּׁכֵב עִם־הָאִשָּׁה וְהָאִשָּׁה וּבְעֶרְתָּ הָרָע מִיִּשְׂרָאֵל: כג כִּי
יְהִיָּה נָעַר בְּתוּלָה מְאָרְשָׁה לְאִישׁ וּמִצָּאָהּ אִישׁ בָּעִיר וְשֹׁכֵב עִמָּה:
כד וְהוֹצִיאָתָם אֶת־שְׁנֵיהֶם אֶל־שַׁעַר | הָעִיר הַהוּא וּסְקַלְתֶּם אֹתָם
בָּאֲבָנִים וּמֵתוּ אֶת־הַנָּעַר עַל־דְּבַר אֲשֶׁר לֹא־צָעָקָה בָּעִיר וְאֶת־הָאִישׁ
עַל־דְּבַר אֲשֶׁר־עָנָה אֶת־אִשְׁתּוֹ רָעָהּ וּבְעֶרְתָּ הָרָע מִקִּרְבְּךָ: כה וְאִם־
בְּשָׂדֶה יִמָּצָא הָאִישׁ אֶת־הַנָּעַר הַמְאָרְשָׁה וְהַחֲזִיקָבָהּ הָאִישׁ וְשֹׁכֵב
עִמָּה וּמֵת הָאִישׁ אֲשֶׁר־שֹׁכֵב עִמָּה לְבָדּוֹ: כו וְלַנָּעַר לֹא־תֵעָשֶׂה דְּבַר
אֵין לְנָעַר חֲטָא מוֹת כִּי בְּאִשֶּׁר יָקוּם אִישׁ עַל־רָעָהּ וּרְצָחוּ נָפֶשׁ
כֵּן הַדָּבָר הַזֶּה: כז כִּי בְשָׂדֶה מִצָּאָה צָעָקָה הַנָּעַר הַמְאָרְשָׁה וְאֵין
מוֹשִׁיעַ לָהּ:

(22) If a man is found lying with another man's wife, both of them – the man and the woman with whom he lay – shall die. Thus you will sweep away evil from Israel.

(23) In the case of a virgin who is engaged to a man – if a man comes upon her in town and lies with her,

(24) you shall take the two of them out to the gate of that town and stone them to death: the girl because she did not cry for help in the town, and the man because he violated another man's wife. Thus you will sweep away evil from your midst.

(25) **But if the man comes upon the engaged girl in the open country, and the man lies with her by force, only the man who lay with her shall die,**

(26) **but you shall do nothing to the girl. The girl did not incur the death penalty, for this case is like that of a man attacking another and murdering him.**

(27) **He came upon her in the open; though the engaged girl cried for help, there was no one to save her.**

(22) If a man is found lying with another man's wife: This situation is very different from that of the previous passage, because here it is well-established that adultery has been committed.

Both of them – the man and the woman with whom he lay – shall die. Thus you will sweep away evil from Israel: As concerns practical Halachah, it is not enough that the witnesses have seen the crime committed. They must also have warned the alleged criminal in advance about the consequences of his intended action immediately before he undertook it, but he then neglected their warning. All of that is of course impossible in the case under discussion here. We are therefore forced to conclude that the death penalty exacted for adultery as described in this passage can never be applied in practice, and is stated for educational purposes only, to impress upon the people the utter seriousness of the crime of adultery and its punishment.

We must emphasize yet again: the Written Torah teaches us the general categories, truth in the absolute sense, while the Oral Torah, the Halachah, teaches how the law should be applied in practice.

(23) In the case of a virgin who is engaged to a man: I.e., there already has been a *Kiddushin* ceremony, which means that the girl is legally married (although she does not yet live in her husband's house).

If a man comes upon her in town and lies with her: "In town" means among populated civilization, as opposed to out in the field ("out in the open country," as we shall see in Deut. 22:25 below). It is a question of intimacy by mutual consent vs. actual rape.

(24) You shall take the two of them out to the gate of that town and stone them to death: the girl because she did not cry for help in the town: Thus, since she did not protest and cry for help, her silence is considered tacit consent. (The Torah's ruling is based on the obvious assumption that the townspeople, upon hearing her screams, would surely have intervened and protected the girl from being raped.)

Of course, this punishment too is inapplicable in practice (as explained in the previous case). But it is extremely important for a proper understanding of the world.

And the man because he violated another man's wife: Two crimes have been committed here: rape, and sexual relations with a married woman. In the case of rape of an unmarried woman, the punishment is different (see § 19.3 below).

Thus you will sweep away evil from your midst: The purpose of the punishment is to deter the people from committing further crimes.

(25) But if the man comes upon the engaged girl in the open country, and the man lies with her by force, only the man who lay with her shall die: "In the open country" means in a desolate and deserted place, or in any situation where she could not possibly have called for help (the man threatened her life, or she was unconsciousness, or the like).

(26) But you shall do nothing to the girl. The girl did not incur the death penalty, for this case is like that of a man attacking another and murdering him: Here the Torah famously equates rape with premeditated murder. And the meaning of this comparison is not merely a figure of speech, but has a very specific, practical significance. When one witnesses a murder about to take place, he is allowed (indeed obligated) to prevent it, even by killing the would-be murderer, if there is no other way to deter him from his evil designs.

By comparing rape to murder, the Torah is telling us that, likewise, if one sees that a rape is about to take place, he must do everything he possibly can to prevent it, even if that means killing the would-be rapist. In other words, the girl herself, or witnesses who happen to be present, are empowered to protect her from the rape that is about to occur. Killing

the “pursuer” is in no way seen as exceeding the bounds of self-defense against rape; quite the contrary, it is deemed entirely appropriate and necessary.

(27) He came upon her in the open; though the engaged girl cried for help, there was no one to save her: The Torah stressed just above that calling for help is obligatory, and failure to do so may be deemed consent. But at the same time, the girl is given the presumption of innocence: in the absence of evidence to the contrary, we must assume that she, of course, called for help. But since this happened out in the open country, no one heard her call, and therefore “there was no one to save her.”

§ 19.3. RAPE OF AN UNMARRIED WOMAN (22:28-29)

כח כִּי־יִמְצָא אִישׁ נָעַר בַּתּוּלָה אֲשֶׁר לֹא־אָרְשָׁה וּתְפָסָהּ וְשָׁכַב עִמָּה
וְנִמְצְאוּ: כֹּס וְנָתַן הָאִישׁ הַשֹּׁכֵב עִמָּהּ לְאִבִּי הַנָּעַר חֲמִשִּׁים כֶּסֶף וְלֹא־
תְּהִיָּה לְאִשָּׁה תַּחַת אֲשֶׁר עָלָהּ לֹא־יִכָּל שְׁלָחָה כָּל־יָמֶיהָ:

(28) If a man comes upon a virgin who is not engaged and he seizes her and lies with her, and they are discovered,

(29) the man who lay with her shall pay the girl's father fifty [shekels of] silver, and she shall be his wife. Because he has violated her, he can never have the right to divorce her.

(28) If a man comes upon a virgin who is not engaged and he seizes her and lies with her, and they are discovered: In the book of Exodus a parallel situation is considered: “If a man seduces a virgin for whom the bride-price has not been paid, and lies with her, he must make her his wife by payment of a bride-price” (Exod. 22:15). The Exodus passage speaks of seduction, but here it is a matter of rape.

(29) The man who lay with her shall pay the girl's father fifty [shekels of] silver, and she shall be his wife. Because he has violated her, he can never have the right to divorce her: In the traditional societies of antiquity, a woman who had been raped would never be able

to marry. Therefore here, as in many other cases, the laws of the Torah sought not to punish, but to correct the situation. Of course, if the girl does not wish to marry the rapist, she is not forced to do so. The Torah categorically forbids marrying or remaining married to any woman against her wishes. (Since intimate relations are a presumption of any marriage, a marriage to which the woman does not consent is itself effectively seen as rape.)

(13-29) A man marries a woman ... he can never have the right to divorce her: Several problematic situations relating to the sexual sphere are described here: conflict in marriage, connexion with a married woman, or an unmarried woman, whether by force or consensual. All these represent a single complex having the following structure:

I. (13-19) The law concerning a man who falsely accuses his bride of infidelity. The punishment is borne by the man.

1) (20-21) A woman who loses her virginity after her betrothal. The woman bears the punishment.

a) (22-24) Adultery with a married woman. Both the man and the woman are punished.

b) (23-24) Adultery with a betrothed woman. Both the man and the woman are punished.

2) (25-27) Rape of a betrothed girl. The rapist bears the punishment.

II. (28-29) Rape of a girl who is neither married nor betrothed. The rapist bears the punishment, and there is an attempt to correct the situation.

At the center of this structure is the sin of committing adultery with a married woman (where for this purpose betrothal is considered marriage). All other cases are considered in relation to that.

§ 19.4. THE PROHIBITION OF MARRYING ONE'S FATHER'S FORMER WIFE (23:1)

אִל־יִקַּח אִישׁ אֶת־אִשְׁתּוֹ אָבִיו וְלֹא יְגַלֶּה כְּנָף אָבִיו:

(23:1) **No man shall marry his father's former wife, so as to remove his father's garment.**

(1) No man shall marry his father's former wife: This prohibition includes marrying her, and even just having intimate relations with her.

His father's former wife: Of course, this does not mean one's own mother (for in that case the prohibition is self-evident). Rather it means some other woman who had been married to one's father, even after the father has died or divorced her.

This prohibition has already been explicitly stated in the book of Leviticus: "You shall not open the nakedness of your father's wife; she is the nakedness of your father" (Lev. 18:8). Here in Deuteronomy it is repeated in the context of the sanctity of marriage (as opposed to the context of forbidden sexual relationships, as in Leviticus).

The Halachah interprets this verse even more broadly – as a prohibition on marrying the widow of one's father's brother. The rationale for this approach is that in ancient times marriage with a relative's widow was seen as a means of "substituting for" or "replacing" a deceased relative. This idea manifested itself primarily in the institution of *yibbum*, levirate marriage not only – as later – with one's dead brother's wife, but also with other family members, who could "replace" the deceased by marrying his widow (for example, the incident of Judah and Tamar, see Gen. 38). Later (see Deut. 25:5 ff.) the Torah restricted levirate marriage to the wife of brother-in-law exclusively, who under the Torah's law of *yibbum* may marry the widow of his deceased brother (and indeed is commanded to do so, provided that the brother died childless, and his

brother's widow agrees to the marriage). Thus we can understand that the Torah directs particular attention to relationships that historically had been allowed as *yibbum*, levirate marriage, but no longer are. The Halachah sees this verse as prohibiting a levirate marriage in which a man would "replace" his father by marrying his father's widow. And it further extends that to yet another such case where one might wish to apply the law of *yibbum*, namely, marrying the widow of one's father's brother. In all these cases any such marriage is forbidden.

Of course, "substituting" for one's father by marrying his widow (or ex-wife) could never have been seen as an instance of levirate marriage. That institution was never applied except where the deceased relative who needed to be "replaced" had died childless. But here it is the son of the dead man who is the subject of the prohibition. We note, however, that such "substitution" or "replacement" could apply in other situations and with other objectives as well, e.g., to maintain the status of the woman in the family. We see this in the story of Adonijah (1 Kings 2:13), King David's son, who after his father's death laid claim to marrying Avishag, David's last concubine. But Solomon, David's son who was the true heir to the kingdom, saw that as yet another attempt by Adonijah to claim the throne, and had him executed.

So as to remove his father's garment: Literally, "So as not to remove his father's garment." In other words, a son must not reveal the nakedness of (have intimate relations with) the woman whom the father had previously "clothed," i.e., in the sense that such intimate relations were restricted to him, the father, alone. The intent of stating the prohibition in these terms is to stress that it is not only about formal marriage to a woman who had once been married to one's father. Rather, it applies to having intimate relations with her as well (whether by force or seduction), even if no marriage is contemplated.

§ 19.5. ADMISSION INTO “THE CONGREGATION
OF THE LORD” (23:2-9)

ב לא־יבא פְּצוּע־דָּבָא וּכְרוֹת שְׁפָכָה בְּקֹהֶל יי: ג לא־יבא מְזוֹר בְּקֹהֶל
יי גַּם דּוֹר עֲשִׂירֵי לֹא־יבא לוֹ בְּקֹהֶל יי: ד לא־יבא עֲמוּנִי וּמוֹאָבִי בְּקֹהֶל
יי גַּם דּוֹר עֲשִׂירֵי לֹא־יבא לָהֶם בְּקֹהֶל יי עַד־עוֹלָם: ה עַל־דָּבָר אֲשֶׁר
לֹא־קִדְּמוּ אֶתְכֶם בְּלֶחֶם וּבָמִים בְּדֶרֶךְ בְּצִאתְכֶם מִמִּצְרַיִם וְאֲשֶׁר שָׂכַר
עָלֶיךָ אֶת־בַּלְעָם בֶּן־בְּעוֹר מִפְּתוֹר אֲרָם נְהָרִים לְקַלְלֶךָ: ו וְלֹא־אָבָה
יי אֱלֹהֶיךָ לְשִׁמְעַת אֶל־בַּלְעָם וַיַּהֲפֹךְ יי אֱלֹהֶיךָ לָךְ אֶת־הַקְּלָלָה לְבִרְכָּה
כִּי אָהַבְךָ יי אֱלֹהֶיךָ: ז לֹא־תִדְרֹשׁ שְׁלָמָם וְטַבְתָּם כְּלִימֶיךָ לְעוֹלָם:
ח לֹא־תִתְעַב אָדָמִי כִּי אֲחִיךָ הוּא לֹא־תִתְעַב מִצְרִי כִּי־גֵר הָיִיתָ בְּאֶרֶץ:
ט בָּנִים אֲשֶׁר־יִוָּלְדוּ לָהֶם דּוֹר שְׁלִישִׁי יָבֹא לָהֶם בְּקֹהֶל יי:

(2) No one whose testes are crushed or whose member is cut off shall be admitted into the congregation of the Lord.

(3) No one misbegotten shall be admitted into the congregation of the Lord; none of his descendants, even in the tenth generation, shall be admitted into the congregation of the Lord.

(4) No Ammonite or Moabite shall be admitted into the congregation of the Lord; none of their descendants, even in the tenth generation, shall ever be admitted into the congregation of the Lord,

(5) because they did not meet you with food and water on your journey after you left Egypt, and because they hired Balaam son of Beor, from Pethor of Aram-naharaim, to curse you. –

(6) But the Lord your God refused to heed Balaam; instead, the Lord your God turned the curse into a blessing for you, for the Lord your God loves you. –

(7) You shall never concern yourself with their welfare or benefit as long as you live.

(8) You shall not abhor an Edomite, for he is your kinsman. You shall not abhor an Egyptian, for you were a stranger in his land.

(9) Children born to them may be admitted into the congregation of the Lord in the third generation.

(2) No one whose testes are crushed or whose member is cut off shall be admitted into the congregation of the Lord: Being denied admission into the congregation of the Lord means only a prohibition on marriage. A man who has been castrated (or has been rendered infertile by accidental damage to his genitals) is denied entry “into the congregation of the Lord” – i.e., he cannot contract a normal Jewish marriage – not because he is deemed a bad person or morally unworthy in any sense, but only because he is physically incapable of creating new life.

This prohibition also emphasizes the Torah’s negative attitude towards castration. Among many peoples of antiquity, eunuchs often occupied important and responsible positions (because it was believed that, having no children of their own, they would take care of business rather than focusing on building prosperity in their own families). But in Jewish tradition, castration was always condemned. In fact, castration is forbidden even on animals, not to mention humans: “You shall not offer to the Lord anything [with its genitals] bruised or crushed or torn or cut. You shall have no such practices in your own land” (Lev. 22:24). Tradition understands this as a prohibition against performing castration even on animals.

The congregation of the Lord: This is the “nucleus of the people” – its living structure that gives birth to the next generation. All those who are part of this core must understand whom they can marry in order to produce the next generation, and with whom that is impossible.

The concept of “the congregation of the Lord” is different from modern religious concepts. It does not equate to Jewishness or to conventional membership in a community, nor is it a function of personal righteousness or the like. In modern society today there is no such concept. But for the Torah it is a very important principle, because in the

perspective of ongoing Jewish history, preserving the core is the key to the nation's viability.

(3) No one misbegotten shall be admitted into the congregation of the Lord; none of his descendants, even in the tenth generation, shall be admitted into the congregation of the Lord: The Hebrew translated here as a “misbegotten” child is *mamzer* (often rendered in English as “bastard,” but the translation here has deliberately avoided using that term).

Halachically speaking, a *mamzer* is a child born of a forbidden relationship, most typically a child born as the result of a woman committing adultery, or of incest, or, more generally, any sexual violation that incurs the punishment of *karet*, “excision of the soul” (these violations are mostly enumerated in Lev. 18, 19). It is important to note that the definition of *mamzer* has nothing whatsoever to do with a child’s “illegitimacy” as that word is generally used today. In particular, if an unmarried woman gives birth to a child out of wedlock, the child is by no means a *mamzer* according to the Torah, nor would the rights of that child under Jewish law be infringed in any way.

A *mamzer* is a Jew in every respect, and is not deprived of any other legal rights, including that he has the right to inherit his father’s estate like any other child (and if he is a firstborn, to receive a double portion in the inheritance). He is not personally guilty of any wrongdoing. There is absolutely nothing that would prevent a *mamzer* from becoming even a great Torah sage and a righteous man. But since his very birth is the result of a serious crime, neither he nor his descendants are allowed to enter into an ordinary Jewish marriage. He must not participate in the birth of the next generation of the Jewish people.

At the same time, in both cases (a *mamzer* and the man who is castrated), the prohibition of “being admitted into the congregation of the Lord” does not mean that these people are forbidden to marry altogether. They can marry a *giyoret*, a woman convert, for example. The Oral Tradition also provides that there is a complex means by which the children of a *mamzer* can be removed from their *mamzer* status.

And yet, the Written Torah speaks very severely of the *mamzer*, in order to impress upon us the extreme gravity of forbidden sexual

relationships, of a woman's adultery, and of incest, and even more so – the birth of a child from any of those forbidden relationships. The intent is to prevent, to the greatest extent possible, any of those things from ever happening among the Jewish people. Thus, we can grasp the meaning of the *mamzer* laws only by considering their impact on the development of the people as a whole, and not how it affects the life of an individual whose options are restricted by those laws.

Even in the tenth generation: The number ten is used here generically to mean “however many.” (Cf. Gen. 31:7: “But your father has cheated me, changing my wages time and again.” The Hebrew actually reads, “and has changed my wages ten times.”)

(4) No Ammonite or Moabite shall be admitted into the congregation of the Lord; none of their descendants, even in the tenth generation, shall ever be admitted into the congregation of the Lord: The Ammonite and the Moabite, even if they undergo conversion (which is in principle entirely possible), cannot enter into a normal Jewish marriage, nor can their children do so.

However, as in the case of a *mamzer*, they or their children can marry a *giyoret*, a woman who has become Jewish by conversion. And once again, in practice there are ways, albeit complex, to remove their children from the status of “descendants of the Ammonites and Moabites.” The Written Torah, however, speaks very harshly about them to remind us that living and doing as the Ammonites and Moabites lived and did is completely unacceptable behavior for the Jewish people.

No Ammonite or Moabite shall be admitted: There is no xenophobia in this prohibition, nor an attempt to “preserve the gene pool” or “protect the purity of the blood.” After all, the descendants of the Egyptians, non-Jews in every respect, are allowed to enter into the congregation of the Lord. And likewise proselytes from any other nation may marry into the Jewish people. Only the exceptions explicitly indicated here may not do so.

Note too that restrictions on marriage based on descent exist even within the Jewish people. For example, a *kohen* (priest) may not marry a *giyoret* – a non-Jewish woman who has become Jewish through conver-

sion. But there is no prohibition for a *kohen* to marry a descendant of a ger (a male convert to Judaism) or of a *giyoret*, i.e., once they have already been “integrated” into the Jewish people. If the *kohen* violates the prohibition, then he and his descendants forfeit their *kehunah* status. These principles are difficult to accept when viewed through the lens of the life of the individual, but they become more comprehensible when we consider their impact on the historical continuity of the entire Jewish nation.

(5) Because they did not meet you with food and water on your journey after you left Egypt: They showed indifference and disregard for the Jewish people.

Ammon and Moab are close relatives of Abraham, who was the exemplar of hospitality *par excellence*. But at the same time, they also descend from Sodom, whose inhabitants were infamously, even cruelly, inhospitable. The behavior of Ammon and Moab therefore wavers only between those two extremes, with no intermediate state. Because of this, the expectations demanded of them are very high.⁴⁵

And because they hired Balaam son of Beor, from Pethor of Aram-naharaim, to curse you: They wished to seduce the Jewish people to idolatry. Had they succeeded, the Jewish mission in the world would have been completely destroyed. What they did was therefore much worse than, say, if they had openly declared war on Israel in the conventional manner.

The upshot is that Edom and Egypt symbolize war, but Ammon and Moab are the embodiment of villainy. The Torah’s position is that villainy is much worse than war.

Because they did not meet you with food and water on your journey after you left Egypt: In light of this reason that the Torah gives for rejecting the Ammonites and Moabites, the Oral Tradition concludes that where the reason does not apply, neither does the rejection. More concretely: the women of these peoples are not prohibited from marrying into the Jewish nation. For, as the Talmud observes, it is not the

⁴⁵ For more detailed coverage of this theme, see the *Bible Dynamics* commentary on the book of Genesis, § 20.2.

manner of women in any case to go out to the road with food and water to greet wayfarers. On this basis the Halachah concludes that Ammonite and Moabite women, unlike their men, may enter into a normal Jewish marriage after they have undergone conversion.

(6) But the Lord your God refused to heed Balaam; instead, the Lord your God turned the curse into a blessing for you, for the Lord your God loves you: The point emphasized here is that the danger was very real, and only a special Divine favor saved the Jewish people.

(7) You shall never concern yourself with their welfare or benefit as long as you live: This is said not with reference to Jewish converts from Ammon and Moab, but to the nations themselves. Their character is such that if you even just concern yourself with their welfare or benefit, that alone will create problems for you. This does not mean that they are essentially bad people. But no member of the Jewish nation should have dealings with them, because their mentality is so different that any action might be misinterpreted by either side.

One such actual incident did occur, as reported in Tanakh. In violation of this prohibition, King David sent messengers of peace to Hanun, the king of Ammon, who misinterpreted David's intent. "So Hanun took David's servants, and shaved off the one half of their beards, and cut off their garments in the middle, even to their buttocks, and sent them away" (2 Sam. 10:4). Ultimately this led to an all-out war. David's desire to establish peace only led to great bloodshed.

(8) You shall not abhor an Edomite ... You shall not abhor an Egyptian: The Torah condemns xenophobia, notwithstanding that it is an entirely natural feeling toward a stranger.

You shall not abhor an Edomite, for he is your kinsman: The progenitors of the Israelite and Edomite nations were Jacob and Esau, respectively (Isaac and Rebekah's twin sons, see Gen. 25:19 ff.)

In some respects Esau was in true conflict with his brother Jacob, while in other situations he demonstrated genuine fraternal affections and behavior. In many places (Gen. 32:4, Num. 20:14, and elsewhere) the Torah emphasizes this brotherhood, and requires that it be given expression also in future eras. When Israel arrived at the border of Canaan,

Edom went out to fight against Israel: “Edom went out against them in heavy force, strongly armed” (Num. 20:20). However, the Edomites were motivated in that instance only by fear (albeit unjustified) for their personal security and that of their territories.

You shall not abhor an Egyptian, for you were a stranger in his land: It cannot be overlooked that the Egyptians oppressed the Israelites, “ruthlessly they made life bitter for them with harsh labor at mortar and bricks and with all sorts of tasks in the field” (Exod. 1:14), and even cast their infant sons into the Nile, which was, of course, a terrible and unpardonable crime.

But in other situations the Egyptians showed Israel their best side. Earlier, during Joseph’s reign, the Egyptians were admirably hospitable to the Israelites throughout a difficult period of widespread famine. Pharaoh even allotted Egypt’s choice lands to the Israelites, so that they could live separately from the Egyptians and continue to engage there in the occupation of their ancestors, shepherding, without interference from the Egyptians, to whom herding sheep was an abomination (Gen. 46:34, 47:6). When Jacob and his household of seventy souls arrived in Egypt, Jacob blessed Pharaoh (Gen. 47:7, 10) not just once, but twice. Obviously, then, Pharaoh was indeed worthy of such blessings. And during the conflict that culminated in the Exodus, many of the Egyptians went over to the Jewish side, including even the daughter of Pharaoh himself.

All this means that the Edomites and the Egyptians have a very “mixed character” – combining positive and negative traits. Therefore, marrying proselytes from those peoples will be allowed after a “purification period” of three generations.

Thus, while the Edomites and the Egyptians exhibited a mixture of positive and negative characteristics, the Torah requires that we focus on the positive.

(9) Children born to them may be admitted into the congregation of the Lord in the third generation: Their proselytes can be accepted as full-fledged members of the “congregation of the Lord” only after three generations, which will serve for them as a “purification period.” This contrasts with the proselytes from other nations, who can be

accepted into the congregation of the Lord immediately. (That is, they may marry into the Jewish nation immediately after converting.)

In the third generation: We can interpret this in two different senses:

- (i) Three generations after conversion: if an Egyptian or Edomite converts to Judaism, they and their descendants may not immediately enter the “congregation of the Lord.” The Jewish nation may not marry them, but they marry among themselves (or other proselytes). These restrictions will be lifted only for the third generation.
- (ii) Three generations from Moses: in that generation, when the memory of the conflict was still very keen, they were not allowed to marry into the Jewish nation. But after three generations had passed, and emotions had subsided, such marriages became permissible.

§ 20. SOCIAL RELATIONSHIPS

§ 20.1. PURITY ON THE BATTLEFIELD (23:10-15)

י כִּי־תֵצֵא מַחֲנֶה עַל־אֹיְבֶיךָ וְנִשְׁמַרְתָּ מִכָּל דְּבַר רָע: יא כִּי־יִהְיֶה בְּךָ אִישׁ אֲשֶׁר לֹא־יִהְיֶה טָהוֹר מִקְרַה־לַּיְלָה וַיֵּצֵא אֶל־מַחֲוֶיז לַמַּחֲנֶה לֹא יָבֹא אֶל־תּוֹךְ הַמַּחֲנֶה: יב וְהָיָה לַפְּנוֹת־עֶרֶב יִרְחֹץ בַּמַּיִם וְכָבַא הַשֹּׁמֶשׁ יָבֹא אֶל־תּוֹךְ הַמַּחֲנֶה: יג וַיֵּל תִּהְיֶה לְךָ מַחֲוֶיז לַמַּחֲנֶה וַיֵּצֵאתָ שָׁמָּה חוּץ: יד וַיֵּתֵד תִּהְיֶה לְךָ עַל־אַזְנוֹךְ וְהָיָה בְּשִׁבְתְּךָ חוּץ וְחִפְרָתָה בָּהּ וּשְׁבִיתָ וְכִסִּיתָ אֶת־צִאֲתֶיךָ: טו כִּי יִי אֱלֹהֶיךָ מִתְּהַלֵּךְ | בְּקֶרֶב מַחֲנֶיךָ לְהִצִּילְךָ וְלָתֵת אֹיְבֶיךָ לְפָנֶיךָ וְהָיָה מַחֲנֶיךָ קָדוֹשׁ וְלֹא־יִרְאֶה בְּךָ עֲרוֹת דָּבָר וְשָׁב מֵאֲחֵרֶיךָ:

(10) When you go out as a troop against your enemies, be on your guard against anything untoward.

(11) If anyone among you has been rendered unclean by a nocturnal emission, he must leave the camp, and he must not reenter the camp.

(12) Toward evening he shall bathe in water, and at sundown he may reenter the camp.

(13) Further, there shall be an area for you outside the camp, where you may relieve yourself.

(14) With your gear you shall have a spike, and when you have squatted you shall dig a hole with it and cover up your excrement.

(15) Since the Lord your God moves about in your camp to protect you and to deliver your enemies to you, let your camp be holy; let Him not find anything unseemly among you and turn away from you.

(10) When you go out as a troop against your enemies, be on your guard against anything untoward: Literally, “be on your guard from any bad thing.” This means, above all, depraved and immoral acts, and anything that is associated with moral degradation.

It is easy to do bad things in wartime. Therefore, beware of engaging in irresponsible behavior of any kind on the battlefield, and, in particular, excessive cruelty. When death is everywhere, when people kill and die from every side, and, moreover, when these circumstances persist for weeks or months at a time, a person is prone to moral depravity. Members of the Jewish military must be on their guard from all such.

(10) When you go out as a troop against your enemies: The reality of war is impossible to ignore. But a fundamental rejection of war will lead to even greater moral degradation, because a people not prepared to defend itself will inevitably either be destroyed, or become slaves to their conquerors.

Be on your guard against anything untoward: The Hebrew is *ervat davar*. *Davar* can mean either “thing” or “word.” Thus the verse can be translated as: “Be on your guard against any vulgar word” (literally, “word of nakedness”).

It is common knowledge that soldiers who go to war are especially prone to profanity of speech. Although that might even benefit them psychologically, the Torah considers such behavior destructive, and warns against it. The ban on foul language is essential for preserving the dignity of the human image in wartime. And it is self-evident that such profanity is all the more reprehensible as a mode of expression in peacetime.

(11) If anyone among you: After the general admonition, two specific instances of defilement are further considered, including procedures for correcting those situations.

Has been rendered unclean by a nocturnal emission: *Mikkereh lailah*, literally, “an accident in the night.” This is a euphemism for a seminal emission that a man experiences during the night, which renders him ritually unclean. The law of the impurity itself was presented earlier in the Torah: “When a man has an emission of semen, he shall bathe his whole body in water and remain unclean until evening” (Lev. 15:16). It is repeated here in the particular context of war.

Tum’ah, ritual impurity, is brought about by any loss of vitality. A corpse, for example, is the prime example of that – a human being from whom the life force has been completely removed. It is therefore itself unclean and renders everything that it comes in contact with it unclean. (In Talmudic parlance, a corpse is called *avi avot ha-tum’ah* – “the granddaddy of all impurities.” Nothing can possibly be more unclean and impure according to Torah law than a corpse.) So too, an “accident in the night,” i.e., a loss of semen, represents a loss of the potentiality of life, and therefore causes the man who experiences it to become ritually unclean.

No person in war is ever very far from death. As people die as casualties of war, their bodies become unclean, and impurity increases all around them. The Torah insists that we must never become inured to death. And that is why so much emphasis is placed on even such a fairly minor impurity as a nocturnal seminal emission (which is only a fairly minor form of impurity – that is, as compared with that of a corpse).

He must leave the camp, and he must not reenter the camp: An analogous passage in the book of Numbers likewise requires that such a person be sent out of the camp: “Instruct the Israelites to remove from camp anyone with an eruption or a discharge and anyone defiled by a corpse” (Num. 5:2). He is forbidden to enter or remain in the Camp of the Levites, and *a fortiori* in the Camp of the Shechinah (God’s Divine Presence). (For an elaboration on these points, see the *Bible Dynamics* commentary on that verse in Numbers.)

(12) Toward evening he shall bathe in water: Immersion in a mikveh (a reservoir of natural water) is necessary for any cleansing from impurity.

And at sundown he may reenter the camp: Sunset brings a new day, and with it a new status.

He must leave the camp: In the book of Numbers, the Torah speaks of the configuration of Israel's camp in the wilderness, which had the Tabernacle as its center. And here it speaks of a military camp. Thus, an analogy is drawn between them.

The idea that the military camp is comparable in status to the Temple is due to the fact that the Ark of the Covenant is often located within the military camp. The Ark of the Covenant was normally kept in the Holy of Holies. This was a highly secluded and secret place, closed off with partitions and curtains from all sides, from floor to ceiling. Only one person may go there, the High Priest, and only on one day in the year, Yom Kippur. But when Israel is fighting a war, the Ark of the Covenant is sometimes removed from the Temple and carried out to the battlegrounds. Which means that at this time Israel's entire military camp is transformed into a Holy of Holies. Hence the requirement that all troops must "be on their guard against anything untoward."

Of course, the Ark of the Covenant does not itself guarantee victory. But it increases the people's sense of responsibility. The Ark turns the camp into a Temple, and requires the people to be worthy of the Ark of the Covenant that is located in their midst, and right next to them.

At the same time, the law that demands particularly virtuous behavior in the military camp is formulated without mentioning explicitly that the Ark is located there (nor by far was the Ark always carried out to battle). But in all events, Israel's military camp is the seat of the Shechinah – because history is made there, and Israel's history is among the most important channels by which God is revealed in the world. When the ark was brought out to battle, the point of it was to impress just that point upon the minds of the people.

In our time, the sense that the wars waged by the State of Israel are, in essence, the wars of the Almighty becomes especially acute in retrospect. Decades after the fact, we see clearly that the War of Independence, the declaration of the State of Israel in 1948, and the Six Day War and Israel's return to Judea and Samaria in 1967, all had a significant impact on the rest of the world. But seeing this while participating in the

wars themselves is no simple matter. The Torah is therefore helping to teach us that.

(13) Further, there shall be an area for you outside the camp, where you may relieve yourself: This is the second of the two forms of defilement discussed in this passage.

(14-15) With your gear you shall have a spike, and when you have squatted you shall dig a hole with it and cover up your excrement. Since the Lord your God moves about in your camp: External physical cleanliness in the camp is a necessary condition for internal spiritual purity. Without external purity there can be no holiness. Holiness requires spiritual purity, which in turn requires physical cleanliness.

(15) Since the Lord your God moves about in your camp to protect you and to deliver your enemies to you: Military prowess is not alone sufficient for victory. You must also have the Lord in your camp.

On the other hand, we note that it is also unacceptable to rely on Divine intervention alone. The book of Samuel (1 Sam. 4:3) recounts how during the war with the Philistines, the Ark of the Covenant was brought from Shiloh to the Jewish camp, and the Israelites were unreasonably confident in victory. The result was that they were defeated and scattered. The Philistines captured the Ark, and also burned Shiloh, destroying it completely.

Let your camp be holy; let Him not find anything unseemly among you and turn away from you: The Almighty's support is by no means unconditional. He will help you only if you can demonstrate that you are worthy of His help.

Let Him not find anything unseemly among you: Not everything "natural" should be brought out into public view. There are things that must remain hidden.

§ 20.2. THE PROHIBITION OF RETURNING A SLAVE
TO HIS MASTER (23:16-17)

טז לֹא־תִסְגֵּיר עֶבֶד אֶל־אֲדֹנָיו אֲשֶׁר־יִנָּצֵל אֵלֶיךָ מֵעַם אֲדֹנָיו: יז עַמְּךָ
יֵשֵׁב בְּקִרְבְּךָ בַּמָּקוֹם אֲשֶׁר־יִבְחָר בְּאַחַד שְׁעָרֶיךָ בְּטוֹב לוֹ לֹא תוֹנֶנּוּ:

(16) **You shall not turn over to his master a slave who seeks refuge with you from his master.**

(17) **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.**

(16) You shall not turn over to his master a slave who seeks refuge with you from his master: It is a fundamental principle of the Torah that freedom is precious. The entire Jewish nation consists of former slaves liberated from Egyptian bondage. They must therefore likewise grant political asylum to other fugitive slaves. But in the ancient world, applying such a precept was unheard of, and downright impossible.

Associatively speaking, this topic, the prohibition of returning a slave to his master, is presented here, because of its connection to the previous topic. You went out to war, leaving your country and arriving in enemy territory. A man who was enslaved there, hearing of your presence, has fled from his master and sought protection in your military camp with you. What should you do with him?

You shall not turn over to his master a slave: We have already explained in our commentary to the book of Genesis (see § 19.2 and § 22.6) that in order to understand many of the Torah's social attitudes we must compare them with the generally accepted law of the Middle East at that time, namely, the Code of Hammurabi. Although the Torah itself never explicitly notes where its requirements differ from those of the Code of Hammurabi, all peoples in antiquity saw and understood those differences. Hammurabi's Code states that harboring a runaway slave is punishable by death. But the requirements of the Torah here are exactly the opposite.

Letters of correspondence found in 1887 at Tell el-Amarna in Egypt mentions a people called the *Habiru* who are accused of violating accepted norms – including that they do not return runaway slaves. Some believe that these *Habiru* are the Hebrews – *Ivrim*, the descendants of Eber, “proto-Jews.” If so, this would mean that the provision for sheltering runaway slaves existed among the Hebrews even before the giving of the Torah.

A slave who seeks refuge with you from his master: Literally, “who seeks to be rescued with you from his master.” I.e., he is fleeing persecution and seeking asylum; he is not motivated merely by economic concerns or the like. The Torah is not saying, “any person who wants to live with you must be allowed to do so.”

A fugitive slave must not be turned over to his master who is on the lookout for him. The Torah is saying: no person may be returned to a situation where he would face enslavement once again, or perhaps even be killed. If, however, there are other places where he can choose to settle as a free man, then there is no obligation to receive him. You may expect that he will settle in one of those places instead.

(17) He shall live with you ... in your midst: In granting asylum, it is not only a matter of allowing the fugitive to live within the borders of the Land of Israel. He must also be accepted as a full member of society. The Torah assumes that if a person, at great personal risk to himself, has chosen freedom, by abandoning idolatry and adopting the laws of an alien country – i.e., he has chosen a lifestyle that runs counter to all the prevailing conventions of the world at large, and instead wishes to live in accordance with Jewish laws and values – then he will become a worthy member of society.

However, if it turns out later that these assumptions were false, and the adopted former slave violates the laws of the land, then his Jewish hosts have no obligation to keep him.

In any place ... among the settlements in your midst, wherever he pleases: No tribe may say: “Let him go live in another part of the country, not with us.”

You must not ill-treat him: Since he is socially disadvantaged, belonging to no clan and having no family structure behind him, you must be especially attentive to his predicament. But on the other hand, you need not grant him any additional benefits over all other residents of the land.

Recall, as we have mentioned earlier, that the Written Torah establishes only essential principles, while the precise instructions on how those are put into practice are found only in the Oral Torah. Moreover, every law must be correlated not only with all other laws of the Torah, but also with the context of the era in which it was first formulated. In the case being considered here, the Oral Torah explains that no non-Jew (including a runaway slave) can live in the Land of Israel unless he fully accepts its laws and conventions. In particular:

- He must cease and desist from the worship of idolatry and from all idolatrous practices (i.e., he must be willing to abandon his former religion).
- He must accept upon himself the authority of the Torah and of Jewish tradition.
- He must acknowledge Jewish dominion over himself, as well as the customs that the Jewish people have adopted. He must not attempt to wield any independent political influence. This means that his status remains that of a guest; he must not aspire to the status of host.
- His status will be that of *ger toshav*, “settled proselyte,” i.e., resident alien. This means that he does not become a Jew, and is not required to observe the 613 commandments, but he does undertake to observe the seven Noahide Laws, and he submits fully to Jewish authority.

All this applies in such situations where no one else is willing to accept him, because, as already explained, a runaway slave would not

be granted asylum anywhere else. But if he can in fact find such rescue elsewhere, or he does not accept the conditions imposed by life in the Land of Israel, then the Jewish people are under no obligation to grant him shelter.

§ 20.3. THE PROHIBITION OF CULT PROSTITUTION
(23:18-19)

יח לֹא־תִהְיֶה קְדִשָּׁה מִבְּנוֹת יִשְׂרָאֵל וְלֹא־יִהְיֶה קֹדֶשׁ מִבְּנֵי יִשְׂרָאֵל:
יט לֹא־תָבִיא אֶתֶנֶן זוֹנָה וּמַחִיר כָּלֵב בֵּית יי אֱלֹהֶיךָ לְכָל־גִּידֵר כִּי תוֹעֵבֶת
יִי אֱלֹהֶיךָ גַּם־שְׁנֵיהֶם:

(18) **No Israelite woman shall be a cult prostitute, nor shall any Israelite man be a cult prostitute.**

(19) **You shall not bring the fee of a whore or the pay 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.**

(18) No Israelite woman shall be a cult prostitute, nor shall any Israelite man be a cult prostitute: A *kedeshah* is a temple prostitute – a priestess of debauchery for an idolatrous cult. And a *kadesh* is her male counterpart, a male temple prostitute engaged professionally in debauchery (whether homosexual or heterosexual) for the benefit of the cult.

Notably, the root of both those words, *kadesh* and *kedeshah*, is *K-D-SH*, from which a great multitude of Hebrew words representing or associated with holiness are derived. Thus, *K-D-SH* is used in two entirely opposite senses: holiness and debauchery – the latter being the perversion of the potential for holiness.

(19) You shall not bring the fee of a whore or the pay of a dog into the house of the Lord your God: Here a different word is used for a female prostitute: *zonah*, which is more offensive than *kedeshah*. A *kedeshah* plies her trade for “religious” reasons, as it were, while a *zonah* is “in it just for the money.”

In the phrase “the pay of a dog,” the word “dog” is understood as a euphemism for a male street prostitute, a term that (for all the same reasons) is particularly offensive, when contrasted with a *kadesh*, a male temple prostitute.

In fulfillment of any vow: Even if a person has pledged, by uttering a vow, to contribute some amount to the Temple, he must not do so using funds earned in such an unworthy manner. If those are the only two possibilities, it is better for the vow to go forever unfulfilled.

For both are abhorrent to the Lord your God: Engaging in temple prostitution is itself abhorrent to God. But an attempt to whitewash immoral behavior through a donation to the Temple is even more abhorrent.

Sex is a divine gift that renders marriage sacred. Using that potential for participation in idolatrous orgies, or for earning money, is seen as an egregious desecration from which a perpetrator cannot be redeemed even by donating the funds received to the Temple.

It should be noted that the two words used here, *kedeshah* and *zonah*, are the same two words that the Torah uses in the incident of Judah and Tamar (Gen. 38:15, 21). In doing so, an association is created that connects the commandment of this passage to that story. As we have already explained, the stories of the Patriarchs are the key to understanding the meaning of the commandments. Thus we can infer that the essence of the commandment of this passage is the need to build proper intimate relationships, by overcoming the difficulties inherent in the story of Judah and his sons, and Tamar, as recounted there in Genesis.

§ 20.4. PROSCRIPTIONS ON MONEYLENDING (23:20-21)

כ לֹא־תִשָּׂא לְאֶחִיד נִשְׁךְ כֶּסֶף נִשְׁךְ אֶכֶל נִשְׁךְ כָּל־דָּבָר אֲשֶׁר יִשָּׂא:
 בא לְנַכְרֵי תִשָּׂא וּלְאֶחִיד לֹא תִשָּׂא לְמַעַן יְבָרְכֶךָ יְיָ אֱלֹהֶיךָ בְּכֹל מַשְׁלַח
 יָדְךָ עַל־הָאָרֶץ אֲשֶׁר־אַתָּה בֹּא־שָׂמָה לְרִשְׁתָּהּ:

(20) You shall not deduct interest from loans to your countrymen, whether in money or food or anything else that can be deducted as interest;

(21) but you may deduct interest from loans to foreigners. Do not deduct interest from loans to your countrymen, so that the Lord your God may bless you in all your undertakings in the land that you are about to enter and possess.

(20) You shall not deduct interest from loans to your countrymen: Literally, “to your brother.” The prohibition on lending for interest is directly connected with brotherhood, because a brother is worthy of special support. This is analogous to the forgiveness of debts in the Shemittah year that occurs every seven years (see Deut. 15:1 ff.). Our treatment of a brother must be motivated not by justice alone. It requires genuine mercy.

Whether in money or food or anything else that can be deducted as interest: Although the prohibition applies to every kind of loan, two specific examples are given: loans of money and loans of food, the one being “something that has a fixed value and can be stored for an extended period,” and the other “something that deteriorates rapidly, thus affecting its value.” The prohibition of charging interest on the loan applies in either case.

The actual prohibition of exacting interest on a loan given to a brother was formulated much earlier, in the book of Leviticus: “If your kinsman, being in straits, comes under your authority, and you hold him as though a resident alien, let him live by your side: do not exact from him advance or accrued interest, but fear your God. Let him live by your side as your kinsman. Do not lend him your money at advance interest, or give him your food at accrued interest” (Lev. 25:35-37). But this law is further elaborated here in Deuteronomy, in order to emphasize the difference between a brother and a foreigner.

(21) But you may deduct interest from loans to foreigners: One is not required to make concessions to a non-Jew in this matter, because all peoples who engage in mutual economic interactions charge interest on loans. With respect to a foreigner the guiding principle is justice, not mercy, and charging interest on loans is therefore permitted.

Do not deduct interest from loans to your countrymen: Literally, “to your brother.” This repetition contrasts “brother” and “foreigner.” A foreigner must be treated justly, but a brother – mercifully.

So that the Lord your God may bless you in all your undertakings: One who is merciful toward his brother will merit to receive the Almighty's blessings in all his economic activities.

In the land that you are about to enter and possess: When the people inhabit their land, brotherly relations among them are especially important.

Interest from loans: This is sometimes translated as "usury." In modern culture the term "usury" carries a very negative emotional charge, while "banking" is considered positive. But in essence they are really the same thing.

Lending money at interest does not *per se* violate moral standards, because in ordinary life, money, like any other available resource, is expected to generate income. When I grant a loan, I must live for some time with no access to those funds, and I forfeit the income I could have earned from them. Naturally, I deserved to be compensated for that lost opportunity.

Moreover, charging interest on loans is not just morally justified; it is also essential for the development of a healthy economy. Only due to its banking system, i.e., lending money at interest, has our modern economy been able to afford us the high standard of living that we take for granted today.

Therefore, "you may deduct interest from loans to foreigners" expresses not something immoral, but a normal, equitable action.

A brother, however, on the other hand, deserves a special dispensation. For although taking interest from a brother is fair, it is not a brotherly thing to do. Brotherhood stands higher than morality: it requires mercy, not merely justice. And therefore, when extending a loan to a brother, one must grant him, without hesitation, a brotherly concession – a gift in the form of the interest payments that the lender will forfeit.

(20-21) You shall not deduct interest from loans to your countrymen ... Do not deduct interest from loans to your countrymen: As already noted, this repetition demonstrates that the rationale for the prohibition lies in the principle of brotherly relations – considering the special needs of a brother. Note, however, that in later eras, because of changes in the economic system, those needs were different. Brotherhood can be expressed in different ways at different times. Under certain

conditions, the granting of an interest-bearing loan might itself be a manifestation of brotherly relations.

During the Middle Ages, the Catholic Church adopted as law the principle of “loan funds to a stranger for interest, but not to your brother.” Thus, Christians were strictly forbidden to exact interest from each other on loans. This created a situation where only Jews could become money lenders in Christian society, with the result that “usury” – or as we would call it, banking – became a solely Jewish profession. Kings and nobles took out interest-bearing loans from Jewish moneylenders to finance their wars or pleasure activities. But within the Jewish community itself moneylending was limited to only small, interest-free loans to the poor.

Beginning with the seventeenth century, however, the world economy began to change. Merchants began to take interest-bearing loans to finance business expansion, and soon the entire emerging middle class was relying on such loans to improve their economic situation overall. The modern banking system was thus taking shape. For businessmen everywhere and for most of the middle class, which included the Jews, loans for business development and advancement of quality of life had now become essential, even if the loans would later have to be repaid with interest, which was seen as normal and necessary.

Under these new conditions, the manner of extending “brotherly assistance” had now changed. It had become necessary to change the underlying structure of the law commensurately, in order to preserve the principle of brotherhood. The rabbis of that period therefore developed the principle of *heter iska* – “permission to lend and borrow money as a collaborative venture.” Under this system, every loan is transacted as a joint business venture between the lending bank and the borrower, who share between them the profit that accrues from the venture. The bank receives a predetermined percentage, and the borrower receives the rest. Seen in this light, the “interest” charged by the bank is only an ordinary return on its investment by contractual agreement, and is therefore not forbidden. Today, all banks in Israel operate on this principle.

But at the same time, in modern Israel and in Jewish society generally, there is a parallel resource, a non-banking-related system known

as a *gemach* – short for *gemilut chesed*, “bestowal of kindness” – which provides modest, interest-free loans to the poor.

§ 20.5. VOWS (23:22-24)

כב כִּי־תִדָּר לַיהוָה לֹא תֹאחֲרֶנּוּ לְשַׁלְמוֹ כִּי־דָרַשׁ יִדְרֹשְׁנוּ יְיָ
אֱלֹהֶיךָ מִעֲמֻמָּךְ וְהָיָה בְּךָ חֵטָא: כג וְכִי תִחַדֵּל לַיהוָה לֹא־יִהְיֶה בְּךָ חֵטָא:
כד מוֹצֵא שְׁפָתֶיךָ תִּשְׁמֹר וְעֲשִׂיתָ כְּאֲשֶׁר נִדְרָתָ לַיהוָה נִדְבָה אֲשֶׁר
דִּבַּרְתָּ בִּפְּיֶךָ:

(22) **When you make a vow to the Lord your God, do not put off fulfilling it, for the Lord your God will require it of you, and you will have incurred guilt;**

(23) **whereas you incur no guilt if you refrain from vowing.**

(24) **You must fulfill what has crossed your lips and perform what you have voluntarily vowed to the Lord your God, having made the promise with your own mouth.**

(24) You must fulfill what has crossed your lips: The obligation to keep one’s word (in every domain, and not only with respect to vows) is among the most important features of an exemplary human character, and of a healthy human society. Words, promises, and commitments create reality, while broken promises lead to collision with that reality.

A person’s word is nothing less than a part of himself. A person who does not value his word only damages his own personality, which ultimately leads to self-destruction.

And the same applies to society, where words are every bit as important as the material aspects of human relations. The viability of any society largely depends on the “verbal space” in which it lives. If a person cannot rely on his neighbor’s word, human society disintegrates – morally, and also economically. Because a healthy economy depends in very large measure on trust between people.

Thus, cultivating trust in the words that we speak is a matter of very great importance. This commandment targets that objective.

(22) When you make a vow to the Lord your God, do not put off fulfilling it: The commandment to follow through on one's vows has already been stated earlier in the Torah: "If a man makes a vow to the Lord or takes an oath imposing an obligation on himself, he shall not break his pledge; he must carry out all that has crossed his lips" (Num. 30:3). In this passage of Deuteronomy the following details have been added:

- The point is made very explicitly that even better than fulfilling one's vows is to not make vows at all – one incurs no guilt if he refrains from vowing. There is a belief in many circles that any vow is itself pleasing to God, just for having been made. The Torah dissents emphatically from that position.
- The commandment is generalized to all words, and not vows exclusively – one must fulfill what "has crossed his lips."
- The aspect of volition is stressed – one must fulfill what "has crossed his lips" and perform what he has voluntarily vowed. Only words spoken voluntarily have any force. Speech must not be perceived as a magical act. It is not the mere physical act of making sounds with one's mouth that creates an obligation, but the intent and the meaning that the speaker invests in those words. Words pronounced under compulsion are invalid and do not oblige.

§ 20.6. ANOTHER MAN'S HARVEST (23:25-26)

כה כִּי תֵבֵא בְּכֶרֶם רֵעֶךָ וְאָכַלְתָּ עֲנָבִים כְּנֹפֶשׁ שְׂבָעָךָ וְאֶל-כֵּלֶיךָ לֹא
תִתֵּן: כו כִּי תֵבֵא בְּקִמְתָּ רֵעֶךָ וְקִטְפָה מִלֵּילָת בִּידֶךָ וְחִרְמֵשׁ לֹא תִזְיֵר
עַל קִמְתָּ רֵעֶךָ:

(25) When you enter another man's vineyard, you may eat as many grapes as you want, until you are full, but you must not put any in your vessel.

(26) When you enter another man's field of standing grain, you may pluck ears with your hand; but you must not put a sickle to your neighbor's grain.

According to the straightforward sense of this Torah text, “When you enter another man’s vineyard (or field)” means that anyone who enters another man’s vineyard or field may partake of the crop in a small amount such as he is able to pick off by hand. But he must not use any instrument or vessel. The objective of the principles of this *Ki Tetze* portion is to maintain and sustain life. It is therefore impossible to forbid eating the fruits of one’s neighbor’s vineyard or field, given that a passerby might have a real need, while the loss to the owner is quite insignificant.

The Written Torah is describing the ideal, in which every person has his own field and vineyard, and usually will have no need to come specially to his neighbor’s field or vineyard to eat. In practice, however, it does happen that people will abuse such permission. The Oral Torah therefore interprets this passage differently, narrowing the scope of this commandment and forbidding just anyone from coming to another man’s property and eating his produce. Rather, the Halachah interprets this verse as referring only to a worker who has been hired to harvest another man’s crops. Because he is working with that produce, he is permitted to partake of it, albeit subject to controlled conditions.

With the passage understood in this sense, we note that the Torah requires us to make allowances not only for a human worker who harvests our produce, but for animals likewise: “Do not block the bull’s mouth when he is threshing” (Deut. 25:4).

§ 20.7. DIVORCE AND SECOND MARRIAGE (24:1-4)

א כִּי־יִקַּח אִישׁ אִשָּׁה וּבָעֻלָּה וְהָיָה אִם־לֹא תִמְצָא־חֵן בְּעֵינָיו כִּי־מָצָא
 בָּהּ עָרוּת דָּבָר וְכָתַב לָהּ סֵפֶר כְּרִיתָת וְנָתַן בְּיָדָהּ וְשָׁלְחָהּ מִבֵּיתוֹ:
 ב וַיֵּצֵאָהּ מִבֵּיתוֹ וְהָלַכָה וְהִיתָה לְאִישׁ־אַחֵר: ג וּשְׁנֵאָהּ הָאִישׁ הָאֲחֵרוֹן
 וְכָתַב לָהּ סֵפֶר כְּרִיתָת וְנָתַן בְּיָדָהּ וְשָׁלְחָהּ מִבֵּיתוֹ אוֹ כִּי יָמוּת הָאִישׁ
 הָאֲחֵרוֹן אֲשֶׁר־לָקְחָהּ לוֹ לְאִשָּׁה: ד לֹא־יֻכַּל בְּעֻלָּה הָרִאשׁוֹן אֲשֶׁר־

שְׁלָחָהּ לְשׁוּב לְקַחְתָּהּ לְהִזּוֹת לוֹ לְאִשָּׁה אַחֲרֵי אֲשֶׁר הִטְמָאָה כִּי־
 תִּזְעַבָּהּ הִוא לִפְנֵי יי וְלֹא תַחֲטִיֵּא אֶת־הָאָרֶץ אֲשֶׁר יי אֱלֹהֶיךָ נָתַן לָךְ
 נַחֲלָה:

(1) A man takes a wife and possesses her. She fails to please him because he finds something obnoxious about her, and he writes her a bill of divorcement, hands it to her, and sends her away from his house;

(2) she leaves his household and becomes the wife of another man;

(3) then this latter man rejects her, writes her a bill of divorcement, hands it to her, and sends her away from his house; or the man who married her last dies.

(4) Then the first husband who divorced her shall not take her to wife again, since she has been defiled – for that would be abhorrent to the Lord. You must not bring sin upon the land that the Lord your God is giving you as a heritage.

(1) **A man takes a wife and possesses her:** An alternate translation would be, “A man takes a wife and brings her into his home.” Here we again see references to the two stages of Jewish marriage. “Takes a wife” means *Kiddushin* – the legal execution of the marriage. “And brings her into his home” is *Nissu’in* – the beginning of their married life together under the same roof.

She fails to please him because he finds something obnoxious about her: The Hebrew suggests that it be translated as “he finds something shameful in her.” The school of Shammai and the school of Hillel in the Talmud disagreed on precisely what that means.

Bet Shammai maintained that she must have either committed adultery or disgraced her husband in public. But according to *Bet Hillel*, “something shameful” is anything whatsoever that could irk a husband, however seemingly slight – “even if she burnt his dinner” is the example they famously propose. And their rationale is as follows. If a man truly believes that it is appropriate to divorce his wife simply for having just once ruined his dinner, it is best that he carries through on his wish. Because with such an attitude on his part, their life together will in any

case be impossible. (Or, equally likely, the burnt dinner is only a pretext for something else much more serious that the husband is not saying.)

And he writes her a bill of divorcement, hands it to her, and sends her away from his house: As we pointed out just above, there are two components of a Jewish marriage: the legal and the actual. Divorce likewise has two corresponding elements: the legal – “he writes her a bill of divorcement” and the actual – “and sends her away from his house.” This duality emphasizes that marriage and divorce are not just a personal decision between a man and a woman to live together, or to go their separate ways. Marriage, much more than that, is a social institution that preserves and promotes orderly life in human society.

And he writes her a bill of divorcement: Before the giving of the Torah, divorce was achieved simply by a man telling his wife that she was free to leave. This is how Abraham divorced Hagar. There was no bill of divorce. But after the giving of the Torah, marriage and divorce both became more formalized. And yet, marriage can be concluded verbally, but divorce only through writing. It requires writing a “bill of divorcement” known in later Hebrew as a *get*, following a procedure sufficiently complex to assure that it is not abused, nor rashly and indiscriminately applied.

Nowhere else in the Torah is there any mention of writing as a requirement for formalizing an action, no matter how solemn or essential. Be it marriage, acquisition of real property or of a slave, or a court order, no written document is required. This means that divorce has a special status, as compared with other legal actions. The Torah deliberately and by design makes divorce more difficult to achieve.

Moreover, the very idea of writing was perceived in that era as something extraordinary. It is one of the things that distinguished the Jews from other peoples.

(2) She leaves his household and becomes the wife of another man: After divorce a woman has absolute freedom to marry whomever she wants. The husband in a bill of divorce cannot restrict her in this regard.

(3) Then this latter man rejects her, writes her a bill of divorcement, hands it to her, and sends her away from his house: The text formulates the reasons for divorce in various ways. With the first hus-

band it was “because he finds something shameful in her.” But with the second husband, “this latter man rejects [literally, “hates”] her” – even for no reason at all. It seems that in order to divorce a woman from her first marriage, more serious reasons are needed than from a subsequent marriage.

(4) Then the first husband who divorced her shall not take her to wife again, since she has been defiled – for that would be abhorrent to the Lord: It is wrong to understand “since she has been defiled” as referring to the second marriage itself. A second marriage does not itself “defile” a woman in any way. The defilement refers only to the return of a divorced woman to her first husband after she has been in another marriage, because it conveys a clear impression that divorce is being used as a license for lewdness. And that is what is “abhorrent to the Lord.”

It does happen, of course, that a man and a woman honestly divorce, and after the woman has entered into another marriage which does not work out, the original couple now want to return to each other for another try. But nonetheless, the Torah forbids this, so that there will be no legal mechanism for “wife-swapping” under the guise of temporary marriage and divorce.

On the other hand, if after her divorce a woman has not remarried, her ex-husband is allowed to take her back, and this is even welcomed and encouraged.

You must not bring sin upon the land that the Lord your God is giving you as a heritage: Non-compliance with the norms of marriage is not only a personal matter for the couple. It affects the life of society in its entirety, and brings sin upon the land.

§ 20.8. A GROOM’S DEFERMENT FROM MILITARY SERVICE (24:5)

ה כִּי־יִקַּח אִישׁ אִשָּׁה חֲדָשָׁה לֹא יֵצֵא בַּצִּבָּא וְלֹא־יַעֲבֹר עָלָיו לְכָל־דָּבָר
נָקִי יִהְיֶה לְבֵיתוֹ שָׁנָה אֶחָת וְשָׁמַח אֶת־אִשְׁתּוֹ אֲשֶׁר־לָקַח:

(5) When a man has taken a bride, he shall not go out with the army or be assigned to it for any purpose; he shall be exempt one year for the sake of his household, to give happiness to the woman he has married.

(5) When a man has taken a bride: After discussing issues of divorce, the Torah returns to the positive theme of marriage, and specifies an important principle for building a successful one.

Has taken a bride: Literally “has taken a new wife.” A man who remarries his ex-wife is not eligible for this exemption from military service.

He shall not go out with the army: We have already seen (Deut. 20:5) that a man who builds a house, plants a vineyard, or betroths a woman is sent home from the front and does not serve. But the case here is different: there has been not only a betrothal, but a marriage. A newlywed is recognized *ab initio* as exempt, and does not go to the front to begin with.

With the army: The Oral Torah explains that in practice this applies only to an “elective war” – a war that Israel may wage, but is not obligated to do so. This is a war that the king wages outside the Land of Israel, in order to conquer additional territories that the Almighty promised conditionally to the Jewish people, the “territories of the ten nations” (beyond those, no other territories may be conquered, see § 16.1).

Conversely, in the event of a “mandatory war,” e.g., a war waged to defend the Land of Israel from attack by an external enemy, there are no exemptions whatsoever. In that case, the obligation to go to battle extends not only to a young bridegroom, but even to his wife, both of whom must go out to battle “even directly from the bridal canopy.”

Or be assigned to it for any purpose: He must not go to war, nor even serve in any auxiliary military capacity.

In this respect as well, the newlywed differs from those who “built a house, planted a vineyard, or betrothed a woman.” Although the latter do not engage in actual hostilities – as the Torah says: “Lest he die in battle” (Deut. 20:5-7) – they must contribute to auxiliary activities that support the war effort.

He shall be exempt one year for the sake of his household, to give happiness to the woman he has married: The first year of marriage is of utmost importance, for it lays the foundation for successful family life.

Thus, the exemption granted to the newlywed from any public service for an entire year, in order to “give happiness to the woman he has married,” is a commandment of national importance.

§ 20.9. THE PROHIBITION OF TAKING A MILLSTONE IN PAWN (24:6)

וְלֹא-יִחַבֵּל רֵחִים וְרֶכֶב כִּי-נַפֵּשׁ הוּא חֶבֶל:

(6) **A handmill or an upper millstone shall not be taken in pawn, for that would be taking someone's life in pawn.**

(6) A handmill or an upper millstone shall not be taken in pawn: This commandment continues the theme of ensuring the vitality of the family. The transition here is from the obligation to give happiness to one's wife to the prohibition of taking from a family the things that are essential to its survival and welfare.

A handmill: This refers to a hand mill used in the home for grinding grain. Women in antiquity spent much of their time turning such millstones to grind grain into flour for baking bread.

Or an upper millstone: This type of portable mill consisted of two millstones, upper and lower. The lower millstone (the stand that was called, simply, “the handmill,” as in this verse), had a recess, into which the upper millstone was inserted, and rotated within in. Thus, the upper millstone was the more convenient of the two to be taken as collateral, and that is why it is mentioned here specifically.

For that would be taking someone's life in pawn: The life of the family depended on having a mill for grinding grain, in order to bake bread. (The standard practice was to store grain, not flour. Grain was ground daily.)

More generally, nothing that is essential for preparing food may be taken as collateral. Only something not vital to life may be taken for that purpose – jewelry, for example.

Shall not be taken in pawn: There are many restrictions on what may be taken. However, the impression that any creditor is *ipso facto* an unworthy human being, which is how this passage is sometimes understood, is incorrect. Nothing like that is implied here. After all, the Torah forbids lending money at interest, which means that this creditor has given his neighbor an interest-free loan with no actual benefit to himself and with no ulterior motives – only a genuine, humane desire to help his neighbor. And now this lender only wishes to have some leverage by which to assure repayment of the loan, so he takes something in pawn. But even then he is significantly restricted in what he is allowed to take.

This is the principle of “double display of brotherhood” – doing not just the minimum, but going above and beyond to help a person in need. We have seen it also in the obligation to grant interest-free loans, and to forgive debts in the seventh year, the Shemittah year. Only in this manner can a truly fraternal society be constructed and endure.

§ 20.10. ENSLAVING ONE’S FELLOW ISRAELITE, OR SELLING HIM INTO SLAVERY (24:7)

ז כִּי־יִמָּצֵא אִישׁ גִּנָּב נַפֶּשׁ מֵאֶחָיו מִבְנֵי יִשְׂרָאֵל וְהִתְעַמְרֻבוּ וּמָכְרוּ
וּמֵת הַגִּנָּב הַהוּא וּבְעֵרַת הָרָע מִקִּרְבֶּךָ:

(7) **If a man is found to have kidnapped a fellow Israelite, enslaving him or selling him, that kidnapper shall die; thus you will sweep out evil from your midst.**

(7) Enslaving him: The law that forbids kidnapping in the most severe terms was given in the Torah much earlier: “He who kidnaps a man – whether he has sold him or is still holding him – shall be put to death” (Exod. 21:16). Here this law is repeated in the context of a free people living in their own land. And “enslaving him” is added to the crime.

All this emphasizes the importance of freedom as a central human principle. Without personal freedom the observance of religious pre-

cepts has no value. This is because what is important is not just to observe the commandments, but to do so of one's own free will. Keeping the commandments under circumstances of servitude or compulsion can never repair or improve the world.

§ 20.11. SKIN AFFECTIONS (24:8-9)

ח השמר בנגעי־הצרעת לשמר מאד ולעשות ככל אשר־יורו אתכם
הכהנים הלויים באשר צויתם תשמרו לעשות: ט זכור את אשר־
עשה יי אלהיך למרים בדרך בצאתכם ממצרים:

(8) In cases of a skin affection be most careful to do exactly as the levitical priests instruct you. Take care to do as I have commanded them.

(9) Remember what the Lord your God did to Miriam on the journey after you left Egypt.

(8) In cases of a skin affection: The laws governing the affliction called *tzara`at* have been laid out in great detail in the book of Leviticus (Lev. 13-14). But here they are mentioned in the broader context of all the things that contribute to the proper functioning of society.

It is important to note that *tzara`at*, commonly but mistakenly translated as “leprosy,” is a completely different disease from what is known in contemporary medicine as leprosy. That is why the translation here – “a skin affection” – avoids that term entirely.

In cases of a skin affection be most careful: When a person experiences *tzara`at*, he must not self-medicate, but seek the advice of a priest.

No occurrence of *tzara`at* should be viewed as mere happenstance. Rather, it is a sign that the person has a moral deficiency of some kind that he must address. Nor should he see it as a punishment, but only as a warning, God wants a person to improve, and helps to move him in that direction. When this warning sign appears, it must not be ignored. The person affected must go straight away to the priest, who will indicate the proper course of action.

In our times, and already for some two thousand years, *tzara`at* as the Torah uses the term does not exist. Nonetheless, this passage teaches us that when the first signs of a problem appear in life, one should not simply wait for them to pass by themselves. He must seek advice from a spiritual authority.

Be most careful to do exactly as the levitical priests instruct you: For solving spiritual problems, one must follow the instructions of competent experts who have been trained in spiritual matters.

Take care to do as I have commanded them: I have commanded them, because only they, and no one else, are the bearers of the Tradition. You must therefore follow their directions.

(9) Remember what the Lord your God did to Miriam on the journey after you left Egypt: We must remember the incident of Miriam (Num. 12:1 ff.), who publicly criticized her brother Moses, and was immediately punished with *tzara`at*, notwithstanding that her intent was noble. A person who always bear this in mind will not come to commit the sin of *leshon hara`*, “vile speech.”

This puts the law of affections into the context of weekly portion *Ki Tetze*, whose overall theme is the proper structuring of society.

§ 20.12. TAKING A PLEDGE FROM A NEEDY PERSON (24:10-13)

י כִּי־תַשֶּׂה בֶּרֶעַךְ מִשְׁאֵת מֵאֻמָּה לְאֶתְבָּא אֶל־בֵּיתוֹ לַעֲבֹט עֲבָטוֹ:
יֵא בְחוּץ תַּעֲמֹד וְהָאִישׁ אֲשֶׁר אֶתָּה נֹשֶׂה בּוֹ יוֹצִיא אֵלֶיךָ אֶת־הָעֲבוֹט
הַחוּצָה: יב וְאִם־אִישׁ עֲנִי הוּא לֹא תִשָּׁב בְּעֲבָטוֹ: יג הַשֹּׁב תָּשִׁיב לוֹ
אֶת־הָעֲבוֹט כְּבוֹא הַשֹּׁמֵשׁ וְשָׁכַב בְּשִׁלְמָתוֹ וּבִרְכָּךְ וּלְךָ תִּהְיֶה צִדְקָה
לִפְנֵי יְיָ אֱלֹהֶיךָ:

(10) When you make a loan of any sort to your countryman, you must not enter his house to seize his pledge.

(11) You must remain outside, while the man to whom you made the loan brings the pledge out to you.

(12) If he is a needy man, you shall not go to sleep in his pledge;

(13) you must return the pledge to him at sundown, that he may sleep in his cloth and bless you; and it will be to your merit before the Lord your God.

(10) When you make a loan of any sort to your countryman: The Torah now returns to the topic of a pledge taken on a loan as collateral, and imposes further restrictions on such pledges.

You must not enter his house to seize his pledge: In order not to humiliate him in front of his family when you take his pledge.

When you are showing a poor person mercy by giving him an interest-free loan, you must exercise great care not to humiliate him.

(11) You must remain outside, while the man to whom you made the loan brings the pledge out to you: You must allow him to choose himself the item that will serve as the pledge.

(12) If he is a needy man, you shall not go to sleep in his pledge: As we see from the next verse, a desperately poor man has nothing to pledge except the clothes in which he sleeps at night. Therefore, you may not yourself go to bed while his pledge remains with you.

(13) You must return the pledge to him at sundown, that he may sleep in his cloth: And in the morning you may once again take that garment from him as pledge.

And bless you: When creditors show mercy to their debtors, this contributes to the overall improvement of social relations between the rich and the poor.

And it will be to your merit before the Lord your God: You will merit that, because you have been guided not only by considerations of justice (which allows you to keep the pledge), but by considerations of mercy as well.

This law governing the proper handling of a poor man's pledge makes that process intentionally inconvenient.

Consider the circumstances. A wealthy person, in order to help his poor neighbor, grants him an interest-free loan. He anticipates potential problems with the loan's repayment, so he wishes to receive at least

some kind of security. Now, since the poor person has nothing to pledge but the garment that he sleeps in at night, the lender may take that garment. But he must return it to the poor man each evening. And then, each morning, he may come and claim the pledge once again.

Thus, besides helping his poor neighbor, the lender must be careful not to deny him a basic human level of comfort. A wealthy man must take pains to preserve the dignity of the people he helps.

In principle, the purpose of a pledge is to put pressure on the debtor to assure repayment of the loan. But in this case, the actual, practical pressure is removed, and only the psychological pressure remains. Even so, the procedure is made so inconveniently complicated that the wealthy creditor will most likely forego taking the pledge at all.

Ultimately, the meaning of all this is that with respect to your brother who is utterly destitute, you must demonstrate your brotherhood twice over. Besides giving him the loan, you must take care not to exert pressure on him by virtue of the pledge you take.

The law concerning a poor man's pledge has been previously stated in the book of Exodus: "If you take your neighbor's garment in pledge, you must return it to him before the sun sets; it is his only clothing, the sole covering for his skin. In what else shall he sleep? Therefore, if he cries out to Me, I will pay heed, for I am compassionate" (Exod. 22:25-26).

As compared with the requirements laid out in Exodus, which emphasizes the prohibition of causing physical distress, and speaks of punishment for indifference to one's neighbor ("In what else shall he sleep? Therefore, if he cries out to Me, I will pay heed"), here in Deuteronomy the emphasis is somewhat different:

- The prohibition of causing psychological distress ("You must remain outside, while the man to whom you made the loan brings the pledge out to you").
- The blessings that the Almighty will grant as the reward for being attentive to the needs of others.

Thus, in the book of Exodus this commandment is about limiting wrongdoing, while in Deuteronomy it is about blessings received for performing acts of kindness. Apparently, this difference is due to the fact that Deuteronomy is addressing a more “advanced” audience.

§ 20.13. PROMPT PAYMENT OF A LABORER’S
WAGES (24:14-15)

יִּדְּ לֹא־תַעֲשֶׂק שְׂכִיר עֲנִי וְאַבְיֹן מֵאַחֲיֶיךָ אֹי מִגֵּרְךָ אֲשֶׁר בְּאַרְצֶךָ
בְּשַׁעֲרֶיךָ: טו בְּיוֹמוֹ תִּתֶּן שְׂכָרוֹ וְלֹא־תָבוֹא עָלָיו הַשֶּׁמֶשׁ כִּי עֲנִי הוּא
וְאַלְיֹי הוּא נָשָׂא אֶת־נַפְשׁוֹ וְלֹא־יִקְרָא עָלֶיךָ אֱלֹהֵי וְהָיָה בְּךָ חַטָּא:

(14) **You shall not abuse a needy and destitute laborer, whether a fellow countryman or a stranger in one of the communities of your land.**

(15) **You must pay him his wages on the same day, before the sun sets, for he is needy and urgently depends on it; else he will cry to the Lord against you and you will incur guilt.**

(14) You shall not abuse a needy and destitute laborer: This commandment too has already been stated earlier in the Torah, in the book of Leviticus: “You shall not defraud your fellow. You shall not commit robbery. The wages of a laborer shall not remain with you until morning” (Lev. 19:13). But here it is elaborated in greater detail.

A needy and destitute laborer, whether a fellow countryman or a stranger: These “needy and destitute laborers” were typically individuals who had fallen on hard times and lost their land holdings. Or they were newcomers who had never owned land at all.

Whether a fellow countryman or a stranger in one of the communities of your land: Literally, “or a stranger in your land, in your gates.” Tradition understands this apparent redundancy as speaking of two different types of alien: a *ger tzedek*, who has fully converted, and is now a Jew in every sense, and a *ger toshav*, who lives in the Land of Israel and acknowledges Jewish authority in every respect, but chooses to remain a non-Jew.

(15) You must pay him his wages on the same day, before the sun sets: The norm in ancient times was to hire laborers day by day. That is why the Torah says, “You must pay him his wages on the same day.” If an employee is hired for a longer period, then there is no need to pay his wages daily. However, on a set payday, agreed upon by employer and employee, the payment must be made without delay.

For he is needy and urgently depends on it: Literally, “and to it [i.e., payment of wages] he lifts up his soul.” In other words, his very survival depends on receiving his wages in timely fashion.

Else he will cry to the Lord against you and you will incur guilt: Non-payment of wages is a sin in any case, whether or not the laborer cries out to God against his employer’s injustice. But if he cries out, the punishment is even more severe.

§ 20.14. MUTUAL RESPONSIBILITY OF PARENTS AND CHILDREN (24:16)

טז לֹא-יָמוּתוּ אָבוֹת עַל-בְּנֵים וּבָנִים לֹא-יָמוּתוּ עַל-אֲבוֹת אִישׁ בְּחֻטָּאוֹ
יָמוּתוּ:

(16) Parents shall not be put to death for children, nor children be put to death for parents: a person shall be put to death only for his own crime.

(16) Parents shall not be put to death for children, nor children be put to death for parents: From the point of view of the Halachah, the idea that one person would be executed for the sin of another is absurd. It is self-evident that any such practice must be outlawed. Thus, the Torah’s commandment here, “Parents shall not be put to death for children, nor children be put to death for parents” cannot be understood in the literal sense, for that is far too trivial. The Torah, we must always assume, comes to tell us something new that we would not have known otherwise.

The sages of the Talmud therefore understood this passage in its halachic aspect as meaning that “Parents shall not be put to death in

a manner that depends on their children” – that is, based solely on the testimony of children. From this follows the general principle that in a court of law, the close relatives of the accused are disqualified from testifying, whether for the prosecution or the defense. Such evidence is inadmissible.

A person shall be put to death only for his own crime: We can understand this phrasing to mean that you must not allow it to happen, but also that it will not, in fact, ever happen. In other words, Providence shall so arrange that people will die only for their own sins, but never for the sins of anyone else. Because that would be a gross injustice, which Heaven cannot abide.

Parents shall not be put to death for children, nor children be put to death for parents: a person shall be put to death only for his own crime: When we read this verse literally, we get an important indication of the moral foundations of society as expressed by the Torah, which contradicted the accepted norms of those times. (We have already made the same observation concerning the prohibition of returning a fugitive slave, see Deut. 23:16.) In the event of a rebellion against the king it was universal practice in the ancient world that the king could execute not only the rebels themselves, but also their family members. This served the purpose of instilling fear, in order to discourage any other such rebellions in the future.

Of course, the execution of an entire family for the sin of one rebel runs contrary to Halachah, according to which, in principle, no person can be executed for the crime of his relative. But the judicial system in ancient Israel was not limited to halachic norms as later established by the Talmudic sages. There was also a “royal judiciary” that was invoked in the event of especially serious crimes or attacks on the state. In such situations even a Jewish king was empowered to act in the manner that he deemed fit, and in the spirit of the laws of those times (for otherwise the state could not function). On the other hand, a king could choose to interpret the verses of the Torah not as the sages interpreted them, but literally. That is, the king could interpret this verse in its literal sense, thus restricting himself from applying the accepted norms.

And so did the king Amaziah choose to do. Amaziah, the Tanakh in the books of Kings and Chronicles informs us, became king after a

group of slaves had assassinated his father in order to put Amaziah on the throne. It is clear that Amaziah was at first a weak king, dependent on the people who brought him to power. Later, however, we read: “But he did not put to death the children of the assassins, in accordance with what is written in the Book of the Teaching of Moses, where the Lord commanded, ‘Parents shall not be put to death for children, nor children be put to death for parents; a person shall be put to death only for his own crime’ ” (2 Kings 14:5; 2 Chron. 25:5). Thus, king Amaziah chose to follow the literal interpretation of this verse of the Torah, and voluntarily adopted a more merciful stance than the norms of those times required.

Note that a simple, straightforward reading of the literal Biblical text, even when it is at odds with the halachic reading of the same passage, often teaches us an important moral lesson. This was a critical factor that allowed the Bible to eventually become the foundation of all of Western civilization.

§ 20.15. YOU SHALL NOT SUBVERT IN JUDGMENT

(24:17-18)

יִי לֹא תִטֶּה מִשְׁפָּט גֵּר יְתוֹם וְלֹא תִחַבֵּל בֶּגֶד אִלְמָנָה: יִי וְזִכְרָתְךָ כִּי
עֲבַד הָיִיתָ בְּמִצְרַיִם וַיִּפְדֶּךָ יְיָ אֱלֹהֶיךָ מִשָּׁם עַל־כֵּן אֲנִכִּי מְצֻדָּה לַעֲשׂוֹת
אֶת־הַדָּבָר הַזֶּה:

(17) **You shall not subvert the rights of the stranger or the fatherless; you shall not take a widow's garment in pawn.**

(18) **Remember that you were a slave in Egypt and that the Lord your God redeemed you from there; therefore do I enjoin you to observe this commandment.**

(17) You shall not subvert the rights of the stranger or the fatherless: The general prohibition against perverting judgment has already been stated before: “You shall not judge unfairly: you shall show no partiality; you shall not take bribes, for bribes blind the eyes of the discerning and upset the plea of the just” (Deut. 16:19). The prohibition

is repeated here specifically with respect to the stranger and the orphan. Because they are relatively defenseless, the Torah stresses the obligation to be especially attentive to them. However, elsewhere the Torah also warns against distorting judgment in the opposite direction: “Nor shall you show deference to a poor man in his dispute” (Exod. 23:3).

You shall not take a widow’s garment in pawn: We have seen earlier that taking the garment of a needy person as the pledge for a loan is permitted, subject to significant restrictions: “If he is a needy man, you shall not go to sleep in his pledge. You must return the pledge to him at sundown” (Deut. 24:12-13). But taking the garment of a widow as a pledge is not permitted at all. A woman needs her clothing more than a man does. And a widow is especially vulnerable. Moreover, if a creditor were to visit a widow twice daily over an extended period (to return her garment in the evening and collect it again in the morning) this could easily arouse suspicion of improprieties between them.

(18) Remember that you were a slave in Egypt and that the Lord your God redeemed you from there: In Hebrew, “redeemed” has a broader meaning. Here it means not that God “paid money to buy you your freedom,” but that He “brought you out by force, to free you from your captors.”

Therefore do I enjoin you to observe this commandment: Many of the Torah’s socially motivated commandments are rooted in the memory of Israel’s Egyptian bondage and their liberation from there. Remembering that the Jewish nation began as slaves in Egypt should encourage good mutual relations, and a desire to show mercy and compassion.

§ 20.16. THE REMNANTS OF THE HARVEST MUST GO TO THE POOR (24:19-22)

יט כִּי תִקְצֹר קְצִירְךָ בַשָּׂדֶה וּשְׂכַחְתָּ עֹמֶר בַּשָּׂדֶה לֹא תָשׁוּב לְקַחְתּוֹ
לְגֵר לִיתּוֹם וְלֵאלְמָנָה יִהְיֶה לְמַעַן יִבְרַכְךָ יְיָ אֱלֹהֶיךָ בְּכָל מַעֲשֶׂה יְדֶיךָ:
כ כִּי תַחֲבֹט זֵיתֶךָ לֹא תִפְאֹר אַחֲרֶיךָ לְגֵר לִיתּוֹם וְלֵאלְמָנָה יִהְיֶה:
כא כִּי תִבְצֹר כֶּרְמְךָ לֹא תַעֲזֹל אַחֲרֶיךָ לְגֵר לִיתּוֹם וְלֵאלְמָנָה יִהְיֶה:
כב וְזָכַרְתָּ כִּי־עֶבֶד הָיִיתָ בְּאֶרֶץ מִצְרַיִם עַל־כֵּן אֲנִי מְצַוְךָ לַעֲשׂוֹת

אַתִּי־מַדְבֵּר הַזֶּה:

(19) **When you reap the harvest in your field and overlook a sheaf in the field, do not turn back to get it; it shall go to the stranger, the fatherless, and the widow – in order that the Lord your God may bless you in all your undertakings.**

(20) **When you beat down the fruit of your olive trees, do not go over them again; that shall go to the stranger, the fatherless, and the widow.**

(21) **When you gather the grapes of your vineyard, do not pick it over again; that shall go to the stranger, the fatherless, and the widow.**

(22) **Always remember that you were a slave in the land of Egypt; therefore do I enjoin you to observe this commandment.**

(19) When you reap the harvest in your field and overlook a sheaf in the field, do not turn back to get it: Previously the commandment to leave the remnants in the field for the poor was formulated as follows: “When you reap the harvest of your land, you shall not reap all the way to the edges of your field, or gather the gleanings of your harvest. You shall not pick your vineyard bare, or gather the fallen fruit of your vineyard; you shall leave them for the poor and the stranger: I the Lord am your God” (Lev. 19:9-10). But here the “overlooked sheaf” makes its appearance. The commandment especially notes that the sheaf has been overlooked by chance, not left in the field intentionally.

Thus, the commandment here does not prescribe any taking of initiative. It concerns only the sheaf that has been forgotten by mere chance. Now that this has happened, the owner of the field and its harvest must demonstrate generosity. He should not return to claim the sheaf, but allow it to remain for the poor. Forgetting a sheaf in the field must be seen as a manifestation of Divine will.

This teaches that we should not focus excessively on achieving our desired result. Sometimes things take a different, unexpected turn, and we just have to go with the flow, relying on Providence to show us the way.

It shall go to the stranger, the fatherless, and the widow – in order that the Lord your God may bless you in all your undertaking: Whenever the Torah lists the disadvantaged individuals who especially need our help, it always mentions the *ger*, “stranger,” first. This is a non-Jew who has joined the Jewish nation. The widow and the orphan, listed after him, probably have at least some close family who can help them, but the stranger lacks even that.

(20) When you beat down the fruit of your olive trees, do not go over them again; that shall go to the stranger, the fatherless, and the widow: Caring for the poor is a very essential principle. However, the owner should not himself collect these fruits and distribute them to the poor. The poor should collect them, thus engaging in activities that are socially beneficial to them and to the community. In economic terms, first of all, this is right and proper, because it is inefficient for the owner to collect the remnants of his crop in order to distribute them to the poor. His time and that of his laborers is valuable, while the poor have much more time to spare. But it is morally correct as well: instead of our giving the poor completely free handouts, it is better when they have to work for what they receive.

(21) When you gather the grapes of your vineyard, do not pick it over again; that shall go to the stranger, the fatherless, and the widow: Olives and grapes are mentioned separately in this commandment, because they differ in at least one important respect. Olives can hang ripe on the tree even for a very long time without rotting or spoiling, which means that they can be harvested over a period of several months, whereas grapes if left unpicked will soon deteriorate, and quickly lose all value. But even so, says the Torah, those remnants of grapes should be left on the vine unharvested. Let the poor do the work themselves, by coming to collect that part of the crop.

(22) Always remember that you were a slave in the land of Egypt; therefore do I enjoin you to observe this commandment: Remembering Israel’s period of slavery in Egypt is one of the Torah’s most important ethical foundations. In this context: you yourselves were once slaves, and were hungry. Therefore, you must not forget to help those unfortunate souls who are still hungry even now.

§ 20.17. CORPORAL PUNISHMENT (25:1-3)

א כִּי־יִהְיֶה רִיב בֵּין אָנָשִׁים וְנָגְשׁוּ אֶל־הַמִּשְׁפָּט וּשְׁפָטוּם וְהִצְדִּיקוּ אֶת־
הַצָּדִיק וְהִרְשִׁיעוּ אֶת־הָרָשָׁע: ב וְהָיָה אִם־בֶּן הַכּוֹת הָרָשָׁע וְהַפִּילֹ
הַשֹּׁפֵט וְהִכָּהוּ לִפְנֵי כָדִי רִשְׁעָתוֹ בְּמִסְפָּר: ג אַרְבָּעִים יִכְנוּ לֹא יִסֹּף
פְּרִי־יָסִיף לְהַכְתּוֹ עַל־אַלֵּל מִכָּה רַבָּה וְנִקְלָה אַחִיד לְעִינֶיךָ:

(25:1) **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 –**

(2) **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.**

(3) **He may be given up to forty lashes, but not more, lest being flogged further, to excess, your brother be degraded before your eyes.**

(25:1) When there is a dispute between men: Although the dispute can be about almost anything, the two most common categories are money disputes and criminal cases. Either way, the claim is filed by the injured party, not by any governmental body.

And they go to law: All such conflicts must be hashed out and resolved in court.

And a decision is rendered declaring the one in the right: Even a person who is in the right needs the court to declare him so, because during the conflict, accusations were leveled against him as well.

And the other in the wrong: The court performs two related functions in any conflict: informing society who is right and who is wrong, and punishing the guilty party.

(2) If the guilty one is to be flogged: Corporal punishment may be imposed only after the defendant has been officially recognized as the villain and declared guilty. Thus, any possibility of using physical force during the proceedings is categorically excluded.

The magistrate shall have him lie down and be given lashes in his presence, by count, as his guilt warrants: In the event of an ordinary monetary dispute between litigants (i.e., in a civil case), the guilty

party can be punished simply by having to pay a fine. And the punishment for stealing in those days was being sold into slavery in order to make amends. But for more serious crimes, the punishment would be lashing or even the death penalty.

The Halachah made punishment by lashing – and even far more so the death penalty – very procedurally complex, which means that these punishments became almost impossible to apply in practice. However, the mere existence of these measures is sufficiently intimidating to society to achieve the desired effect – deterrence.

(3) He may be given up to forty lashes: The number forty corresponds to the attribute of *Gevurah*, “judgment, severity, setting boundaries.”⁴⁶

Moses remained on Mount Sinai, both the first time and the second time, for forty days and nights (Exod. 24:18; Deut. 10:10). This aspect of boundaries and judgment appears at the Giving of the Torah, because at Sinai the Torah manifests as law. Forty days was also the interval that the spies spent scouting out the land (Num. 13:25).

However, in order not to apply judicial severity to its fullest extent, the number of lashes is restricted to less than forty: “up to forty blows” – where the meaning of “up to forty” is exclusive, not inclusive.

But not more, lest being flogged further, to excess, your brother be degraded before your eyes: Lashes are inherently humiliating, but this is in fact a necessary element of the punishment, without which the needed result will not be achieved. At the same time, however, the guilty party must not be subject to excessive, inordinate humiliation, i.e., more than the circumstances actually require. Most important, once his punishment is over and done, he must not be ostracized.

This is why he is initially called “the villain” (Deut. 25:1-2), but after he has been punished, the Torah calls him *achicha* – your brother.

Thus, the Torah rejects the idea that we must further humiliate the criminal by stigmatizing him forever, as is so common in the legal codes of other countries and societies.

⁴⁶ For more on the terminology of the Divine attributes known as the Sefirot, see the *Bible Dynamics* commentary on Genesis, § 8.

§ 20.18. “YOU SHALL NOT MUZZLE AN OX” (25:4)

ד לֹא-תַחֲסֹם שׁוֹר בְּדִישׁוֹ:

(4) You shall not muzzle an ox while it is threshing.

(4) You shall not muzzle an ox while it is threshing: You must not prevent the ox from eating while it is working to process food for your benefit. To do so would constitute a very real torment for the ox, who would see so much food in such close range even for many hours in the day, while being denied access to it. While for the owner, allowing the ox to eat while it works entails no significant loss.

It is interesting and important to note that in actual Torah scrolls this verse follows immediately after the previous verse (“lest being flogged further, to excess, your brother be degraded before your eyes”). There is no paragraph break at all separating them, as we would expect between two unrelated topics. We thus conclude that these are not unrelated topics. This commandment is in fact the logical continuation of the previous one. That is, you must take pity not only on your human brother, but on animals as well. Even an animal must never experience unnecessary suffering at your hands. And moreover, the level of suffering that is deemed “necessary” must be determined not liberally, but cautiously.

The Talmud tells the story of how the great Torah sage Rabbi Yehudah ha-Nasi (Rabbi Judah the Prince) was once standing by the road, when he observed a calf being led to the slaughterhouse. Suddenly the calf escaped its handlers and ran up to Rabbi Judah as if to seek refuge from its fate, which it sensed. But the rabbi pushed it away, telling it: “Go to where you are being led. It is that for which you were created.” As his punishment for that attitude, Rabbi Judah fell seriously ill, with pains that tormented him for thirteen years. Until one day he interceded on behalf of some mice, which his maid was about to sweep out of the house. With that Rabbi Judah earned his atonement, and his pains finally ceased.

Thus, the Torah permits the use of animal products – taking their wool and their milk, and even killing them for food and for other human needs. But causing an animal unnecessary pain is strictly forbidden.

A person who is insensitive to the suffering of an animal only disfigures his own human nature as well.

§ 20.19. LEVIRATE MARRIAGE (25:5-10)

ה כִּי־יֵשְׁבוּ אָחִים יַחְדָּו וּמֵת אֶתֶד מֵהֶם וּבֶן אֵין־לּוֹ לֹא־תִהְיֶה אִשְׁתּוֹ
הַמֵּת הַחוּצָה לְאִישׁ זָר יִבְמָה יָבֵא עָלֶיהָ וּלְקַחָהּ לוֹ לְאִשָּׁה וַיְבָמָה:
ו וְהָיָה הַבְּכוֹר אֲשֶׁר תֵּלֵד יִקְוֶם עַל־שֵׁם אָחִיו הַמֵּת וְלֹא־יִמָּחַה שְׁמוֹ
מִיִּשְׂרָאֵל: ז וְאִם־לֹא יַחְפֹּץ הָאִישׁ לְקַחַת אֶת־יְבִמְתּוֹ וְעָלָתָהּ יְבִמְתּוֹ
הַשְּׂעֵרָה אֶל־הַזִּקְנִים וְאָמְרָה מֵאֵן יְבָמִי לְהָקִים לְאָחִיו שֵׁם בְּיִשְׂרָאֵל
לֹא אָבָה יְבָמִי: ח וְקָרְאוּ־לּוֹ וְקִגְּעִירוֹ וְדָבְרוּ אֵלָיו וְעָמַד וְאָמַר לֹא
חָפְצָתִי לְקַחְתָּהּ: ט וּנְגָשָׁה יְבִמְתּוֹ אֵלָיו לְעֵינֵי הַזִּקְנִים וְחָלְצָה נָעֻזָּה
מֵעַל רִגְלוֹ וִירָקָה בַּפִּנּוּי וְעָנְתָהּ וְאָמְרָה בָּכָה יַעֲשֶׂה לְאִישׁ אֲשֶׁר לֹא־
יְבָנָה אֶת־בֵּית אָחִיו: י וְנִקְרָא שְׁמוֹ בְּיִשְׂרָאֵל בֵּית חָלוּץ הַנָּעֻל:

(5) When brothers dwell together and one of them dies and leaves no son, the wife of the deceased shall not be married to a stranger, outside the family. Her husband's brother shall unite with her: he shall take her as his wife and perform the levir's duty.

(6) The first son that she bears shall be accounted to the dead brother, that his name may not be blotted out in Israel.

(7) But if the man does not want to marry his brother's widow, his brother's widow shall appear before the elders in the gate and declare, "My husband's brother refuses to establish a name in Israel for his brother; he will not perform the duty of a levir."

(8) The elders of his town shall then summon him and talk to him. If he insists, saying, "I do not want to marry her,"

(9) his brother's widow shall go up to him in the presence of the elders, pull the sandal off his foot, spit in his face, and make this declaration: Thus shall be done to the man who will not build up his brother's house!

(10) And he shall go in Israel by the name of "the family of the unsandaled one."

(5) When brothers dwell together: The custom of *yibbum*, “levirate marriage,” was ubiquitous in the Middle East; the story of Lot and his daughters (Gen. 19:31) and the story of Judah and Tamar (Gen. 38:8 ff.) are based on it. The idea of *yibbum* addresses the human desire to ensure that the memory of a deceased relative will not fade into oblivion. Thus, in those days, when a woman married, she married, in a sense, not just one man, but an entire family. Should her husband die childless, there would surely be someone else in the family who would gladly undertake to restore and maintain the dead man’s blood line.

The Torah preserves this ancient custom, but modifies it in two fundamental ways:

- (i) By reducing its scope. According to the Torah, *yibbum* applies only to the brothers of the deceased, but not to any other of his surviving relations, as was the earlier custom.
- (ii) By introducing an escape clause. This is the commandment of *chalitzah*, “unsandaling” (Deut. 25:7-10), in the event that the surviving brother declines to marry his dead brother’s widow. Prior to this, the possibility of declining or avoiding *yibbum* did not exist.

(5) When brothers dwell together: Tradition understands “together” not in the spatial or territorial sense – “lived side by side,” but temporally, i.e., the brothers were “alive together” at the same time. This means that if the deceased had no brother at the time of his death, but then a brother appears on the scene – the parents give birth to another son – levirate marriage does not apply, because at no time were the two brothers ever “dwelling together.”

And one of them dies and leaves no son: “Son” here is the literal translation of the Hebrew *ben*. But in this case, it actually means any descendant, whether a son or a daughter.

If the deceased left any children, then *yibbum* does not apply, and the marriage of a surviving brother of the deceased to the widow is prohibited. This is the general rule for close relatives, and specifically, the wife of a brother, whether he is still living or already dead. An exception to the general rule is made only when the deceased died childless.

The wife of the deceased shall not be married to a stranger, outside the family: At this time her prior marriage is still preserved, as it were, pending further outcomes, as we shall soon see.

Her husband's brother shall unite with her: The term “levirate marriage” derives from the Latin word *levir*, meaning “husband's brother.”

Her husband's brother shall unite with her: he shall take her as his wife: If the deceased left many brothers, any of them can perform either *yibbum* or *chalitzah*. If several of them wish to marry the widow or perform *chalitzah*, then she is free to choose which proposal to accept. Most important, however, is that she cannot be forced to marry any of the brothers, no matter how eager they are. It is very strictly forbidden according to Jewish law to force any woman to enter (or remain in) a marriage that she does not want.

And perform the levir's duty: The commandment of *yibbum* can be fulfilled only if the brother of the deceased feels “the duty of a brother-in-law,” i.e., his bond with the deceased is so strong that he feels that he is one with him. If, however, there is no such feeling, then the marriage would not be a “restoration of the name of the deceased,” but would amount to mere debauchery, because marrying a brother's widow is generally forbidden.

As a general rule, in the modern world people have become individualists to such a degree that it is highly unlikely, if not actually impossible, that a surviving brother would feel an affinity with the deceased to that extent. And therefore, even in Talmudic times the performance of *yibbum* was discontinued, and it is never applied today. In all such cases only *chalitzah* is ever performed, which dissolves all her previous ties, and allows the widow to marry any other man of her choosing.

(6) The first son that she bears shall be accounted to the dead brother, that his name may not be blotted out in Israel: Children are an extension of oneself. So long as the deceased has living descendants, he too is deemed, as it were, to be still alive.

(7) But if the man does not want to marry his brother's widow: This is the Torah's innovation. The commandment to perform levirate marriage is not absolute – it can be refused.

His brother's widow shall appear before the elders in the gate and declare, "My husband's brother refuses to establish a name in Israel for his brother; he will not perform the duty of a levir": The brother's widow will behave in this manner only if it is important for her to preserve the name of her deceased husband through her children.

(8) The elders of his town shall then summon him and talk to him: The context seems to indicate that they will try to persuade him to fulfill his *yibbum* obligation. But this is not stated directly. Therefore, the Tradition understands these words as "the elders should discuss what will be best in the given circumstances – whether that be *yibbum* or *chalitzah*." This understanding allows us to reconsider our attitude with respect to the correct fulfillment of this commandment, if the spirit of the era has changed. Accordingly, in ancient times, the court sought a levirate marriage, but later *yibbum* was consistently rejected in favor of *chalitzah*.

(8-9) If he insists, saying, "I do not want to marry her," his brother's widow shall go up to him in the presence of the elders, pull the sandal off his foot: Legally, "pulling the sandal off the foot" meant renunciation of any possession or claim, with the connotation being quite negative, even shameful. The Tanach describes a similar procedure in the book of Ruth (although that was not a situation of either *yibbum* or *chalitzah*, since it was not about the brother of a deceased husband, but only a more distant relative).

On a mystical level, the meaning of this procedure is that the relationship of soul to body is likened to that of body to shoe. The body receives the soul into itself, just as a shoe takes the body (or a part thereof, the foot) into itself. However, just as a shoe covers only a small, lower part of the human body, the foot, while everything else remains outside of the shoe, so the body accepts only the lower part of the soul, while its greater part remains outside of and above the body. Even so, just as a shoe allows the body to walk, so does the body allow the entire soul to act and realize its mission. But since the brother-in-law does not want to restore and preserve the name of the deceased – he does not want to bring a new soul into the world – the shoe is removed from his foot.

Spit in his face: The Oral Tradition relaxes this requirement, with the widow spitting only on the floor in front of him. (Although literally

the Hebrew *be-fanav* means “in his face,” it can also mean, simply, “before him, in his presence.”)

And make this declaration: Thus shall be done to the man who will not build up his brother’s house!: She says this as an expression of humiliation and disgrace. After all, since it is important to her to preserve the name of her deceased husband, from her perspective the brother-in-law is behaving selfishly and immorally.

(10) And he shall go in Israel by the name of “the family of the unsandaled one”: Such selfish behavior, unwillingness to restore the name of a brother, is subject to public condemnation.

However, in those eras when the sages recommend performing not a levirate marriage but only a *chalitzah*, that ceremony is divested from any such elements of condemnation. The phrase “the family of the unsandaled one” is uttered formally, but only to those present. It is not proclaimed publicly, and not in any negative sense.

After one of the brothers of the deceased has performed *chalitzah*, “unsandaling,” the other brothers may no longer enter into a levirate marriage with the widow, and she is free to marry “a stranger, outside the family” (Deut. 25:5); that is, any man she pleases (provided, of course, that her choice satisfies all other requirements of Jewish law).

§ 20.20. A WOMAN’S IMMODEST INTERVENTION IN AN ALTERCATION (25:11-12)

יֵאָכֵז אֲנָשִׁים יַחְדָּו אִישׁ וְאָחִיו וְקָרְבָּהּ אִשְׁתּוֹ הֵאָחָד לְהַצִּיל אֶת־
אִשְׁתּוֹ מִיַּד מְבָהוּ וּשְׁלָחַהּ יָדָהּ וְהִחֲזִיקָהּ בְּמַבְשֵׁיוֹ: יָב וְקָצְתָה אֶת־כַּפָּהּ
לֹא תְחוּס עֵינֶיךָ:

(11) If two men get into a fight with each other, and the wife of one comes up to save her husband from his antagonist and puts out her hand and seizes him by his genitals,

(12) you shall cut off her hand; show no pity.

(11) If two men get into a fight with each other: The Hebrew reads, *anashim yachdav, ish ve-achiv*, “men together, a man and his brother.” The addition of “a man and his brother” is meant to emphasize

that, despite the conflict that has led to a physical confrontation, there is no actual danger to life.

And the wife of one comes up to save her husband from his antagonist and puts out her hand and seizes him by his genitals: If she intervenes in any way that is genuinely necessary to give her husband the upper hand in the fray, her actions are recognized as lawful. But here she has resorted to shameful measures that clearly exceed the limits of self-defense, and whose purpose is only to humiliate the attacker, not to rescue or protect her husband.

In such cases, however, where there is a potential danger to life (and also in cases of rape, see Deut. 22:26), any means of defense is acceptable, up to and including killing the attacker.

(12) You shall cut off her hand: In actual practice, as in all other cases of “an eye for an eye” in the Torah, the punishment is exacted only in the form of monetary compensation. There would never be a thought of actually cutting off the woman’s hand, a punishment far too cruel for consideration. But the Written Torah uses such severe wording to emphasize that even for self-defense, if there is no danger to life, one must not exceed the bounds of what is necessary.

Show no pity: Because it is always natural for us to practice self-defense, the Torah therefore warns against justifying its extreme forms.

The commentators note a parallel in these two consecutive passages: levirate marriage and defending a husband against his attacker. In both of these cases the woman behaves immodestly. In the levirate marriage, she demands that her brother-in-law marry her, which can be perceived as an indiscretion, albeit a “proper” indiscretion. But when a woman tries to protect her husband in a shameful way, this indiscretion is blatantly wrong. As with immodesty, we must also distinguish between proper and improper modesty.

§ 20.21. HONEST WEIGHTS AND MEASURES (25:13-16)

יג לֹא־יִהְיֶה לְךָ בְּכִיסֶּךָ אֶבֶן וְאֶבֶן גְּדוֹלָה וְקֹטָנָה: יד לֹא־יִהְיֶה לְךָ בְּבִיתֶךָ
 אֵיפָה וְאֵיפָה גְדוֹלָה וְקֹטָנָה: טו אֶבֶן שְׁלֵמָה וְצִדְקַן יִהְיֶה־לְךָ אֵיפָה
 שְׁלֵמָה וְצִדְקַן יִהְיֶה־לְךָ לְמַעַן יֵאָרִיכוּ יָמֶיךָ עַל הָאָדָמָה אֲשֶׁר־יִי אֱלֹהֶיךָ
 נָתַן לְךָ: טז כִּי תוֹעֲבֹת יִי אֱלֹהֶיךָ בְּלִעְשָׁה אֵלֶּה בִּלְעֹשֶׂה עוֹל:

(13) **You shall not have in your pouch alternate weights, larger and smaller.**

(14) **You shall not have in your house alternate measures, a larger and a smaller.**

(15) **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.**

(16) **For everyone who does those things, everyone who deals dishonestly, is abhorrent to the Lord your God.**

(13) You shall not have in your pouch: The principle of honesty in weights and measures has already been stated earlier in the Torah: “You shall not falsify measures of length, weight, or capacity. You shall have an honest balance, honest weights, an honest ephah, and an honest hin. I the Lord am your God who freed you from the land of Egypt” (Lev. 19:35). Here that principle is repeated and elaborated. The importance of fair trade is emphasized also in other places in the Tanach, for example: “False scales are an abomination to the Lord; an honest weight pleases Him” (Prov. 11:1).

The commandment of fair measures of weight and volume completes this chapter of social legislation. One can therefore understand this commandment in a more general sense, as mandating “correct measurements” in all complex cases, each of which requires applying the relevant principles of social justice in practice.

Alternate weights, larger and smaller: It was not uncommon for unscrupulous merchants (or individuals) to keep two sets of weights: larger weights to be used when buying, thus to get more goods for the purchase price, and smaller weights that would be used for selling, thus to part with less merchandise in the transaction.

(14) You shall not have in your house alternate measures, a larger and a smaller: An ephah was a measure of dry volume, equal to about 40 liters. It was kept in the house, not in the “pouch” (as in the previous verse).

(15) You must have completely honest weights and completely honest measures: Your weights must be constant and immutable, always consistent with the accepted legal standards of the marketplace.

If you are to endure long on the soil that the Lord your God is giving you: As we have seen elsewhere (see, e.g., Deut. 22:7), this promise is made not to each individual, but to the nation collectively. Only a society where commerce is conducted honestly can survive and endure.

(16) For everyone who does those things, everyone who deals dishonestly, is abhorrent to the Lord your God: Fraud in weights and measures is undoubtedly a sin committed against one’s fellow human beings. But it is equally abhorrent to God.

§ 20.22. “REMEMBER WHAT AMALEK DID TO YOU” (25:17-19)

יִזְכֹּר אֶת אֲשֶׁר-עָשָׂה לְךָ עֲמֹלֶק בְּדַרְךָ בְּצֵאתְכֶם מִמִּצְרַיִם: יֵחַ אֲשֶׁר
קָרָךְ בְּדַרְךָ וַיּוֹגֵב בְּךָ כָּל-הַנְּחָשִׁים אֲחֵרֶיךָ וְאֶתָּה עֵיף וְיָגַע וְלֹא יָרָא
אֱלֹהִים: יֵט וְהָיָה בְּהֵנִיחַ יִי אֱלֹהֶיךָ | לְךָ מִכָּל-אֵיבֶיךָ מִסָּבִיב בָּאָרֶץ
אֲשֶׁר יִיְאָלְהֶיךָ נָתַן לְךָ נַחֲלָה לְרִשְׁתָּהּ תִּמְחָה אֶת-זִכְר עֲמֹלֶק מִתַּחַת
הַשָּׁמַיִם לֹא תִשְׁכַּח:

(17) Remember what Amalek did to you on your journey, after you left Egypt –

(18) 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.

(19) 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!

(17) Remember what Amalek did to you: The war against Amalek was recounted in the book of Exodus (17:8-16, see also the *Bible Dynamics* commentary there). The requirement of “erasing the memory of Amalek” was first formulated there, as follows: “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!’ And Moses built an altar and named it Adonai-nissi. He said, ‘It means: Hand upon the throne of the Lord! The Lord will be at war with Amalek throughout the ages’ ” (Exod. 17:14-16).

Thus, in the book of Exodus “erasing the memory of Amalek” is presented as an action of the Almighty. God takes it upon Himself to do that erasing. But here in Deuteronomy (25:19 below) it is a commandment for the people of Israel – an obligation incumbent upon the Jewish state.

But there is no actual contradiction here. Only the new generation of free people to whom Moses is speaking here (and not their parents and grandparents who left Egypt, newly liberated from a long era of slavery) can comprehend that God’s words, “I will utterly blot out the memory of Amalek,” mean that that action is entrusted to them to achieve, with Divine assistance. Most typically, Divine plans are realized not on their own, but only in the course of history through the active participation of mankind.

Remember: The word “remember” is used when one’s natural desire or tendency would be to forget that thing. Or, when something can be easily forgotten, because it happens only very rarely. The Torah therefore commands us to remember it. We will examine both of these situations more closely below.

On your journey, after you left Egypt: It was just at the moment of the exodus from Egypt that there was the greatest danger of attack by Amalek. While Israel was in bondage to Egypt, they could not be attacked, as Pharaoh defended his country’s borders. And likewise, after the Jewish nation would conquer and possess their own land, they would be a strong people, and it would be difficult to attack them. But when they had only just left Egypt and embarked on their wilderness journey, they were especially vulnerable.

(18) How he surprised you on the march: An alternate translation is: “He met you on the way.” Israel did not threaten Amalek by passing

close to Amalek's centers of habitation, or even anywhere near its borders. Amalek came out specially, travelling a considerable distance from home in order to attack. This is very revealing of Amalek's true motives.

And cut down all the stragglers in your rear: More literally: "And smote those among you who were hindmost, all that were enfeebled in thy rear." The Midrash understands this in a spiritual sense: "Those were the Israelites who were weak in their observance of the commandments and lagged behind in the words of the Torah." It was they who became prey to Amalek. But even an attack on such "unworthy" members of the Jewish nation is deemed an attack on the entire nation, and demands an appropriately aggressive response.

When you were famished and weary: And therefore you were not able to protect the stragglers at the rear. The moral strength of a people is measured by its ability to protect even its spiritually weakest members.

Undeterred by fear of God: Literally, "And not God-fearing." These are actually the final words of this verse. Two interpretations are possible:

- (i) "And not God-fearing" refers back to the first part of the verse, and continues the description of Amalek. I.e., because Amalek was not afraid that the Almighty would protect Israel, they did not hesitate to attack. (The given translation, "Undeterred by fear of God," accords with this interpretation.)
- (ii) "And not God-fearing" refers to Israel. I.e., "When you [Israel] were famished and weary, and not God-fearing," that is when Amalek found an opportune moment to attack you. In the book of Exodus we read: "The place was named Massah and Meribah, because the Israelites quarreled and because they tried the Lord, saying, 'Is the Lord present among us or not?' Amalek came and fought with Israel at Rephidim" (Exod. 17:7-8). Although in the Torah text there is a paragraph break before "Amalek came," the close succession of Israel's questioning God's presence among them and Amalek's attack, which followed immediately, is something especially shameful for Israel, which they would therefore prefer to suppress from their collective national consciousness.

The commandment to “remember what Amalek did” is given to counter and prevent that.

Undeterred by fear of God: In the Exodus account, the Amalek story is understood as a criticism of Israel. The people doubted that God was among them, and were punished for those doubts with Amalek’s attack and the war that ensued. But here in Deuteronomy, it is Amalek’s guilt that is emphasized. Although they lived very far from the path that Israel was treading, they still came out to fight, and attacked the weakest and most vulnerable.

Seen in this light, the words “and not God-fearing” can be understood as follows. Amalek decided that God would protect only “religiously proper” Jews, but not “religiously deficient” Jews. However, the Almighty had repeatedly stated that entire Jewish nation was his chosen people. Thus, Amalek’s belief that God will not protect bad Jews, and those can be attacked with impunity was itself a major defect in Amalek’s fear of God.

Here we have an important lesson for the Jews themselves – that a dismissive attitude towards those who are “spiritually weak and lagging behind” is completely unacceptable. In certain “ultra-religious” circles there is sometimes an attitude that non-religious Jews are “not real Jews.” The Torah here makes it abundantly clear that that viewpoint directly contradicts how the Almighty sees it. Any person who espouses that point of view cannot be considered God-fearing, regardless of how religiously observant he is, how he views himself, and how he appears to the rest of the world.

(19) 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: Because Amalek’s enmity is motivated by a highly principled and profound hatred of the Jewish people, Amalek cannot possibly be destroyed until Israel’s “ordinary” external enemies have first been defeated.

(18-19) How ... he surprised you on the march, when you were famished and weary ... Therefore, when the Lord your God grants you safety ... in the land that the Lord your God is giving you as a hereditary portion: Here, the circumstances in which Amalek attacked

Israel (“he surprised you on the march, when you were famished and weary”) are contrasted with the circumstances in which Israel will be able to defeat Amalek (in the security of their own land, as granted by God). Israel’s fatigue is associated with insufficient fear of God. But after arriving in their land and finding peace, Israel will recognize that all that was given to them by the Almighty. It is an historical turning point, when the people, formerly weary and exhausted, now confidently live in their land. This is itself already a victory over Amalek.

You shall blot out the memory of Amalek: This is not about erasing any trace of Amalek. On the contrary, by being written in the Torah, that memory remains forever. The “memory of Amalek” that must be erased is the people who would perpetuate Amalek and its ideals as a living memory – the heirs of Amalek and the successors to their work. Just defeating Amalek is not enough. You need to “blot out their memory,” i.e., destroy everything through which Amalek manifests in life.

From under heaven: In our world – “under heaven” – there must be no place for Amalek, the consummate bearer of evil. But “above the heavens” – in higher worlds – there is a place for everything, even Amalek, because in those worlds even a very evil intention ultimately plays a positive, creative role.

Do not forget!: After Amalek is physically defeated, there is a temptation to consider the problem solved. But this is not so! A physical victory is not enough. The memory of Amalek must be blotted out. Therefore the Torah adds: “Do not forget!”

(17, 19) Remember... Do not forget!: As already noted, it is especially important to remember those situations that rarely happen, precisely because it is so easy to forget them.

Specifically, Amalek attacks the Jewish nation only in moments of crisis when they leave their exile and are headed to their new land. Amalek’s goal is the destruction of the Jewish people itself, and for its own sake, not for the sake of any practical benefit or gain. In all of Jewish history, from antiquity and down to the present, such attacks by Amalek happened only three times.

- The first such attack occurred during the Exodus from Egypt. The Jewish people were headed to the Land of Israel, but along the way they constantly grumbled and complained.
- The second attack was the story of Purim. This happened at a time when the Jews were in Babylonian captivity. King Cyrus had already granted them permission to return home and build the Temple, but for almost half a century they were unable to come together and accomplish that *en masse*.
- Amalek's third attack occurred in our very own times – the Nazis' attempt to exterminate Israel just as their return to the Land of Israel had begun. It took place when there was already a Balfour Declaration, and the League of Nations had already decided to build a Jewish state. But the people were in no real hurry to get there.

In all these cases, Amalek directed its attack to the “laggers and stragglers” – those Jews who were not in any hurry to get to the Land of Israel.

Thus, Amalek does not attack when the Jews are stable in exile (neither Pharaoh, king of Egypt, nor the king of Babylon will allow anyone to attack their slaves). Nor will Amalek attack when the Jewish nation is living in its own land (because then Israel is much stronger than Amalek). Amalek attacks only when the Jews are “in the middle position,” when their position is very unstable. They are no longer under the protection of a foreign king. But they are still in exile, and have not yet regained the strength of their autonomy – which is especially enhanced at the ingathering of the exiles, because Jewish life in the Land of Israel radically changes the lives of all of humanity.

Amalek is a force that stands in stark spiritual opposition to everything Jewish. Amalek reminds us that there is always an irrational hostility to Judaism, and to the Jews. It is a very real and pure hatred.

Even when the Jewish people are in exile, some of its representatives can make substantial contributions to the development of the sciences and the arts. But there is no comparison to the power of the message that the Jews can convey to humanity from within their homeland,

the Land of Israel. Israel's return to its homeland always marks the beginning of monumental changes for all of humanity. Amalek therefore always tries hard to resist and prevent that.

Attacks by Amalek are rare. But Amalek must never be forgotten, because a misunderstanding of that historical process can prove very costly.

**WEEKLY
PORTION 7**

KI TAVO

§ 21. FIRST FRUITS AND TITHES

§ 21.1 WEEKLY PORTION KI TAVO – GENERAL OVERVIEW

The names of these two weekly portions – *Ki Tetze*, just concluded, and *Ki Tavo*, which begins here – are directly opposite in meaning. *Ki Tetze* means “when you depart,” while *Ki Tavo* means “when you arrive.” This portion *Ki Tavo* describes Israel’s coming to the Land of Israel, God’s covenant with them in that land, and the blessings they will enjoy, or the curses they will endure, as the consequence of observance or non-observance of that covenant.

Ki Tetze was all about avoiding the negative. I.e., first there must be prohibitions. But *Ki Tavo* begins instead with the positive – the joy of life in the Land of Israel.

That life will have great advantages and benefits, but will also be fraught with dangers. To protect against those dangers, there will have to be a “renewal of the Covenant” – a renewal of the understanding of every individual’s place in the world. When the Jewish nation first arrives in its land, that renewal of the covenant happens on Mount Gerizim and Mount Ebal. Then, after the land has been settled and developed, the covenant is renewed annually, with the ceremony of the *bikkurim*, the bringing of the first fruits of each year’s harvest. This is the topic with which this weekly portion, *Ki Tavo*, opens.



The bringing of the first fruits and the separation of tithes annually are the last two practical commandments in the Torah. (These will be followed by the completion of the book of Deuteronomy, and of all the five books of the Torah. There are commandments there too, but the nature of those commandments is less about actual practice and more about preserving memory.)

Both of these commandments, the bringing of first fruits and the separation of the tithes, relate to the manner in which the people manage the land that God has given them. Each includes a declaration, a formal text to be recited as a central element of fulfilling that commandment. This aspect distinguishes these two commandments from all the others in the Torah. These declarations promote greater understanding of the meaning of their respective commandments, and establish a foundation for each person's dialogue with God. Thus, the texts of these declarations lay the foundations of Jewish national identity.

What follows those declarations, however, is all about God's covenant with Israel, and the blessings and curses that are the direct result of keeping or violating that covenant. This too – Israel's understanding of their historical responsibility for all actions that they perform or fail to perform even today – is a critical element of Jewish identity.

§ 21.2. THE COMMANDMENT OF BRINGING THE FIRST FRUITS (26:1-4)

א וְהָיָה כִּי־תָבֹא אֶל־הָאָרֶץ אֲשֶׁר יְיָ אֱלֹהֶיךָ נָתַן לָךְ נַחֲלָה וִירֵשְׁתָּהּ
וַיִּשְׁבֶּתָּ בָּהּ: ב וּלְקַחְתָּ מֵרֵאשִׁית | כָּל־פְּרִי הָאֲדָמָה אֲשֶׁר תִּבְרֵא
מֵאֶרֶץ אֲשֶׁר יְיָ אֱלֹהֶיךָ נָתַן לָךְ וּשְׂמַתָּ בִטָּנָא וְהִלַּכְתָּ אֶל־הַמָּקוֹם
אֲשֶׁר יִבְחַר יְיָ אֱלֹהֶיךָ לְשִׁכְן שְׁמוֹ שָׁם: ג וּבֵאתָ אֶל־הַכֹּהֵן אֲשֶׁר יִהְיֶה
בְּיָמֶיךָ הָהֵם וְאָמַרְתָּ אֵלָיו הִנֵּה הַיּוֹם לִי אֱלֹהֶיךָ כִּי־בָאתִי אֶל־
הָאָרֶץ אֲשֶׁר נִשְׁבַּע יְיָ לְאַבְרָהָם לֵאמֹר: ד וּלְקַח הַכֹּהֵן הַטָּנָא מִיָּדְךָ
וְהִנִּיחוֹ לִפְנֵי מִזְבֵּחַ יְיָ אֱלֹהֶיךָ:

(26:1) **When you enter the land that the Lord your God is giving you as a heritage, and you possess it and settle in it,**

(2) **you shall take some of every first fruit of the soil, which you harvest from the land that the Lord your God is giving you, put it in a basket and go to the place where the Lord your God will choose to establish His name.**

(3) **You shall go to the priest in charge at that time and say to him, “I acknowledge this day before the Lord your God that I have entered the land that the Lord swore to our fathers to assign us.”**

(4) **The priest shall take the basket from your hand and set it down in front of the altar of the Lord your God.**

(26:1) When you enter the land that the Lord your God is giving you as a heritage: The commandment of *bikkurim*, bringing the first fruits of the annual harvest as an offering to God in the Temple, belongs to the category of commandments known as *reishit*, “first, initial, beginning.” The meaning of all these commandments is that “the first of everything belongs to God.” This group of commandments includes also *terumah* – the “Heave Offering” from the harvest that is presented to the *kohanim*, the priests; *challah* – a portion separated from the first batch of dough; the first shearing of sheep; the firstborn of livestock that must be offered as a sacrifice in the Temple, and the redemption of human firstborns. The sacrifice to God of the first fruits of one’s agricultural labors expresses the recognition that it is only the Almighty Who bestows every blessing and all forms of abundance.

The commandment of bringing *bikkurim* was first given in the book of Exodus (23:19, 34:26): “The choice first fruits of your soil you shall bring to the house of the Lord your God.” And in the book of Numbers (18:13) first fruits are mentioned among the gifts given to the priests: “The first fruits of everything in their land, that they bring to the Lord, shall be yours; everyone of your household who is clean may eat them.” But only in this section is the commandment elaborated in such detail. And that is because here the emphasis is not only on the point that “the first of everything belongs to God.” Equally important is the understanding of the historical relationship between the nation of Israel and

the Land of Israel, after the people have succeeded at achieving moral and physical strength in that land.

The commandment of the *bikkurim*, the first fruits, has the following notable features:

- The bringing of *bikkurim* is accompanied by a declaration of historical connection with the Land of Israel.
- The first fruits must be brought to the Temple. In those periods when there is no Temple, this commandment cannot be fulfilled.
- One brings first fruits to the Temple only from the crop that he has grown himself on his own land.
- Only the five species of “fruits for which the Land of Israel is renowned” are brought as *bikkurim*.

The book of Deuteronomy (8:8) enumerates the “seven species of fruits for which the Land of Israel is renowned,” namely: wheat, barley, grapes, figs, pomegranates, olives, and dates. In the broader sense, wheat and barley are in fact considered fruits. But only fruits in the conventional sense of the word are brought as *bikkurim*. Wheat and barley are not, because they are harvested in the aggregate, not individually.

According to the *bikkurim* laws, when a person sees that the first fruits of his harvest have begun to ripen, he marks them for future reference. Later, after those fruits have ripened completely, he separates them and brings them to the Temple as *bikkurim*. But this procedure does not apply to grain, because there are no individual kernels in the field that ripen first.

And therefore, the role of the “first-fruits” of wheat and barley is fulfilled through national rather than individual offerings from the new harvest: the Omer, a sheaf of barley offered in the Temple on the second day of Pesach (Lev. 23:9 ff.), and a wheat offering, the Two Loaves, on Shavuot, (Lev. 23:15 ff.).

When you enter the land that the Lord your God is giving you as a heritage, and you possess it and settle in it: This describes a situation where the people have already become well-ensconced in their new

land, after all three stages have been successfully completed: “you enter the land,” “you possess it,” and “settle in it.” Only then does bringing the first fruits annually become an obligation.

The problem is that after living in the land for a long time a person can forget the purpose for which God gave him that land, and he begins to take it for granted, which inevitably leads to downfall and exile. One must therefore constantly renew one’s stay on his land. That is what the bringing of the *bikkurim* is designed to achieve.

(2) You shall take some of every first fruit: The very first fruits are the ones that you are to select as a gift for the Almighty.

Of every first fruit of the soil: The Oral Tradition limits this commandment to only the five major species of fruits, as explained earlier.

Put it in a basket and go to the place where the Lord your God will choose to establish His name: The commandment of *bikkurim* can be fulfilled only when the Temple exists, because it is a symbol of the national dialogue between God and the people. The commandment of the first fruits imprints this national dialogue on every individual.

And go to the place where the Lord your God will choose to establish His name: As in other similar verses of the Torah, the place where the Temple will stand is left unspecified. That central point within the Land of Israel, and its essence, for now remain hidden. They cannot be known in advance, because they must be formulated and revealed only in the course of the historical process.

(3) You shall go to the priest in charge at that time: We saw a very similar expression earlier: “You shall promptly repair to the place that the Lord your God will have chosen, and appear before the levitical priests, or the magistrate in charge at the time, and present your problem” (Deut. 17:8-9). Both here and there, the phrase “who is in charge at that time” can be understood to mean a leader or authority who is in touch with the given era and its unique problems, not merely immersed in the study of tradition and memories of the past (see the *Bible Dynamics* commentary there).

The essence of the *bikkurim* commandment is to connect present-day life in the Land of Israel with its beginning – the Exodus from Egypt and the conquest and possession of the land. Forging that kind of

connection requires a priest who has also a keen awareness of the spiritual atmosphere of his own times.

And say to him, “I acknowledge this day ... that I have entered the land”: The person bringing his *bikkurim* must feel that he does so not only as an individual, but that he is a part of the people, just one cell in the much larger national organism. He therefore speaks of himself in the first person, on behalf of the people, “I have entered the land that the Lord swore to our fathers.”

That the Lord swore to our fathers to assign us: He acknowledges that he owns his homestead and his fields only because he is an heir to the patriarchs to whom God promised the land.

(3-5) I acknowledge this day before the Lord your God ... The priest shall take the basket ... and set it down in front of the altar of the Lord your God. You shall then recite as follows before the Lord your God: First the Torah emphasizes “before the Lord your God” – that is, the priest – because, in terms of holiness, he has a higher status than the person bringing the *bikkurim*. But then there is a transition to “in front of the altar of the Lord your God” – that is, to the bearer of the *bikkurim*: “You shall then recite as follows before the Lord your God.” The process of connecting with God begins with perceiving Him as the God of the priests. But then, in the course of offering of first fruits, the bearer acknowledges the Almighty as his own, personal God.

§ 21.3. THE MEANING OF THE COMMANDMENT OF *BIKKURIM*

The *bikkurim* commandment requires that a Jewish farmer in the Land of Israel who has first fruits from his new harvest must put them in a basket and bring them to the Temple. There he places the basket at the altar and recites his declaration.

In many ancient agricultural societies we find a similar procedure for bringing the fruits of each new harvest to the sanctuary. However, the Torah’s *bikkurim* commandment has important features that are not found in any other culture. Most notably:

- (i) In similar declarations among other peoples, they speak only of the harvest itself. The possession of their land is perceived as entirely “natural.” But in the *bikkurim* declaration, the man bringing the first fruits begins with an expression of thanks for the land, and for the historical favor that God has bestowed upon Israel. For the Jewish people, life in their land is not a natural right to be taken for granted, but a Divinely endowed gift that enables them to realize their historic mission.
- (ii) The person bringing his *bikkurim* speaks of the connection of his agricultural yields to all of Jewish history, as guided by Divine Providence. In other words, every simple farmer connects the material life that he enjoys with the larger meaning of all of Jewish history.

These features do not exist in any other culture. Because agricultural celebrations among the nations of the world were never formally associated with events in the history of those nations, the “simple people” of any such nation rarely studied their national history, nor had any knowledge of it. Jewish culture, by contrast, considers its history an essential element of the nation’s relationship with God, i.e., it sees actual religious meaning in it. Moreover, Judaism teaches a person to view his material life as an important link in that history. This attitude imparts holiness to life’s “secular” aspects.

In the Jewish view, there is no gap or inconsistency between the spiritual, the supernatural, and the Divine on the one hand, and natural, material, ordinary human existence on the other. Quite the contrary, all these aspects are interconnected and closely related. The Torah is aimed, of course, at each individual’s advancement in both the spiritual and material worlds. Material success and abundance in no way contradicts spirituality. Rather, such success is supposed to promote and advance spirituality.

The declaration made by the bearer of the *bikkurim* includes a rather long historical account of the hardships endured by the Israelites

in Egypt. We might wonder what this even has to do with the bringing of the first fruits. Moreover, with other offerings, such as the *terumah*, “Heave Offering” given to the priests, or tithes given to the Levites, no such declaration is required. Why is this feature required by the Torah when one brings *bikkurim*?

The difference is that *terumah* and tithes are always given relative to that part of the harvest that remains with the owner. For example, a person cannot say, “Let my entire field be *terumah*,” because *terumah* is always only a piece of the larger part that remains with him. And likewise, a tithe is, by definition, a tenth of what is being tithed. But *bikkurim* are the first fruits such as they are, even if for some reason there will be no other fruits this year. Because the essence of the *bikkurim* is not just a celebration of the harvest, but of Israel’s connection with the land. The “first fruits of the harvest” are meant to symbolize this.

Land ownership carries the danger that a person will focus exclusively on himself and on his plot, becoming a slave to the land. (It is no coincidence that in Genesis 4:2, in the episode of Cain and Abel, in the words *ve-kayin hayah oved adamah*, “and Cain became a tiller of the soil,” the word *oved* is spelled defectively, that is, without the letter *vav*. Thus, it can also be read as *eved adamah*, “a slave to the land”). While working the earth, a person often forgets about the rest of the world and his larger purpose in it. One of the remedies for this is the *bikkurim* commandment.

It would seem that if I have labored in my field, and the first fruits then appear, in all fairness those first fruits should be mine to keep and enjoy, because I worked for a whole year to ensure their appearance. But when I instead present those fruits to the Almighty, I express thereby my acknowledgement that those fruits do not really belong to me. My parcel of land is not the whole world, but only a part of the world, I received it not solely for my own benefit, but for the realization of my mission. I was not born here; I arrived here from Egypt. This is my land, and yet I am somehow alien to it. Thus, by abandoning the mistaken idea that “I am part of nature,” a person can avoid the dangers that are inherent in nature.

The Kabbalah adds that the offering of *bikkurim* should be viewed as a correction for the sin of the spies. Those spies were sent “in the season of the first ripe grapes” (Num. 13:20). The spies, on seeing those first fruits, did not want to go to conquer the land, and they discouraged the entire nation from doing so. Now, the people live on their land, cultivate its fruits, and bring them to the Temple, thus emphasizing their commitment to correcting the sin of the spies.

§ 21.4. THE BRINGING OF THE *BIKKURIM* AS A PILGRIMAGE FESTIVAL

The Torah establishes that ascent to the Temple is obligatory three times every year. These are the *shalosh regalim*, the three “Pilgrimage Festivals.” (Literally, *shalosh regalim* means, simply, “three times,” or “three occasions.”) But in fact, the bringing of the *bikkurim* can be seen as the fourth such festival of pilgrimage.

Farmers from different regions of the land of Israel would bring their *bikkurim* at different times, depending on when their fruits ripened, which varied in different regions of the country. This festive period therefore extended over the entire summer – the interval between the festivals of Shavuot and Sukkot, or about four and a half months.

The Mishnah (the foundational text of the Talmud) describes in detail the festive ceremony of the bringing of the *bikkurim* during the Second Temple period, as follows: “How were the *bikkurim* taken up [to Jerusalem]? All [the inhabitants of] the cities of the *ma`amad* would assemble in the city of the *ma`amad*, and they would spend the night in the open street and they would not enter any of the houses. Early in the morning the officer would say: ‘Let us arise and go up to Zion, into the house of the Lord our God’ (Jer. 31:5). Those who lived near [Jerusalem] would bring fresh figs and grapes, while those who lived far away would bring dried figs and raisins. An ox would go in front of them, his horns bedecked with gold and with an olive-crown on its head. The flute would play before them until they would draw close to Jerusalem. When they

drew close to Jerusalem they would send messengers in advance, and they would adorn their *bikkurim*. The governors and chiefs and treasurers [of the Temple] would go out to greet them, and according to the rank of the entrants they would go forth. All the skilled artisans of Jerusalem would stand up before them and greet them saying, 'Our brothers, men of such and such a place, we welcome you in peace.' The flute would play before them, until they reached the Temple Mount. When they reached the Temple Mount even King Agrippas would take the basket and place it on his shoulder and walk as far as the Temple Court. When he got to the Temple Court, the Levites would sing the song: 'I will extol You, O Lord, for You have raised me up, and You have not let my enemies rejoice over me' (Psa. 30:2). The birds [tied to] the basket were [offered] as whole burnt-offerings, and those which they held in their hands they gave to the priests. While the basket was still on his shoulder he recites from: 'I acknowledge this day before the Lord your God that I have entered the land that the Lord swore to our fathers to assign us' (Deut. 26:3) until he completes the passage. Rabbi Judah said: until [he reaches] 'My father was a fugitive Aramean.' When he reaches, 'My father was a fugitive Aramean,' he takes the basket off his shoulder and holds it by its edges, and the priest places his hand beneath it and waves it. He then recites from "My father was a fugitive Aramean' until he completes the entire passage. He then deposits the basket by the side of the altar, bow and depart" (Mishnah Bikkurim, 3:2-6).⁴⁷

Thus, over the course of entire summer the bringing of the *bikkurim* from all the different parts of the land was celebrated in Jerusalem. This essentially private commandment acquired thereby a collective, national character.

⁴⁷ The *ma'amad* mentioned in the first paragraph of that Mishnah excerpt is to be understood as follows, as explained in the commentary of Obadiah of Bertinoro. There were twenty-four *ma'amadot* or "posts" (divisions) of Israelites, paralleling the twenty-four divisions of the priesthood, each of which served in the Temple for a period of approximately two weeks in the year. The Israelite men of each of these "posts" were agents of all of Israel to stand over the sacrifices with the priests and the Levites of their corresponding division.

§ 21.5. THE DECLARATION RECITED OVER
THE *BIKKURIM* (26:5-11)

ה וְעִנִּיתָ וְאָמַרְתָּ לִפְנֵי יְיָ אֱלֹהֶיךָ אֲרָמִי אֲבִד אָבִי וַיֵּרֶד מִצְרָיִמָּה וַיֵּגֶר
שָׁם בְּמִתֵּי מֶעָט וַיְהִי־שָׁם לְגֹי גָדוֹל עָצוּם וָרֹב: ו וַיִּרְעוּ אֹתָנוּ הַמִּצְרִים
וַיַּעֲבֹדוּנוּ וַיִּתְּנוּ עָלֵינוּ עֲבָדָה קָשָׁה: ז וּנְצַלְךָ אֱלֹהֵי אֲבוֹתֵינוּ וַיִּשְׁמַע
יְיָ אֶת־קִלְנוּ וַיֵּרָא אֶת־עֲנִיָּנוּ וְאֶת־עֲמָלָנוּ וְאֶת־לַחֲצָנוּ: ח וַיּוֹצֵאֲנוּ יְיָ
מִמִּצְרַיִם בְּיָד חֲזָקָה וּבְזֹרַע נְטוּיָה וּבִמְרָא גָדֹל וּבְאֹתוֹת וּבְמִפְתָּיִם:
ט וַיִּבְאֲנוּ אֶל־הַמִּקְדָּשׁ הַזֶּה וַיִּתְּנוּ־לָנוּ אֶת־הָאָרֶץ הַזֹּאת אֶרֶץ זָבַת חֶלֶב
וְדָבָשׁ: י וְעַתָּה הִנֵּה הֵבֵאתִי אֶת־רֵאשִׁית פְּרִי הָאֲדָמָה אֲשֶׁר־נָתַתָּה לִּי
יְיָ וְהִנֵּחַתָּו לִפְנֵי יְיָ אֱלֹהֶיךָ וְהִשְׁתַּחֲוִיתָ לִפְנֵי יְיָ אֱלֹהֶיךָ: יא וְשִׂמַּחְתָּ בְּכָל־
הַטּוֹב אֲשֶׁר נָתַן־לְךָ יְיָ אֱלֹהֶיךָ וּלְבִיתְךָ אֶתָּה וְהַלְוִי וְהַגֵּר אֲשֶׁר בְּקִרְבְּךָ:

(5) You shall then recite as follows before the Lord your God:
“My father was a fugitive Aramean. He went down to Egypt
with meager numbers and sojourned there; but there he
became a great and very populous nation.

(6) The Egyptians dealt harshly with us and oppressed us; they
imposed heavy labor upon us.

(7) We cried to the Lord, the God of our fathers, and the
Lord heard our plea and saw our plight, our misery, and our
oppression.

(8) The Lord freed us from Egypt by a mighty hand, by an
outstretched arm and awesome power, and by signs and
portents.

(9) He brought us to this place and gave us this land, a land
flowing with milk and honey.

(10) Wherefore I now bring the first fruits of the soil which You,
O Lord, have given me.” You shall leave it before the Lord your
God and bow low before the Lord your God.

(11) And you shall enjoy, together with the Levite and the
stranger in your midst, all the bounty that the Lord your God
has bestowed upon you and your household.

(5) You shall then recite: The text that follows here (through Deut. 26:11), the declaration recited by the bearer of *bikkurim*, subsequently became the basis for a central part of the Passover Haggadah.

You shall then recite as follows: *Ve-anita* means, “You shall raise your voice,” i.e., recite loudly. This aspect is important for allowing the person reciting this declaration to fully internalize its significance.

Before the Lord your God: This declaration is an expression of gratitude to the Almighty. And gratitude lies at the heart of all spirituality and morality.

My father was a fugitive Aramean: Grammatically, the meaning of these words is not entirely clear. Several different readings are possible, depending on whether the word *oved* is understood as a transitive or intransitive verb.

- (i) If *oved* is intransitive, then it means “wandering,” and the passage is translated as: “My father was a wandering [or fugitive] Aramean.” In this case, the Aramean is Jacob, who wandered in Paddan-aram, a region of Mesopotamia, while working twenty years for his father-in-law and cousin Laban (Gen. 31:41).
- (ii) But if *oved* is transitive, then the phrase means “An Aramean tried to destroy my father” – to annihilate and exterminate him. In this case, the Aramean is Laban, who wanted to destroy Jacob. The Passover Haggadah clearly favors, and adopts, the second of those readings: the Aramean is Laban who tried very hard to destroy Jacob. The cantillation symbols – *te’amim*, the musical notations on the Torah text that tell us how to sing it, and also how to parse the text grammatically – also accord with the second option, the Haggadah’s reading. Nevertheless, a straightforward reading of this Torah text favors the first option: the Aramean is Jacob.
- (iii) There is a third option of interpretation: “Aramean” is not a person, but a characteristic. The translation will then be: “Aramean-ness is what destroys my forefather,” that is, the people of Israel. Being “Aramean” means the possibility of assimilating into some other culture for the sake of cosmopolitanism, which is a significant temptation for Jews in every age. And in fact, that

was precisely what happened to the branch of the Terah-Abraham-Nahor family that settled in Aram.⁴⁸ We will consider this reading in greater detail below.

He went down to Egypt: Thus, the Torah names two central reference points of Jewish history: Aram (Babylon) and Egypt. We will consider this point below.

And sojourned there: The verb *gur*, “to live, sojourn,” means to live as a stranger, an alien. This emphasizes the separateness of Jacob’s family from Egypt, its religion, and culture.

With meager numbers: The books of Genesis (46:27) and Deuteronomy (10:22) record that Jacob’s family, when they came to Egypt, consisted of a mere seventy souls.

But there he became a great and very populous nation: In Egypt, Jacob’s family became a nation. Thus, the emergence of Israel as a nation happened in Egypt.

(6) The Egyptians dealt harshly with us and oppressed us; they imposed heavy labor upon us: In Egypt, Jacob’s family was given no opportunity to integrate. During the entire time that they lived in Egypt they remained aliens to its native population.

(7) We cried to the Lord, the God of our fathers, and the Lord heard our plea: This is the turning point of the story. Before that, in the first half of this declaration over the first fruits, God was not even mentioned – His influence is hidden. But now we begin to see how God acts openly in human history.

And saw our plight, our misery, and our oppression: Here the Torah states clearly that the reason that God intervened was social injustice. This is a reminder that later, in their own country, the Jewish people must be fair and kind to the poor and to strangers.

(8) The Lord freed us from Egypt by a mighty hand, by an outstretched arm and awesome power, and by signs and portents: It is these aspects of the Exodus that Israel must always remember: the mighty hand that overcame the resistance of the most powerful regime

⁴⁸ See the *Bible Dynamics* commentary on the book of Genesis, § 30.2.

of that time; the outstretched arm that crushed its formidable army; and how terrified the Egyptians were when they witnessed the manifestation of God's presence: the ten plagues that He brought upon the Egyptians, and the miracle of the crossing of the Sea of Reeds.

(9) He brought us to this place: Note the omission here of the entire episode of the giving of the Torah at Sinai. (We will soon have more to say about this important point.)

To this place: This means to the Temple, the place where the person who has brought his first fruits is reciting these words.

And gave us this land, a land flowing with milk and honey: The Land of Israel is itself seen as an extended, much larger "Temple."

A land flowing with milk and honey: The fertility of the Land of Israel is one of the Almighty's most important gifts to the people of Israel.

(10) Wherefore I now bring the first fruits of the soil which You, O Lord, have given me: At this point in the declaration we see the transition from the people's national history, in which God is mentioned in the third person, to a personal, direct appeal to God. The bearer of the *bikkurim* experiences a strong sense of being a part of the Jewish nation, and openly acknowledges that the good rendered to the nation as a whole extends to him as well in a very personal way.

You shall leave it before the Lord your God and bow low before the Lord your God: The declaration closes with a physical expression of gratitude.

(11) And you shall enjoy ... all the bounty that the Lord your God has bestowed upon you and your household: The word *ve-samachta* can be translated as "You shall rejoice." It is the very same word that the Torah uses to describe the mandatory rejoicing on the pilgrimage festivals (see Deut. 16:11, 14).

Together with the Levite and the stranger in your midst: No person should rejoice alone, for such joy will not be complete. The Levites and strangers cannot themselves fully rejoice in the bringing of the *bikkurim*, because the Levites do not have full land allotments, and the strangers among Israel cannot claim that they were slaves in Egypt. Therefore, they must be invited to join in the general celebration.

§ 21.6. THE DECLARATION OVER THE *BIKKURIM*
AS THE NATIONAL NARRATIVE OF THE JEWISH PEOPLE

Earlier we have already discussed that the history of the Jewish people can be read as their detailed “personal biography,” from conception and birth to adulthood, as it were.⁴⁹ The declaration made by the bearer of the first fruits is a brief retelling of this biography.

By this reading, Aram (Babylon) and Egypt, mentioned above at the beginning of the declaration, are the father and mother of the Jewish people; and the transition of the Patriarchs (first Abraham, and then Jacob and his family) from Aram-Babylon to Egypt is the process of conception. The uncertainty of the phrase “My father was a fugitive Aramean” then becomes clear. It turns out that this phrase refers not only to Jacob, but to the Patriarchs in general, especially Abraham and Jacob, who would not allow themselves to be affected by the dilutional effect of “Aramaean” cosmopolitanism, but instead left Mesopotamia for Egypt, in order that the “conception” of the Jewish people could occur, and their eventual “birth” as a unique entity, an “historical personality.” It also becomes clear why the story begins with the phrase, “My father was a fugitive Aramean,” which bears no direct connection to the Exodus at all. The person bringing his first fruits begins his declaration not with the Exodus from Egypt, but a biography of this “nation-subject” and, most important, of his place in it as an individual.

In Egypt, the nation of Israel gradually becomes “a great and very populous nation.” In biographical terms, this is a description of pregnancy.

The Egyptians dealt harshly with us and oppressed us; they imposed heavy labor upon us: That is, for Egypt, this “pregnancy” was undesirable. Although Egypt at first welcomed it (which they expressed by inviting Jacob and his family to settle in their country), the Egyptian attitude in this regard later changed dramatically.

⁴⁹ See the *Bible Dynamics* commentary on the book of Exodus, § 2.5.

(7) We cried to the Lord, the God of our fathers, and the Lord heard our plea: This “birth” could not have happened solely by natural means. It required Divine intervention.

(8) The Lord freed us from Egypt by a mighty hand, by an outstretched arm and awesome power, and by signs and portents: The ten plagues visited upon Egypt were the birth pangs. When in the human birth process the “water breaks,” this signals the beginning of the actual birth. And likewise, in the birth of the Jewish nation, this is what the splitting of the waters of the Sea of Reeds symbolized.

(9) He brought us to this place: After birth, the Jewish people were sent to school to study: they received the Torah on Mount Sinai. But here, in the declaration, this critical episode of their national biography is omitted, and the declaration speaks immediately of coming to the land. That is, the “marriage” of the Jewish people to the Land of Israel.

Neither Moses nor Pharaoh is mentioned at all (not even by allusion; cf. Num. 20:16: “We cried to the Lord and He heard our plea, and He sent a messenger who freed us from Egypt”). Pharaoh was an insignificant element in the big picture, and Moses is not mentioned in order to emphasize the Almighty’s leadership as key, not Moses’ role. (For the same reason, the role that Moses played in the Exodus from Egypt is not mentioned anywhere in the Passover Haggadah.)

The giving of the Torah at Sinai is omitted in the declaration of the *bikkurim*, because it is only an “implementation detail” in the exodus from Egypt and the nation’s larger history. The purpose of the Exodus from Egypt was not the giving of the Torah, but possessing of the Land of Israel. The Torah had to be given at Sinai only because living properly in the land would have been impossible without it.

There is another reason why the nation preferred not to remember their “school days,” which we can better understand by referring to our own personal experience. When we reminisce on our school days, it is not the actual lessons and subjects we learned at school that are most vivid in our memory. Rather, we mostly remember our schoolmates and the pleasure of socializing with them. At Mount Sinai, however, the Jewish people had no such “schoolmates.” No one wanted to receive the Torah with us. The Midrash tells how the Torah was offered to all the

members of Abraham's family.⁵⁰ All the descendants of Edom, Ishmael, Moab, and Ammon, were invited to enroll in this "school," but every one of them declined, each for its own reason. Ultimately, the Jewish people studied at this school all alone.

Loneliness is a trauma that no one wants to relive. Therefore, in their "official biography," the Jewish people choose to glance over the memories of their school days. It was hard without friends. We could go so far as to suggest that the problems that arose in the process of giving the Torah were rooted in just that trauma of loneliness.

We note in passing that this midrash is often misunderstood to be saying that if another people had agreed to receive the Torah, God would then have given it to them, and not to the Jewish people. But that is not what the Midrash means. If any other nation had agreed to accept the Torah, they would have received it along with the Jews, not instead of them. The giving of the Torah to the Jewish nation would surely not have been canceled. But the atmosphere would have improved, because a friendly company would have resulted, which always makes learning easier and more pleasant.

Even so, in other situations and contexts the Israel did have friends, even at the national-religious level. One prime example of such a friend was Hiram, the king of Tyre (Phoenicia), who assisted King Solomon very significantly in the building of the Temple. Since without that cooperation the Temple could not have been built, we must take that as a clear indicator of the importance in Jewish history of Israel's national-religious friends and partners.

⁵⁰ See *Bible Dynamics* commentary on the book of Exodus, § 16.2. The Torah was offered to Abraham's descendants and heirs, but not to outsiders, because only those who had inherited the lofty ideals of the Patriarchs had the capacity to accept the laws of the Torah, which are a superstructure built on top of those ideals.

§ 21.7. THE DECLARATION OVER THE TITHES (26:12-15)

יב כִּי תִכְלֶה לֶעָשׂר אֶת-כָּל-מַעֲשֶׂר תְּבוּאָתְךָ בַּשָּׁנָה הַשְּׁלִישִׁת שָׁנָה
הַמַּעֲשֶׂר וְנָתַתָּה לְלוֹי לֶגֶר לִיתּוֹם וְלֹאֲלִמָּנָה וְאָכְלוּ בְשַׁעְרֶיךָ וְשָׁבְעוּ:
יג וְאָמַרְתָּ לִפְנֵי יי אֱלֹהֶיךָ בְּעֶרְתִּי הַקֹּדֶשׁ מִן-הַבַּיִת וגַּם נָתַתִּי לְלוֹי
וְלֶגֶר לִיתּוֹם וְלֹאֲלִמָּנָה כָּכָל-מִצּוֹתְךָ אֲשֶׁר צִוִּיתָנִי לֹא-עָבַרְתִּי מִמִּצְוֹתֶיךָ
יד וְלֹא שָׁכַחְתִּי: יד לֹא-אֲכַלְתִּי בְּאֵזִי מִמֶּנּוּ וְלֹא-בְעֶרְתִּי מִמֶּנּוּ בְטָמֵא וְלֹא-
נָתַתִּי מִמֶּנּוּ לָמֶת שְׁמַעְתִּי בְּקוֹל יי אֱלֹהֵי עֲשִׂיתִי כָכָל אֲשֶׁר צִוִּיתָנִי:
טו הַשְׁקִיפָה מִמַּעֲוֹן קֹדֶשְׁךָ מִן-הַשָּׁמַיִם וּבִרְךָ אֶת-עַמְּךָ אֶת-יִשְׂרָאֵל
וְאֵת הָאָדָמָה אֲשֶׁר נָתַתָּה לָנוּ כְּאֲשֶׁר נִשְׁבַּעְתָּ לְאַבְרָהָם וְאֶרֶץ זָבַת
חֶלֶב וְדָבָשׁ:

(12) 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,

(13) 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:

(14) I have not eaten of it while in mourning, I have not cleared out any of it while I was unclean, and I have not deposited any of it with the dead. I have obeyed the Lord my God; I have done just as You commanded me.

(15) Look down from Your holy abode, from heaven, and bless Your people Israel and the soil You have given us, a land flowing with milk and honey, as You swore to our fathers.”

(12) In the third year, the year of the tithe: These are the two “third years” of the tithing cycle, i.e., the third and sixth years of the seven-year *Shemittah* cycle.

The seven-year cycle of tithing has been explained earlier (Deut. 14:22-29).⁵¹ Two tithes are separated from the harvest each year, except in the seventh year, the *Shemittah* year, in which the fields are not cultivated, and the harvest belongs equally to everyone. In that seventh year no tithes are separated at all.

In each of the other six years of the seven-year cycle, the first of the two tithes separated is always given to the Levites. The formal name of this tithe is in fact *ma'aser rishon*, "first tithe." But the second tithe of each year's pair varies according to the year, as follows.

The six non-*Shemittah* years of the cycle are divided into two subdivisions of three years each: years 1-2-3 and years 4-5-6. In years 1, 2, 4, and 5, "second tithe" is separated. The landowner eats that tithe with his family at the Temple. But in years 3 and 6, the second of the two tithes separated is "the tithe of the poor," given, as its name indicates, as a gift to the poor and the needy. It is these years – years 3 and 6 in the cycle – that this verse calls "the year of the tithe." In the other years the landowner gives ten percent to the Levites, and eats the second ten percent himself. But in these two years he gives tithes to the Levites and the poor, totaling a full twenty percent.

Like the bringing of the *bikkurim*, the first fruits, the separation of the tithes requires a declaration of its own, the text of which the Torah will soon specify (Deut. 26:13-15).

Strictly speaking, and as concerns the sequence of presentation, the commandment to recite a declaration when tithes are separated should have been stated immediately after the commandment of the actual separation of those tithes themselves. In other words, this passage should have been located in the Torah in weekly portion *Re'eh*, at the end of Deuteronomy 14. But the sequence of the passages has been "re-arranged," as it were, placing the declaration instead in this weekly portion *Ki Tavo*. A little later we shall discuss the reason for this "relocation."

When you have set aside in full the tenth part of your yield ... and have given it: The third and sixth years of the seven-year cycle

⁵¹ See the *Bible Dynamics* commentary on the book of Deuteronomy, § 12.3 above.

were the years for “clearing out from the house” (Deut. 26:13) all tithes not cleared out for whatever reason in the previous years. The landowner, as he separated the prescribed tithes each year, had the option of storing them at home, while waiting for an opportunity to give them to a suitable Levite or needy individual. But by the end of the third and sixth years, all previously “consecrated” tithes had to be cleared out and given to their rightful recipients.

To the Levite, the stranger, the fatherless, and the widow: The Levites received tithes annually because they were engaged in important social work: preserving and teaching the tradition, and supporting the activities of the *kohanim*, the priests, in the Temple. The poor, however, received their tenth (a fairly significant portion) only once every three years. This was intentional, to avoid a situation where the poor, if accustomed to receiving a sizeable endowment each and every year, would become overly dependent on that distribution, and not try to supplement it by performing work useful to themselves and to society.

That they may eat their fill in your settlements: The poor receive their tithe only in the third and sixth years, of which they then “eat their fill in your settlements.” In years 1, 2, 4, and 5, the landowner and his family eat their “second tithe” at the Temple, as explained previously.

(13) You shall declare before the Lord your God: The text of the declaration over the tithes appears in this verse and the two that follow. This declaration was made in the Temple.

“I have cleared out the consecrated portion from the house: The tithes separated from the harvest are considered holy, because they are separated in fulfillment of a commandment of the Torah.

And I have given it to the Levite, the stranger, the fatherless, and the widow, just as You commanded me: Here the Torah emphasizes the correct order for separating the tithes. The landowner must keep each tithe distinct. He must not separate from one type of crop to fulfill the tithing obligation of a different crop, nor may he tithe from the crop of the current year to fulfill an earlier year’s tithing obligation.

I have neither transgressed nor neglected any of Your commandments: The Hebrew here for “nor neglected” is *ve-lo shachachti*, literally, “I have not forgotten.” The declarer is saying: besides not violating any commandment deliberately, I have also made every effort to remember all my obligations, so as not to violate them out of simple forgetfulness.

(14) I have not eaten of it while in mourning: This refers to the “second tithe,” which the landowner himself eats together with his family at the Temple. Bringing one’s family to the Temple must always be a joyful event. If a family member has died, which would mean that the owner of the tithe to be separated was in mourning, he must postpone coming to the Temple until a later time.

I have not cleared out any of it while I was unclean: The tithe that goes to the Temple must be free of any ritual impurity. Therefore, if the owner is himself unclean, he must not occupy himself with tithes at that time.

And I have not deposited any of it with the dead: Literally, “And I have not given of it to the dead.” Showing proper respect to the dead and assuring that the dead are buried with dignity and in timely fashion are precepts of paramount importance in the Torah. But even so, produce separated as tithes must not be used for that purpose.

The general principle here is that all three of these conditions – mourning for the dead, ritual uncleanness, and burial – are associated with death, while the tithes are closely related to the Temple, which represents, above all else, a person’s connection to life. Temple functions must therefore be always kept distinct from anything that relates to death.

I have obeyed the Lord my God; I have done just as You commanded me: That is, I have been ever mindful of the overall meaning and spirit of the commandments, and I have also observed their specific provisions.

(15) Look down from Your holy abode, from heaven, and bless Your people Israel and the soil You have given us, a land flowing with milk and honey, as You swore to our fathers”: In this concluding verse of the declaration over the tithes, the person reciting it says, as

it were, to God: “We have fulfilled everything you have commanded us. Do, You, then, likewise: fulfill all Your promises, to bless us, Your people, Your land, and our harvest. Compensate us for supporting the needy by making our land a ‘land flowing with milk and honey.’ ”

§ 21.8. THE DECLARATION OVER THE SEPARATION OF TITHES AS A CONFESSION

The Talmud calls the passage recited over the giving of tithes *vidduy*, “confession,” a noun derived from the same root as the verb *ve-hitvaddah*, in connection with Yom Kippur, the Day of Atonement: “Aaron shall lay both his hands upon the head of the live goat and confess over it all the iniquities and transgressions of the Israelites” (Lev. 16:21). But in this passage there is no confession of sins. On the contrary, the person bringing the tithes proclaims that he has not violated anything! Why, then, is this recitation called *vidduy*, confession? And, more generally, why does the Torah require this person to proclaim before the Almighty that he has been principally well-behaved, and not violated any commandment or neglected any obligation?

This declaration has an obvious pedagogical meaning. A person who is aware well in advance that he will have to recite this text before God will be careful avoid any deception in the separation of his tithes. In other words, this declaration functions as an oath. But this still does not explain why it is called a “confession.”

Rabbi Abraham Isaac Kook proposes the following explanation:

Needless to say, a person’s service to God must be rooted in huge measure in the obligation to do good, in the pursuit of holiness in every thought and action, and in the constant correction of one’s attitudes and spiritual characteristics. The righteous are inclined to view themselves critically, and to believe that their charity and good deeds are not enough. Even so, an ordinary person must not allow such harshness to influence him excessively, to the point where it disturbs his equilibrium and deprives him of his peace of mind.

Therefore, the Torah has given every individual the opportunity to feel encouraged and inspired, enabling him to rejoice by speaking about the good deeds that he has done. This helps him to strengthen his heart in his service to the Almighty, which brings him joy, peace, and satisfaction. It is essential that in those aspects of his life where he performs his duties satisfactorily, he will not see himself as a failure, or even as a villain, as it were, for never doing enough.

Just as there is great benefit to person in confessing his sins for the correction of the soul, conversely there is also much benefit to him in “confessing his fulfillment of the commandments,” so that his heart will rejoice, and he will be strengthened in following the Godly path.

The various obligations that the bearer of the tithes mentions in his “confession” include every type of duty as required by the Torah and by sound reason: positive commandments and prohibitions, obligations of the community and of the individual, commandments that are “between man and God,” and those “between man and man.” Thus, tithing in its diverse aspects encompasses every fundamental human obligation. In requiring a person to recite the “confession over the tithes,” the Torah affords him the positive impulse that enables him to avoid judging himself too strictly, believing that he has been insufficiently attentive to his duties, when in fact he has fulfilled them adequately and even admirably. Rather, the Torah wants him to judge himself truly and accurately, to be always fully aware of his good deeds, and to find comfort and joy in them.

Therefore, just as we need a “confession of sins” to turn us from wrongful paths and get us back on track, we likewise need a “confession of observance” to strengthen our hearts in following the Divine paths when we are already doing so.

§ 21.9. TWO COMMANDMENTS THAT REQUIRE RECITING A DECLARATION

We have noted earlier that the “confession of tithes” appears in the Torah in the “wrong” place, as it were. We would have expected it to be stated immediately after the commandment, “Every third year you shall bring out the full tithe of your yield of that year, but leave it within your settlements” (Deut. 14:28-29).

It is reasonable to suppose that this rearrangement of texts was done so that the two declarations – over the first fruits and over the tithes – would appear consecutively. Both of these texts are recited in the Temple, and they can be seen as complementary – the blessings that God bestows, and our response to those blessings.

In the declaration over the *bikkurim*, the first fruits, the landowner expresses his personal gratitude to the Almighty. On behalf of the entire nation, he proclaims that God has fulfilled His commitments under the Covenant with Israel in every respect. The first fruits mark the beginning of the harvest. In that declaration the person refers to the earliest eras in the nation’s collective biography and offers an historical retrospective.

In the tithing confession there is a retrospective of this person’s private actions and attitudes: “I have not eaten of it while in mourning, I have not cleared out any of it while I was unclean, and I have not deposited any of it with the dead. I have obeyed the Lord my God; I have done just as You commanded me.” He talks about his obligations and affirms that he had made proper use of all Divine gifts. On that basis, he asks for God’s blessings.

These declarations complement each other and are a fitting conclusion to Moses’ discourse on the Torah’s practical commandments. They are aimed at protecting Jewish landowners from enslavement to agriculture, so that they can see their work as something more than feeding their hungry mouths. Each successive harvest must serve to extend and deepen the individual’s relationship and dialogue with God.

Among all the commandments of the Torah, only these two require the recitation of a prescribed text. Apparently, the Torah chose these commandments for reciting the declaration (which served also, in later eras, as concrete examples for composing the Jewish prayers), because

they pertain to the “first” fruits and the “final” tithes. Thus, we can see them as embracing the totality of human activity. At the onset of an undertaking, it is important to establish a general idea of the relationships. And at its conclusion, to summarize the outcome and to petition for further blessings.

§ 21.10. CONCLUDING THE FRAMEWORK OF THE TORAH’S COMMANDMENTS (26:16-19)

טז הַיּוֹם הַזֶּה יִי אֱלֹהֶיךָ מִצְוָה לַעֲשׂוֹת אֶת־הַחֻקִּים הָאֵלֶּה וְאֶת־
הַמִּשְׁפָּטִים וְשִׁמְרַת וְעִשִּׂית אֹתָם בְּכָל־לִבְּךָ וּבְכָל־נַפְשְׁךָ: יז אֶת־
יִי הָאֱמֶרֶת הַיּוֹם לְהִיוֹת לְךָ לֵאלֹהִים וּלְלַכֵּת בְּדַרְכָּיו וּלְשַׁמֵּר חֻקָּיו
וּמִצְוֹתָיו וּמִשְׁפָּטָיו וּלְשַׁמֵּעַ בְּקוֹל: יח וַיִּי הָאֱמִירָךְ הַיּוֹם לְהִיוֹת לֹא לְעַם
סֻגְלָה כְּאִשֶּׁר דִּבֶּר־לְךָ וּלְשַׁמֵּר כָּל־מִצְוֹתָיו: יט וְלִתְתֶנְךָ עֲלִיּוֹן עַל כָּל־
הַגּוֹיִם אֲשֶׁר עָשָׂה לְתַהֲלֶה וּלְשֵׁם וּלְתַפְאֶרֶת וּלְהִיתֶךָ עַם־קֹדֶשׁ לַיִי
אֱלֹהֶיךָ כְּאִשֶּׁר דִּבֶּר:

(16) The Lord your God commands you this day to observe these laws and rules; observe them faithfully with all your heart and soul.

(17) 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.

(18) And the Lord has affirmed this day that you are, as He promised you, His treasured people who shall observe all His commandments,

(19) 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.

(16) The Lord your God commands you this day to observe these laws and rules; observe them faithfully with all your heart and soul: Even before the Giving of the Torah, i.e. before any of the commandments had been expounded (Exod. 19), Moses highlighted the

fundamental principles that underly the relationship between God and His people. And here, as Moses concludes that exposition of the commandments, he repeats those principles once more.

This day: These words are spoken when entry into the Land of Israel is imminent. Only from this day onward does observance of the commandments acquire their full meaning. Everything up to this point was only the preparation, but not an actual fulfillment in the full sense of the word. The commandments have been given as the national law of the people of Israel in their new land.

(17) You have affirmed this day that the Lord is your God: An alternate translation is, “You have exalted God this day, that He may be your God.” When the Jewish people in their land accept the Almighty as their God, they exalt Him, because only then is the Almighty known to mankind as “the God of Israel.”

That you will walk in His ways: This is the correction and improvement of the soul – inculcating Divine qualities in every individual. As God is merciful, so must we too be merciful, and so on.

That you will observe: Only after the principle of correcting the qualities of the soul has been mentioned, the observance of the commandments follows.

His laws and commandments and rules: These are the various categories of commandments that God requires His people to observe.

And that you will obey Him: Literally, “And to listen to His voice.” This means understanding what God is actually saying. At the very highest level, this refers to prophecy, which in the coming centuries would become a widespread phenomenon among the Jewish people.

The following are the steps on a person’s spiritual ladder that he must climb.

- First, the Lord must become his God. This is achieved through the Almighty’s communication with His people in His land.
- Then, the qualities of the soul must be corrected.
- After that comes observing the commandments.
- At that point, a person can finally hear and understand the word of God.

(18) And the Lord has affirmed this day: As in Deut. 26:17 above, an alternate translation here is, “The Lord has exalted you this day.” I.e., this day when you enter the Land of Israel.

That you are, as He promised you, His treasured people who shall observe all His commandments: The Jewish people have two predetermined missions by which they become exalted: being God’s chosen people, and realizing the Divine law in their lives. These two purposes are not coincident, but complementary.

His treasured people: God cares about all of mankind, and all people are important to Him (as emphasized in the next verse, which speaks of “all the nations that He has made”). But in order for humanity to rise to a new stage of development, God needs an assistant in the form of His chosen people. Jewish chosenness, i.e., the mission that the Jewish people received on Mount Sinai, is to bring the Divine light to mankind.

(19) And that He will set you, in fame and renown and glory, high above all the nations that He has made: The Almighty created all nations, and all people are His children. But spiritually, the nation of Israel must be the leader for all the rest.

In fame and renown and glory: Israel must lead, in order to bring fame, renown, and glory to the world.

And that you shall be, as He promised, a holy people to the Lord your God: Holiness is the instrument through which one approaches God. The Jewish people must be holy for themselves and for all of mankind.

§ 22. BLESSINGS AND CURSES ON MOUNT GERIZIM AND MOUNT EBAL

§ 22.1. WRITING THE TEACHINGS ON STONES AT THE CROSSING OF THE JORDAN (27:1-8)

א וַיֵּצֵא מֹשֶׁה וְזִקְנֵי יִשְׂרָאֵל אֶת־הָעָם לֵאמֹר שְׁמֹר אֶת־כָּל־הַמִּצְוָה אֲשֶׁר
אֲנִי מַצְוֶה אֹתְכֶם הַיּוֹם: ב וְהָיָה בַּיּוֹם אֲשֶׁר תַּעֲבְרוּ אֶת־הַיַּרְדֵּן אֶל־
הָאָרֶץ אֲשֶׁר־יִי אֱלֹהֶיךָ נָתַן לָךְ וְהִקְמַתָּ לָךְ אֲבָנִים גְּדֹלוֹת וְשִׁדַּת אֹתָם
בְּשֵׁיד: ג וְכָתַבְתָּ עֲלֵיהֶן אֶת־כָּל־דִּבְרֵי הַתּוֹרָה הַזֹּאת בְּעֵבֶרֶךָ לְמַעַן
אֲשֶׁר תִּבְּא אֶל־הָאָרֶץ אֲשֶׁר־יִי אֱלֹהֶיךָ | נָתַן לָךְ אֶרֶץ זָבַת חֶלֶב וְדִבֹּשׁ
כְּאֲשֶׁר דִּבֶּר יִי אֱלֹהֵי־אֲבֹתֶיךָ לָךְ: ד וְהָיָה בְּעֵבֶרְכֶם אֶת־הַיַּרְדֵּן תִּקְיִמוּ
אֶת־הָאֲבָנִים הָאֵלֶּה אֲשֶׁר אֲנִי מַצְוֶה אֹתְכֶם הַיּוֹם בְּהָר עֵיבֹל וְשִׁדַּת
אוֹתָם בְּשֵׁיד: ה וּבָגִיתָ שָׁם מִזִּבְחַ לִי אֱלֹהֶיךָ מִזִּבְחַ אֲבָנִים לֹא־תִנֶּה
עֲלֵיהֶם בְּרֹזֶל: ו אֲבָנִים שְׁלֵמוֹת תִּבְנֶה אֶת־מִזְבְּחַ יִי אֱלֹהֶיךָ וְהָעֹלִית
עָלָיו עֹלֹת לִי אֱלֹהֶיךָ: ז וְזִבַּחְתָּ שְׁלָמִים וְאִכְלַתָּ שָׁם וְשִׂמַּחְתָּ לִפְנֵי
יִי אֱלֹהֶיךָ: ח וְכָתַבְתָּ עַל־הָאֲבָנִים אֶת־כָּל־דִּבְרֵי הַתּוֹרָה הַזֹּאת בָּאָר
הַיֵּטֶב:

(27:1) Moses and the elders of Israel charged the people, saying:
Observe all the Instruction that I enjoin upon you this day.

(2) As soon as you have crossed the Jordan into the land that
the Lord your God is giving you, you shall set up large stones.
Coat them with plaster

(3) and inscribe upon them all the words of this Teaching. When you cross over to enter the land that the Lord your God is giving you, a land flowing with milk and honey, as the Lord, the God of your fathers, promised you –

(4) upon crossing the Jordan, you shall set up these stones, about which I charge you this day, on Mount Ebal, and coat them with plaster.

(5) There, too, you shall build an altar to the Lord your God, an altar of stones. Do not wield an iron tool over them;

(6) you must build the altar of the Lord your God of unhewn stones. You shall offer on it burnt offerings to the Lord your God,

(7) and you shall sacrifice there offerings of well-being and eat them, rejoicing before the Lord your God.

(8) And on those stones you shall inscribe every word of this Teaching most distinctly.

(27:1) Moses and the elders of Israel charged the people: Here Moses and the elders together command the people. As the nation approaches the Land of Israel, there is a decentralization of political and spiritual leadership.

In the wilderness, Moses was the sole channel of Divine revelation. But now that the nation is about to cross the Jordan, the elders as well participate in the transmission of the commandments – revelation comes also through them. Similarly, as we approach the Messianic era every individual becomes a channel of communication with Heaven. Anyone who has heard God's voice (above, Deut. 26:17) will need no teacher, for he will himself be a source of Divine revelation. This is the Messianic ideal, as the prophet Jeremiah says: "No longer will they need to teach one another and say to one another, 'Heed the Lord'; for all of them, from the least of them to the greatest, shall heed Me – declares the Lord" (Jer. 31:34). By independently grasping the meaning of God's word, a person is able to communicate to others his own understanding, and to learn theirs from them. This relationship is peer-to-peer, not a teacher-student relationship.

The path to this decentralization of leadership begins at the crossing of the Jordan. The initial giving of the Torah is now complete, and the advancement to the Messianic age begins immediately. The level of the sages is in constant decline, while the level of the people is ever rising. By the time the Messianic era arrives, those two will be equalized, and the hierarchical system of leadership will be completely abolished.⁵²

Saying: Observe all the Instruction that I enjoy upon you this day: The commandments themselves have all been transmitted by Moses previously. But now they are being formalized into a covenant. Immediately upon entering the Holy Land the people had to renew their Covenant with the Almighty, and that renewal is described below.

(2) As soon as you have crossed the Jordan into the land that the Lord your God is giving you: What follows is a discussion of “the Torah for the peoples of the world.” It is at such moments in history, when momentous events are taking place, that the peoples of the world are able to receive the Torah.

You shall set up large stones: In most cultures of the ancient world it was customary to mark a major event by erecting a large monolith, pillar, or obelisk. The sheer size of that monument would symbolize and inspire awe.

Stones: In the story of Jacob (Gen. 35:14) we learn that Jacob erected a *matzeivah*, a stone pillar, as was the common practice for cult worship. But in this book of Deuteronomy (16:22), erecting such a stone pillar, or “cult stone,” has been explicitly prohibited. Rather, an altar must consist of not just one but many stones (cf. Exod. 20:22).

The meaning of this change is that a *matzeivah*, being a monolith, symbolizes service to the Almighty through only one of His qualities, which was the approach adopted by the Patriarchs. But later, after the nation had become numerous and diverse, full service to the Almighty could be implemented only through a “unity of values,” as symbolized by an altar consisting of many stones.

⁵² For more on the relationship between the concept of *chutzpah* and Messianic age, see the *Bible Dynamics* commentary on the book of Numbers, § 7.1.

Coat them with plaster: An inscription is easier to write and read on plaster, which heightens the contrast, so that the writing stands out more sharply. It attracts attention and is more legible. Immediately before the conclusion of the covenant, the people had to see the text written on the stones. Of course, a text carved into the stone itself would be much more durable and long-lasting. But the intent was to convey that the people's understanding of what was written there, and their living observance of it, was far more important than the mere durability of the inscription itself.

(3) And inscribe upon them all the words of this Teaching when you cross over: The people must write all those words. At the giving of the Torah at Sinai, God Himself inscribed the commandments onto the two stone tablets. But now it is the people who must write them. In the original covenant the people were passive, but now, in the process of the covenant's renewal they become increasingly more active. Their active participation enables them to fully and truly accept the renewed covenant.

To enter the land that the Lord your God is giving you, a land flowing with milk and honey, as the Lord, the God of your fathers, promised you: As they are about to cross into the Land of Israel, the people sign the contract, as it were – the terms of the covenant that specify the conditions for taking possession.

(4) Upon crossing the Jordan, you shall set up these stones, about which I charge you this day, on Mount Ebal, and coat them with plaster: These stones are to be set up on Mount Ebal, and plastered there. (For a discussion of the actual location of Mount Ebal, see the *Bible Dynamics* commentary on Deut. 11:30 earlier in this book.)

(5) There, too, you shall build an altar to the Lord your God, an altar of stones. Do not wield an iron tool over them: The prohibition of using iron to hew the stones of the altar was stated earlier in the Torah (Exod. 20:22, see our commentary there).

(6) You must build the altar of the Lord your God of unhewn stones: Here the Torah also requires constructing an altar of many stones, which symbolizes the diversity of the people. Moreover, these stones must remain unhewn – each element among the people must

remain as is, with its own character and its own individuality. The word *shalem*, “whole, unhewn” is closely related to *shalom*, “peace.” Only by preserving the individuality of every element of the nation can peace be achieved among them.

(6-7) You shall offer on it burnt offerings to the Lord your God, and you shall sacrifice there offerings of well-being and eat them, rejoicing before the Lord your God: Burnt offerings (*olot*) and offerings of well-being (*shelamim*) are the two types of sacrifices that were to be offered at the conclusion of the covenant. Burnt offerings symbolize awe before God, the need to remain apart from Him, while the offerings of well-being (literally, “peace offerings”), on the contrary, symbolize loving God and drawing near to Him, and a show of gratitude upon entering the land.

Here we see also a parallel between the two types of sacrifices and the two characteristics of the stones. The large stones symbolize trembling before God and fear of Him, which is analogous to the burnt offerings, while the fact that they are whole, *shalem*, is associated with *shelamim*, “peace offerings,” which symbolize love.

(8) And on those stones you shall inscribe every word of this Teaching: Opinions differ as to whether the entire Torah was to be written on these stones, or only this book of Deuteronomy.

Most distinctly: There are two possible readings here:

- (i) “Write those words distinctly”: the Midrash understands this as requiring that the Torah be inscribed on those stones in all the seventy languages of the peoples of the world. From this moment the dissemination of the Torah among all of humanity begins.
- (ii) “The meaning of what is written shall be clear and distinct to you”: these verses connect the altar with the Torah – the Torah is written on the stones of the altar. After the people become settled in the Land of Israel, they will build an altar, on which they will bring burnt offerings and peace offerings, thus directing their lives to the Almighty, and they will rejoice before the Lord, their God. Only then will the words of the Torah – embodied by life experience in the Land of Israel – become clear to them.

In other words, the five books of the Torah will acquire further clarity only through the Tanach – the other nineteen books of the Jewish Scriptures. Without those, the Torah is incomprehensible. This is why the nations of the world could not receive the Torah at Sinai when it was given from Heaven to Israel. The nations could take the Torah for themselves only when, in the course of history, the five books of the Torah were extended to become the twenty-four books of the Tanach. The crossing of the Jordan was itself how the Torah was translated into seventy languages, so that the nations could comprehend it.

§ 22.2. THE RENEWAL OF THE COVENANT AT GERIZIM AND EBAL (27:9-14)

ט וַיְדַבֵּר מֹשֶׁה וְהַכֹּהֲנִים הָלְוִיִּם אֶל כָּל־יִשְׂרָאֵל לֵאמֹר הַסְכֵּת | וּשְׁמַע
יִשְׂרָאֵל הַיּוֹם הַזֶּה נִהְיִיתָ לְעָם לַיְי אֱלֹהֶיךָ: י וּשְׁמַעְתָּ בְּקוֹל יְיָ אֱלֹהֶיךָ
וַעֲשִׂיתָ אֶת־מִצְוֹתָיו וְאֶת־חֻקָּיו אֲשֶׁר אֲנֹכִי מְצַוֶּךָ הַיּוֹם: יא וַיֵּצֵא מֹשֶׁה
אֶת־הָעָם בַּיּוֹם הַהוּא לֵאמֹר: יב אֵלֶּה יַעֲמְדוּ לְבִרְךְ אֶת־הָעָם עַל־הַר
גֵּרְזִים בְּעֶבְרָתְכֶם אֶת־הַיַּרְדֵּן שְׁמַעוֹן וְלֵוִי וַיהוּדָה וַיִּשְׁשָׁכָר וַיֹּסֶפֶר וּבִנְיָמִן:
יג וְאֵלֶּה יַעֲמְדוּ עַל־הַקְּלָלָה בְּהַר עֵיבָל רְאוּבֵן גָּד וַאֲשֶׁר וּזְבֻלֹן דָּן
וְנַפְתָּלִי: יד וְעָנוּ הָלְוִיִּם וַאֲמָרוּ אֶל־כָּל־אִישׁ יִשְׂרָאֵל קוֹל רֶם:

(9) **Moses and the levitical priests spoke to all Israel, saying: Silence! Hear, O Israel! Today you have become the people of the Lord your God:**

(10) **Heed the Lord your God and observe His commandments and His laws, which I enjoin upon you this day.**

(11) **Thereupon Moses charged the people, saying:**

(12) **After you have crossed the Jordan, the following shall stand on Mount Gerizim when the blessing for the people is spoken: Simeon, Levi, Judah, Issachar, Joseph, and Benjamin.**

(13) **And for the curse, the following shall stand on Mount Ebal: Reuben, Gad, Asher, Zebulun, Dan, and Naphthali.**

(14) The Levites shall then proclaim in a loud voice to all the people of Israel:

(9) Moses: The Torah transitions now to its description of the procedure for affirming the covenant, the ceremony that is to be held on Mount Gerizim and Mount Ebal. The covenant itself, however, was already mentioned earlier (Deut. 11:26-32; for discussion on the essence of the covenant, see the commentary there).

In the description of the ceremony on Gerizim and Ebal, blessings and curses are very prominent. But the renewal of the covenant itself is based on the acceptance of the Torah, which is written on stones, while the blessings and curses only accompany the procedure, in order to establish every individual's full responsibility for observing and preserving the covenant.

Moses and the levitical priests: Here the Torah does not say, "the priests and the Levites," but "the levitical priests," literally, "the priests, the Levites." I.e., the priests, who are of the tribe of Levi. In this book of Deuteronomy the priests are rarely mentioned as such. And, in fact, they are even sometimes called, simply, "Levites" (Deut. 27:14). This is because of the general orientation of the book of Deuteronomy, which sees the priesthood as extending to the entire nation (see the commentary on the commandment of tithes, Deut. 14:23 ff., and the commandment to offer the firstborn of livestock, Deut. 15:19 ff.).

Moses and the levitical priests spoke to all Israel: Here the levitical priests speak, announcing the renewal of the covenant. It is they who play the dominant role throughout this renewal ceremony on Mount Gerizim and Mount Ebal.

Above, concerning the commandment that the Torah was to be written on stones, it was the elders who spoke with Moses to Israel, because their function was to bring the Torah to the peoples of the world through the unfolding of Jewish history.

But here, Moses and the levitical priests speak to Israel. Because the blessings and the curses for crimes committed in secret are associated with the fear of the Almighty, they are recited by the representatives of the Temple.

Silence! Hear, O Israel! Today you have become the people of the Lord your God: An alternate translation is: “Today you have become a nation to the Lord your God.” Israel was already a nation even while they were slaves in Egypt. Later, their status changed in the course of the Exodus and the giving of the Torah. But here, at long last, Israel becomes “a nation to God” – only today, i.e., as they are about to cross the Jordan into their new land, because the Divine mission of Israel can be fulfilled only in the Land of Israel.

(10) Heed the Lord your God and observe His commandments and His laws, which I enjoin upon you this day: Literally, the first words of this verse translate as, “Listen to the voice of the Lord your God.” Listening and hearing, i.e., understanding, is placed before observance. This corresponds to the general approach of the book of Deuteronomy (see Deut. 5:24 and commentary there on *ve-shama`nu ve-`asinu*, “we shall hear and we shall do,” translated there more freely as “we will willingly do it”).

(11) Thereupon Moses charged the people, saying: “Thereupon” in the Hebrew is *ba-yom hahu*, “on that day.” On that day, on the eve of the crossing of the Jordan, when the people are about to become dispersed across their new land, with many living in isolation, a God-fearing mindset at the personal level becomes especially important, because that is what will prevent each person from violating the Torah’s most serious prohibitions even in secret. The Torah therefore proceeds immediately to “the blessings and curses for those who do good and evil in private.” And that becomes the basis for renewing the covenant upon the people’s arrival in the Land of Israel.

(12) After you have crossed the Jordan, the following shall stand on Mount Gerizim when the blessing for the people is spoken: Gerizim thus becomes “the mountain of blessings.”

Simeon, Levi, Judah, Issachar, Joseph, and Benjamin: Only the descendants of Rachel’s and Leah’s sons stand on Mount Gerizim.

(13) And for the curse, the following shall stand on Mount Ebal: In Deut. 27:12 above, when naming the tribes charged with the blessings on Mount Gerizim, the wording was, *le-varech et ha-`am*, “to bless the nation.” But here, on Mount Ebal, the Torah does not say “to curse,” but

only “for the curse” – to recite the curses, but with no actual intent or expectation that those curses would ever actually be fulfilled.

And for the curse: All the curses of this and the subsequent chapters are part of the “security system” built into the covenant. Any person who breaks the covenant will by virtue of that only bring the curses upon himself.

Reuben, Gad, Asher, Zebulun, Dan, and Naphthali: The tribes who stand on Mount Ebal are associated with the more material side of life, and even more likely with ongoing material support. (The tribe of Joseph, however, although he is associated with material aspects, stood on Mount Gerizim, because he is associated with “material spirituality”).

Apart from Reuben, who was removed from leadership (see Gen. 49:4), and Zebulun, who, according to the Midrash, agreed to share functions with Issachar by pursuing a livelihood instead of studying Torah, only the sons of the maidservants, Bilhah and Zilpah, are here.

As already mentioned, note that they do not actually curse anyone, but only speak of the existence of a curse – that restrictions do exist.

For promoting and advancing in spirituality, the most important things are blessing, expansion, and increase. But conversely, in order to create a material base, it is essential not to violate the fundamental rules, to remain within the realm, and not to cross the boundary of propriety.

Reuben and Gad tend to their vast herds (Num. 32:1), Zebulun is busy with trade (Gen. 49:13), and Dan is the “anarchist” tribe (Gen. 49:16).⁵³ Asher’s problem is gluttony: “Asher’s bread shall be rich, and he shall yield royal dainties” (Gen. 49:20), and Naftali personifies great literature: “He gives goodly words” (Gen. 49:21, alternate translation). Industry, commerce, delicious food, literature – all these are important for living a full life. But they must be kept within limits.

Thus, we must pay most attention to form – structure and discipline – in our daily activities. But for occupying oneself with holiness, it is the content that is most important.

This is expressed also geographically and topographically in the relationship between the two mountains. Gerizim is in the southwest, and

⁵³ See the *Bible Dynamics* commentary on the book of Genesis, § 60.7.

Ebal to the northeast. On Gerizim stood the southern and central tribes, on Ebal the northern and peripheral ones. Life's actual content consists of holiness and blessing, while everyday life with its restrictions surrounds and preserves those from the periphery.

(12, 14) The following shall stand on Mount Gerizim ... Levi ... The Levites shall then proclaim in a loud voice: The tribe of Levi stood on Mount Gerizim, and the priests stood below, perhaps with a small number of Levites helping them in the service of the Ark. However, here they are called not "priests" but "Levites," in accordance with the overall spirit of the book of Deuteronomy (which considers the entire nation of Israel a nation of priests, as explained earlier).

To all the people of Israel: Literally, "to each man of Israel." These curses relate to the secret actions of individuals, not to the social behavior of a group. When a crime is committed openly, society is obliged to confront the violator and stem his negative behavior. But when a crime is committed in secret, only Heaven can achieve that.

The book of Joshua describes how during this ceremonial recitation of blessings and curses the tribes stood on the slopes of the mountain facing one another, and they could hear the priests standing in the center (Josh. 8). Indeed, modern archaeology has determined that topographically this location resembles an amphitheater, with its own special acoustics, such that words proclaimed "in a loud voice" below can be heard all across the slope. Only in such a place could hundreds of thousands of people participate in this kind of ceremony, with all able to hear clearly the entire proceedings. And this also explains the episode recounted in the book of Judges: "When Jotham was informed, he went and stood on top of Mount Gerizim and called out to them in a loud voice. 'Citizens of Shechem!' he cried, 'Listen to me, that God may listen to you' " (Jud. 9:7). Because of the special features of that location, everyone was able to hear him.

§ 22.3. THE RENEWAL OF THE COVENANT
AT THE CROSSING OF THE JORDAN,
AND AGAIN IN FUTURE ERAS

According to the Talmud, the Torah was given four times: first at Sinai, and then in three further “updates”: in the Tabernacle (Lev. 1:1), on the steppes of Moab, and on Mount Gerizim and Mount Ebal.

Those updates were needed for the following reasons:

- In the Tabernacle: the Divine revelation that happened on Mount Sinai, sublime and transcendent, had to be supplemented with a “mundane” version.
- On the steppes of Moab: a new generation, the “generation of the wilderness” had now appeared, who were not a nation of Egyptian slaves, but a people who had grown up as free men.
- On Mount Gerizim and Mount Ebal: the transition from the wilderness to the Land of Israel was now complete. With Moses departing from the stage, the people would begin to live independent lives in their new land.

However, we can also view these as just two stages of the covenant:

- At Sinai and in the Tabernacle: this was the revelation for the generation of the Exodus. It took place on the mountain above, and in the camp below.
- On the steppes of Moab and on Mount Gerizim and Mount Ebal: this was the revelation for the new generation of free men. It took place on both sides of the Jordan – the outer, larger region of the Land of Israel, and its inner, smaller region.

With this view, it also becomes clear why the Torah speaks of only one addendum to the covenant of Sinai: “These are the terms of the covenant which the Lord commanded Moses to conclude with the Israelites in the land of Moab, in addition to the covenant which He had made with them at Horeb” (Deut. 28:6-9). The covenant on the steppes of Moab and the covenant of Mount Gerizim and Mount Ebal are really only two parts of the same covenant.

The ceremony on Mount Gerizim and Mount Ebal is the final renewal of the covenant. In certain respects we can say that it is the complement of the giving of the Torah at Mount Sinai, and even its opposite.

At Sinai the people stood at the foot of the mountain, wary of ascending it (which they had been warned under penalty of death not to do). God spoke to them from the mountaintop, in a blaze of fire. There was thunder and flashes of lightning, “and all the people who were in the camp trembled” (Exod. 19:16). This describes a situation in which the people were compelled by force to receive the Torah.

But on Gerizim and Ebal the situation is different. The people are standing on the mountain, and human voices are heard. It comes from below, from the priests.

Thus, simply put: at Sinai the Torah was given from heaven. But at Gerizim and Ebal, the people receive a thoroughly “terrestrial” Torah.

It is also important to note that the content of the renewal of the covenant is not limited to the blessings and curses, which are only the reward or punishment for observing or violating the commandments of the Torah. The actual content of the renewal of the covenant, as an addition to the Torah that was given at Sinai, is set forth in weekly portion *Nitzavim* which follows this one. And, in a broader sense, in this entire book of Deuteronomy.

The renewal of the covenant is needed in order to fix what “broke” at Mount Sinai – just as often occurs in the treatment of a serious illness that side-effects arise, provoked by the healing process itself, and “supplementary treatment” is then needed to overcome those. The revelation at Mount Sinai was a manifestation of violence. A further, voluntary acceptance of the Torah was required, so that the Torah would emanate from within each individual. This is the challenge that the Land of Israel offers.

Initially, at the ceremony on Mount Gerizim and Mount Ebal, the message was assimilated only at the external level; it did not penetrate into the depths of the people’s souls. But here the goal is specified concretely: the Torah must emanate from within life itself.

This relates to the words of the prophet Jeremiah, which tells how in the future there will be yet another renewal of the covenant:

“See, a time is coming – declares the Lord – when I will make a new covenant with the House of Israel and the House of Judah.

It will not be like the covenant I made with their fathers, when I took them by the hand to lead them out of the land of Egypt, a covenant which they broke, though I espoused them – declares the Lord.

But such is the covenant I will make with the House of Israel after these days – declares the Lord: I will put My Teaching into their inmost being and inscribe it upon their hearts. Then I will be their God, and they shall be My people.

No longer will they need to teach one another and say to one another, “Heed the Lord”; for all of them, from the least of them to the greatest, shall heed Me – declares the Lord” (Jer. 31:30-33).

In seven places in the Torah God enters into a covenant with the Patriarchs – first with Abraham, then with Isaac, and finally with Jacob. None of those stages of the renewal of the covenant cancels the previous ones, but only supplements them.

Then comes the next stage – the covenant at Sinai, which likewise does not cancel the covenant of the Patriarchs, but significantly alters the circumstances. This covenant too is repeatedly updated: in the Tabernacle, on the steppes of Moab, and on Mount Gerizim and Mount Ebal. Moreover, the Torah notes: “These are the terms of the covenant which the Lord commanded Moses to conclude with the Israelites in the land of Moab, in addition to the covenant which He had made with them at Horeb” (Deut. 28:6-9). Thus, this is not the covenant of Sinai, but an addition to it.

Yet another renewal of the covenant took place at the end of the Tanach era, as recounted at the end of the book of Esther.

The “new covenant” of which the prophet Jeremiah speaks will take place in the course of the Messianic process, after Israel’s return to the

Land of Israel from exile, and during the flourishing and expansion of that land, as described in that same chapter of Jeremiah as follows:

“See, a time is coming – declares the Lord – when I will sow the House of Israel and the House of Judah with seed of men and seed of cattle;
And just as I was watchful over them to uproot and to pull down, to overthrow and to destroy and to bring disaster, so I will be watchful over them to build and to plant – declares the Lord” (Jer. 31:26-27).

Thus, the physical return of all the components of the people – Israel and Judah – to their land will provide the foundation that will allow the Jewish people to advance to a higher level of their covenant with God. Moreover, the Torah and its commandments will not be annulled or superseded in any way. Rather, they will feel completely natural to every individual, with no element of external coercion whatsoever.

Rabbi Abraham Isaac Kook’s position on this issue is worthy of note. Rabbi Kook sees Zionism and the building of the modern State of Israel as essential elements of the Messianic process. The departure of the Jewish people from observance of the commandments in the nineteenth and twentieth centuries, says Rabbi Kook, was their protest, as it were, against the “violent” nature of the Sinai covenant. And thus, that move away from observance was a necessary, preparatory stage for the renewal of their covenant with God in the subsequent formation and growth of the State of Israel.

§ 22.4. CURSES AND BLESSINGS (27:15)

טו אָרְוֹר הָאִישׁ אֲשֶׁר יַעֲשֶׂה פֶסֶל וּמַסֵּכָה תּוֹעֵבָת יְיָ מַעֲשֵׂה יָדָיו חָרֵשׁ
וְשֵׁם בְּסֵתֶר וְעָנָו כָּל־הָעָם וְאָמְרוּ אָמֵן:

(15) 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.

In the following passage, twelve consecutive verses all begin with the word *arur*, “cursed be.” There are no corresponding verses, however, beginning with (or even containing) the word *baruch*, “blessed.”

However, the book of Joshua describes in detail how, after crossing the Jordan, the people, under Joshua’s leadership, performed the entire ceremony of the blessings and the curses, as commanded here. We read there (Josh. 8:35): “After that, he read all the words of the Teaching, the blessing and the curse, just as is written in the Book of the Teaching.” The Talmud describes in detail that six tribes climbed to the top of Mount Gerizim, and the other six climbed to the top of Mount Ebal. The priests, the ark, and the Levites assisting them were down in the center, between the two mountains. The priests and Levites first turned their faces to Mount Gerizim and proclaimed the blessing: “Blessed be anyone who does not make a sculptured or molten image,” etc. And all the people responded, “Amen.” Next, they turned to Mount Ebal and proclaimed the corresponding curse: “Cursed be anyone who makes a sculptured or molten image, abhorred by the Lord,” etc. And again all the people responded, “Amen.”

Thus, each of the twelve verses of curse in the passage here actually had a corresponding version, indicating the converse: not a curse, but a blessing for all persons who do not succumb to committing the given crime.

And yet, the Torah text here does not explicitly state that there were two versions, recited alternately. Only the curses are mentioned. It is always the Torah’s way to emphasize the positive side of any situation over the negative. Why then does the Torah here specify only the twelve curses, rather than their corresponding blessings? It is reasonable to assume that with this the Torah is in fact stressing some additional positive aspect that it wants us to bear in mind. Namely, that even these twelve curses are actually blessings for the people of Israel. How so? Because these curses remove such criminals from society, thus protecting and preserving the law-abiding people.

After crossing the Jordan, Israel begins to live as an independent people. Any such people share a mutual responsibility to one another. The covenant with the Almighty incorporates a common, shared responsibility, and not only an individual responsibility. If there are rights at

the national level to the Land of Israel and to a national blessing, then those rights come with a national responsibility as well. Such is the covenant of a nation that assumes mutual responsibility in order to build its life as a unique people.

When an individual commits evil acts, the entire society is held responsible for that. Now, in cases where those evil acts are committed openly, such responsibility is understandable, since society is obliged to prevent the commission of such crimes. But when something unworthy is done in secret, there is no way for society to prevent that and thus to avert the damage it does.

The society therefore curses such villains, thus ejecting from their midst those evildoers who commit such crimes in secret. When such criminals are cursed, the nation as a whole is blessed – just as we might say that a person who “curses” pathogenic microbes is effectively “blessing” human health. By virtue of that, the nation will receive all the blessings soon to be enumerated (see Deut. 28:1 ff.).

§ 22.5. CURSING THOSE WHO VIOLATE THE COMMANDMENTS IN SECRET (27:15-26)

טו אָרֹר הָאִישׁ אֲשֶׁר יַעֲשֶׂה פֶסֶל וּמִסֵּכָה תּוֹעֵבַת יַי מַעֲשֵׂה יָדָיו חָרָשׁ
וְשֵׁם בְּסֶתֶר וְעָנָו כְּלֵהָעָם וְאָמְרוּ אָמֵן: טז אָרֹר מְקַלֵּה אָבִיו וְאָמֵן
וְאָמַר כְּלֵהָעָם אָמֵן: יז אָרֹר מְסִיג גְּבוּל רֵעֵהוּ וְאָמַר כְּלֵהָעָם אָמֵן:
יח אָרֹר מְשַׁגֵּה עוֹר בְּדֶרֶךְ וְאָמַר כְּלֵהָעָם אָמֵן: יט אָרֹר מְטֵה מִשְׁפָּט
גֵּר־יְתוֹם וְאֹלְמָנָה וְאָמַר כְּלֵהָעָם אָמֵן: כ אָרֹר שֹׂכֵב עִם־אִשְׁתּוֹ אָבִיו
כִּי גִלָּה כְּנָף אָבִיו וְאָמַר כְּלֵהָעָם אָמֵן: כא אָרֹר שֹׂכֵב עִם־כָּל־בִּהְמָה
וְאָמַר כְּלֵהָעָם אָמֵן: כב אָרֹר שֹׂכֵב עִם־אֲחִיתּוֹ בֵּת־אָבִיו אוֹ בֵּת־אִמּוֹ
וְאָמַר כְּלֵהָעָם אָמֵן: כג אָרֹר שֹׂכֵב עִם־חֲתָנָתּוֹ וְאָמַר כְּלֵהָעָם אָמֵן:
כד אָרֹר מְכַה רֵעֵהוּ בְּסֶתֶר וְאָמַר כְּלֵהָעָם אָמֵן: כה אָרֹר לֹקֵחַ שֹׁחַד
לְהַכּוֹת גֹּפֶשׁ דָּם נָקִי וְאָמַר כְּלֵהָעָם אָמֵן: כו אָרֹר אֲשֶׁר לֹא־יִקְיָם
אֶת־דְּבָרֵי הַתּוֹרָה־הַזֹּאת לַעֲשׂוֹת אוֹתָם וְאָמַר כְּלֵהָעָם אָמֵן:

(15) 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.

(16) Cursed be he who insults his father or mother. – And all the people shall say, Amen.

(17) Cursed be he who moves his fellow countryman's landmark. – And all the people shall say, Amen.

(18) Cursed be he who misdirects a blind person on his way. – And all the people shall say, Amen.

(19) Cursed be he who subverts the rights of the stranger, the fatherless, and the widow. – And all the people shall say, Amen.

(20) Cursed be he who lies with his father's wife, for he has removed his father's garment. – And all the people shall say, Amen.

(21) Cursed be he who lies with any beast. – And all the people shall say, Amen.

(22) Cursed be he who lies with his sister, whether daughter of his father or of his mother. – And all the people shall say, Amen.

(23) Cursed be he who lies with his mother-in-law. – And all the people shall say, Amen.

(24) Cursed be he who strikes down his fellow countryman in secret. – And all the people shall say, Amen.

(25) Cursed be he who accepts a bribe in the case of the murder of an innocent person. – And all the people shall say, Amen.

(26) Cursed be he who will not uphold the terms of this Teaching and observe them. – And all the people shall say, Amen.

(15) 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: This is not referring to an ordinary idolater. A common idolater brings his idol out into the open for all to see – especially if it is “a craftsman's handiwork,” of which its creator is especially proud. Here, however, the Torah speaks of a person whose outward behavior is impeccable, but who indulges his

idolatrous passions secretly. As already explained, society has no way to prevent this; it can only curse this kind of criminal.

In secret: Although these words appear only once, in this verse, they apply to all the subsequent eleven curses as well.

And all the people shall respond, Amen: Each individual declaration of the priests was answered by the entire people, and not only those who stood on the one mountain or the other.

Shall respond, Amen: *Amen* means “we agree, we accept, so be it.” It is closely related to *emunah*, “faith, belief, trust.”

(16) Cursed be he who insults his father or mother: More precisely, *makleh aviv ve-immo* can be translated as “he who disrespects his father and mother.” This is not an open insult that society can censure and punish, but an affront that happens only inside the home, hidden from the view of outsiders.

(17) Cursed be he who moves his fellow countryman’s landmark: A small movement of a boundary marker is difficult to trace, and is often overlooked. All the more, it is difficult to prove. But if this behavior continues regularly over time, in small increments, its cumulative effect can be a very great loss to the victim.

(18) Cursed be he who misdirects a blind person on his way: The blind man himself has no idea that he has been led down the wrong path, nor is this apparent to onlookers.

“A blind person” needs not be understood only in the literal sense. Tradition extends this prohibition also to cases where a person who is “blind” (i.e., ignorant) in some domain of knowledge is deliberately given faulty advice and thereby led astray, usually to the benefit of the person who is giving the advice.

(19) Cursed be he who subverts the rights of the stranger, the fatherless, and the widow: These are three categories of individuals who have no family behind them to advocate for them and protect them. The legal system can therefore be easily subverted to their disadvantage, and to the full impunity of the perpetrator in the human courts.

(20) Cursed be he who lies with his father’s wife: The full gamut of forbidden sexual relationships is not enumerated here, but only those

that occur in secret, by people who are already living in the same house, such that onlookers from the outside cannot know what relationships are going on there. A father's wife, for example, will often live with the son in the same house, even after the father has died. The forbidden relationship between them is therefore unseen and unknown to the community.

(21) Cursed be he who lies with any beast: It is quite common that a man lives with livestock under one roof – the animals in one room, the man in another. Thus, once again, the situation is completely hidden from outsiders.

(22-23) Cursed be he who lies with his sister ... Cursed be he who lies with his mother-in-law: The crimes listed are committed within a close, confined circle of people, and can therefore be kept secret.

(24) Cursed be he who strikes down his fellow countryman in secret: Were he to kill openly, he would be brought to justice. But it is the man who kills secretly who is cursed, because the people cannot indict and convict him.

(25) Cursed be he who accepts a bribe in the case of the murder of an innocent person: Giving and receiving bribes is always done in secret.

(26) Cursed be he who will not uphold the terms of this Teaching and observe them: The Hebrew actually reads differently: "Cursed be he who will not uphold the terms of this Teaching, in order to observe them." The emphasis here is on the failure to uphold. Society can cope with wanton non-compliance. But this passage describes a person who spreads indifference or even contempt for the fulfillment of the words of the Torah, although he formally violates no commandment himself, nor does he explicitly and publicly speak out against such observance. However, he does it in private sphere, invisible to society, so, he cannot be held accountable in the public sphere. Society therefore curses an individual engaged in such behavior.

§ 22.6. BLESSINGS FOR THOSE WHO OBEY
THE COMMANDMENTS (28:1-14)

א וְהָיָה אִם־שָׁמַעַתְּ בְּקוֹלִי יְיָ אֱלֹהֶיךָ לְשָׁמֵר לַעֲשׂוֹת אֶת־כָּל־
מִצְוֹתַי אֲשֶׁר אֶנְכִּי מְצַוֶּה הַיּוֹם וּנְתַנֶּה יְיָ אֱלֹהֶיךָ עֲלֶיךָ עַל כָּל־גּוֹיֵי
הָאָרֶץ: ב וְבָאוּ עֲלֶיךָ כָּל־הַבְּרָכוֹת הָאֵלֶּה וְהַשִּׁיגְךָ כִּי תִשְׁמָע בְּקוֹל
יְיָ אֱלֹהֶיךָ: ג בְּרוּךְ אַתָּה בָּעִיר וּבְרוּךְ אַתָּה בַּשָּׂדֶה: ד בְּרוּךְ פְּרִי־
בִטְנְךָ וּפְרִי אֲדָמָתְךָ וּפְרִי בְהֶמְתְּךָ שֶׁגֶר אֶלְפֶיךָ וְעִשְׂתָּרוֹת צֹאנְךָ:
ה בְּרוּךְ טָנְאֶךָ וּמִשְׁאֲרֶתְךָ: ו בְּרוּךְ אַתָּה בְּבֹאֶךָ וּבְרוּךְ אַתָּה בְּצֵאתְךָ:
ז יִתֵּן יְיָ אֶת־אֵיבֶיךָ הַקָּמִים עֲלֶיךָ גִּגְפִים לְפָנֶיךָ בְּדֶרֶךְ אַחֲד יֵצְאוּ אֵלֶיךָ
וּבִשְׂבָעָה דְרָכִים יָנוּסוּ לְפָנֶיךָ: ח יָצוּ יְיָ אֱתֶךָ אֶת־הַבְּרָכָה בְּאֶסְמֶיךָ
וּבְכָל מִשְׁלַח יָדְךָ וּבִרְכָּךָ בְּאֶרֶץ אֲשֶׁר־יְיָ אֱלֹהֶיךָ נָתַן לָךְ: ט יְקִימְךָ יְיָ לֹא
לְעַם קָדוֹשׁ כְּאֲשֶׁר נִשְׁבַּע־לָךְ כִּי תִשְׁמָר אֶת־מִצְוֹת יְיָ אֱלֹהֶיךָ וְהִלַּכְתָּ
בְּדֶרֶכָיו: י וְרָאוּ כָּל־עַמֵּי הָאָרֶץ כִּי שָׁם יְיָ נִקְרָא עֲלֶיךָ וַיֵּרְאוּ מִמֶּךָ:
יא וְהוֹתִרְךָ יְיָ לְטוֹבָה בְּפָרִי בִטְנְךָ וּבְפָרִי בְהֶמְתְּךָ וּבְפָרִי אֲדָמָתְךָ עַל
הָאֲדָמָה אֲשֶׁר נִשְׁבַּע יְיָ לְאַבְרָהָם לֵאמֹר לָךְ: יב יִפְתַּח יְיָ לָךְ אֶת־אֹצְרוֹ
הַטּוֹב אֶת־הַשָּׁמַיִם לָתֵת מְטֵר־אֲרָצְךָ בְּעֵתוֹ וּלְבָרֶךְ אֶת כָּל־מַעֲשֶׂה יָדְךָ
וְהִלְוִיתָ גּוֹיִם רַבִּים וְאַתָּה לֹא תִלְוֶה: יג וּנְתַנֶּה יְיָ לְרֹאשׁ וְלֹא לְזָנָב וְהָיִיתָ
רֶק לְמַעַלָּה וְלֹא תִהְיֶה לְמַטָּה כִּי־תִשְׁמָע אֶל־מִצְוֹת יְיָ אֱלֹהֶיךָ אֲשֶׁר
אֶנְכִּי מְצַוֶּה הַיּוֹם לְשָׁמֵר וְלַעֲשׂוֹת: יד וְלֹא תִסּוֹר מִכָּל־הַדְּבָרִים אֲשֶׁר
אֶנְכִּי מְצַוֶּה אֶתְכֶם הַיּוֹם יָמִין וּשְׂמֹאל לְלֶכֶת אַחֲרֵי אֱלֹהִים אֲחֵרִים
לְעַבְדָם:

(28:1) Now, if you obey the Lord your God, to observe faithfully all His commandments which I enjoin upon you this day, the Lord your God will set you high above all the nations of the earth.

(2) All these blessings shall come upon you and take effect, if you will but heed the word of the Lord your God:

(3) Blessed shall you be in the city and blessed shall you be in the country.

(4) Blessed shall be the issue of your womb, the produce of your soil, and the offspring of your cattle, the calving of your herd and the lambing of your flock.

(5) Blessed shall be your basket and your kneading bowl.

(6) Blessed shall you be in your comings and blessed shall you be in your goings.

(7) The Lord will put to rout before you the enemies who attack you; they will march out against you by a single road, but flee from you by many roads.

(8) The Lord will ordain blessings for you upon your barns and upon all your undertakings: He will bless you in the land that the Lord your God is giving you.

(9) The Lord will establish you as His holy people, as He swore to you, if you keep the commandments of the Lord your God and walk in His ways.

(10) And all the peoples of the earth shall see that the Lord's name is proclaimed over you, and they shall stand in fear of you.

(11) The Lord will give you abounding prosperity in the issue of your womb, the offspring of your cattle, and the produce of your soil in the land that the Lord swore to your fathers to assign to you.

(12) The Lord will open for you His bounteous store, the heavens, to provide rain for your land in season and to bless all your undertakings. You will be creditor to many nations, but debtor to none.

(13) The Lord will make you the head, not the tail; you will always be at the top and never at the bottom – if only you obey and faithfully observe the commandments of the Lord your God that I enjoin upon you this day,

(14) and do not deviate to the right or to the left from any of the commandments that I enjoin upon you this day and turn to the worship of other gods.

(28:1) Now, if: With the description of the ceremony on Mount Gerizim and Mount Ebal now complete, Moses' address to the people resumes here.

Now, if you obey the Lord your God, to observe faithfully all His commandments: All the commandments – that is, and not a mere subset of them, shorn off, as it were, from the system in its entirety. Only all the commandments together constitute an integral, fully just and constructive opportunity for national development.

The Lord your God will set you high above all the nations of the earth: You will then be able to exert a proper influence on the peoples of the world, and convey to them the Divine light.

The Talmud stresses this point: “When Israel does the will of God, it rises above all the nations, but when it does not, it falls to a level that is lower than that of all other nations.” The potential of the people of Israel is very great; they are therefore by necessity a people of extremes. They can never remain simply “middle of the road.”

This is because the people of Israel are not a “natural” creation, but a “special” creation that the Almighty has fashioned with His very own hands (figuratively speaking). Nations that arise by natural laws have their own stability, which is built into that natural system. But since the people of Israel are essentially “unnatural,” their status is also unstable. Either they rise high above natural peoples, or they fall precipitously below them.

(2) All these blessings shall come upon you: These are the blessings that the Torah will now enumerate (through Deut. 28:14).

Shall come upon you and take effect: All this will happen as the natural consequence of the people’s loyalty to the Almighty.

If you will but heed the word of the Lord your God: Literally, “Because you will listen to the voice of the Lord your God.”

This can be understood in two senses. First, as cause and result, where listening to the voice of God means fulfilling His will. The blessings will come to you as the direct result of obeying God and observing the commandments. Second, listening to the voice of God is meant in a more literal sense – describing the actual mechanism by which the blessings will come to Israel. I.e., God’s voice itself, as it were, carries the blessings that bring success to the Jewish people. If you pay attention to that voice, you will see that only through it do you receive God’s blessings.

(3) Blessed shall you be in the city and blessed shall you be in the country: The Jewish nation will be successful in city life – in crafts and trade. And also in rural life – in agriculture and the breeding of livestock.

(4) Blessed shall be the issue of your womb, the produce of your soil, and the offspring of your cattle, the calving of your herd and the lambing of your flock: Fertility and fecundity in every sense – among the people themselves, and also in their land and their livestock. There are no better indicators of vitality than these.

(5) Blessed shall be your basket and your kneading bowl: The “basket” contains the crops that a person brings to his house from the outside, from the field. And the “kneading bowl” (another possible translation is “pantry”) refers to the conditions through which the wealth that is brought into the home is stored and processed there. It is not enough to reap a great harvest – it must also be used correctly. A separate blessing is therefore given for this.

(6) Blessed shall you be in your comings and blessed shall you be in your goings: These “comings” and “goings” are variously interpreted, but in Tanach these expressions most often mean returning from war and going out to war. With that understanding, the connection of this verse to the following one becomes clear.

(7) The Lord will put to rout before you the enemies who attack you: Thus the notion that if the people will only do God’s will, there will be no wars is wrong. The Torah speaks of life in the real world, and in real life there are wars. The blessing lies in that the Almighty helps Israel to emerge victorious in those wars.

They will march out against you by a single road, but flee from you by many roads: It is the way of the vanquished to flee in confusion: they scatter in all directions. In the Hebrew, this verse actually says, “but flee from you by seven roads.” The number seven is used here in the sense of “many.” (The non-literal translation given here, “by many roads,” has already taken this into account.)

(8) The Lord will ordain blessings for you upon your barns and upon all your undertakings: Economic abundance is essential in the spiritual as well as the religious sense.

He will bless you in the land that the Lord your God is giving you: Not in just any land, but in this land that He has given to the Jewish people for the realization of their mission. For their mission to become a reality, they need to be materially successful in that land.

(9) The Lord will establish you as His holy people: “Holy” means performing the role of connecting man with God. This is the mission that God has entrusted to the Jewish people for the benefit of humanity.

As His holy people, as He swore to you: “But you shall be to Me a kingdom of priests and a holy nation. These are the words that you shall speak to the children of Israel” (Exod. 19:6). The objective of the Jewish mission is not only that certain individuals will attain a high level of spirituality, but rather, that all the nations of the world will be holy. Thus, only a nation, and not just an individual, is needed to advance mankind toward that goal, and to a close relationship with God. Therefore, the realization of the universal Jewish mission depends directly on the existence of an independent Jewish state. Moses makes a point of repeating this on the eve of Israel’s crossing the Jordan into the Promised Land.

(10) And all the peoples of the earth shall see that the Lord’s name is proclaimed over you: It will be obvious to all nations that Israel is the Almighty’s representative on earth.

And they shall stand in fear of you: This fear of the Almighty will manifest also as fear of the people of Israel, since Israel’s status as the world’s spiritual leader will be obvious to all nations.

(11) The Lord will give you abounding prosperity: Not just prosperity but “abounding prosperity.” The success and well-being of the Jewish people will stand out in sharp relief above those of all other peoples.

In the issue of your womb, the offspring of your cattle, and the produce of your soil in the land: At every level and in every domain where prosperity can take hold, it shall do so.

In the land that the Lord swore to your fathers to assign to you: When the land too is specifically mentioned, this emphasizes the Jewish mission. That is, all this material advantage is given only to make it possible to exert a positive spiritual influence.

(12) The Lord will open for you His bounteous store, the heavens: The heavens are understood as the source of both light and rain, in the material but also the spiritual sense (the source of enlightenment, and the world of ideas).

To provide rain for your land in season and to bless all your undertakings: From heaven come material as well as spiritual blessings, both of which are preconditions for success.

You will be creditor to many nations, but debtor to none: You, the Jewish nation, will have available funds in sufficient abundance in order to help others, but you will need no outside help for yourselves.

(13) The Lord will make you the head, not the tail; you will always be at the top and never at the bottom: You will always enjoy the status of a world leader.

If only you obey and faithfully observe the commandments of the Lord your God that I enjoin upon you this day: But all this will happen only on the condition that you remain loyal to the Almighty.

(14) And do not deviate to the right or to the left: You must not neglect the commandments, but neither should you make them onerous.

And turn to the worship of other gods: Thus betraying your mission.

§ 22.7. THE CURSES IN THE CONTEXT OF ISRAEL'S FUTURE HISTORY (28:15-68)

טו והיה אם-לא תשמע בקול יי אלהיך לשמר לעשות את-כל-מצותיו וחקתיו אשר אנכי מצוך היום וגאו עליך כל-הקלות האלה והשיגוך: טז ארור אתה בעיר וארור אתה בשדה: יז ארור טנאך ומשארתך: יח ארור פרי-בטנך ופרי אדמתך שגר אלפיך ועשותך צאנך: יט ארור אתה בבאך וארור אתה בצאתך: כ ישלח יי אֶת-המארה את-המהומה ואת-המגערת בכל-משלח ידך אשר תעשה עד השמדך ועד-אבדך מהר מפני רע מעליך אשר עזבתני: כא ידבק יי בך את-הדבר עד בלתו אתך מעל האדמה אשר-אתה בא-שמה לרשתה: כב יכבה יי בשחפת ובקדחת ובדלקת ובחרחל ובחרב ובשדפון ובירקון ורדפוך עד אבדך: כג והיו שמיך אשר

על־ראשֶׁךָ נחֹשֶׁת וְהָאָרֶץ אֲשֶׁר־תַּחֲתֶיךָ בְּרוֹל: כֹּד יִתֵּן יי אֶת־מָטָר
 אֶרֶצְךָ אֲבֵק וְעַפָּר מִן־הַשָּׁמַיִם יֵרֵד עָלֶיךָ עַד הַשְּׁמַדֶּךָ: כה יִתְנַף יי
 | נִגְף לִפְנֵי אֵיבֶיךָ בְּדֶרֶךְ אֶחָד תֵּצֵא אֵלָיו וּבִשְׁבָעָה דְּרָכִים תָּנוֹס
 לִפְנָיו וְהָיִיתָ לְזַעֲזָה לְכָל מַמְלָכוֹת הָאָרֶץ: כו וְהִיִּתָּה נִבְלָתְךָ לְמֵאֲכָל
 לְכָל־עוֹף הַשָּׁמַיִם וּלְבִהֶמֶת הָאָרֶץ וְאִין מַחֲרִיד: כז יִכְכֶּה יי בַּשְּׁחִין
 מִצָּרִים וּבַעֲפָלִים (וּבַטְחָרִים) וּבַגָּרֶב וּבַחֲרָס אֲשֶׁר לֹא־תוּכַל לְהִרְפֹּא:
 כח יִכְכֶּה יי בְּשֹׁנְעוֹן וּבַעֲוָרוֹן וּבַתְּמָהוֹן לִבִּב: כט וְהָיִיתָ מִמֶּשֶׁשׁ בַּצְּהָרִים
 כְּאֲשֶׁר יִמְשֹׁשׁ הָעוֹר בְּאַפְלָה וְלֹא תִצְלִיחַ אֶת־דְּרָכֶיךָ וְהָיִיתָ אֵד עֲשׂוֹק
 וְנָזוּל כָּל־הַיָּמִים וְאִין מוֹשִׁיעַ: ל אֵשָׁה תֹאֲרֹשׁ וְאִישׁ אַחֵר יִשְׁלַנָּה
 (יִשְׁכַּבְנָה) בֵּית תְּבִנָּה וְלֹא־תִשָּׁב בּוֹ כָּרֶם תִּטֵּעַ וְלֹא תַחֲלִלְנוּ:
 לא שׁוֹרֶף טְבוּחַ לַעֲיִיד וְלֹא תֹאכַל מִמֶּנּוּ חֶמֶרֶךָ גִּזּוּל מִלִּפְיֶיךָ וְלֹא
 יָשׁוּב לָךְ צֹאנְךָ נִתְּנוֹת לְאֵיבֶיךָ וְאִין לָךְ מוֹשִׁיעַ: לב בְּנִיד וּבִנְתִּיד
 נִתְּנִים לָעַם אַחֵר וְעֵינֶיךָ רֹאוֹת וְכָלוֹת אֲלֵיהֶם כָּל־הַיּוֹם וְאִין לֹאֵל יִדָּד:
 לג פְּרִי אֲדָמְתְּךָ וְכָל־יִגְעֶךָ יֹאכַל עִם אֲשֶׁר לֹא־יִדְעֶתָ וְהָיִיתָ רָק עֲשׂוֹק
 וְרָצוּץ כָּל־הַיָּמִים: לד וְהָיִיתָ מְשֻׁגָּע מִמֶּרְאֶה עֵינֶיךָ אֲשֶׁר תִּרְאֶה:
 לה יִכְכֶּה יי בַּשְּׁחִין רָע עַל־הַבְּרָכִים וְעַל־הַשָּׁקִים אֲשֶׁר לֹא־תוּכַל
 לְהִרְפֹּא מִכָּף רִגְלְךָ וְעַד קֶדְקֶדְךָ: לו יוֹלֵךְ יי אֶתְךָ וְאֶת־מִלְכְּךָ אֲשֶׁר
 תִּקִּים עָלֶיךָ אֶל־גֹּיִם אֲשֶׁר לֹא־יִדְעֶתָ אֶתָּה וְאַבְתִּיד וְעַבְדְּתָ שָׁם אֱלֹהִים
 אֲחֵרִים עַץ וְאָבֶן: לו וְהָיִיתָ לְשִׁמָּה לְמַשָּׁל וּלְשִׁנְיָה בְּכָל הָעַמִּים
 אֲשֶׁר־יִנְהַגְךָ יי שְׁמָה: לח זָרַע רֶב תּוֹצִיא הַשָּׂדֶה וּמַעֲטַת תֹּאסֹף כִּי
 יִחְסְלֶנּוּ הָאֲרָבָה: לט כָּרְמִים תִּטֵּעַ וְעַבְדְּתָ וַיִּין לֹא־תִשְׁתַּהּ וְלֹא תִאָּגֵר
 כִּי תֹאכְלֶנּוּ הַתְּלַעֲתַ: מ זִיתִּים יִהְיוּ לָךְ בְּכָל־גְּבוּלְךָ וְשִׁמְן לֹא תִסּוֹד
 כִּי יִשָּׁל זִיתְךָ: מא בָּנִים וּבָנוֹת תּוֹלִיד וְלֹא־יִהְיוּ לָךְ כִּי יִלְכוּ בַּשָּׁבִי:
 מב כָּל־עֶצֶךָ וּפְרִי אֲדָמְתְּךָ יִירֹשׁ הַצֹּלָעַל: מג הִגֵּר אֲשֶׁר בְּקִרְבְּךָ יַעֲלֶה
 עָלֶיךָ מַעֲלָה מַעֲלָה וְאֶתָּה תִרְדַּ מִּטָּה מִטָּה: מד הוּא יוֹלֵךְ וְאֶתָּה
 לֹא תִלּוֹנוּ הוּא יִהְיֶה לְרֹאשׁ וְאֶתָּה תִּהְיֶה לְזָנָב: מה וּבָאוּ עָלֶיךָ כָּל־
 הַקְּלָלוֹת הָאֵלֶּה וּרְדִּפוּךָ וְהִשְׁיִגוּךָ עַד הַשְּׁמַדֶּךָ כִּי־לֹא שְׁמַעַת בְּקוֹל יי
 אֱלֹהֶיךָ לְשֹׁמֵר מִצְוֹתָיו וְחֻקֹּתָיו אֲשֶׁר צִוָּךְ: מו וְהָיוּ בָּךְ לְאוֹת וּלְמוֹפֶת
 וּבְזֻעָד עַד־עוֹלָם: מז תַּחַת אֲשֶׁר לֹא־עַבְדְּתָ אֶת־יי אֱלֹהֶיךָ בְּשִׁמְחָה
 וּבְטוֹב לִבִּב מֶרֶב כָּל: מח וְעַבְדְּתָ אֶת־אֵיבֶיךָ אֲשֶׁר יִשְׁלַחְנוּ יי בָּךְ בְּרָעַב
 וּבְצָמָא וּבַעֲרִים וּבַחֲסָר כָּל וְנָתַן עַל בְּרוֹל עַל־צִנְאָרְךָ עַד הַשְּׁמִידוֹ
 אֶתְךָ: מט יִשָּׂא יי עָלֶיךָ גֹּי מִרְחֹק מִקְצֵה הָאָרֶץ כְּאֲשֶׁר יִדְּאֶה הַנָּשֶׁר
 גֹּי אֲשֶׁר לֹא־תִשְׁמַע לְשׁוֹנוֹ: נ גֹּי עַז פָּנִים אֲשֶׁר לֹא־יִשָּׂא פָנִים לְזִמּוֹן
 וְנַעַר לֹא יַחֵן: נא וְאָכַל פְּרִי בְהֶמְתְּךָ וּפְרִי־אֲדָמְתְּךָ עַד הַשְּׁמִידֶךָ אֲשֶׁר

לא־ישאיר לך דגן תירוש ויצהר שגור אלפיה ועשתרת צאנך עד
 האבידו אתך: נב והצר לך בכל־שעריך עד רדת חמתיך הגבהת
 והבצרות אשר אתה בטח בהן בכל־ארצך והצר לך בכל־שעריך
 בכל־ארצך אשר נתן יי אלהיך לך: נג ואכלת פרי־בטנך בשר בנך
 ובנותיך אשר נתן־לך יי אלהיך במצור ובמצוק אשר־יציק לך איבך:
 נד האיש הרך בדך והענג מאד תרע עינו באחיו ובאשת חיקו וביתר
 בניו אשר יותיר: נה מתת | לאחד מהם מבשר בנו אשר יאכל מבלי
 השאיר־לו כל במצור ובמצוק אשר יציק לך איבך בכל־שעריך:
 נו הרפה בדך והענגה אשר לא־נסתה כפ־רגלך הצג עליה־ארץ
 מהתענג ומרד תרע עינה באיש חיקה ובבנה ובבתה: נז ובשליטה
 היוצת | מבין רגליה ובבניה אשר תלד כ־תאכלם בחסר־כל בסתר
 במצור ובמצוק אשר יציק לך איבך בשעריך: נח אם־לא תשמר
 לעשות את־כל־דברי התורה הזאת הכתבים בספר הזה לִיראה את־
 השם הנכבד והנורא הזה את יי אלהיך: נט והפלא יי את־מכתך ואת
 מכות זרעך מכות גדלת וגאמנות וחלים רעים וגאמנים: ס והשיב
 בדך את כל־מדות מצרים אשר יגרת מפניהם ודבקו בדך: סא גם כל־
 חלי וכל־מכה אשר לא כתוב בספר התורה הזאת יעלם יי עליך
 עד השמדך: סב ונשארתם במתי מעט תחת אשר הייתם כבוכבי
 השמים לרב כ־לא שמעת בקול יי אלהיך: סג והיה כאשר־שש יי
 עליכם להיעיב אתכם ולהרבות אתכם כן ישיש יי עליכם להאביד
 אתכם ולהשמיד אתכם ונסחתם מעל האדמה אשר־אתה בא־שמה
 לרשתה: סד והפיצך יי בכל־העמים מקצה הארץ ועד־קצה הארץ
 ועבדת שם אלהים אחרים אשר לא־ידעת אתה ואבותיך עז ואבן:
 סה ובגוים ההם לא תרגיע ולא־יהיה מגוח לכפ־רגלך ונתן יי לך
 שם לב רגז וכליון עינים ודאבון נפש: סו והיו חייך תלאים לך מנגד
 ופחדת לילה ויוםם ולא תאמין בחיך: סז בבקר תאמר מי־יתן ערב
 ובערב תאמר מי־יתן בקר מפחד לבבך אשר תפחד וממראה עיניך
 אשר תראה: סח והשיבך יי | מצרים באניות בדרך אשר אמרתי לך
 לא־תסיף עוד לראתה והתמפרתם שם לא־ביד לעבדים ולשפחות
 ואין קנה:

(15) But if you do not obey the Lord your God to observe faithfully all His commandments and laws which I enjoin upon you this day, all these curses shall come upon you and take effect:

(16) Cursed shall you be in the city and cursed shall you be in the country.

(17) Cursed shall be your basket and your kneading bowl.

(18) Cursed shall be the issue of your womb and the produce of your soil, the calving of your herd and the lambing of your flock.

(19) Cursed shall you be in your comings and cursed shall you be in your goings.

(20) The Lord will let loose against you calamity, panic, and frustration in all the enterprises you undertake, so that you shall soon be utterly wiped out because of your evildoing in forsaking Me.

(21) The Lord will make pestilence cling to you, until He has put an end to you in the land that you are entering to possess.

(22) The Lord will strike you with consumption, fever, and inflammation, with scorching heat and drought, with blight and mildew; they shall hound you until you perish.

(23) The skies above your head shall be copper and the earth under you iron.

(24) The Lord will make the rain of your land dust, and sand shall drop on you from the sky, until you are wiped out.

(25) The Lord will put you to rout before your enemies; you shall march out against them by a single road, but flee from them by many roads; and you shall become a horror to all the kingdoms of the earth.

(26) Your carcasses shall become food for all the birds of the sky and all the beasts of the earth, with none to frighten them off.

(27) The Lord will strike you with the Egyptian inflammation, with hemorrhoids, boil-scars, and itch, from which you shall never recover.

(28) The Lord will strike you with madness, blindness, and dismay.

(29) You shall grope at noon as a blind man gropes in the dark; you shall not prosper in your ventures, but shall be constantly abused and robbed, with none to give help.

(30) If you pay the bride-price for a wife, another man shall enjoy her. If you build a house, you shall not live in it. If you plant a vineyard, you shall not harvest it.

(31) Your ox shall be slaughtered before your eyes, but you shall not eat of it; your ass shall be seized in front of you, and it shall not be returned to you; your flock shall be delivered to your enemies, with none to help you.

(32) Your sons and daughters shall be delivered to another people, while you look on; and your eyes shall strain for them constantly, but you shall be helpless.

(33) A people you do not know shall eat up the produce of your soil and all your gains; you shall be abused and downtrodden continually,

(34) until you are driven mad by what your eyes behold.

(35) The Lord will afflict you at the knees and thighs with a severe inflammation, from which you shall never recover – from the sole of your foot to the crown of your head.

(36) The Lord will drive you, and the king you have set over you, to a nation unknown to you or your fathers, where you shall serve other gods, of wood and stone.

(37) You shall be a consternation, a proverb, and a byword among all the peoples to which the Lord will drive you.

(38) Though you take much seed out to the field, you shall gather in little, for the locust shall consume it.

(39) Though you plant vineyards and till them, you shall have no wine to drink or store, for the worm shall devour them.

(40) Though you have olive trees throughout your territory, you shall have no oil for anointment, for your olives shall drop off.

(41) Though you beget sons and daughters, they shall not remain with you, for they shall go into captivity.

(42) The cricket shall take over all the trees and produce of your land.

(43) The stranger in your midst shall rise above you higher and higher, while you sink lower and lower:

(44) he shall be your creditor, but you shall not be his; he shall be the head and you the tail.

(45) All these curses shall befall you; they shall pursue you and overtake you, until you are wiped out, because you did not heed the Lord your God and keep the commandments and laws that He enjoined upon you.

(46) They shall serve as signs and proofs against you and your offspring for all time.

(47) Because you would not serve the Lord your God in joy and gladness over the abundance of everything,

(48) you shall have to serve – in hunger and thirst, naked and lacking everything – the enemies whom the Lord will let loose against you. He will put an iron yoke upon your neck until He has wiped you out.

(49) The Lord will bring a nation against you from afar, from the end of the earth, which will swoop down like the eagle – a nation whose language you do not understand,

(50) a ruthless nation, that will show the old no regard and the young no mercy.

(51) It shall devour the offspring of your cattle and the produce of your soil, until you have been wiped out, leaving you nothing of new grain, wine, or oil, of the calving of your herds and the lambing of your flocks, until it has brought you to ruin.

(52) It shall shut you up in all your towns throughout your land until every mighty, towering wall in which you trust has come

down. And when you are shut up in all your towns throughout your land that the Lord your God has assigned to you,

(53) you shall eat your own issue, the flesh of your sons and daughters that the Lord your God has assigned to you, because of the desperate straits to which your enemy shall reduce you.

(54) He who is most tender and fastidious among you shall be too mean to his brother and the wife of his bosom and the children he has spared

(55) to share with any of them the flesh of the children that he eats, because he has nothing else left as a result of the desperate straits to which your enemy shall reduce you in all your towns.

(56) And she who is most tender and dainty among you, so tender and dainty that she would never venture to set a foot on the ground, shall begrudge the husband of her bosom, and her son and her daughter,

(57) the afterbirth that issues from between her legs and the babies she bears; she shall eat them secretly, because of utter want, in the desperate straits to which your enemy shall reduce you in your towns.

(58) If you fail to observe faithfully all the terms of this Teaching that are written in this book, to reverence this honored and awesome Name, the Lord your God,

(59) the Lord will inflict extraordinary plagues upon you and your offspring, strange and lasting plagues, malignant and chronic diseases.

(60) He will bring back upon you all the sicknesses of Egypt that you dreaded so, and they shall cling to you.

(61) Moreover, the Lord will bring upon you all the other diseases and plagues that are not mentioned in this book of Teaching, until you are wiped out.

(62) You shall be left a scant few, after having been as numerous as the stars in the skies, because you did not heed the command of the Lord your God.

(63) And as the Lord once delighted in making you prosperous and many, so will the Lord now delight in causing you to perish and in wiping you out; you shall be torn from the land that you are about to enter and possess.

(64) The Lord will scatter you among all the peoples from one end of the earth to the other, and there you shall serve other gods, wood and stone, whom neither you nor your ancestors have experienced.

(65) Yet even among those nations you shall find no peace, nor shall your foot find a place to rest. The Lord will give you there an anguished heart and eyes that pine and a despondent spirit.

(66) The life you face shall be precarious; you shall be in terror, night and day, with no assurance of survival.

(67) In the morning you shall say, "If only it were evening!" and in the evening you shall say, "If only it were morning!" – because of what your heart shall dread and your eyes shall see.

(68) The Lord will send you back to Egypt in galleys, by a route which I told you you should not see again. There you shall offer yourselves for sale to your enemies as male and female slaves, but none will buy.

(15) But if you do not obey the Lord your God ... all these curses shall come upon you and take effect: The curses that follow here are truly horrendous. When they are read from the Torah publicly in the synagogue, the reader chants them at a much quickened pace, and in a hushed voice. This is because these curses are so emotionally charged, that even just thinking about them makes it impossible to perceive the meaning of the words. For that same reason we will likewise not analyze these curses in detail here in this commentary, but only limit ourselves to a few isolated remarks.

Earlier in the Torah (weekly portion *Bechukotai*, Lev. 26), a different set of curses was predicted, that would befall the Jewish nation if they

would not observe the Torah's commandments. But that list of curses in Leviticus is much shorter, only forty-nine curses – half as many as we will encounter in this section.

Those curses in *Bechukotai* are more “concentrated.” They describe how a society that engages in idolatry will be punished. For example, “I will destroy your cult places and cut down your incense stands, and I will heap your carcasses upon your lifeless fetishes. I will spurn you” (Lev. 26:30). That passage very explicitly mentions violations of the commandments of the seventh year, *Shemittah*, with the years of exile being calculated according to the number of *Shemittah* years that the Jewish nation has failed to observe, thereby denying the Land of Israel its rest in those years. Thus, the years of exile “restore the lost Sabbaths” (“Sabbath” in that context means the *Shemittah* year). But after that period of rest and recovery, a return from exile becomes possible.

The curses of this weekly portion, *Ki Tavo*, are greater in length and in number, but each curse on its own is less comprehensive. There is almost no mention of idolatry, nor do the curses here mention violating the commandments of the *Shemittah* year. And nothing is said about how the number of years of the exile is calculated, or about the people's eventual return from exile to their land.

In sum, the Torah is in fact predicting two different types of exile.

Tradition maintains that the curses of the *Bechukotai* portion prophesy the exile that occurred after the destruction of the first Temple (586 BCE), while the curses of this portion, *Ki Tavo*, describe the exile that followed the destruction of the second Temple (70 CE).

The exile after the destruction of the first Temple was Israel's punishment for open violation of the Torah's most serious prohibitions – murder, idolatry, and adultery. This exile, a period of pre-measured, pre-determined length, was the punishment for sins committed in the open.

The exile after the destruction of the second Temple, on the other hand, was a punishment for violating the commandments in secret – baseless hatred, in particular. Therefore, the length of that period of exile was not determined in advance. Idolatry was almost non-existent during the second Temple period. And the prohibitions of the *Shemittah* year were also more strictly observed, notwithstanding that it was not obligatory to the same extent (because not all the people had returned

from Babylon to the Holy Land). Thus, the punishment was not related to those sins.

(16-19) Cursed shall you be in the city and cursed shall you be in the country ... your basket and your kneading bowl ... the issue of your womb and the produce of your soil ... in your comings and ... in your goings: Initially, the curses parallel the blessings of the previous section. But that order does not last long. Blessings require order, but curses come randomly.

(23) The skies above your head shall be copper and the earth under you iron: I.e., there will be no rain and therefore no harvest.

(30) If you pay the bride-price for a wife, another man shall enjoy her. If you build a house, you shall not live in it. If you plant a vineyard, you shall not harvest it: This refers to death in battle. It parallels the verses that exempt such individuals from military service (Deut. 20:5 ff.).

(36) The Lord will drive you, and the king you have set over you, to a nation unknown to you or your fathers: This means dissolution and destruction of the state.

Where you shall serve other gods, of wood and stone: I.e., you shall serve deities more primitive than the idols of gold and silver that were the objects of idolatrous worship in the Land of Israel.

These gods of wood and stone were later understood to mean Christianity and Islam. Although those religions are not considered idolatry in the full sense, they are nonetheless forbidden to Jews as “alien worship” (see the commentary on Deut. 4:28 in § 6.7).

(37) You shall be a consternation, a proverb, and a byword among all the peoples to which the Lord will drive you: That is, you will be dispersed throughout a multitude of lands and countries. This did not happen after the destruction of the first Temple, but it was a prominent feature of the exile that followed the fall of the second Temple.

(47-48) Because you would not serve the Lord your God in joy and gladness over the abundance of everything, you shall have to serve – lacking everything – the enemies whom the Lord will let loose against you: Gratitude is among the most essential qualities that a human being can experience and express. It is very important to be

grateful for what one has. When the Jewish nation fails to show gratitude to the Almighty for all the beneficence and abundance that He has granted them, the inevitable outcome will be that they will serve the enemy as an enslaved people.

(49) The Lord will bring a nation against you from afar, from the end of the earth, which will swoop down like the eagle – a nation whose language you do not understand: Not a nation that lives nearby, speaks a similar (Semitic) language, and has a like mentality and principles, but an alien nation. This is exactly what happened at the end of the second Temple era, when Jerusalem was ransacked and destroyed by the Romans, who came from afar, and were an alien people in every respect.

(53) You shall eat your own issue, the flesh of your sons and daughters that the Lord your God has assigned to you, because of the desperate straits to which your enemy shall reduce you: All these horrific curses correspond to what the sources tell us actually happened in the siege of Jerusalem at the destruction of the second Temple.

(64) The Lord will scatter you among all the peoples from one end of the earth to the other: This is what actually happened during the very long exile that followed the destruction of the second Temple.

(68) The Lord will send you back to Egypt in galleys, by a route which I told you you should not see again. There you shall offer yourselves for sale to your enemies as male and female slaves, but none will buy: This verse, which ends the curses, is not a direct continuation of the description of misfortunes that precedes it.

Up to this point the curses spoke of exile, and dispersion among the nations. But here the topic changes: this verse says that God will return the nation to Egypt. But in this case the nation as a unit, which is very different from being dispersed among many nations. This verse speaks also of the people selling themselves into slavery, which is different from the misfortunes that will haunt them in their exile and dispersion. And this verse emphasizes that the return to Egypt will happen in galleys, which is not something we have encountered before (nor is it immediately clear why this even matters). Finally, the text adds that the return to Egypt will occur “by a route which I told you you should not see again.”

From the following chapters, it can be seen that the continuation of the verses just above this one is to be found not in this verse, but in Deut. 30:1: “When all these things befall you – the blessing and the curse” The text there speaks also of a return from among all the nations in which the Jewish people will be dispersed. This means that the Almighty will put an end to the punishment of the dispersion. Thus, we may conclude that this verse, and its threat of bringing the people back to Egypt, are not related to the exile and the return.

This verse should therefore be understood not as a threat of dispersion, but as a threat to annul the chosenness of the people of Israel. The Covenant at Sinai began with the statement, “I the Lord am your God who brought you out of the land of Egypt, the house of bondage” (Exod. 20:2). And here that covenant is undone with the very opposite of that – a threat to restore the nation to Egyptian bondage.

Seen in this context, the galleys too make sense – they contrast with the splitting of the Sea of Reeds. And we also now understand the addition of the words “by a route which I told you you should not see again,” which likewise undoes God’s promise to Israel at the splitting of the Sea of Reeds: “Have no fear! Stand by, and witness the deliverance which the Lord will work for you today; for the Egyptians whom you see today you will never see again” (Exod. 14:13). (An alternate, more literal translation there would be: “For in the manner that you saw the Egyptians today you will never see them again.”)

But how is possible that God’s eternal covenant with Israel can be undone? We find the answer in the final words of this verse: “but none will buy.” We might think that this verse is saying, “You will become so insignificant that no one will want to buy you even as slaves.” But in fact it means something very different, namely: because God at the Exodus took the Jewish nation to Himself, no one else can ever “buy” them – even if they wish to offer themselves “for sale.”

From the history of Jewish exile in Europe it is indeed clear that even in those cases where a significant element of the Jewish people tried to “sell themselves to another culture,” that proved futile, because no one would “buy” them. That is, the Jewish nation can never exchange their God-given identity for any other. They always remain His, and His alone.

§ 23. THE COVENANT ON THE STEPPES OF MOAB

§ 23.1. SUPPLEMENTING THE COVENANT OF HOREB (28:69)

ט אלה דברי הברית אשר-צוה יי את-משה לכת את-בני ישראל
בארץ מואב מלבד הברית אשר-כרת אתם בחרב:

(69) **These are the terms of the covenant which the Lord commanded Moses to conclude with the Israelites in the land of Moab, in addition to the covenant which He had made with them at Horeb.**

(69) **These are the terms of the covenant:** We can consider this verse the central verse of the book of Deuteronomy. Although the actual ceremony of concluding the covenant is described below, this entire book is in fact “the covenant in the land of Moab.”

In addition to the covenant which He had made with them at Horeb: This verse establishes the relationship between the original covenant concluded at Sinai and the updates to it. The updates do not negate or replace the previous covenant, but, rather, are only an addendum to it. (For detailed discussion on the stages of the renewal of the covenant, see § 22.3 above.)

§ 23.2. MOSES BEGINS HIS FINAL ADDRESS (29:1-8)

א ויקרא משה אל-כל-ישראל ויאמר אלהם אתם ראיתם את כל-
 אשר עשה יי לעיניכם בארץ מצרים לפרעה ולכל-עבדיו ולכל-
 ארצו: ב המסות הגדולת אשר ראו עיניך האתת והמפתים הגדלים
 ההם: ג ולא-נתן יי לכם לב לדעת ועינים לראות ואזנים לשמע עד
 היום הזה: ד ואולך אתכם ארבעים שנה במדבר לא-בלו שלמתיכם
 מעליכם ונעלך לא-בלתה מעל רגלך: ה לחם לא אכלתם ויין ושכר
 לא שתייתם למען תדעו כי אני יי אלהיכם: ו ותבאו אל-המקום הזה
 ויצא סיון מלך-חשבון ועוג מלך-הבשן לקראתנו למלחמה ונכסם:
 ז ונקה את-ארצם ונתננה לנחלה לראובני ולגדי ולחצי שבט המנשי:
 ח ושמרתם את-דברי הברית הזאת ועשיתם אתם למען תשכילו את
 כל-אשר תעשון:

(29:1) **Moses summoned all Israel and said to them:** You have seen all that the Lord did before your very eyes in the land of Egypt, to Pharaoh and to all his courtiers and to his whole country:

(2) the wondrous feats that you saw with your own eyes, those prodigious signs and marvels.

(3) Yet to this day the Lord has not given you a mind to understand or eyes to see or ears to hear.

(4) I led you through the wilderness forty years; the clothes on your back did not wear out, nor did the sandals on your feet;

(5) you had no bread to eat and no wine or other intoxicant to drink – that you might know that I the Lord am your God.

(6) When you reached this place, King Sihon of Heshbon and King Og of Bashan came out to engage us in battle, but we defeated them.

(7) We took their land and gave it to the Reubenites, the Gadites, and the half-tribe of Manasseh as their heritage.

(8) Therefore observe faithfully all the terms of this covenant, that you may succeed in all that you undertake.

(1) **Moses summoned all Israel and said to them:** Here begins Moses' final address to the people of Israel before his death. It continues also into the weekly Torah portions that follow this one.

The entire book of Deuteronomy is Moses' last will and testament. But here his actual farewell speech begins. In this address, he speaks primarily of the future that awaits the Jewish people.

Moses summoned all Israel: The Midrash explains: he had to summon the people, because, upon hearing the curses, they had become terrified and fled.

You have seen all that the Lord did before your very eyes in the land of Egypt, to Pharaoh and to all his courtiers and to his whole country: Moses therefore speaks now of happier things, in order to counter the oppressive feelings that his listeners were experiencing after hearing his detailed elaboration of the curses.

(3-5) Yet to this day the Lord has not given you a mind to understand or eyes to see or ears to hear. I led you through the wilderness forty years ... that you might know that I the Lord am your God: Deut. 29:4 begins with Moses speaking in the name of the Almighty: "You failed to realize that it was the Almighty who was leading you through the wilderness – notwithstanding that the entire journey was undertaken for the purpose of achieving that understanding!"

(5) You had no bread to eat and no wine or other intoxicant to drink: You ate not ordinary human food, but the manna that fell literally from heaven, so that you would realize that miracles were being performed daily for your benefit.

(6) When you reached this place, King Sihon of Heshbon and King Og of Bashan came out to engage us in battle, but we defeated them: The victory over Sihon and Og, the most powerful kings in the region, was among the key episodes in the development of that generation's national identity. Those events left a powerful impression on the minds and hearts of the people. Thus, when Moses wants to comfort the people, he tells them, "Clearly God loves you. To see this, just remember what He did to Sihon and to Og."

(8) Therefore observe faithfully all the terms of this covenant, that you may succeed in all that you undertake: Moses puts the people in a positive state of mind, so that they can proceed to the execution of the covenant, as described in the next weekly Torah portion.

WEEKLY
PORTION 8

NITZAVIM

§ 24. THE COVENANT OF EXILE AND RETURN

§ 24.1. WEEKLY PORTIONS *NITZAVIM* AND *VAYELECH*

Weekly portion 8 *Nitzavim* speaks of the eternity of Israel, while portion 9 *Vayelech* is about Moses' departure – the last day of his life, and the transfer of leadership to Joshua.

The Midrash highlights the connection and contrast of these two names: *Nitzavim*, “[You] stand,” and *Vayelech*, “[Moses] went.” The people stand, Moses goes. There is no tragedy here, however. Moses has succeeded at raising the people to such a level that he can safely depart – precisely because the people are now standing on their own feet.

The Exodus from Egypt is seen as the birth of the nation, and the wilderness era its childhood. The people are nourished with manna that falls from heaven. They need not work, just as a child does not have to provide for himself. This “child” goes to school on Mount Sinai, and completes his homework assignments as he journeys across the wilderness.

But now that the people have reached adulthood, they must cross the Jordan and enter into a “marriage” with the Land of Israel, their designated “spouse.” Now all grown up, the people must abandon their teachers, and the lessons they have memorized by rote. Instead, they must now enter the real world, and begin to live as independent, self-sufficient adults – even if this will mean, at first, making some serious mistakes. If the people are to grow up in the truest sense, Moses

must depart. The people must be allowed to make mistakes. The journey that lies before them is a journey they must travel on their own.

The entire book of Deuteronomy is a description of the covenant on the steppes of Moab. But it consists of several parts: the commandments, the procedure for concluding the actual covenant, and the renewal of the covenant on Mount Gerizim and Mount Ebal.

The covenant is not made with individuals, but with the nation as a whole – with a “national personality.” The entire later history of the Jewish nation is the embodiment of this covenant. And since the covenant on the steppes of Moab essentially represents Moses’ and the people’s parting of ways, Moses prophesies the future that awaits them: their exile, and eventual return.

Although the Torah emphasizes here that both the individuals and the nation have freedom of choice, the exile and return are described as something inevitable, events that cannot but happen. Deut. 29:28 in weekly portion *Nitzavim* that is marked with special points (dots above a consecutive sequence of its letters) deals with this conflict of freedom vs. predestination. That topic will merit separate discussion later in this commentary.

§ 24.2. THE PARAMETERS OF THE COVENANT (29:9-14)

ט אַתֶּם נֹצְבִים הַיּוֹם כְּלָכֶם לִפְנֵי יְיָ אֱלֹהֵיכֶם רְאִשֵׁיכֶם שְׁבִטֵיכֶם זְקֻנֵיכֶם
וְשִׁטְרֵיכֶם כָּל אִישׁ יִשְׂרָאֵל׃ י טַפְכֶּם נְשִׁיכֶם וְגֵרְךָ אֲשֶׁר בְּקֶרֶב מַחֲנֶיךָ
מִחֻטָּב עֲצִיד עַד שָׂאֵב מִיָּמֶיךָ׃ יא לְעִבְרֶךָ בְּבִרְיָת יְיָ אֱלֹהֶיךָ וּבְאַלְתּוֹ
אֲשֶׁר יְיָ אֱלֹהֶיךָ כָּרַת עִמָּךְ הַיּוֹם׃ יב לְמַעַן הָקִים־אֶת־ךָ הַיּוֹם ׀ לֹא לְעַם
וְהוּא יְהִי־הָלֹךְ לֵאלֹהִים כְּאֲשֶׁר דִּבֶּר־לְךָ וּכְאֲשֶׁר נִשְׁבַּע לְאַבְרָהָם
לְאַבְרָהָם לְיִצְחָק וּלְיַעֲקֹב׃ יג וְלֹא אַתֶּם לְבַדְכֶּם אֲנֹכִי כָרַת אֶת־
הַבְּרִית הַזֹּאת וְאֶת־הָאֱלֹהִים הַזֵּאת׃ יד כִּי אֶת־אֲשֶׁר יִשְׁנֹו פֹה עִמָּנוּ עִמָּךְ
הַיּוֹם לִפְנֵי יְיָ אֱלֹהֵינוּ וְאֶת אֲשֶׁר אֵינָנו פֹּה עִמָּנוּ הַיּוֹם׃

(9) **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,**

(10) **your children, your wives, even the stranger within your camp, from woodchopper to waterdrawer –**

(11) **to enter into the covenant of the Lord your God, which the Lord your God is concluding with you this day, with its sanctions;**

(12) **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.**

(13) **I make this covenant, with its sanctions, not with you alone,**

(14) **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.**

(9) You stand this day, all of you, before the Lord your God: This “standing before the Lord” is their personal audience with Him, as it were, that embodies the making of the covenant.

(9-10) Your tribal heads, your elders and your officials, all the men of Israel, your children, your wives: The people are presented here not as just a collective of individuals, but as a monolithic, national hierarchical structure. This is not just a throng of citizens, but a national organism, a “national personality.” Every living structure is arranged hierarchically. Only such a “personality” can conclude a covenant with God.

Even the stranger within your camp: These strangers are primarily the Egyptians who joined forces with the Israelites at the exodus from Egypt (Exod. 12:38). But it is also possible that over the forty years of wilderness wanderings, individuals from other surrounding peoples likewise decided to join the nation of Israel. Or perhaps they were motivated to do so toward the end of the wilderness era, after witnessing Israel’s victories in the Transjordan.

From woodchopper to waterdrawer: It is not clear why these professions specifically are singled out here. It might be simply an idiom,

meaning everyone from aristocrat to commoner, from the highest to the lowest stratum of society. But if so, it still begs for an explanation, seeing that the woodchopper and waterdrawer are not at opposite ends of the spectrum, but, on the contrary, are close to each other, on the bottom-most rung of the social ladder.

The Midrash understands the words “even the stranger within your camp, from woodchopper to waterdrawer” as all one expression. (This notwithstanding that in the Masoretic, cantillated text “the stranger within your camp” is separated from what follows by an *etnachta* accent, which roughly corresponds to a semicolon in modern punctuation – a strong separator.) In other words, these “strangers” are themselves the woodchoppers and waterdrawers. How so?

The Midrash believes that even in Moses’ lifetime an incident occurred very similar to the events recounted in the book of Joshua. We read there: “But when the inhabitants of Gibeon learned how Joshua had treated Jericho and Ai, they for their part resorted to cunning. They set out in disguise: they took worn-out sacks for their asses, and worn-out waterskins that were cracked and patched; they had worn-out, patched sandals on their feet, and threadbare clothes on their bodies; and all the bread they took as provision was dry and crumbly. And so they went to Joshua in the camp at Gilgal and said to him and to the men of Israel, ‘We come from a distant land; we propose that you make a pact with us’” (Josh. 9:3-6).

In that incident, by the time the deception became known the pact had already been concluded. And although that pact had been secured under false pretenses, the text in the book of Joshua describes the outcome: “But when three days had passed after they made this pact with them, they learned that they were neighbors, living among them. So the Israelites set out, and on the third day they came to their towns; these towns were Gibeon, Chephirah, Beeroth, and Kiriath-jearim. But the Israelites did not attack them, since the chieftains of the community had sworn to them by the Lord, the God of Israel. The whole community muttered against the chieftains, but all the chieftains answered the whole community, ‘We swore to them by the Lord, the God of Israel; therefore we cannot touch them. This is what we will do to them: We will spare their lives, so that there may be no wrath against us because of

the oath that we swore to them.' And the chieftains declared concerning them, 'They shall live!' And they became hewers of wood and drawers of water for the whole community, as the chieftains had decreed concerning them." (Josh. 9:16-21).

That is the incident that occurred, later, in Joshua's time as described in the book bearing his name. But according to the Midrash, the mention of woodchoppers and waterdrawers in this verse here in Deuteronomy indicates that a very similar incident, and outcome, occurred also in Moses' time. Thus, "from woodchopper to waterdrawer" here means: individuals from all across the social spectrum, from Israelites descending from the nation's earliest origins, to those who are its very latest, most recent additions.

We should point out that ranges of comparisons in the Biblical Hebrew idiom are often constructed differently from the ones familiar to us from European languages. Such ranges can be expressed not as "from most to least," as we would, but as "from least to least."

As another example of this, consider: "But Abram said to the king of Sodom, 'I swear to the Lord, God Most High, Creator of heaven and earth: I will not take so much as a thread or a sandal strap of what is yours; you shall not say, It is I who made Abram rich' " (Gen. 14:22-23). Clearly, a thread and a sandal strap are both items of very insignificant value. And yet, Abraham mentions only those two, even when he is really saying to the king of Sodom, "I swear that I will not take anything whatsoever of what is yours, however great or small its value."

Or, alternatively, we can find yet another layer of meaning in the contrast of woodchoppers and waterdrawers. If we view them as two distinct psychological types, the "from... to..." will then seem quite natural. The mindset of a woodchopper is a preference for "chopping" – to destroy what lies in his path. He entertains a harsh outlook on life and on the world. This is a person who demonstrates the attribute of *Gevurah*, "might, austerity, severity." But the waterdrawer, on the other hand, finds and brings water, a critical element for sustaining and prolonging life. As a person who is always ready to help, the waterdrawer's defining personal attribute is *Chesed*, "kindness." In any human society, there are forces that promote development, and forces that inhibit it. Both of those are equally essential to the proper functioning of society.

In these verses then, a vertical hierarchy is specified first, ranging from the tribal heads to the newcomers, which is then followed by a horizontal hierarchy, as expressed by contrasting personal character traits: stern, unforgiving woodchoppers, and gentle, gracious waterdrawers.

(11) To enter into the covenant of the Lord your God, which the Lord your God is concluding with you this day, with its sanctions: “Sanctions” here can also be translated as “curses.” The “covenant” is what has been agreed upon. For the Jewish nation, this means fulfilling their mission, and observing the commandments. The “sanctions” or “curses” are the consequences of violating the covenant. Thus, the covenant includes both of those possible outcomes.

Which the Lord your God is concluding with you this day: This is the covenant on the steppes of Moab, which is the continuation and renewal of the Sinai covenant.

(12) To the end that He may establish you this day as His people: “God’s people” are those who acknowledge their Divine mission. But this will be possible only after they have crossed the Jordan into the Land of Israel.

And be your God: For other nations, the Almighty is the “God of gods and the Lord of lords” (Deut. 10:17, alternate translation, see also the commentary there, in § 10.10 above). The Almighty governs all other nations not directly, but only through their appointed angels. In contrast, His connection with the Jewish people is direct and without intermediaries.

As He promised you and as He swore to your fathers, Abraham, Isaac, and Jacob: God upholds the covenant he made with the Patriarchs, and He is faithful in fulfilling that covenant.

(13-14) I make this covenant, with its sanctions, 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: “Those who are not with us here this day” means future generations of the Jewish people.

The nation consists not only of the people who deem themselves a nation today. Rather, it is the unification of all such people spanning all

generations. This covenant is made not only with the people who are standing here right now, but with the people of all generations taken as a single entity, i.e., with the whole “collective personality.”

§ 24.3. VIOLATING THE COVENANT LEADS TO EXILE (29:15-28)

טו כִּי־אַתֶּם יִדְעֶתֶם אֶת אֲשֶׁר־יִשְׁבְּנוּ בָאָרֶץ מִצְרַיִם וְאֵת אֲשֶׁר־עָבְרָנוּ
בְּקֶרֶב הַגּוֹיִם אֲשֶׁר עָבַרְתֶּם: טז וְתִרְאוּ אֶת־שְׁקוּצֵיהֶם וְאֵת גְּלִילֵיהֶם
עֵץ וְאֶבֶן כֶּסֶף וְזָהָב אֲשֶׁר עִמָּהֶם: יז פְּנִי־יָשׁ בָּכֶם אִישׁ אֶזְאִשָּׁה אוֹ
מִשְׁפָּחָה אוֹ־שֹׁבֵט אֲשֶׁר לִבָּבוּ פָנָה הַיּוֹם מֵעַם יִי אֱלֹהֵינוּ לִלְכֵּת לַעֲבֹד
אֶת־אֱלֹהֵי הַגּוֹיִם הָהֵם פְּנִי־יָשׁ בָּכֶם שְׂרֵשׁ פָּרָה רֹאשׁ וְלַעֲנָה: יח וְהָיָה
בְּשִׁמְעוֹ אֶת־דְּבָרֵי הָאֱלֹהָ הַזֹּאת וְהִתְבָּרֹךְ בְּלִבָּבוּ לֵאמֹר שְׁלוֹם יְיָהִי־עָלַי
כִּי בִשְׂרֹרוֹת לִבִּי אֵלֶךְ לְמַעַן סָפוֹת הָרָוָה אֶת־הַעֲמָאָה: יט לֹא־יֵאבֶה יִי
סֹלֶחַ לוֹ כִּי אִזּוֹ יַעֲשֶׂן אֶף־יִי וְקִנְאֶתוֹ בְּאִישׁ הַהוּא וְרַבְּצָה בּוֹ כָּל־הָאֱלֹהָ
הַכְּתוּבָה בַּסֵּפֶר הַזֶּה וּמָחָה יִי אֶת־שִׁמּוֹ מִתַּחַת הַשָּׁמַיִם: כ וְהִבְדִּילֹו יִי
לְרָעָה מִכָּל שְׁבִטֵי יִשְׂרָאֵל כָּל־אֲלוֹת הַבְּרִית הַכְּתוּבָה בַּסֵּפֶר הַתּוֹרָה
הַזֶּה: כא וְאָמַר הַדּוֹר הָאֶחָדוֹן בְּנִיכֶם אֲשֶׁר יָקוּמוּ מֵאֲחֵרֵיכֶם וְהִנְכִּרִי
אֲשֶׁר יָבֹא מֵאֶרֶץ רְחוֹקָה וְרָאוּ אֶת־מִכּוֹת הָאָרֶץ הַהוּא וְאֶת־תַּחְלָאֶיהָ
אֲשֶׁר־חָלָה יִי בָהּ: כב גִּפְרִית וּמִלַּח שִׁרְפָה כָּל־אַרְצָהּ לֹא תִזְרַע וְלֹא
תִצְמַח וְלֹא־יִעֲלֶה בָּהּ כָּל־עֵשֶׂב פְּמַהֲפֹכֶת סֹדֶם וְעַמֶּרֶה אֲדָמָה וְצִבְיִים
אֲשֶׁר הִפְּדוּ יִי בִּאֲפֹ וּבִחֲמָתוֹ: כג וְאָמְרוּ כָל־הַגּוֹיִם עַל־מָה עָשָׂה יִי
כֹכָה לָאָרֶץ הַזֹּאת מֵהַ חֲרִי הָאֵף הַגָּדוֹל הַזֶּה: כד וְאָמְרוּ עַל אֲשֶׁר
עָזְבוּ אֶת־בְּרִית יִי אֱלֹהֵי אֲבֹתָם אֲשֶׁר כָּרַת עִמָּם בְּהוֹצִיאֹ אוֹתָם מֵאֶרֶץ
מִצְרַיִם: כה וַיִּלְכְּדוּ וַיַּעֲבֹדוּ אֱלֹהִים אֲחֵרִים וַיִּשְׁתַּחֲווּ לָהֶם אֱלֹהִים אֲשֶׁר
לֹא־יִדְעוּם וְלֹא חָלָק לָהֶם: כו וַיַּחֲרֹ־אֵף יִי בָאָרֶץ הַהוּא לְהִבְיֹא עָלֶיהָ
אֶת־כָּל־הַקְּלָלָה הַכְּתוּבָה בַּסֵּפֶר הַזֶּה: כז וַיִּתְּשֵׁם יִי מֵעַל אֲדָמָתָם
בְּאֵף וּבִחֲמָה וּבִקְצָף גָּדוֹל וַיִּשְׁלַכֶם אֶל־אֶרֶץ אַחֲרֵת כִּיּוֹם הַזֶּה:
כח הַנִּסְתָּרִית לִי אֱלֹהֵינוּ וְהַנִּגְלִית לָנוּ וּלְבָנֵינוּ עַד־עוֹלָם לַעֲשׂוֹת אֶת־
כָּל־דְּבָרֵי הַתּוֹרָה הַזֹּאת:

(15) Well you know that we dwelt in the land of Egypt and that we passed through the midst of various other nations through which you passed;

(16) and you have seen the detestable things and the fetishes of wood and stone, silver and gold, that they keep.

(17) Perchance there is among you some man or woman, or some clan or tribe, whose heart is even now turning away from the Lord our God to go and worship the gods of those nations – perchance there is among you a stock sprouting poison weed and wormwood.

(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.

(19) The Lord will never forgive him; rather will the Lord’s anger and passion rage against that man, till every sanction recorded in this book comes down upon him, and the Lord blots out his name from under heaven.

(20) The Lord will single them out from all the tribes of Israel for misfortune, in accordance with all the sanctions of the covenant recorded in this book of Teaching.

(21) And later generations will ask – the children who succeed you, and foreigners who come from distant lands and see the plagues and diseases that the Lord has inflicted upon that land,

(22) all its soil devastated by sulfur and salt, beyond sowing and producing, no grass growing in it, just like the upheaval of Sodom and Gomorrah, Admah and Zeboiim, which the Lord overthrew in His fierce anger –

(23) all nations will ask, “Why did the Lord do thus to this land? Wherefore that awful wrath?”

(24) They will be told, “Because they forsook the covenant that the Lord, God of their fathers, made with them when He freed them from the land of Egypt;

(25) they turned to the service of other gods and worshiped them, gods whom they had not experienced and whom He had not allotted to them.

(26) So the Lord was incensed at that land and brought upon it all the curses recorded in this book.

(27) The Lord uprooted them from their soil in anger, fury, and great wrath, and cast them into another land, as is still the case."

(28) Concealed acts concern the Lord our God; but with overt acts, it is for us and our children ever to apply all the provisions of this Teaching.

(15) Well you know that we dwelt in the land of Egypt: All who were twenty years old or older when they left Egypt died during the forty years of wanderings in the wilderness (except for the Levites). But even those who had not yet reached that age at the Exodus, and are therefore still alive today, also remember Egypt.

And that we passed through the midst of various other nations through which you passed: The renewal of the covenant draws on the personal experience of the wilderness generation.

(16) And you have seen the detestable things and the fetishes of wood and stone, silver and gold, that they keep: Literally, "silver and gold that [they keep] with them." The Midrash explains that "with them" refers to the silver and gold idols. The wood and stone deities were placed outdoors and in full public view. But the silver and gold idols were kept hidden inside the temples, for fear of their being stolen. Thus, the meaning of this verse can be formulated as: "You have seen the public forms of their idolatry, and their private forms as well."

(17) Perchance there is among you some man or woman, or some clan or tribe, whose heart is even now turning away from the Lord our God to go and worship the gods of those nations: Moses does not exclude the possibility that someday even an entire tribe of Israel might be seduced to idolatry. This means that it was even possible that not all the twelve tribes of Israel would fully participate in the nation's future history.

Perchance there is among you a stock sprouting poison weed and wormwood: I.e., a root that produces poisonous fruits and leaves. Dangerous plants often appear attractive to the eye and savory to the

palate, but they prove fatal to those who taste them. And so too with idolatry: it attracts participants with joyous celebrations and alluring ceremonies, but ultimately it only poisons its adherents.

(18) When such a one hears the words of these sanctions, he may fancy himself immune: The Hebrew in that last phrase is *ve-hitbarech bilvavo*, literally “he will bless himself in his own heart.” He will “bless” his passions and vices; that is, he will endorse them in his own mind as the proper path for him to follow.

Thinking, “I shall be safe, though I follow my own willful heart”: He tells himself: “Surely it is not the worst thing that I choose to engage in idolatry, since, after all, it is only my own personal choice. Since the nation as a whole does not do so, they merit the Divine blessing. And neither will I, because of my idolatrous practices, forfeit my right to participate in the national welfare.”

To the utter ruin of moist and dry alike: Another, more literal translation is: “Thus adding thirst to saturation.” Even after sating himself with idolatry, he continues to thirst for more and more of the same.

Or, we can translate this expression figuratively as: “Thus adding unintentional, chance violations to wanton, malicious transgressions.” That is, besides punishing him for his intentional sins, God will punish him also for his previous sins that he has committed unwittingly, and which would have been forgiven, if not for his latest, malevolent crimes.

But there is yet another possible interpretation: “Just as a field that receives irrigation supplies water even to weeds that would deserve to remain thirsty.” Here again, the evildoer believes that the general welfare will accrue to him as well, although his own actions alone surely do not merit that.

(19) The Lord will never forgive him: He will not be allowed to hide his villainy behind the backs of the nation’s worthy individuals, even if they are the vast majority.

Rather will the Lord’s anger and passion rage: “Passion” here in the Hebrew is *kin’ah*, usually translated as jealousy or zealousness. This refers to the Almighty’s insistence that retribution will be exacted.

Rage against that man, till every sanction recorded in this book comes down upon him, and the Lord blots out his name from under heaven: Note the expression, “blots out his name from under heaven.” In other words, the Almighty will deal with this man in the same manner as He does – and commands us to do – to Amalek: “You shall blot out the memory of Amalek from under heaven” (Deut. 25:19; Exod. 17:14).

(20) The Lord will single them out from all the tribes of Israel for misfortune: The Hebrew actually reads, *ve-hivdilo*, “The Lord will single him out.” The Torah is stressing that individual sinners will be punished, even while the nation as a whole is enjoying blessings and well-being.

In accordance with all the sanctions of the covenant recorded in this book of Teaching: Here the curses are invoked yet again. But while catastrophes were predicted previously for the nation as a whole, now the same is said also for select individuals, in the sense that a “precision strike” will save the rest of society

(21-22) And later generations will ask ... all its soil devastated by sulfur and salt: Between Deut. 29:20 and 21 we detect a sudden sharp turn. Initially the text said that only the individual sinner will be punished. But now it turns out that the entire country will become a desolate wilderness. How are we to understand this?

(22), Beyond sowing and producing, no grass growing in it, just like the upheaval of Sodom and Gomorrah, Admah and Zeboiim, which the Lord overthrew in His fierce anger: See Gen. 14:2. Indeed, after the Jewish people were expelled from the land and went into exile, the Land of Israel remained a desolate wilderness for a very long time.

(23) All nations will ask, “Why did the Lord do thus to this land? Wherefore that awful wrath?”: In fact, the later history of the Jewish people as recounted in the Bible, and the subsequent expulsion of the Jews from their land, forced all of humanity to ask this very question about the ways of Providence.

(24-27) They will be told, “Because they forsook the covenant that the Lord ... made with them ... the Lord uprooted them from their soil in anger, fury, and great wrath, and cast them into

another land, as is still the case”: For the last two thousand of years, the nations have understood that the misfortunes that have haunted the Jewish people could not be merely the result of happenstance, an accidental confluence of unlucky circumstances. Rather, those calamities have a clear religious meaning.

(28) Concealed acts concern the Lord our God; but with overt acts, it is for us and our children ever to apply all the provisions of this Teaching: Here we have the key verse of this entire section. It reveals the ways of Providence and resolves the contradiction seen in the previous verses, which first says that “When such a one hears the words of these sanctions, he may fancy himself immune ... The Lord will single him out from all the tribes of Israel for misfortune.” But then it turns out that everyone suffers, and the misfortune extends to the entire nation.

The words “concealed” and “overt” can be interpreted in two ways. We can understand them in the legal sense. That is, crimes committed in secret, or out in the open. Or, in the Providential sense – the Almighty’s governance of the world in those two modes: concealed and overt.

Let us elaborate on these two variants of interpretation:

“Concealed” and “overt” as two types of crimes:

- Overt: the offender and his crimes are known to the public. The people and the judicial system must deal with apprehending and punishing the criminal. But if the people remain passive, then they must take full responsibility for the crimes of the nation’s individual members.
- Concealed: the community and the society do not know who the perpetrator is. The Almighty Himself will have to deal with such criminals.

“Concealed” and “overt” as two forms of Divine providence:

- Overt: there is an overt form of Divine governance – “reward for good and punishment for evil” – where everything is obvious and logical, and only the criminals are punished for their crimes. People need that kind of governance, for otherwise they lose their

moral compass, and are unable to correctly perceive the world and how it works.

- Concealed: but there is also a concealed form of Divine governance, in which the Almighty Himself directs the world toward its goal. This form of governance treats the world and all of history as a single unit, beginning with the Creation, and continuing until the Messianic era – the transition to the “World to Come.” But all this is not a function of the good or bad deeds performed by humans. In such situations, we do not see a just balance of crime and punishment, nor do we understand the ways of the Almighty in this “concealed” form of Divine governance.

Because the Almighty Himself directs the concealed form of His providence, we cannot understand it. But outwardly – that is, as concerns our own, human obligations – it takes the form of “reward for good and punishment for evil,” i.e., overt governance. The words “...but with overt acts, it is for us and our children ever to apply all the provisions of this Teaching” are addressing this point: in our own behavior and actions, we must be guided by good and evil in order to live correctly and in accordance with the Divine teachings.

And yet, the Almighty’s objective is to advance the world toward the goal that He has established. That ultimate goal does not consist simply in rewarding good and punishing evil.

§ 24.4. THE DOTS OVER THE LETTERS, AND THE PROPHETS AS SUPPLEMENTING MOSES’ TORAH (29:28)

בַּח הַנִּסְתָּרִית לִי אֱלֹהֵינוּ וְהַנִּגְלִית לָנוּ וּלְבָנֵינוּ עַד-עוֹלָם לַעֲשׂוֹת אֶת-
כָּל-דְּבָרֵי הַתּוֹרָה הַזֹּאת:

(28) **Concealed acts concern the Lord our God; but with overt acts, it is for us and our children ever to apply all the provisions of this Teaching.**

There is a peculiarity in this verse. The words *lanu u-le-vaneinu ad*, “for us and our children ever,” are written with dots above the letters.

All told, there are fifteen verses in the Torah in which dots appear over words or individual letters, but nowhere else on so many letters as in this instance. Here, eleven consecutive letters are dotted. The fifteen occurrences of dotted letters in the Torah are not merely a custom. The official laws of writing Torah scrolls specify that in all those verses, the dots are a strict requirement.

The meaning and purpose of the dots is to indicate that those passages in the Torah text have a special status. As concerns this particular instance of dots, it is suggested that this verse might have been added to the Torah by the prophet Ezra (who lived in the fifth century BCE, some nine hundred years after Moses).

There are different points of view in the Talmud as to whether any prophet after Moses was authorized to make additions to the Torah. First and foremost, this dispute concerns the authorship of the very last verses of this book of Deuteronomy, which describe Moses’ death at age 120, and burial. Did Moses write those verses prophetically, describing his own death and burial while he was still alive? Or did his leading disciple and successor Joshua write them after Moses’ death? Fundamentally, this dispute centers around one essential question: what was Moses’ status vis à vis that of all other prophets in Jewish history? Is Moses considered just one of a much larger number of similar prophets, meaning that Moses is “the first among equals”? If so, other prophets could make additions to Moses’ Torah. This is the approach adopted by Judah Halevi (d. 1141) and Abraham Ibn Ezra (d. 1167). Or, rather, does Moses occupy an entirely separate and unique category among the prophets? If so, then he stands incomparably higher than all other prophets in Jewish history. And this means that no other prophet may add even a single letter to Moses’ Torah. Such is the opinion of Maimonides.

Thus, according to Maimonides, the entire text of the Pentateuch was written by Moses exclusively, with no further alteration or addition. But according to the opinion of Judah Halevi and Ibn Ezra, later prophets could in fact add individual verses to the Torah. Either way, the essential point is only that the Torah text in its entirety is not the product

of human ingenuity, but was dictated by the Almighty Himself to the prophet, or prophets, who wrote it down word for word.

In all events, according to the latter opinion (of Halevi and Ibn Ezra) it is possible that the prophet Ezra added this verse to the text, in order to resolve the apparent contradiction of individual responsibility vs. collective national responsibility, and to explain the ways of Providence.

§ 24.5. THE CONCEPT OF *TESHUVAH*: REPENTANCE (30:1)

א וְהָיָה כִּי־יָבֹאוּ עֲלֶיךָ כָּל־הַדְּבָרִים הָאֵלֶּה הַבְּרָכָה וְהַקְלָלָה אֲשֶׁר
נָתַתִּי לְפָנֶיךָ וְהִשְׁבַּתְתָּ אֶל־לְבָבְךָ בְּכָל־הַגּוֹיִם אֲשֶׁר הִדְּיָחֶךָ יי אֶל־הָיָה
שְׁמָה:

(30:1) **When all these things befall you – the blessing and the curse that I have set before you – and you take them to heart amidst the various nations to which the Lord your God has banished you...**

As a whole, Deut. 30 is unusually complex, because of the ambiguity of many of the concepts it discusses. Tradition calls it *Parashat Ha-Teshuvah*, the “chapter of repentance (more literally, return).”

Until this point, *teshuvah* has hardly ever been mentioned in the Torah as a topic in its own right. The very essence of *teshuvah* is paradoxical: it allows you, as it were, to travel back in time, in order to correct – even to undo – something that has already happened in the past. This possibility of “time travel” implies a personal connection with the Creator, Who transcends time and all its limitations.

The first word of this verse is *ve-hayah*, literally, “and it shall be.” This word uses a unique Hebrew grammatical construction known as *vav ha-hippuch*, “conversive *vav*” – the Hebrew letter *vav* when used to convert past tense to future tense, or vice versa. In this case, for example, *hayah* is normally past tense, meaning “it (or he) was.” But *ve-hayah* means “it shall be.”

This usage, which has virtually no analog in any other language, and is also never used in modern Hebrew, is extremely common in the Tanach. The nature of this “conversive *vav*,” which, as mentioned,

grammatically converts past tense to future or future tense to past, suggests that in the content of the text itself there is the possibility of reversing or transcending time.

The complement to *ve-hayah*, from “was” to “shall be,” of this verse is *vayehi* from “shall be” to “was,” which is also extremely common in the Tanach for introducing some past event that the text will recount. On these two complementary words our sages have remarked: *Va-yehi*, “it happened,” usually introduces the retelling of some disastrous or negative past event, whereas *ve-hayah*, “it shall happen,” usually introduces some joyful or positive event that is expected to occur in the future.

The meaning of all this lies in the reality that the past is immutable and cannot be influenced. There is, strictly speaking, no possibility of that. But the future, on the other hand, because it has not yet happened, is susceptible to our influence. In this sense we can say that the future is essentially positive, while the past is essentially negative. Therefore, when the future becomes the past, this is something bad. What was the future just a short while ago, infinitely malleable and brimming over with potential, is now the past – categorically unchangeable and forever beyond our grasp. This is its primary shortcoming.

And yet, the power of *teshuvah*, repentance, consists precisely in that – its ability to alter the “immutable” past. This is the meaning here of the word “*ve-hayah*,” “and it shall come to pass” – turning the past into the future. The past is no longer immutable, for it is now as changeable as the future will always be.

The essence of optimism is believing that even the past can be changed. And the essence of pessimism is the belief that even the future is already cast in stone.

Teshuvah, by its very nature, changes the past. This works, because the past is not just a set of events that have already occurred, but their cumulative effect – how those events will affect and influence us for the long term.

In the purely physical sense, of course the past cannot be changed. But its ethical component can be changed. Although the event as it occurred must remain forever unchanged, its ethical meaning and ramifications undoubtedly can change, and they do – if we act to make that happen. The ethical meaning of an event lies in the impact that the

event will have on subsequent life. If you have succeeded at reworking an event such that it now moves the world in a different direction from what was originally intended, then you have changed the ethical meaning of that event.

The ethical aspect of the past does not remain in the past. It is always with us in the present – today. But if we can change that ethical present, then we are changing the past as well. We don't just rethink it; rather, we repurpose its energy to give the world an entirely different trajectory. By so doing, we change the past's actual content. Through this approach, we can actually change the past. Because the past is not merely what once happened, but how what happened affects the present – and the future.

Such is the mechanism of *teshuvah*, repentance. By repenting of our past sins today, we atone for those sins. But in certain exceptional cases, when the energy of repentance, which derives from a sense of guilt, motivates a person to change his inner self, and to change the world such that more good than the harm will ultimately result, then those sins can even become merits.

Repenting from one's sins is thus a unique opportunity to return to God. This is why the word *teshuvah* means both repentance and return.

§ 24.6. ISRAEL'S RETURN TO THE LAND (30:1-5)

א וְהָיָה כִּי־יָבֹאוּ עֲלֶיךָ כָּל־הַדְּבָרִים הָאֵלֶּה הַבְּרָכָה וְהַקְּלָלָה אֲשֶׁר נָתַתִּי
לְפָנֶיךָ וְהִשְׁבַּתְתָּ אֶל־לִבְבְּךָ בְּכָל־הַגּוֹלִים אֲשֶׁר הִדִּיחֶךָ יִי אֱלֹהֶיךָ שְׁמָה:
ב וְשִׁבַּתְתָּ עַד־יִי אֱלֹהֶיךָ וְשָׁמַעַתָּ בְּקוֹלִי כָּל־אֲשֶׁר־אֲנִי מְצַוֶּךָ הַיּוֹם
אָתָּה וּבְנֶיךָ בְּכָל־לִבְבְּךָ וּבְכָל־נַפְשְׁךָ: ג וְשָׁב יִי אֱלֹהֶיךָ אֶת־שִׁבּוּתֶךָ
וְרַחֲמֶךָ וְשָׁב וְקִבַּצְךָ מִכָּל־הָעַמִּים אֲשֶׁר הִפִּיצְךָ יִי אֱלֹהֶיךָ שְׁמָה:
ד אִם־יִהְיֶה נִדְחֶךָ בְּקֶצֶה הַשָּׁמַיִם מִשָּׁם יִקְבָּצְךָ יִי אֱלֹהֶיךָ וּמִשָּׁם יִקְחֶךָ:
ה וְהִבִּיֵּאתְךָ יִי אֱלֹהֶיךָ אֶל־הָאָרֶץ אֲשֶׁר־יָרְשׁוּ אֲבֹתֶיךָ וִירְשָׁתָּהּ וְהִיטִבְךָ
וְהִרְבֶּךָ מְאֹד:¹

(30:1) When all these things befall you – the blessing and the curse that I have set before you – and you take them to heart

amidst the various nations to which the Lord your God has banished you,

(2) and you return to the Lord your God, and you and your children heed His command with all your heart and soul, just as I enjoin upon you this day,

(3) then the Lord your God will restore your fortunes and take you back in love. He will bring you together again from all the peoples where the Lord your God has scattered you.

(4) Even if your outcasts are at the ends of the world, from there the Lord your God will gather you, from there He will fetch you.

(5) And the Lord your God will bring you to the land that your fathers possessed, and you shall possess it; and He will make you more prosperous and more numerous than your fathers.

(30:1) When all these things befall you – the blessing and the curse that I have set before you: Note the wording: “When all these things befall you.” Not “if,” but “when.” This weekly portion *Nitzavim* describes future history as something inevitable. It will happen because it must happen.

Freedom of choice is arranged such that a person, or a nation, might or might not commit a certain act. Thus, for any particular individual or generation, the blessings might or might not be realized. And the curses likewise. But on the scale of Jewish history spanning millennia, all the blessings and curses of the Torah must be realized in one way or another. Although on the scale of an individual life, or even several generations, there is no predetermination, on the scale of history, a period of hundreds or thousands of years, there is a certain collective destiny.

And yet, even on the historical scale, this does not imply the existence of predestination in any precise sense. Any given prediction can be fulfilled in a variety of ways. Ultimately, the concrete realization of the Torah’s prophecies depends on us.

And you take them to heart amidst the various nations to which the Lord your God has banished you: To take those events to heart means to understand the meaning of the exile. Moses predicts that Isra-

el's tragedies and grief will not harden their hearts, but will instead lead them to repentance.

And you take them to heart: After having been so long in exile, at some point they are bound feel something. Their own inner awakening will begin. The awakening of this impulse is a sign that the exile is finally ending.

The Hebrew here for "And you take them to heart" uses the word *va-hasheivota*, which in fact derives from the same Hebrew root as the word *teshuvah*. Thus, it means, literally, "And you shall return these events to your heart."

But even so, this is not yet *teshuvah* in the full sense. That comes only in the next verse: "And you return to the Lord your God." Here the return is only an incipient, "raw" *teshuvah*. This verse does not yet describe a process of returning to God, but only of acknowledging and accepting – "returning to one's heart." "Conversing with one's heart" means that a person demands of himself that he account for his successes or failures in fulfilling his duties to God. In this sense it is a person's encounter with his Creator. Such an encounter often means, first and foremost, that a person returns to himself. And by virtue of that, he then returns to God. But "returning to oneself" is only the first stage of that process.

(2) And you return to the Lord your God, and you and your children heed His command with all your heart and soul: The people of Israel will draw correct conclusions from the fact of the exile itself, and the woes they have experienced because of it. Rather than shifting responsibility onto anyone else, they will undertake to right their wrongs and correct their mistakes.

And you return to the Lord your God: "To the Lord" here, in the Hebrew, is *`ad Ha-shem*. Literally, *`ad* means "until," which we can understand here in the exclusive sense. That is, the people will direct themselves to returning to God, but will not yet succeed at reaching Him. This is the first stage of their return. (In Deut. 30:10 below, a similar but different construction appears: "Once you return to the Lord your God." In that case the Hebrew preposition is not *`ad* but *el* – another form of "to," but which indicates that the people will actually arrive at their

intended destination. That is, they will successfully reach God, and their repentance will be complete.)

The *teshuvah* of which the Torah speaks here is national, not individual, *teshuvah*. This *teshuvah* is of a secular, not religious nature, we can say. The first stage of the return is the people's return, in the physical, geographical sense, to the Land of Israel.

And you and your children heed His command: Literally, "And you and your children will listen to His voice." Note that this verse is not referring to observance of the commandments, which comes only later, in Deut. 30:8. Here, as the Midrash puts it, "The *Shechinah* (the Almighty's hovering presence) returns to the land together with the people of Israel."

Seen in this light, Zionism is the most significant national *teshuvah* movement in Jewish history. "Listening to God's voice" means that the people respond to God's call that is beckoning them to return to the Land of Israel. Thus, when the Torah speaks of *teshuvah*, it primarily speaks of repentance at the national level, of returning to the land. Only after that has been achieved can the Torah speak of observing the commandments. Observance comes second, not first, because outside the Land of Israel the commandments are "not in their proper place," and their observance there is always below par. As we have often noted (see Deut. 4:5, for example), the commandments were given for the Land of Israel. They are the law of the state for the people in their land. Outside the Land of Israel the commandments are nothing more than practice exercises for preserving memory – swimming lessons conducted on dry land, as it were.

Of course, even in exile there is an obligation to observe the commandments. The purpose of that observance is essentially a stop-gap measure – for maintaining Jewish identity, so that while the Jewish people are in exile, they will not assimilate into the surrounding nations. But the true goal of observing the commandments in exile lies in the expectation that the people will eventually return to the Land of Israel and observe the commandments there. Exile is a very unnatural place for observance of the commandments. A true and complete *teshuvah* is really not possible outside the Land of Israel.

First the people must return to their national life. It is their return to normality, the result of the nation's collective *teshuvah* – their return to the Land of Israel. Once this has been achieved, observance of the commandments acquires an entirely different meaning. Different and immeasurably enhanced.

(3) Then the Lord your God will restore your fortunes: “Restore” here in the Hebrew is *ve-shav*, not *ve-heishiv*, as we should have expected. The former is the intransitive form of returning. The latter is the transitive form – as would normally be required here, because the Almighty is restoring something else to its place – in this case, Israel and their “fortunes.” But because the verb appears here, unexpectedly, in intransitive form, this verse can be understood as: “Then the Lord your God will (Himself) return, along with your captives.” When the people return to the Land of Israel, it is as if God Himself has been with them in exile all that time, and now He, too, returns along with them to the land.

At the same time, such expressions are found in the Tanach not only in connection with the Jewish people, but other nations as well. This idea, that “God travels with the nations,” emphasizes that the history of the peoples of the world is the history of the revelation of Divine light to all of humanity.

And take you back in love. He will bring you together again from all the peoples where the Lord your God has scattered you: This is the second ingathering of the exiles, more complete than the one of which the Torah spoke earlier. Thus, the return of the Jewish people to their land will occur in several stages.

(4) Even if your outcasts are at the ends of the world, from there the Lord your God will gather you, from there He will fetch you: “At the ends of the world” in the Hebrew is actually “At the nethermost reaches of the heavens.” In other words, it is a very remote spiritual culture under whose influence the Jews have already completely forgotten their Jewishness. (In the language of the Torah, “heaven” is often used to mean the space occupied by the spirit.)

(5) And the Lord your God will bring you to the land that your fathers possessed, and you shall possess it; and He will make you more prosperous and more numerous than your fathers: At this

stage, the people will have surpassed the previous generations only in terms of material prosperity and population numbers. (Spiritual excellence will come only later, see below.)

§ 24.7. RETURNING TO GOD IN THE LAND
OF ISRAEL (30:6-10)

וּמִלֵּי יְיָ אֱלֹהֶיךָ אֶת־לִבְּךָ וְאֶת־לִבְּךָ וְרַעֲךָ לְאַהֲבָה אֶת־יְיָ אֱלֹהֶיךָ
בְּכָל־לִבְּךָ וּבְכָל־נַפְשְׁךָ לְמַעַן חַיֶּיךָ: ז וְנָתַן יְיָ אֱלֹהֶיךָ אֶת כָּל־הָאֲלוֹת
הָאֵלֶּה עַל־אֵיבֶיךָ וְעַל־שֹׁנְאֶיךָ אֲשֶׁר רָדְפוּךָ: ח וְאַתָּה תֵּשׁוּב וְשָׁמַעְתָּ
בְּקוֹל יְיָ וְעָשִׂיתָ אֶת־כָּל־מִצְוֹתָיו אֲשֶׁר אֶנְכִּי מְצַוְךָ הַיּוֹם: ט וְהוֹתִירָךָ יְיָ
אֱלֹהֶיךָ בְּכָל | מַעֲשֵׂה יָדָךְ בְּפָרִי בִטְנְךָ וּבְפָרִי בְהֶמְתֶּךָ וּבְפָרִי אֲדָמָתְךָ
לְטָבָה כִּי | יֵשׁוּב יְיָ לְשׁוּשׁ עֲלֶיךָ לְטוֹב כַּאֲשֶׁר־שָׁשׂ עַל־אַבְתְּיָךְ:
י כִּי תִשְׁמַע בְּקוֹל יְיָ אֱלֹהֶיךָ לְשֹׁמֵר מִצְוֹתָיו וְחֻקֹּתָיו הַכְּתוּבָה בְּסֵפֶר
הַתּוֹרָה הַזֶּה כִּי תֵשׁוּב אֶל־יְיָ אֱלֹהֶיךָ בְּכָל־לִבְּךָ וּבְכָל־נַפְשְׁךָ:

(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.

(7) The Lord your God will inflict all those curses upon the enemies and foes who persecuted you.

(8) You, however, will again heed the Lord and obey all His commandments that I enjoin upon you this day.

(9) And the Lord your God will grant you abounding prosperity in all your undertakings, in the issue of your womb, the offspring of your cattle, and the produce of your soil. For the Lord will again delight in your well-being, as He did in that of your fathers,

(10) since you will be heeding the Lord your God and keeping His commandments and laws that are recorded in this book of the Teaching – once you return to the Lord your God with all your heart and soul.

(6) Then the Lord your God will open up your heart and the hearts of your offspring: Literally, the Hebrew text reads: “Then the Lord your God will circumcise your heart and the heart of your offspring.”

“Circumcision of the heart” means an essential change in a person’s character. After the Jewish people return to the Land of Israel, the ensuing events will alter their consciousness. In particular, observance of the Torah’s commandments, at both the individual and national levels, will become a natural part of life, and will be based entirely on free choice, with no element of external coercion, whether moral or psychological. Only that mode of observance can be considered true observance of the commandments.

(7) The Lord your God will inflict all those curses upon the enemies and foes who persecuted you: Even in the age of Divine mercy and the return from exile, wars and other major conflicts will continue to occur. Wars will cease entirely only in the very final stage of the Messianic process.

(8) You, however, will again heed the Lord and obey all His commandments that I enjoin upon you this day: With the arrival of this phase of history, the commandments are now mentioned. This is the religious *teshuvah*, which can happen only after the national *teshuvah* – the people’s return to their land.

(9) And the Lord your God will grant you abounding prosperity in all your undertakings: This means that after returning from exile, the people will be blessed with not just the previous level of success, but with even much more than their ancestors had. Thus, despite all the troubles and hardships the Jewish people will have endured, the exile and return will enrich them, preparing them to serve in the role of the spiritual leaders of mankind.

Deut. 30:5 above stated that in the first stage, those who return will outnumber the previous generations. But here the Torah promises that, moreover, they will surpass the previous generations spiritually as well.

(10) Since you will be heeding the Lord your God and keeping His commandments and laws that are recorded in this book of the Teaching – once you return to the Lord your God with all your heart and soul: “Heeding the Lord your God” (literally, “listening to the voice

of the Lord your God”) has already been mentioned twice before in this section, in Deut. 30:2 and 8. And now also here, as the third stage of *teshuvah*.

It is expressed by the words *tashuv el Ha-shem*, “return to the Lord.” This contrasts with Deut. 30:2, which expressed that idea as *ad* (not *el*) *Ha-shem*, the difference being in the Hebrew preposition used to express “to.” The usage here, *el Ha-shem*, expresses a far greater degree of closeness to the Almighty.

The *teshuvah* of Deut. 30:2, the national return, happens “with all your heart and soul.” But there is no mention of that in Deut. 30:8, which speaks of the return to observance of the commandments. This tells us that that return to the Torah’s commandments was in fact incomplete – only a partial return, with an insufficient level of understanding, and involving not the entire nation, but only a subset of the people. Only here, at the third stage of the *teshuvah*, does the Torah say again “with all your heart and soul.” Only then will that observance finally be complete and full-valued.

Thus, there are three stages of *teshuvah*:

- (i) The return of the people to their land (Deut.30:2).
- (ii) Partial observance of the Torah by a subset of the people (Deut.30:8).
- (iii) Full realization of the Torah by all the people (Deut. 30:10).

Only at the final stage will the Jewish nation be equipped to fulfill their mission as the teachers of mankind.

§ 24.8. “IT IS NOT IN THE HEAVENS” (30:11-14)

אֵל בִּי הַמַּצְנָה הַזֹּאת אֲשֶׁר אֲנִי מְצוּדָה הַיּוֹם לֹא־נִפְלְאָתָהּ הוּא מִמֶּדֶּי וְלֹא
 רִחְקָהּ הוּא: יב לֹא בַשָּׁמַיִם הוּא לֵאמֹר מִי יַעֲלֶה־לָּנוּ הַשָּׁמַיִמָּה וְיִקְחֶהָ
 לָנוּ וְיִשְׁמַעְנוּ אֹתָהּ וְנַעֲשֶׂנָּה: יג וְלֹא־מֵעֵבֶר לֵים הוּא לֵאמֹר מִי יַעֲבֹר־
 לָנוּ אֶל־עֵבֶר הַיָּם וְיִקְחֶהָ לָּנוּ וְיִשְׁמַעְנוּ אֹתָהּ וְנַעֲשֶׂנָּה: יד כִּי־קְרוֹב
 אֵלֶיךָ הַדָּבָר מֵאֵד בְּפִיךָ וּבִלְבָבְךָ לַעֲשׂוֹתוֹ:

(11) Surely, this Instruction which I enjoin upon you this day is not too baffling for you, nor is it beyond reach.

(12) It is not in the heavens, that you should say, “Who among us can go up to the heavens and get it for us and impart it to us, that we may observe it?”

(13) Neither is it beyond the sea, that you should say, “Who among us can cross to the other side of the sea and get it for us and impart it to us, that we may observe it?”

(14) No, the thing is very close to you, in your mouth and in your heart, to observe it.

(11) Surely, this Instruction which I enjoin upon you this day:

Note the word “Instruction” used here – “this *mitzvah*,” not “this Torah.” *Mitzvah*, which means “commandment,” appears here in the singular, but it actually means the totality of all the commandments.

Everything soon to be mentioned in this passage – that the commandments are humanly comprehensible, that they are not in heaven and not beyond the sea, and that they are “close to you for observance” – is said only about the commandments, not about the most advanced and exalted levels of Torah understanding.

Is not too baffling for you: The Torah’s system of commandments is fully open to human understanding. It is not a mystical or esoteric doctrine.

Nor is it beyond reach: The commandments address issues of real, practical life and ordinary human experience.

(12) It is not in the heavens, that you should say, “Who among us can go up to the heavens and get it for us and impart it to us, that we may observe it?”: The Torah’s system of commandments requires no “decisions rendered from Heaven,” nor any additional prophecies or mystical insights beyond the Torah that has already been revealed to Israel by Moses.

(13) Neither is it beyond the sea, that you should say, “Who among us can cross to the other side of the sea and get it for us and impart it to us, that we may observe it?”: Nor does the system of

the commandments demand recourse to distant, overseas civilizations in order to clarify it.

(14) No, the thing is very close to you, in your mouth and in your heart, to observe it: Because this system is entirely natural for the Jewish nation, its observance depends only on each individual. There are no external conditions or obstacles.

Thus, the concept of *teshuvah* as outlined in these passages can be summarized as follows:

- The story begins with the fact that the people are under threat of going into exile. But, moreover, this is even considered an inevitable certainty.
- After the exile, the people will return. This return will consist of three stages: physical return to the land; partial obedience to the commandments; and, finally, full observance of the commandments.
- In conclusion, the Torah stresses that the people's observance of the commandments is something entirely natural for them. Thus, it is assured that the final stage, full observance, will indeed come to pass.

§ 24.9. THE TORAH AND THE COMMANDMENTS: NOT IN THE HEAVENS OR BEYOND THE SEA

We noted earlier that “not in the heavens” and “not beyond the sea” is said specifically about the commandments, but not about the Torah. It is the observance of the commandments, and only that, which does not require ascending to the heavens or traveling beyond the sea. But as concerns the Torah itself, full comprehension and realization of the Torah does, on the contrary, require going to such lengths, and even further than those.

The realization of the Torah is by no means limited to the observance of the commandments. Positive actions and limiting prohibitions are

only a part of the Torah. Proper boundaries must of course be observed and not crossed. But in the larger world, as in life, there is an enormous set of questions that do not belong to the domain of commandments and prohibitions at all. These are the questions such as: “What am I to choose from all that is permitted?” And: “To what should I be devoting my life?” Since the Torah is concerned with the full spectrum of life, and not only its boundaries (commandments and prohibitions), questions such as those must likewise be resolved based on the Torah and its principles. And in order to determine the viewpoints of the Torah on those complex issues, which go well beyond the commandments, it is vital that we be prepared even to ascend to the heavens and to travel beyond the sea. Doing so is necessary in order to perfect our knowledge of higher spheres and our understanding of the ideological systems that exist among humanity (as already mentioned, “the heavens” is a term used to mean the space of human ideas). We must prepare to go even to such lengths and distances in order to understand all the cultures and civilizations of the world – not only those close and familiar to us, but also the ones that lie beyond the sea.

As a general rule, a person’s perception of the Torah depends on the depth and breadth of his knowledge and understanding of life. This is because God is the Creator not only of a religious tradition, but of the entire universe in all its vast complexity. Thus, knowledge of God is inseparable from knowledge of the world. The more we observe the world and understand human ideas, the more deeply we can understand the Torah. And conversely, without worldly knowledge, a full understanding of the Torah is simply impossible.

§ 24.10. “THE LAWS OF THE TORAH
ARE NOT IN THE HEAVENS” – THEY ARE DECIDED
BY A MAJORITY OPINION OF THE SAGES

The words “It is not in the heavens” are renowned also for the meaning they famously acquired in later Jewish tradition. From this passage is derived the fundamental principle that decisions on matters of Halachah,

Jewish law, are rendered only by the sages. No prophetic revelation is needed, or even admissible, for this purpose.

The Talmud relates that Rabbi Eliezer (early second century CE), a leading sage of the Mishnah, which is the foundational text of the Talmud, disagreed with his colleagues on an important halachic issue: the ritual purity or impurity of a certain type of oven. Ultimately, however the dispute went far beyond the particular question at hand, and established a foundational principle of Jewish legislation.

This exceptionally poignant story is told in the Talmud (Bava Metzia 59b), as follows. The Sages taught: on that day, when they discussed this matter, Rabbi Eliezer invoked every possible argument in the world to support his opinion. But the Rabbis would not accept his position. After failing to convince the Rabbis logically, Rabbi Eliezer said to them: "If the Halachah accords with me, then let this carob tree prove it." The carob tree was uprooted from its place one hundred cubits. And some say four hundred cubits. The Rabbis said to him: "One does not bring halachic proof from a carob tree." Rabbi Eliezer then said to them: "If the Halachah accords with me, let this the stream prove it." The water in the stream then turned backward and began flowing in the opposite direction. They said to him: "One does not bring halachic proof from a stream." Rabbi Eliezer then said to them: "If the Halachah accords with me, let the walls of this study hall prove it!" The walls of the study hall then leaned inward and began to fall. Rabbi Joshua, who was Rabbi Eliezer's primary disputant, scolded the walls: "If Torah scholars are contending in matters of Halachah, what is your business to involve yourselves in the dispute?" The Gemara relates: in deference to Rabbi Joshua the walls did not fall. But neither did they straighten up – in deference to Rabbi Eliezer. And those walls even now still remain leaning. Rabbi Eliezer then said to them: "If the Halachah accords with me, let Heaven prove it!" Indeed, a Divine voice then emanated from Heaven and admonished the sages: "Why do you dispute with Rabbi Eliezer, seeing as Halachah always accords with him in every instance!" But Rabbi Joshua stood up and argued, quoting Deuteronomy: "It is not in the heavens!" The Gemara asks: how is the phrase "It is not in the heavens" relevant in this context? Said Rabbi Jeremiah: "Since the Torah has already been given at Mount Sinai, we must not regard a Heavenly voice

to resolve a dispute, given that the Almighty wrote in the Torah long ago, at Mount Sinai: 'Always abide by the majority opinion' (Exod. 23:2).¹⁰ Since the majority of Rabbis disagreed with Rabbi Eliezer's opinion, the Halachah was decided not in accordance with his opinion, but with theirs. The Gemara further relates: some years later, Rabbi Nathan met Elijah the Prophet, and asked him: "What did the Holy One, Blessed be He, do at that time, when Rabbi Joshua argued, 'It is not in the heavens'?" The Prophet Elijah answered Rabbi Nathan: "At that time the Holy One, Blessed be He, smiled and said: 'My children have triumphed over Me. My children have triumphed over Me.'"

The essential lesson of this story is this: Although Rabbi Eliezer's viewpoint was correct in a certain Divine sense, the sages decided nonetheless that it could not be applied in actual practice. Rather, now that the Torah has been given at Sinai, the Halachah must always be decided only in accordance with a majority of competent human opinions.

Thus, we can say that there are various simultaneous, parallel channels for revealing the commandments of the Torah to humankind. One of those channels is the Ten Commandments, which were written on the stone tablets, and whose meaning is special. Another channel is the Written Torah – a text that is immutable, but which only lays out the general principles of the commandments, but does not explain in any detail how they should be applied in real life. And finally, there is the Oral Torah – the interpretation that the sages of each generation apply to the principles of the Written Torah. The Oral Torah no longer descends from heaven; it "emerges from the earth." That is, it is dynamically formulated from within life itself as a cooperative dialogue between God and man. The laws of the Torah develop as the result of that cooperation, addressing and solving new problems as they arise.

§ 24.11. "CHOOSE LIFE" (30:15-20)

טו רָאָה נִתְּתִי לְפָנֶיךָ הַיּוֹם אֶת־הַחַיִּים וְאֶת־הַטּוֹב וְאֶת־הַמָּוֶת וְאֶת־
הָרָע: טז אֲשֶׁר אֲנִי מְצֹוֶה הַיּוֹם לֵאמֹר לֵאמֹר אֶת־יְיָ אֱלֹהֶיךָ לִלְכֹּת בְּדַרְכּוֹ
וּלְשָׁמֵר מִצְוֹתָיו וְחֻקָּתָיו וּמִשְׁפָּטָיו וְחַיֵּיתָ וּרְבִיתָ וּבִרְכָּךָ יְיָ אֱלֹהֶיךָ

בְּאֶרֶץ אֲשֶׁר-אַתָּה בֹּאֲשָׁמָה לְרִשְׁתָּהּ: יִי וְאִם-יִפְגַּה לְבַבְךָ וְלֹא תִשְׁמַע
וְנִדְחָתָּ וְהִשְׁתַּחֲוִיתָ לְאֱלֹהִים אֲחֵרִים וְעַבַּדְתָּם: יִי הַגִּדְתִּי לָכֶם הַיּוֹם
כִּי אֲבֹד תֵּאבְדוּן לֹא-תֵאָרִיכוּ יָמִים עַל-הָאָדָמָה אֲשֶׁר אַתָּה עֹבֵר אֶת-
הַיַּרְדֵּן לְבֹא שָׁמָּה לְרִשְׁתָּהּ: יִי הַעֲדִיתִי בְּכֶם הַיּוֹם אֶת-הַשְּׂמִים וְאֶת-
הָאָרֶץ הַחַיִּים וְהַמָּוֶת נָתַתִּי לִפְנֵיךָ הַבְּרָכָה וְהַקְלָלָה וּבִחְרָתָּ בְּחַיִּים
לְמַעַן תַּחֲסִיחַ אֶתָּה וְזִרְעֶךָ: כֹּה לֵאמֹר אֶת-יְיָ אֱלֹהֶיךָ לְשַׁמֵּעַ בְּקוֹלְךָ
וּלְדַבְּקָה-בּוֹ כִּי הוּא חַיִּיךָ וְנֶאֱרָךְ יָמֶיךָ לְשֹׁבֵת עַל-הָאָדָמָה אֲשֶׁר נִשְׁבַּע
יְיָ לְאַבְרָהָם לְיִצְחָק וּלְיַעֲקֹב לֵאמֹר לָתֵת לָהֶם:

(15) See, I set before you this day life and prosperity, death and adversity.

(16) For I command you this day, to love the Lord your God, to walk in His ways, and to keep His commandments, His laws, and His rules, that you may thrive and increase, and that the Lord your God may bless you in the land that you are about to enter and possess.

(17) But if your heart turns away and you give no heed, and are lured into the worship and service of other gods,

(18) I declare to you this day that you shall certainly perish; you shall not long endure on the soil that you are crossing the Jordan to enter and possess.

(19) I call heaven and earth to witness against you this day: I have put before you life and death, blessing and curse. Choose life – if you and your offspring would live –

(20) by loving the Lord your God, heeding His commands, and holding fast to Him. For thereby you shall have life and shall long endure upon the soil that the Lord swore to your ancestors, Abraham, Isaac, and Jacob, to give to them.

(15) See: As already noted in weekly portion *Re'eh* (see § 11.2 above), there are three distinct levels of advancement in understanding:

- (i) Seeing at the simplest level.
- (ii) Listening.
- (iii) Seeing at a more advanced level.

(15, 19) I set before you this day life and prosperity, death and adversity ... Choose life: The Torah proceeds from the premise that every human being is endowed with freedom of choice. And since “Choose life!” is an appeal to the nation as a whole, it means that there is freedom of choice also at the national level.

We sometimes encounter the viewpoint that although every individual has freedom of choice, nations have no such freedom of choice, because nations are governed by Divine Providence, and in that realm, everything is thoroughly predetermined. But with respect to the Jewish people, at very least, that is simply not true. When the Torah says, “Choose life,” it is telling us that indeed the nation has a choice. Whether the nation will ultimately have life depends on the collective decision of all the people.

Life and prosperity, death and adversity: Here a definite value system is established. Life is good. Death is evil. But it is important to note that this approach is hardly universal to all religious systems. Some of those take the position that true goodness lies only in death, because death brings a person face to face with God. The Torah, however, vehemently rejects this approach.

(16-18) For I command you this day ... that you may thrive and increase, and that the Lord your God may bless you in the land ... But if your heart turns away ... you shall certainly perish; you shall not long endure: This is a brief summary of the blessings and curses previously expounded at great length.

(19) I call heaven and earth to witness against you this day: These are the eternal witnesses – the physical world, and the world of concepts and ideas.

I have put before you life and death, blessing and curse: Life was mentioned in the beginning (Deut. 30:15), and is repeated here as an essential value, critical to the principle of free choice. In addition, heaven and earth are called here as witnesses. In other words, the entire universe is a witness to the existence of freedom of choice.

Moreover, here it is not good and evil that are emphasized, but the blessing and the curse. The blessing is a particular kind of good – the

good that the Almighty bestows from above. And likewise, the curse is a particular kind of evil – the evil that comes from above.

Choose life: This principle is fundamental to Judaism. One clings to God not by renouncing life or detaching oneself from it, but by embracing life in all its aspects and grandeur.

In conventional religious terms, “choosing life” is not an obvious choice at all. When the spiritual principle dominates, a person may mistakenly want to choose death. He may wish to focus on death as the object of his aspirations, believing that nothing of any true value is found in this world but only in the afterlife, that this world is only a hindrance to approaching God, and that in order to approach God one must therefore leave this world. We need not understand “choosing death” to mean suicide in the literal sense. It can also mean simply neglecting life, or withdrawing from this world in order to devote oneself to the study of sacred texts, to meditation, or to other such activities by which, it is believed, one can best maintain continuous contact with God.

But that mode of thinking is rejected here. The Torah says that goodness and blessing are found only in embracing life, not in neglecting, rejecting, or withdrawing from it.

(20) By loving the Lord your God, heeding His commands, and holding fast to Him. For thereby you shall have life and shall long endure upon the soil that the Lord swore to your ancestors, Abraham, Isaac, and Jacob: Certain religious systems see heaven and earth as mutually antithetical. The argument usually goes something like this: “Here on earth everything is bad and wrong. Only in heaven can one find that which is truly good and right. It is therefore the task of the soul to leave earth behind and reach for heaven.” But the Torah rejects this viewpoint. It strives to ensure that spirituality can and will be found not in heaven, but right here on earth. Our task is to bring God down to earth, not to break away from earth and aspire to the heavens.

**WEEKLY
PORTION 9**

VAYELECH



§ 25. THE TRANSFER OF LEADERSHIP FROM MOSES TO JOSHUA

§ 25.1. MOSES DEPARTS (31:1-8)

א וַיֵּלֶךְ מֹשֶׁה וַיְדַבֵּר אֶת־הַדְּבָרִים הָאֵלֶּה אֶל־כָּל־יִשְׂרָאֵל: ב וַיֹּאמֶר
אֲלֵהֶם בֶּן־מֵאָה וְעֶשְׂרִים שָׁנָה אֲנִכִּי הַיּוֹם לֹא־אוּכַל עוֹד לַעֲשׂוֹת וּלְבֹא
וַיֵּי אָמַר אֲלֵי לֹא תַעֲבֹר אֶת־הַיַּרְדֵּן הַזֶּה: ג יִי אֱלֹהֶיךָ הוּא | עָבַר
לִפְנֶיךָ הוּא־יִשְׁמָד אֶת־הַגּוֹיִם הָאֵלֶּה מִלִּפְנֶיךָ וַיִּרְשָׁתָם יְהוֹשֻׁעַ הוּא
עָבַר לִפְנֶיךָ כְּאִשֶּׁר דִּבֶּר יי: ד וְעָשָׂה יי לָהֶם כְּאִשֶּׁר עָשָׂה לְסִיחֹן
וּלְעֹז מַלְכֵי הָאֱמֹרִי וּלְאַרְצָם אֲשֶׁר הִשְׁמִיד אַתָּם: ה וּנְתַנָּם יי לִפְנֵיכֶם
וְעָשִׂיתָם לָהֶם כְּכָל־הַמִּצְוָה אֲשֶׁר צִוִּיתִי אֶתְכֶם: ו חֲזְקוּ וְאַמְצֹו אֶל־
תִּירְאוּ וְאַל־תַּעֲרָצוּ מִפְּנֵיהֶם כִּי | יִי אֱלֹהֶיךָ הוּא הֶהָלַךְ עִמָּךְ לֹא יִרְפָּךְ
וְלֹא יַעֲזֹבְךָ: ז וַיִּקְרָא מֹשֶׁה לַיהוֹשֻׁעַ וַיֹּאמֶר אֵלָיו לְעֵינַי כָּל־יִשְׂרָאֵל חֲזָק
וְאַמְץ כִּי אַתָּה תְּבוֹא אֶת־הָעָם הַזֶּה אֶל־הָאָרֶץ אֲשֶׁר נִשְׁבַּע יי לְאַבְרָם
לְתֵת לָהֶם וְאַתָּה תִּנְחִילֵנָה אוֹתָם: ח וַיְיָ הוּא | הֶהָלַךְ לִפְנֵיךָ הוּא יְהִי
עִמָּךְ לֹא יִרְפָּךְ וְלֹא יַעֲזֹבְךָ לֹא תִירָא וְלֹא תַחַת:

(31:1) Moses went and spoke these things to all Israel.

(2) He said to them: I am now one hundred and twenty years old, I can no longer be active. Moreover, the Lord has said to me, "You shall not go across yonder Jordan."

(3) The Lord your God Himself will cross over before you; and He Himself will wipe out those nations from your path and you shall dispossess them. – Joshua is the one who shall cross before you, as the Lord has spoken. –

(4) **The Lord will do to them as He did to Sihon and Og, kings of the Amorites, and to their countries, when He wiped them out.**

(5) **The Lord will deliver them up to you, and you shall deal with them in full accordance with the Instruction that I have enjoined upon you.**

(6) **Be strong and resolute, be not in fear or in dread of them; for the Lord your God Himself marches with you: He will not fail you or forsake you.**

(7) **Then Moses called Joshua and said to him in the sight of all Israel: "Be strong and resolute, 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.**

(8) **And the Lord Himself will go before you. He will be with you; He will not fail you or forsake you. Fear not and be not dismayed!"**

(1) Moses went and spoke these things to all Israel: Here Moses goes to the people, rather than summoning them to him, as he would normally do by blowing the silver trumpets (see Num. 10:3). This suggests that Moses' days as a leader are nearing their end.

(2) He said to them: I am now one hundred and twenty years old: Literally, "I am one hundred and twenty years old today." This is Moses' last day on this earth.

I can no longer be active: Literally, "I can no longer go out and come in." "Going out and coming in" means, more simply, to lead. But in a narrower sense, it is military terminology, meaning: to go out to battle and return from battle.

Later, at Moses' death, the Torah tells us: "Moses was a hundred and twenty years old when he died; his eyes were undimmed and his vigor unabated" (Deut. 34:7). Thus, when Moses says here that he can no longer come and go, we know he does not mean that he is physically unable to do so. Rather, he means that the Almighty no longer permits him to do so.

Moreover, the Lord has said to me, "You shall not go across yonder Jordan": Literally, "You shall not cross this Jordan." The word

“this” seems superfluous. Is there more than one Jordan River? Of course not. But Moses seems to be saying: “This Jordan is just a river, like any other. If it were only up to me, I’d cross it with no trouble at all. But the Almighty will not allow it.”

Moses has served in three different roles in the forty-year wilderness journey. He has been

- King and commander of the armed forces.
- Prophet and teacher.
- Supreme High Priest.

When Moses says, “I can no longer go out and come in” – that is, “I can no longer lead” – we should understand this in all three aspects. In each case, the reason that Moses can no longer serve is not any actual weakness or infirmity on his part, but only that circumstantial changes now call for a different type of leadership.

- I can no longer serve as king and commander of the armed forces – going out to battle and returning from battle – because governing the people in the Land of Israel requires a different approach. In the wilderness all that happened through directives received from the Almighty, and with the aid of miracles. But in the Land of Israel military victories must be achieved by natural means.
- I can no longer serve as prophet and teacher, going out to the Tent of the Meeting to receive God’s teachings, and returning from it to relay those teachings to the people. Teaching the Torah in the Land of Israel requires a different approach, because in that land the Torah does not emanate from the heavens; it grows out of the earth.
- I can no longer serve as supreme High Priest, going out and returning with the Ark of the Covenant, and leading the way for the nation’s journeys and encampments (Num. 10:35). The function of the Temple in the Land of Israel will be different. Rather than determining Israel’s itinerary and places of encampment, as it did in the wilderness, the Temple will serve for a free people as a rallying point from everywhere in the land.

(3) The Lord your God Himself will cross over before you; and He Himself will wipe out those nations from your path and you shall dispossess them. Joshua is the one who shall cross before you, as the Lord has spoken: Until now, God and Moses have led the Jewish nation. But henceforth their leaders will be God and Joshua, Moses' disciple and successor. The essential point is that although the course of history is decided by humans, ultimately it is directed by the Almighty from above, and this understanding, which was clearly evident under Moses, must be preserved under Joshua's leadership as well.

(4-6) The Lord will do to them as He did to Sihon and Og ... The Lord will deliver them up to you ... He will not fail you or forsake you: Despite the transition of leadership, God continues to support his people in every respect.

(7) Then Moses called Joshua and said to him in the sight of all Israel: Joshua's authority must never be called into question, for that could easily lead to discord and disobedience among the people. Moses therefore repeats here, in the presence of the entire nation, the words that he had previously spoken to Joshua by God's instruction, but only in private: "The Lord said to me: 'Give Joshua his instructions, and imbue him with strength and courage, for he shall go across at the head of this people, and he shall allot to them the land that you may only see'" (Deut. 3:26-28).

§ 25.2. "GATHER THE PEOPLE": THE COMMANDMENT OF HAK'HEL (31:9-13)

ט ויכתב משה את־התורה הזאת ויתנהּ אֶל־הַכֹּהֲנִים בְּנֵי לֵוִי הַנְּשָׂאִים
אֶת־אֲרוֹן בְּרִית יְיָ וְאֶל־כָּל־זִקְנֵי יִשְׂרָאֵל: י ויצו משה אותם לאמר
מִקֵּץ | שְׁבַע שָׁנִים בְּמַעַד שְׁנַת הַשְּׁמִטָּה בַּחֹג הַסְּכֻת: יא בְּבֹא כָל־
יִשְׂרָאֵל לִרְאוֹת אֶת־פְּנֵי יְיָ אֱלֹהֶיךָ בַּמָּקוֹם אֲשֶׁר יִבְחַר תִּקְרָא אֶת־
הַתּוֹרָה הַזֹּאת נֶגֶד כָּל־יִשְׂרָאֵל בְּאָזְנֵיהֶם: יב הִקְהֵל אֶת־הָעָם הָאֲנָשִׁים
וְהַנְּשִׁים וְהַטָּף וְגֵרְךָ אֲשֶׁר בְּשַׁעְרֶיךָ לִמְעַן יִשְׁמְעוּ וְלִמְעַן יִלְמְדוּ וְיִרְאוּ
אֶת־יְיָ אֱלֹהֵיכֶם וְשִׁמְרוּ לַעֲשׂוֹת אֶת־כָּל־דְּבָרֵי הַתּוֹרָה הַזֹּאת: יג וּבְנֵיהֶם
אֲשֶׁר לֹא־יָדְעוּ יִשְׁמְעוּ וְלִמְדוּ לִירְאֶה אֶת־יְיָ אֱלֹהֵיכֶם כָּל־הַיָּמִים אֲשֶׁר
אַתֶּם חַיִּים עַל־הָאָדָמָה אֲשֶׁר אֲתֶם עֹבְרִים אֶת־הַיַּרְדֵּן שְׂמָה לְרִשְׁתָּהּ:

(9) **Moses wrote down this Teaching 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.**

(10) **And Moses instructed them as follows: Every seventh year, the year set for remission, at the Feast of Booths,**

(11) **when all Israel comes to appear before the Lord your God in the place that He will choose, you shall read this Teaching aloud in the presence of all Israel.**

(12) **Gather the people – men, women, children, and the strangers in your communities – that they may hear and so learn to revere the Lord your God and to observe faithfully every word of this Teaching.**

(13) **Their children, too, who have not had the experience, shall hear and learn to revere the Lord your God as long as they live in the land that you are about to cross the Jordan to possess.**

(12) Gather the people: The name of this ceremony, *Hak'hel*, “Gather,” derives from the Hebrew verb *K-H-L*, which is also the root of *kahal*, “congregation, community.” This ceremony, held once every seven years at the end of the Sukkot festival at the conclusion of the *Shemittah* year, marked the completion of the seven-year *Shemittah* cycle. On each such occasion, the king (or other national leader) was commanded, as the passage here states, to read the Torah to the people in the Temple. Thus the Torah served as the nation's constitution. A key purpose of the *Hak'hel* commandment was to remind the king that his power was not absolute, but that he had to act strictly within the framework that the Almighty had established. In this way, all came to acknowledge that the state was a constitutional monarchy, not a structure of absolute power.

The king would hold a public reading of passages from this book of Deuteronomy, reviewing the national history, and stressing errors that the nation had committed, for which they bore full collective responsibility. This is a very important aspect of the *Hak'hel* commandment. A nation that believes that someone else is to blame for their troubles cannot take responsibility for their own lives, and will never develop properly. Only when the people understand that they are themselves to blame for the misfortunes that have befallen them can they correct and

improve themselves. The reading of Deuteronomy conveys to the people this important lesson.

This reading also emphasizes the special position occupied by the king in the transmission of the Torah. On Yom Kippur, observed only some days earlier than *Hak'hel*, the High Priest plays the dominant role. It therefore had to be stressed that the Torah was not something that “belonged to the priesthood.” During the *Hak'hel* ceremony, the Torah scroll is first handed to the High Priest, who hands it to the king, who then reads from it. The clear message is that the king occupies a higher position, religiously speaking, than the High Priest, and that it is the king who is responsible for transmitting the Torah.

It later became standard practice to read the Torah publicly each Shabbat, sequentially traversing the entire text of the Torah twice in every seven-year cycle. The end of the second of those complete readings of the Torah would coincide with *Hak'hel*. Those readings became the weekly Torah portions in the Land of Israel.

Even later, during the Babylonian exile, where there was no *Shemittah*, and thus no seven-year agricultural cycle, it became customary to read through the entire text of the Torah publicly not just twice in seven years, but once every year. The beginning and ending of each such annual cycle of Torah readings was still made to coincide with the end of Sukkot. Thus was the festival of *Simchat Torah* established, which even to this day is an important annual event in the Jewish calendar – a vague echo, as it were, of the ancient commandment of *Hak'hel*.

From that time, the text of the Torah came to be divided into the fifty-four weekly portions still used today for reading the Torah on Shabbat mornings in synagogues all across the globe.

(9) Moses wrote down this Teaching and gave it to the priests, sons of Levi ... and to all the elders of Israel: The Levitical priests and the elders are responsible for preserving the text of the Torah.

Who carried the Ark of the Lord's Covenant: In the wilderness the Ark was carried by the Levites. But at the crossing of the Jordan the priests carried the ark.

(10) And Moses instructed them: Although it was the king who fulfilled the commandment of reading the Torah, he did so within the

framework of the Torah's transmission system, for which the priests and elders were responsible.

As follows: Every seventh year, the year set for remission, at the Feast of Booths: "Remission" means forgiveness of debts, a key feature of the seventh, *Shemittah* year. (See Deut. 15:1 ff.)

As required by this verse, *Hak'hel* was performed every seven years, at the end of *Shemittah* year, in the autumn, on the holiday of Sukkot. The annual cycle of festivals begins with Passover in the spring, and ends with Sukkot in the fall. Thus, *Hak'hel* was performed at the end of the *Shemittah* year, i.e., at the beginning of the eighth year, or, more precisely, at the beginning of the first year of the new *Shemittah* cycle just then beginning. This was also the end of the annual agricultural cycle that spanned the period from Passover to Sukkot.

(11) When all Israel comes to appear before the Lord your God: Sukkot is one of the three pilgrimage festivals, on which it was mandatory for all Jews to travel from wherever they were living to be present at the Temple (Deut. 16:16).

In the place that He will choose: That place was Jerusalem, as later became known. But nowhere in this book of Deuteronomy does the Torah indicate the actual location where the Temple will later stand. That place had to be determined only as the result of several hundred years of future historical development.

You shall read: The Hebrew *tikra* appears in singular grammatical form. This refers to Joshua. Later, however, the obligation to read the Torah in performance of the commandment of *Hak'hel* fell upon the king.

After Moses wrote the Torah and passed it on to the priests and the elders, he issued a command: "Once every seven years, you, Joshua, shall read from the Torah publicly to all of Israel, on the festival of Sukkot. Later, a different national leader will replace you. And eventually, it will be the king who will continue to do the same at seven-year intervals."

You shall read this Teaching aloud: The king would read the text of the Torah from the beginning of the book of Deuteronomy to the end of the first of the three paragraphs of the *Shema`* (Deut. 6:4-9). He would then continue with the second passage of the *Shema`* (Deut. 11:13-21)

and continue with the *Ki Tavo* portion – the separation of tithes, and the blessings and curses (Deut. 26-28 in their entirety).

(12) Gather the people – men, women, children, and the strangers in your communities – that they may hear and so learn to revere the Lord your God and to observe faithfully every word of this Teaching: This ceremony was designed to exert a compelling pedagogical influence. When the people gather together and hear their earthly ruler, the king of Israel, reading the Torah, and acknowledging its authority over him, this leaves a powerful impression on the hearts of the people, instilling in them the fear of God.

§ 25.3. DIVINE REVELATION PASSES

TO JOSHUA (31:14-23)

יִי וַיֹּאמֶר יְיָ אֱלֹהֵי מֹשֶׁה הֵן קָרְבוּ יָמָיו לָמוֹת קָרָא אֶת־יְהוֹשֻׁעַ וְהִתְיַצְּבוּ
בְּאֶהָל מוֹעֵד וְאֶצְוֵנוּ וַיֵּלֶךְ מֹשֶׁה וַיְהוֹשֻׁעַ וַיִּתְיַצְּבוּ בְּאֶהָל מוֹעֵד: טו וַיֹּאמֶר
יְיָ בְּאֶהָל בְּעָמוֹד עָנָן וַיַּעֲמֵד עָמוֹד הָעָנָן עַל־פֶּתַח הָאֶהָל: טז וַיֹּאמֶר יְיָ
אֱלֹהֵי מֹשֶׁה הִנֵּה שָׂכַב עִם־אֲבֹתֶיךָ וְכָס הָעָם הַזֶּה וְזֹנָה | אַחֲרָי | אֱלֹהֵי
נֹכְרֵהָאָרֶץ אֲשֶׁר הוּא בְּאֶשְׁמָה בְּקִרְבּוֹ וְעִזְבֵּנִי וְהִפֵּר אֶת־בְּרִיתִי אֲשֶׁר
כָּרַתִּי אִתּוֹ: יז וְחָרָה אַפִּי בּוֹ בַּיּוֹם־הַהוּא וְעִזְבֹתָיִם וְהִסְתַּרְתִּי פָנַי מֵהֶם
וְהָיָה לְאֵכָל וּמִצָּאָהוּ רַעוּת רַבּוֹת וְצָרוֹת וְאָמַר בַּיּוֹם הַהוּא הֲלֹא עַל
כִּי־אֵין אֱלֹהֵי בְּקִרְבִּי מִצָּאוֹנִי הָרַעוּת הָאֵלֶּה: יח וְאֲנֹכִי הִסְתַּר אֶסְתִּיר
פָּנַי בַּיּוֹם הַהוּא עַל כָּל־הָרָעָה אֲשֶׁר עָשָׂה כִּי פָנָה אֶל־אֱלֹהִים אֲחֵרִים:
יט וְעַתָּה כְּתֹבוּ לָכֶם אֶת־הַשִּׁירָה הַזֹּאת וְלַמָּדָה אֶת־בְּנֵי־יִשְׂרָאֵל
שִׁמָּה בְּפִיהֶם לְמַעַן תִּהְיֶה־לִּי הַשִּׁירָה הַזֹּאת לְעֵד בְּבִנְיֵי יִשְׂרָאֵל:
כ כִּי־אֲבִיאֲנִי אֶל־הָאָדָמָה | אֲשֶׁר־נִשְׁבַּעְתִּי לְאַבְרָהָם זֶכֶת חֶלֶב וּדְבַשׁ
וְאָכַל וְשָׁבַע וּדְשָׁן וּפְנָה אֶל־אֱלֹהִים אֲחֵרִים וַעֲבָדוּם וְנִאֲצוּנִי וְהִפֵּר
אֶת־בְּרִיתִי: כא וְהָיָה כִּי־תִמְצָאֻן אֹתוֹ רַעוּת רַבּוֹת וְצָרוֹת וְעָנְתָה
הַשִּׁירָה הַזֹּאת לְפָנָיו לְעֵד כִּי לֹא תִשָּׁכַח מִפִּי זִרְעוֹ כִּי יִדְעַתִּי אֶת־
יִצְרוֹ אֲשֶׁר הוּא עָשָׂה הַיּוֹם בְּטָרֶם אֲבִיאֲנִי אֶל־הָאָרֶץ אֲשֶׁר נִשְׁבַּעְתִּי:
כב וַיִּכְתֹּב מֹשֶׁה אֶת־הַשִּׁירָה הַזֹּאת בַּיּוֹם הַהוּא וְלַמָּדָה אֶת־בְּנֵי
יִשְׂרָאֵל: כג וַיִּצְוֵנוּ אֶת־יְהוֹשֻׁעַ בֶּן־נּוּן וַיֹּאמֶר חֲזֹק וְאָמַץ כִּי אִתָּה תִּבְיֹא
אֶת־בְּנֵי יִשְׂרָאֵל אֶל־הָאָרֶץ אֲשֶׁר־נִשְׁבַּעְתִּי לָהֶם וְאֲנֹכִי אֵהְיָ עִמָּךְ:

(14) The Lord said to Moses: The time is drawing near for you to die. Call Joshua and present yourselves in the Tent of

Meeting, that I may instruct him. Moses and Joshua went and presented themselves in the Tent of Meeting.

(15) The Lord appeared in the Tent, in a pillar of cloud, the pillar of cloud having come to rest at the entrance of the tent.

(16) The Lord said to Moses: You are soon to lie with your fathers. This people will thereupon go astray after the alien gods in their midst, in the land that they are about to enter; they will forsake Me and break My covenant that I made with them.

(17) Then My anger will flare up against them, and I will abandon them and hide My countenance from them. They shall be ready prey; and many evils and troubles shall befall them. And they shall say on that day, "Surely it is because our God is not in our midst that these evils have befallen us."

(18) Yet I will keep My countenance hidden on that day, because of all the evil they have done in turning to other gods.

(19) Therefore, write down this poem and teach it to the people of Israel; put it in their mouths, in order that this poem may be My witness against the people of Israel.

(20) When I bring them into the land flowing with milk and honey that I promised on oath to their fathers, and they eat their fill and grow fat and turn to other gods and serve them, spurning Me and breaking My covenant,

(21) and the many evils and troubles befall them – then this poem shall confront them as a witness, since it will never be lost from the mouth of their offspring. For I know what plans they are devising even now, before I bring them into the land that I promised on oath.

(22) That day, Moses wrote down this poem and taught it to the Israelites.

(23) And He charged Joshua son of Nun: "Be strong and resolute: for you shall bring the Israelites into the land that I promised them on oath, and I will be with you."

convey His instructions to Joshua. But a little later he speaks to both, and gives Moses instructions concerning the song.

(14) The Lord said to Moses: The time is drawing near for you to die: The time has come to appoint a new leader for the children of Israel.

Call Joshua and present yourselves in the Tent of Meeting, that I may instruct him: “Present yourselves” in the Hebrew text is *ve-hityatzevu*, “you shall stand,” with “you” in the plural. God says: “The two of you should stand together. But Joshua will receive Divine revelation; you will not.” And this is the key point: the chain of Divine revelation is about to change. Until now the revelation has gone through Moses, but henceforth it will happen through Joshua.

If Joshua would receive revelation only after Moses’ death, that would seem like just a matter of circumstantial necessity: Joshua receives Divine instruction only because there is no one else to receive it. But here the Torah is describing a different set of conditions. Joshua receives the Almighty’s instructions even during Moses’ lifetime, because now only he, not Moses, is their actual intended recipient. This is the end of Moses’ era.

The Midrash describes this as follows. When God told Moses, “You will not cross the Jordan, because you cannot govern the people any longer,” Moses replied: “If I cannot cross the Jordan as a leader, then let me do so as an ordinary citizen.” God responds: “Well, then, let’s see.” God summons Moses and Joshua to the tent and says, “Behold, now Joshua is receiving the revelation.” Joshua hears, but Moses does not hear. Moses asks Joshua: “Tell me, what did God say to you?” Joshua: “This does not concern you, it was told only to me, not to you.” Moses: “No, that simply cannot be. I would rather die.” Thus, Moses, the former king and prophet, cannot bear to live with the status of just an ordinary citizen. He cannot survive a situation where the nation’s connection with God does not go through him, because he is no longer the leading personality.

(15) The Lord appeared in the Tent, in a pillar of cloud, the pillar of cloud having come to rest at the entrance of the tent: The transfer of leadership to Joshua takes place before the eyes of the entire nation. Since there is a pillar of cloud at the entrance to the tent, the people understand that the process of Divine revelation is occurring.

This pillar of cloud (by day) and fire (by night) was a miniature, “mobile” Mount Sinai that accompanied Israel through the wilderness. The final “miniature Sinai revelation” is the one that Joshua receives here.

Thus, the transmission of the Torah in this passage involves three aspects:

- (i) Presenting the priests and the elders with a Torah scroll (Deut. 31:9). It is they who will be responsible in the future for the preservation of the Torah text and its interpretation.
- (ii) Obligating the king to read the Torah to the people at fixed intervals (Deut. 31:11). There is an understanding of the role of the Torah in the secular life of the people and of the state. Thus, their fear of God is strengthened and intensified.
- (iii) The transfer of Divine revelation to Joshua (Deut. 31:14). In the future, this revelation, a dialogue between God and the Jewish people, will develop over the course of history. In the era of the prophets this dialogue became the basis for writing down prophetic texts, which allowed the Torah to be expanded, and to become the Tanach.

(16) The Lord said to Moses: Note that when the Almighty summons Moses and Joshua, He declares that He wishes to convey His instructions to Joshua. But a little later he speaks to both, and gives Moses instructions concerning the song.

You are soon to lie with your fathers. This people will thereupon go astray after the alien gods in their midst, in the land that they are about to enter; they will forsake Me and break My covenant that I made with them: The Hebrew text translated here as “This people will thereupon go astray” actually says, “This people will rise up and go astray.” This expresses a clear contrast: “You, Moses, will soon lie down. But the people will rise.” That is, the former will happen in order

to enable the latter. The reason for your imminent departure is that the people must rise and stand on their own feet.

Although the people will “rise up to go astray and forsake Me and My covenant,” which means that the first stage of their independence will be an inevitable moral degradation, this is necessary for their historical development. But in the grand scheme, this decline will ultimately lead to spiritual progress and ascent.

(17) And they shall say on that day, “Surely it is because our God is not in our midst that these evils have befallen us”: The day will come when the people of Israel will understand on their own that their troubles are not accidental. And they will want to return to God.

(18) Yet I will keep My countenance hidden on that day, because of all the evil they have done in turning to other gods: We see that the “hiding of God’s countenance” does not occur while the Jewish people are being persecuted, but only after the process of return has begun. Thus, the Torah predicts an extreme crisis that will occur just when the Jewish people are beginning to reform.

When God hides His countenance, it means that man misinterprets the course of history (see Exod. 33:20 and the *Bible Dynamics* commentary there). While the exile persists, the circumstances, although dire, are theologically explicable: the people are being punished because they have behaved badly. But after the people have begun taking steps to correct their mistakes, explaining the misfortunes that continue to plague them becomes a much more difficult challenge.

The Torah is telling us here that the Almighty hides His countenance when Israel turns to worshipping alien deities. Thus, the people already understand the source of the problem: “Surely it is because our God is not in our midst that these evils have befallen us.” The people begin to look for a way out of their difficulties, but they have still not turned to God directly. This essential deficiency in the process of their return provokes a crisis.

(19) Therefore, write down this poem and teach it to the people of Israel; put it in their mouths: The Hebrew word used here for “poem” is *shirah*. But its literal meaning is “song.” “Write down this song” is the final commandment of the Torah, commandment number 613.

The Halachah, which reflects the perspective of all generations to come, understands this verse as a positive commandment incumbent upon every Jew to write a Torah scroll for himself. The “song” is the text of the Torah itself.

But the straightforward meaning of this verse is that it is God’s commandment to Moses to write down a special song and to teach it to the people – “put it in their mouths” – that is, they must learn it by heart.

There are two questions here:

- (i) Since all the rest of the Torah is given in prose, what is the purpose of a song here, and why is it needed?
- (ii) A song is normally learned and sung by heart (“put it in their mouths”). Why, then, is it also necessary here to write it down?

The answers to these two questions are as follows:

- (i) Poetry is a special kind of text. When something cannot be expressed in a clear, accessible form, one resorts to poetry. Allusions, associations, and indirect statements are the essential features of poetry. When something is said in poetic style, it means that there is something there that cannot be said explicitly, and it therefore requires a “song.”
- (ii) This intent is not that the people will understand the song now. It will not yet be understood, for it can be understood only at the end of days. It is thus a “a song frozen in time” – for now it can be recorded and preserved, but not understood. However, at such a time when “God will completely hide his countenance,” this song will be sorely needed, and only with the help of this song will that crisis be overcome.

In order that this poem may be My witness against the people of Israel: In the future, when God will hide His countenance and the people will finally grasp the meaning of the song, they will understand the events of history as they have occurred. And they will see that it was all part of a plan carefully laid down from the very beginning.

(21) And the many evils and troubles befall them – then this poem shall confront them as a witness, since it will never be lost from the mouth of their offspring: The song will never be forgotten. Even if the Jewish people do not learn the Torah, they cannot forget this song. That is what the poetic form of the message is meant to achieve.

The people will need this song in the critical phase of their return, so that they can properly grow and advance.

The stages of development are described in these passages of the Torah as follows:

- The people forget the Almighty.
- They are afflicted with adversity and tribulations.
- Then, because of those misfortunes and hardships, the people begin to seek the Almighty. But they do not turn to Him directly.
- The Almighty hides His countenance.
- The people finally understand the meaning of the song, and they overcome the crisis.

(22) That day, Moses wrote down this poem and taught it to the Israelites: Moses completed the task straightaway. Deut. 32 that follows therefore gives the actual text of the song.

(23) And He charged Joshua son of Nun: “Be strong and resolute: for you shall bring the Israelites into the land that I promised them on oath, and I will be with you”: In this verse, the message is somewhat different from that of the previous ones. Earlier, God conveyed to Moses the complications that will arise after his death. But here, on the contrary, God turns to Joshua and says: “I will be with you.” That is, the era of crisis will begin only after, not during, Joshua’s lifetime. It seems that Joshua needs this encouragement in order to realize his mission. Clearly, conquering and possessing a country is already a difficult undertaking. But if, in addition, the people would begin immediately to misbehave, then it would be downright impossible. This verse therefore counters the previously mentioned fears by saying that for now, during Joshua’s lifetime, the troubles will not yet begin.

§ 25.4. THE "SONG" IS TRANSMITTED
TO THE LEVITES (31:24-30)

כד וַיְהִי | כְּכֹלֹת מֹשֶׁה לִכְתֹּב אֶת־דְּבָרֵי הַתּוֹרָה־הַזֹּאת עַל־סֵפֶר עֵד
תָּמָם: כה וַיֵּצֵא מֹשֶׁה אֶת־הַלְוִיִּם נְשָׂאֵי אָרוֹן בְּרִית־יְיָ לֵאמֹר: כו לָקַח
אֶת סֵפֶר הַתּוֹרָה הַזֶּה וּשְׁמַתֶּם אֹתוֹ מִצֵּד אָרוֹן בְּרִית־יְיָ אֱלֹהֵיכֶם
וְהָיָה־שָׁם בְּךָ לְעֵד: כז כִּי אֲנֹכִי יוֹדַעְתִּי אֶת־מֶרְיָךְ וְאֶת־עֲרֻפְךָ הַקָּשָׁה
הַזֹּאת בְּעוֹדְנִי חַי עִמָּכֶם הַיּוֹם מִמָּרִים הָיִתָּם עִם־יְיָ וְאַף כִּי־אַחֲרֵי מוֹתִי:
כח הִקְהִילוּ אֵלַי אֶת־כָּל־זִקְנֵי שְׁבִטֵיכֶם וּשְׁטָרֵיכֶם וְאַדְבָּרָה בְּאָזְנֵיהֶם
אֶת הַדְּבָרִים הָאֵלֶּה וְאָעִידָה בָּם אֶת־הַשָּׁמַיִם וְאֶת־הָאָרֶץ: כט כִּי יוֹדַעְתִּי
אַחֲרֵי מוֹתִי כִּי־הִשְׁתַּחֲתַת תִּשְׁחַתּוּן וְסָרְתָם מִן־הַדֶּרֶךְ אֲשֶׁר צִוִּיתִי אֶתְכֶם
וְקִרְאַת אֶתְכֶם הִרְעָה בְּאַחֲרִית הַיָּמִים כִּי־תַעֲשׂוּ אֶת־הָרַע בְּעֵינַי יְיָ
לְהַכְעִיסוֹ בְּמַעֲשֵׂה יְדֵיכֶם: ל וַיְדַבֵּר מֹשֶׁה בְּאָזְנוֹ כָּל־קֹהֶל יִשְׂרָאֵל אֶת־
דְּבָרֵי הַשִּׁירָה הַזֹּאת עַד תָּמָם:

(24) When Moses had put down in writing the words of this Teaching to the very end,

(25) Moses charged the Levites who carried the Ark of the Covenant of the Lord, saying:

(26) Take this book of Teaching and place it beside the Ark of the Covenant of the Lord your God, and let it remain there as a witness against you.

(27) Well I know how defiant and stiffnecked you are: even now, while I am still alive in your midst, you have been defiant toward the Lord; how much more, then, when I am dead!

(28) Gather to me all the elders of your tribes and your officials, that I may speak all these words to them and that I may call heaven and earth to witness against them.

(29) For I know that, when I am dead, you will act wickedly and turn away from the path that I enjoined upon you, and that in time to come misfortune will befall you for having done evil in the sight of the Lord and vexed Him by your deeds.

(30) Then Moses recited the words of this poem to the very end, in the hearing of the whole congregation of Israel:

(24-26) When Moses had put down in writing the words of this Teaching to the very end, Moses charged the Levites ... Take this

book of Teaching and place it beside the Ark of the Covenant: Although at this point the Torah has not yet, in the literal sense, been put down in writing “to the very end,” it is as if completed to the very end.

The classic Torah commentators believe that Moses handed over the scroll, still unfinished, to the Levites, who solemnly placed it in the Ark, in the full view of the people. But then, later, the scroll was returned to Moses so that he could complete it. Because this ceremony was a critical moment for establishing the Torah’s status, it had to be carried out during Moses’ lifetime.

(26) Beside the Ark of the Covenant: The Torah scroll now lay in the Ark of the Covenant alongside the second tablets and the fragments of the broken first tablets.

The main function of the ark in later history was that the Almighty’s voice was heard from the space between the cherubs on its lid (Exod. 25:22). Thus the ark was the source of ongoing Divine revelation, deriving from three sources: the fragments of the first tablets, the second tablets, and the Torah scroll.

Of the Lord your God, and let it remain there as a witness against you: It is a witness, because it contains the conditions of the covenant, and a description of what will happen to the people if those conditions are violated.

(28) Gather to me all the elders of your tribes and your officials: These are the middle and lower strata of leadership, who are in direct contact with the masses. Moses calls upon those leaders, with the intention that they would, on their own initiative, bring also the entire nation along with them.

That I may speak all these words to them and that I may call heaven and earth to witness against them: Heaven and earth have been designated as witnesses even earlier (Deut. 30:19). But only in the next weekly portion, *Ha’azinu*, does Moses address them directly.

(30) Then Moses recited ... in the hearing of the whole congregation of Israel: The entire nation came along with the elders.

The words of this poem to the very end: The song can be understood only when considered in its entirety.

**WEEKLY
PORTION 10**

HA'AZINU

§ 26. MOSES' SONG

§ 26.1. THE UNIQUENESS OF WEEKLY PORTION *HA'AZINU*

The *Ha'azinu* portion is among the most difficult in the Torah. Its main difficulty is that it is a “song,” – delivered in poetic form. When we analyze the “information content” of any poetry, we find that its actual meaning is often very different from what the words seem to be saying on their face. However, in this work we cannot analyze the poetic component of the *Ha'azinu* song from the perspective of the original Hebrew. We must therefore be satisfied with only a high-level, approximate interpretation.

As noted earlier, this song, *Ha'azinu*, was given to Israel with an eye to “future times.” That is, it describes the crisis that will unfold in the Messianic era. Moses’ earlier addresses concerned, first and foremost, those people in particular to whom he spoke, and their immediate descendants. But *Ha'azinu*, in contrast, is a song for the future. It must be learned now, so that later, during the crisis of the Messianic process, with the aid of this song the people will be able to understand what is happening.

The *Ha'azinu* song begins by referring back to the beginning of history, the very creation of the world, and to the essence of the Jewish people. And it ends with a description of the “realpolitik” of the Messianic process. We find that Maimonides in his *Mishneh Torah* takes a similar approach. Although his primary purpose in the fourteen books of that work is to recapitulate the laws of the Torah in their entirety, Maimonides begins them with very high-level metaphysics, and ends them with

laws whose character is political, concerning the coming of the Messiah. And so also the Torah itself: it begins with the creation of the world, but its purpose is to be realized in the life of every individual, and also in the structuring of the state at the national level.

As noted earlier, the division of the Torah into fifty-four weekly portions is based on the tradition of the Babylonian Talmud. Each of those weekly portions is then further divided into seven smaller sections (one for each of the seven persons called to the Torah on Shabbat morning). But unlike the fifty-four weekly portions, the seven divisions within each of those were not fixed by Tradition – with only one exception, however: this weekly portion, *Ha'azinu*. The Talmud itself prescribes how this portion *Ha'azinu* is to be divided into seven subsections. The song itself is divided into six parts, with a seventh part that serves the song as a kind of afterword and concludes the weekly reading.

Thematically, the six parts of the song can be enumerated as follows. (We number them using angle brackets, in order to distinguish from the song's chapter and verse numbering.)

- <1> Introduction: the Torah, God, and Israel.
- <2> The people of Israel: their mission and purpose.
- <3> The well-being of the people of Israel, and how their sins impact that well-being.
- <4> Israel's punishment.
- <5> Israel's dispersal in exile, and the Divine Judgment.
- <6> Israel's revival, and their return to the land.

In this way, the *Ha'azinu* portion explains the difficulties of the Messianic process, while placing it in the context of Israel's entire history – exile, collapse, and return.

Weekly portion *Ha'azinu* contains many stark reproaches directed squarely at the people of Israel. But, portion *Ve-zot ha-Berachah* that immediately follows it will, on the contrary, praise and bless the people. This dichotomy, with which the five books of the Torah end, will also accompany the Jewish people throughout their very long history.

§ 26.2. THE TRIADS OF WEEKLY PORTIONS IN THE BOOK OF DEUTERONOMY

We have noted earlier in this *Bible Dynamics* commentary that the Torah's weekly portions are usually arranged in pairs. That is, the Torah devotes two consecutive portions to each noteworthy topic. The paired structure comes about because for every such topic there is the subjective view and the objective view. (Or, to put it another way: the view from the inside and the view from the outside.)

In this book of Deuteronomy, however, the weekly portions come not in pairs, but in groups of three. In addition to the objective and subjective points of view, there is also a third perspective – a synthesis of the first two. This is because the book of Deuteronomy is about the life of the people as an organic whole, in which opposites are united. Let's see how this works out concretely.

The eleven weekly portions of Deuteronomy in groups of three are as follows:

- Group 1, the Torah: *Devarim*, *Va'etchanan*, *Ekev*.
- Group (2), the commandments: *Re'eh*, *Shofetim*, *Ki Tetze*.
- Group (3), the covenant: *Ki Tavo*, *Nitzavim*, *Vayelech*.
- Group (4), however, remains just a pair: *Ha'azinu*, *Ve-zot Ha-Berachah*. Weekly portion *Ha'azinu* is about the Torah, and *Ve-zot ha-Berachah* about the people of Israel.

The group 4 is missing the third weekly portion that would make it a triad instead of a pair. Where is that third portion that is needed to complete the triple? As it turns out, the missing third topic is the Land of Israel, and that role is completed by the book of Joshua, which fills in this triad. (The book of Joshua is outside the Pentateuch, of course, but follows it immediately, according to the traditional ordering of the twenty-four books of Tanach.) The last group is incomplete in the Torah itself only because Moses died in Transjordan and could not lead the nation into Canaan. But on the other hand, the fact that the book of Joshua was not included in the five books of the Torah can be seen as extending the completion of the Torah even much further – to all of Jewish history. In our very own days that process is already actively nearing its conclusion.

§ 26.3. <1> INTRODUCTION: GOD, THE TORAH,
AND ISRAEL (32:1-6)

א הָאֲזִינוּ הַשָּׁמַיִם וְאִדְבָּרָה וְתִשְׁמַע הָאָרֶץ אִמְרֵי־כִי: ב יֵעָרֶף כַּמָּטָר
לְקַחֲחֵי תִזְל כַּטֹּל אִמְרָתִי בְּשַׁעֲרֵי שָׁמַיִם עַל־יְדֵי־שָׁא וְכִרְבִּיבִים עַל־עֵשֶׂב:
ג כִּי שֵׁם יִי אֶקְרָא הִבּוּ גִדְל לְאֱלֹהֵינוּ: ד הַצּוֹר תָּמִים פָּעֵלָו כִּי כָל־
דְּרָכָיו מִשְׁפָּט אֵל אֱמוּנָה וְאֵין עֹל צְדִיק וְיֵשֶׁר הוּא: ה שַׁחַת לוֹ לֹא
בָּנִיו מוֹמָם דּוֹר עָקֹשׁ וּפְתִלְתֵּל: ו הֵ לִי תִגְמְלוּ־אֶת עַם נִבֵּל וְלֹא חָכָם
הִלּוּ־הוּא אָבִיד קִנְיָד הוּא עֲשֵׂה וְיִכְנֹגֶה:

(32:1) Give ear, O heavens, let me speak; let the earth hear the words I utter!

(2) May my discourse come down as the rain, My speech distill as the dew, like showers on young growth, like droplets on the grass.

(3) For the name of the Lord I proclaim; give glory to our God!

(4) The Rock! – His deeds are perfect, yea, all His ways are just; a faithful God, never false, true and upright is He.

(5) Children unworthy of Him – that crooked, perverse generation – their baseness has played Him false.

(6) Do you thus requite the Lord, O dull and witless people? Is not He the Father who created you, fashioned you and made you endure!

(32:1) Give ear, O heavens, let me speak; let the earth hear the words I utter!: The style of expression adopted here is important: “Give ear” and “hear.” That is: “I have something to say, and I therefore ask everyone to be silent and listen carefully to my words.” Moses calls not only Israel to silence, but also heaven and earth. His words concern everyone.

The theme of calling heaven and earth as witnesses has already been mentioned earlier. It incorporates several aspects:

- The words “the heavens and the earth” mean eternity.
- It is heaven and earth that reward the Jewish people when they observe the commandments, and punish them for violating them. As the Torah said earlier: “Take care not to be lured away to serve other gods and bow to them. 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” (Deut. 11:17).
- “Heaven” is the world of ideas and aspirations, while “earth” is the world of their practical implementation. The people of Israel are intimately connected to both of those equally important domains of life.
- Moreover, while Israel depends on the heavens and the earth, the reverse relationship also applies: heaven and earth depend on Israel. The meaning of the entire universe – its very existence – depends on the realization of the Torah by the people of Israel.

(2) May my discourse come down as the rain, my speech distill as the dew, like showers on young growth, like droplets on the grass: The Torah is traditionally compared to water.

But two images are presented here: “like dew,” and “like showers.” Instead of “like showers,” an alternate translation is, “like a rainstorm” (or perhaps even “like a hurricane”).

Dew represents a gentle, non-violent influence. Unlike a hurricane that beats down hard on plants, dew only supplies the moisture that is vital to them.

But “like a rainstorm on young growth” is a very different image. It is saying that sometimes a calm event is not sufficient, and a violent storm is needed instead. In other words, let everything that came before be demolished and swept away, so that the people can then awaken to a new reality. The former conditions must be destroyed, so that everything can then be gradually corrected and rebuilt. A howling storm is needed in this case – however destructive it might be in the short term.

Rain and dew: Rain first waters the earth, and only then reaches the plants through their roots. But dewfall directly covers the leaves of the plants, thus providing them with much-needed moisture. By analogy, there are two ways to influence people, be it just one individual, or an entire nation. Humans achieve understanding by “absorbing through the roots” that which comes to them indirectly through experience. Or, they acquire understanding that is explained to them directly.

(3) For the name of the Lord I proclaim; give glory to our God!: Based on this verse, the Halachah establishes that a person called to read the Torah publicly in the synagogue must first recite a blessing.

This verse is also the basis for an important tradition mentioned by Nachmanides, i.e., that the entire Torah is itself God’s name. The text of the Torah consists of a great multitude of Divine names. Or perhaps even just a single, very large Divine name.

As we have had other occasions to note, a person’s name is not only a form of address; it also indicates his designated purpose in the world. If that purpose changes, then the person’s name must also change. This is what happened to Abraham and Jacob. Thus, the idea that the text of the Torah is actually God’s name means that the Torah specifies a Divine purpose, and is not merely just a book of stories or instructions.

(4) The Rock!: The Hebrew word used here for rock, *tzur*, is closely related to *yotzer*, one who creates or forms something, in order to bring

it into existence. In this case, calling the Almighty *Tzur* refers to His first design, the design of the creation of the universe, which includes, in particular, the creation of Israel itself.

According to the Kabbalah, during the Messianic process God is called *Tzur yisrael*, the Rock of Israel, because that process is equivalent to “the creation of a new heaven and a new earth” (Isa. 66:22).

(In our own era, when the text of the State of Israel’s declaration of independence was being composed and debated, a question arose as whether God should be mentioned in that document. Ultimately, the phrase *Tzur yisrael* – the Rock of Israel – was accepted as a compromise. This formulation allowed non-religious Jews to believe that God is not mentioned there, while the religious camp sees it as an unequivocal reference to God – and from a Messianic perspective, specifically.)

His deeds are perfect: The word *tamim*, “perfect,” means that all details are properly correlated, and all parts precisely coordinated, so that they fit perfectly into the overall picture. First Moses speaks of God as “the Rock” Who shapes the historical process. But then, “His deeds are perfect” – which means that His acts are perfect only when they are considered within the context of the whole, not individually.

Yea, all His ways are just; a faithful God, never false, true and upright is He: God’s ways are a balance of His qualities of mercy and judgment.⁵⁴ Here too it is especially important that “all His ways are balanced” – when taken all together as a single unit. When we consider individual events, it is sometimes very difficult to understand how any justice can be found in them. That question can be properly evaluated only from the perspective of history as a whole, and not from its individual moments alone.

(5) Children unworthy of Him – that crooked, perverse generation – their baseness has played Him false: These words contrast with the previous verses, which spoke of the greatness of the Almighty. Here begins a criticism of His people.

⁵⁴ See the *Bible Dynamics* commentary on the book of Genesis, § 24.9.

Children unworthy of Him – that crooked, perverse generation: The fault lies not with the Almighty. It is only His children who are crooked and perverse. The distortion occurs only at the human level, not the Divine level.

Children unworthy of Him – that crooked, perverse generation – their baseness has played Him false: In the Hebrew text the ordering of this verse is actually different: “Children unworthy of Him – their baseness has played Him false, that crooked, perverse generation.”

The words *lo banav*, “not” and “his children” of this verse are commonly mistranslated as “not His children.” I.e., because of their baseness, the people of Israel are not God’s children. But this reading directly contradicts the grouping of the words as indicated by the cantillation marks, which clearly separate “not” from “his children,” and understands them as belonging to two separate phrases within the verse. Thus, the correct sense is not that “their behavior is unworthy, and because of their baseness they are not His children.” But rather that “their behavior is unworthy. His children conduct themselves with baseness toward Him.”

This understanding is also confirmed by the Targums, the Aramaic translations of the Torah that were made when that language was still the vernacular, for people who had little or no understanding of the Torah text in the original Hebrew. (In that era, translating the Torah into Aramaic was roughly equivalent to translating the Torah into English today.)

(6) Do you thus requite the Lord, O dull and witless people? Is not He the Father who created you, fashioned you and made you endure!: Is it the Almighty Who is the source of the troubles that befall you? Obviously not. After all, He created you, and treats you like His own children. No, you are yourselves the cause of all the misfortunes that have come upon your heads.

In summary then, the main points of these verses of the *Ha’azinu* song are as follows:

- God is always right and just. But His people, the Jewish people, are often in the wrong.

- Although God is always perfectly righteous and fair, His justice can be correctly assessed only by weighing all His deeds together, as seen in their end result.
- We must acknowledge the difficulties we encounter along the way to reaching our goal.
- Regardless, Divine justice will always be realized eventually.

§ 26.4. <2> THE JEWISH PEOPLE: THEIR CHOSENNESS
AND THEIR MISSION (32:7-12)

זֶכֶר יָמוֹת עוֹלָם בֵּינוּ שָׁנוֹת דֶּרֶךְ-דָּר שְׁאֵל אָבִיךָ וַיִּגְדֶּךָ זִמְנֶיךָ וַיֹּאמְרוּ
לְךָ: הִנֵּהנִחַל עֲלֵינוּ גוֹיִם בְּהַפְרִידוֹ בְּנֵי אָדָם יַעֲבֹ גְבֻלַת עַמִּים לְמִסְפָּר
בְּנֵי יִשְׂרָאֵל: ט כִּי חָלַק יְיָ עִמּוֹ יַעֲקֹב חֶבֶל נַחֲלָתוֹ: י יִמְצָאֶהוּ בְּאַרְץ
מִדְבָּר וּבְתֶהוּ יֵלֵל יִשְׁמֹן יִסְבְּגֶהוּ יְבוֹנֶהוּ יַצְרֶהוּ כְּאִישׁוֹן עֵינָיו:
יא כְּנֶשֶׁר יַעִיר קִנּוֹ עַל-גִּזְזָלָיו יִרְחֹף יִפְרֹשׁ כְּנָפָיו יִקְחֶהוּ יִשְׁאָהוּ עַל-
אֲבָרְתּוֹ: יב יִי בָדַד יִנְחֶנּוּ וְאֵין עִמּוֹ אֵל נֹכַר:

(7) Remember the days of old, consider the years of ages past;
ask your father, he will inform you, your elders, they will tell
you:

(8) When the Most High gave nations their homes and set
the divisions of man, He fixed the boundaries of peoples in
relation to Israel's numbers.

(9) For the Lord's portion is His people, Jacob His own allotment.

(10) He found him in a desert region, in an empty howling
waste. He engirded him, watched over him, guarded him as
the pupil of His eye.

(11) Like an eagle who rouses his nestlings, gliding down to
his young, so did He spread His wings and take him, bear him
along on His pinions;

(12) The Lord alone did guide him, no alien god at His side.

(7) Remember: This second section of *Ha'azinu* contrasts with the previous section. Here the song speaks of the Israel's chosenness, and the unique Divine providence that they experience.

Remember the days of old: Remember the past and study the history of mankind. Without that it is impossible to understand the mission of the Jewish nation and their life as a people.

Consider the years of ages past: Literally, "Consider the years of each generation." This means both past and future generations. Needless to say, the future cannot be studied the way we study the past. But the idea is that we must consider the entire flow of human history – past, present, and future – as a single, unified process.

Ask your father, he will inform you, your elders, they will tell you: The transmission of tradition is entrusted to the family and also to the national community as a whole ("your father" and "your elders," respectively). In this sense those two sources of tradition complement each other.

(8) When the Most High gave nations their homes and set the divisions of man: Here we see that the manner in which the nations are settled territorially has religious significance, as do their physical, political borders. These factors determine how the history of each nation ultimately develops on the world stage.

He fixed the boundaries of peoples in relation to Israel's numbers: The people of Israel are "humanity in miniature."

This idea finds formal expression in the book of Genesis, where the world nations are seventy in number (Gen. 10), and the progenitors of the Jewish nation also number seventy: "Thus the total of Jacob's household who came to Egypt was seventy persons" (Gen. 46:27). The number seventy is thus fundamental, as the count of the nations of the world and also of the people of Israel. This one-to-one relationship symbolizes the potential of the Jewish people to convey spirituality to all of mankind.

(9) For the Lord's portion is His people: Other nations are begotten by their respective countries, but the Jewish people are the portion and inheritance only of the Lord. The Jewish nation was formed not

merely under the influence of their country, the Land of Israel, but as the result of direct Divine intervention.

Jacob His own allotment: The Jewish people are an instrument of God's influence in the world. The Almighty acts in the world through the agency of the Jewish people.

(10) He found him in a desert region: God "found" Israel in the wilderness, in the sense that Israel demonstrated their loyalty at the giving the Torah, which occurred in the wilderness.

In an empty howling waste: And yet, the true origins of the Jewish people are not in the giving of the Torah, but are to be found much earlier, where there was still primordial *tohu*, chaos – "the earth being unformed and void" at the very creation of the world (Gen. 1:2).

The word here for "empty howling waste," *tohu*, is the same word used in the opening verses of Genesis to describe the state of the universe before God undertook the Creation. *Tohu* describes a world that is completely devoid of meaning. God created the Jewish people, and they continue to exist, in order to bring order and meaning to the world.

He engirded him, watched over him, guarded him as the pupil of His eye: If the Jewish people had to live by the forces and events of the natural world alone, they could not possibly survive.

(11) Like an eagle who rouses his nestlings: Even much earlier in the Torah, the relationship between God and Israel is likened to that of an eagle and its chicks: "You have seen what I did to the Egyptians, how I bore you on eagles' wings and brought you to Me" (Exod. 19:4).

Gliding down to his young, so did He spread His wings and take him, bear him along on His pinions: The eagle takes his chicks with him, bearing them on his wings, until they learn to fly on their own.

The word *merachef*, "gliding, hovering," is yet another allusion to the Creation of the world. This word too appears in that same second verse of Genesis just mentioned above: "The earth being unformed and void, with darkness over the surface of the deep and a wind from God sweeping over the water" (Gen. 1:2). The Hebrew word for "sweeping" in that verse is *merachefet*, equivalent to *merachef* here, except for the gender (it is masculine here, like the eagle, but feminine there, because *ruach*,

“wind,” is grammatically feminine.) That word also has the meaning of “urge, motivate, prompt.” Like the eagle that teaches its young to fly, the Almighty motivates and teaches His people Israel to soar independently.

(12) The Lord alone did guide him, no alien god at His side:

Israel’s unique relationship with the Almighty consists in this point: God governs the Jewish people’s directly, which contrasts with how He relates to all the rest of mankind – indirectly, through the agency of angels or some other “higher power” that He designates for this purpose. Tradition asserts, in fact, that each of the nations of the world has its own angel, appointed by God and dedicated to addressing that nation’s particular needs and interests (but as directed by the Almighty, of course).

§ 26.5. <3> ISRAEL’S PROSPERITY AS THE CAUSE
OF ITS SPIRITUAL DEGRADATION (32:13-18)

יג יִרְכְּבֵהוּ עַל-בְּמוֹתַי (בְּמִמִּי) אֶרֶץ וַיֹּאכַל תְּנוּבַת שְׂדֵי וַיִּנְקְהוּ דְּבַשׁ
מִסֵּלַע וְשֶׁמֶן מִחִלְמִישׁ צֹר: יד חֲמֹאת בָּקָר וְחֵלֶב צֹאן עִם-חֵלֶב כָּרִים
וְאֵילִים בְּנִי-בָשָׁן וְעֵתוּדִים עִם-חֵלֶב כִּלְיוֹת חֹטָה וְדֶם-עֵגֶב תִּשְׁתֶּה-
חֶמֶר: טו וַיִּשְׁמֶן יִשְׂרָאֵל וַיִּבְעֹט שְׁמֵנָתָ עֲבִית כְּשִׁית וַיִּטֵּשׂ אֱלֹהֵי עֲשָׂהוּ
וַיִּנְבֵּל צֹר יִשְׁעָתוֹ: טז יִקְנֹאֵהוּ בְּזֵרִים בְּתוֹעֵבַת יִכְעִיסֶהוּ: יז יִזְבְּחוּ
לִשְׂדִים לֹא אֱלֹהִים לֹא יִדְעוּם חֲדָשִׁים מִקֶּרֶב בָּאוּ לֹא שִׁעְרוּם
אֲבֹתֵיכֶם: יח צֹר יִלְדֹּךָ תִּשִּׁי וְתִשָּׁכַח אֵל מְחַלְלֶךָ:

(13) He set him atop the highlands, to feast on the yield of the earth; He fed him honey from the crag, and oil from the flinty rock,

(14) Curd of kine and milk of flocks; with the best of lambs, And rams of Bashan, and he-goats; with the very finest wheat – and foaming grape-blood was your drink.

(15) So Jeshurun grew fat and kicked – you grew fat and gross and coarse – he forsook the God who made him And spurned the Rock of his support.

(16) They incensed Him with alien things, vexed Him with abominations.

(17) **They sacrificed to demons, no-gods, gods they had never known, new ones, who came but lately, who stirred not your fathers' fears.**

(18) **You neglected the Rock that begot you, forgot the God who brought you forth.**

(13-14) **He set him atop the highlands, to feast on the yield of the earth; He fed him ... oil ... Curd ... milk ... the best of lambs ... wheat ... foaming grape-blood:** This is a description of exceptional economic prosperity, and the blossoming of peace and security.

(15) **So Jeshurun grew fat and kicked – you grew fat and gross and coarse – he forsook the God who made him and spurned the Rock of his support:** It is a peculiarity of the Jewish people that excesses spoil them. Since they must be economically successful in order to influence humanity, wealth is a positive thing for them even from a religious point of view. But it is also very dangerous.

So Jeshurun grew fat: The people of Israel exist at three different levels, and at each level they have a different name.

- (i) At the lowest level, at which they are called Jacob, they are subordinate to others.
- (ii) Above this is the level of political independence. Their name at that level is Israel (Heb., *Yisrael*).
- (iii) At an even higher level they are called Jeshurun (Heb., *Yeshurun*). This is the Jewish nation in the Messianic perspective.

The highest-level name, *Yeshurun*, which Moses uses only a few times in these final chapters of the Torah, derives from the word *yashar*, “straight, upright” (to which *Yisrael* too is linguistically related). The name *Yeshurun* can also be interpreted as deriving from a root that gives it the meaning “they will see” (cf., e.g., Num. 23:9, 24:17.) I.e., Israel’s direct connection with God becomes more clear when all other nations also see that connection.

You grew fat and gross and coarse: The Midrash understands these three stages as the three generations leading up to the coming of the Messiah.

He forsook the God who made him and spurned the Rock of his support: Just when the people of Israel are approaching the apex of their history, that is when the crisis besets them.

(16) They incensed Him with alien things, vexed Him with abominations: Even so close to the end times, idolatry leads the people who engage in it to commit also various other abominations.

(17) They sacrificed to demons, no-gods, gods they had never known, new ones, who came but lately, who stirred not your fathers' fears: An alternate translation is, “new ones, with which your fathers were not acquainted.” After tiring of the old forms of idolatry, the people will lust for new ones. When the worship of serious, traditional idols ceases to attract, it will be replaced by worship of “demons” – a wide variety of superstitions that might only parody actual idolatry.

(18) You neglected the Rock that begot you, forgot the God who brought you forth: Here the moral baseness of Israel's rejection of the Almighty is emphasized. Because they forgot their Creator, they turned to abominations. However, this forgetting has also a positive religious and historical meaning: only by first forgetting the Almighty can a person then truly and fully rediscover God for himself.

§ 26.6. <4> ISRAEL IS PUNISHED (32:19-28)

יט וַיֵּרָא יי וַיִּנְאֹץ מִכַּעַס בָּנָיו וּבְנֹתָיו: כ וַיֹּאמֶר אֶסְתִּירָה פָנַי מֵהֶם
אֲרָאָה מָה אַחֲרֵיהֶם כִּי דֹר תִּהְיֶה הֵמָּה בָּנִים לֹא־אֲמֵן בָּם: כא הֵם
קִנְאוּנִי בְלֹא־אֵל כְּעֶסְוִי בְּהִבְלִיָּהֶם וְאֲנִי אֶקְנִיאֵם בְּלֹא־עֵם בָּנָיו נָבֵל
אֲכַעִיסָם: כב כִּי־אֵשׁ קָדְחָהּ בְּאִפִּי וַתִּיקַד עַד־שָׂאוֹל תַּחֲתִית וַתֹּאכַל
אֶרֶץ יִבְלָה וַתִּלְהֹט מִוִּסְדֵּי הָרִים: כג אֶסְפָּה עָלֵימוֹ רַעוּת חֲצִי אֲכַלְהָ־
בָּם: כד מִזֵּי רָעַב וּלְחָמִי רָשָׁף וְקָטַב מְרִירִי וְשֹׁן־בְּהֵמַת אֲשַׁלַּח־בָּם עִם־
חֲמַת זֹחֲלֵי עֶפְרַי: כה מִחוּץ תִּשְׁכַּל־תֹּרֵב וּמִחֲדָרִים אֵימָה גֶם־בַּחוּר גֶּם־
בְּתוּלָה יִוָּנֵק עִם־אִישׁ שִׁיבָה: כו אֲמַרְתִּי אֶפְאִיָּהֶם אֲשַׁבִּיתָהּ מֵאֲנָשׁ

זָכַרְם׃ כִּי לֹאִי בָעַס אֹיֵב אֲגֹר פֶּן־יִנָּכְרוּ צָרֵימוֹ פֶּן־יֹאמְרוּ יִדְגּוּ רָמָה
וְלֹא־יִי פָעַל כָּל־זֹאת׃ כִּחַ כִּי־גֹי אֲבָד עֲצוֹת הָמָה וְאִין בָּהֶם תְּבוּנָה׃

(19) The Lord saw and was vexed and spurned His sons and His daughters.

(20) He said: I will hide My countenance from them, and see how they fare in the end. For they are a treacherous breed, children with no loyalty in them.

(21) They incensed Me with no-gods, vexed Me with their futilities; I'll incense them with a no-folk, vex them with a nation of fools.

(22) For a fire has flared in My wrath and burned to the bottom of Sheol, has consumed the earth and its increase, eaten down to the base of the hills.

(23) I will sweep misfortunes on them, use up My arrows on them:

(24) Wasting famine, ravaging plague, deadly pestilence, and fanged beasts will I let loose against them, with venomous creepers in dust.

(25) The sword shall deal death without, as shall the terror within, to youth and maiden alike, the suckling as well as the aged.

(26) I might have reduced them to naught, made their memory cease among men,

(27) But 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, lacking in all discernment.

(19) The Lord saw and was vexed and spurned His sons and His daughters: God was vexed precisely because the material prosperity and peace He had given His people were the very reason that they then forgot Him. However, it is emphasized that despite all that, the Jewish people still always remain the Almighty's sons and daughters.

(20) He said: I will hide My countenance from them: The main punishment they experience is that God hides His presence from them. He withdraws the special favor He normally bestows on the Jewish people, thus leaving them to the mercy of their fate.

And see how they fare in the end: The entire world will see what is now happening to them. Note how God's hiding His countenance is contrasted with the people's fate being openly visible to all.

For they are a treacherous breed: In the Messianic era, society's views and ideas undergo very rapid change.

Children with no loyalty in them: Disloyalty is a serious defect. But even so, the Jewish people still remain the Almighty's children.

(21) They incensed Me with no-gods: Above (Deut. 32:16), the text says, "They incensed Him with alien things." But here: "They incensed Me with no-gods [Heb., *lo el*]." It is unusual for the Torah to use such an expression. It means atheism – total indifference to religious issues and values.

Vexed Me with their futilities: A society that has completely forgotten God is immersed in futility.

I'll incense them with a no-folk: The Jewish people valued the secular, national aspects of their identity, but rejected religious values, and tried to replace the Divine with "no-gods." In response, they receive punishment from a "no-folk" – a group that lacks its own national substance, and therefore tries to appropriate the national identity of the Jewish people – and, of course, their land.

Vex them with a nation of fools: An alternate translation is: "with a despicable nation." Because those "no-folk" lack any substance of their own, they act vilely, and not as any genuine, responsible nation would.

(22) For a fire has flared in My wrath: Israel's earlier behavior has upset the balance between judgment and mercy, thus provoking Divine wrath. And like a fire raging out of control, it cannot simply burn out on its own.

(23-25) I will sweep misfortunes on them ... The sword shall deal death without, as shall the terror within: This describes the horrific catastrophes of the Messianic process.

(26-27) I might have reduced them to naught, made their memory cease among men, but 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!": All the same, the catastrophe will not cause a total extermination of the Jewish nation, because the Almighty's own interests are intertwined with the Jewish people. Should God's people disappear, His plans for developing mankind could not be realized. The main impetus behind the salvation of the Jewish people is that they are needed to advance the cause of world history.

(28) For they are a folk void of sense, lacking in all discernment: The Jewish people are completely devoid of even common sense, which normally includes, most importantly, any sense of self-preservation. The Almighty must therefore act to preserve them. It is a necessary step for the realization of His plans.

§ 26.7. <5> ISRAEL'S DISPERSION AMONG
THE NATIONS, AND THE DIVINE JUDGMENT
AT THE END OF DAYS (32:29-39)

כט לו חכמו ישבילו זאת יבינו לאחריהם: לא איכה ירדף אהל אלה
ושנים יניסו רבבה אסלא כיצורם מכרם ויי הסגרים: לא כי לא
כצורנו צורם ואיבינו פלילים: לב כימגפן סדם גפנם ומשדמת
עמרה ענבמו ענבי-רוש אשכלת מרת למו: לג חמת תנינם יינם
וראש פתנים אכזר: לד הלא-הוא כמס עמדי חתום באוצרתי: לה לי
נקם ושלם לעת תמוט רגלם כי קרוב יום אידם וחש עתדת למו: לו
כי-ידין יי עמו ועל-עבדיו יתנחם כי יראה כי-אזלת יד ואפס עצור
ועזוב: לי ואמר אי אלהימו צור חסיו בו: לה אשר חלב ובחימו יאכלו
ישתו יין נסיכם יקומו ויעזרכם יהי עליכם סתרה: לט ראו | עתה כי
אני אני הוא ואין אלהים עמדי אני אמית ואחיה מחצתי ואני ארפא
ואין מידי מציל:

(29) Were 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?”**

(31) **For their rock is not like our Rock, in our enemies’ own estimation.**

(32) **Ah! The vine for them is from Sodom, from the vineyards of Gomorrah; the grapes for them are poison, a bitter growth their clusters.**

(33) **Their wine is the venom of asps, the pitiless poison of vipers.**

(34) **Lo, I have it all put away, sealed up in My storehouses,**

(35) **To be My vengeance and recompense, at the time that their foot falters. Yea, their day of disaster is near, and destiny rushes upon them.**

(36) **For the Lord will vindicate His people and take revenge for His servants, when He sees that their might is gone, and neither bond nor free is left.**

(37) **He will say: Where are their gods, the rock in whom they sought refuge,**

(38) **Who ate the fat of their offerings and drank their libation wine? Let them rise up to your help, and let them be a shield unto you!**

(39) **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.**

(29) **Were they wise, they would think upon this, gain insight into their future:** The people of Israel lack sufficient political wisdom to understand how events will develop.

(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?”:** Victories are determined not only by military prowess. Divine intervention also plays a critical role.

(31) For their rock is not like our Rock: The angels who oversee the nations of the world, are the “rocks” that oversee the welfare of the peoples under their tutelage. But “their rock is not like our Rock.” The Almighty Himself intervenes in the fate of the Jewish people. And He does so not only for their benefit, but to enable and promote Jewish influence in the world.

In our enemies' own estimation: An alternate translation is: “Our enemies are culpable in their estimation.” Israel's enemies mistakenly believe that because they have managed to defeat the Jewish people, they are more powerful than the Almighty.

Here we see transitions from third person to first person, and other grammatical inconsistencies. These are not unusual in the special forms of poetic expression. But it is difficult to adequately translate them and comment on them.

(32) Ah! The vine for them is from Sodom, from the vineyards of Gomorrah: Their “wine” – their ideology and attitudes – is rooted in Sodom and Gomorrah. Because they evaluate profit and benefit with a narrow Sodomite mindset, they are unable to comprehend that the Divine plan extends over many generations.

(33) Their wine is the venom of asps, the pitiless poison of vipers: In order to understand the course of history, we must avoid their “wine” in our analysis of the meaning of events. That is, we must avoid their conceptual apparatus that is based solely on seeking personal gain. That approach always poisons those who adopt it.

(34) Lo, I have it all put away, sealed up in My storehouses: The reality is that the course of history is determined not by momentary gain, but by Divine, long-term plans.

(35) To be My vengeance and recompense, at the time that their foot falters. Yea, their day of disaster is near, and destiny rushes upon them: Only the Almighty determines the measure of guilt and its commensurate punishment, to be meted out upon the perpetrators when the day of reckoning arrives.

(36) For the Lord will vindicate His people and take revenge for His servants, when He sees that their might is gone, and neither

bond nor free is left: The faulty calculations of those enemies, which predict victory for them because of Israel's weakness, will be disproven and overturned by the Almighty's intervention.

(37) He will say: Where are their gods, the rock in whom they sought refuge: The military defeat of Israel's enemies will be also the defeat of their "gods," i.e., their value systems.

(38) Who ate the fat of their offerings and drank their libation wine? Let them rise up to your help, and let them be a shield unto you!: Those enemies will be utterly stunned by the collapse of their ideologies and religious attitudes.

(39) 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: In the end, Israel's enemies will acknowledge their defeat, and adopt Jewish religious principles, of which they will then be convinced, after observing them in action.

§ 26.8. <6> ISRAEL'S REVIVAL AND RETURN TO THEIR LAND (32:40-43)

מ כִּי־אֶשָׂא אֶל־שָׁמַיִם יָדִי וְאָמַרְתִּי חַי אֲנִי לְעֹלָם: מֵא אִם־שָׁנוּתִי
בְּרַק חֲרָבִי וְתִאחַז בְּמִשְׁפָּט יָדִי אֲשִׁיב נֶקֶם לְצָרִי וְלִמְשֹׁנָאִי אֲשַׁלֵּם:
מב אֲשַׁכֵּיר חֲצִי מַדָּם וְחֲרָבִי תֹאכַל בָּשָׂר מַדָּם חָלָל וְשִׁבְיָהּ מִרָאשׁ
פְּרָעוֹת אוֹיֵב: מג הֲרַגְנוּ גוֹיִם עִמּוֹ כִּי דָם־עֲבָדָיו יִקְוֹם וְנֶקֶם יֵשִׁיב
לְצָרָיו וְכִפֹּר אֲדָמְתוֹ עִמּוֹ:

(40) Lo, I raise My hand to heaven and say: As I live forever,

(41) When I whet My flashing blade and My hand lays hold on judgment, vengeance will I wreak on My foes, will I deal to those who reject Me.

(42) I will make My arrows drunk with blood – as My sword devours flesh – blood of the slain and the captive from the long-haired enemy chiefs.

(43) O nations, acclaim His people! For He'll avenge the blood of His servants, wreak vengeance on His foes, and cleanse the land of His people.

(40) Lo, I raise My hand to heaven and say: As I live forever: This Divine oath is the guarantee that history, despite all its ups and downs, has a definite meaning and direction – even if any given individual might not know his personal role in this monumental process.

(41) When I whet My flashing blade and My hand lays hold on judgment, vengeance will I wreak on My foes, will I deal to those who reject Me: In the end, the Almighty will not fail to punish all those who, seizing the moment, have attacked the Jewish people.

(42) I will make My arrows drunk with blood – as My sword devours flesh – blood of the slain and the captive from the long-haired enemy chiefs: The horrific images of Israel's catastrophes and suffering, as described in earlier chapters, are now realized against their enemies.

(43) O nations, acclaim His people! For He'll avenge the blood of His servants, wreak vengeance on His foes: The just retribution exacted by the Almighty from Israel's enemies will inspire the peoples of the world to extol the Jewish nation, because now all understand that Israel is God's people.

And cleanse the land of His people: As we see often in the Torah, purification is a prerequisite for further advancement towards holiness. Both the people and the land must be cleansed, so that the nation can progress to the next level of mutual understanding with the Almighty.

§ 26.9. COMPLETING THE TRANSMISSION OF THE TORAH (32:44-52)

מד וַיִּבְרָא מֹשֶׁה וַיְדַבֵּר אֶת־כָּל־דִּבְרֵי הַשִּׁירָה־הַזֹּאת בְּאַזְנוֹי הָעָם הוּא
וְהוֹשַׁע בֶּן־נֹון: מִה וַיִּכַּל מֹשֶׁה לְדַבֵּר אֶת־כָּל־הַדְּבָרִים הָאֵלֶּה אֶל־כָּל־
יִשְׂרָאֵל: מו וַיֹּאמֶר אֱלֹהִים שִׁימוּ לְבַבְכֶּם לְכָל־הַדְּבָרִים אֲשֶׁר אָנֹכִי
מַעֲדִיד בְּכֶם הַיּוֹם אֲשֶׁר תִּצְּוּם אֶת־בְּנֵיכֶם לִשְׁמֹר לַעֲשׂוֹת אֶת־כָּל־דִּבְרֵי

הַתּוֹרָה הַזֹּאת: מוֹ כִּי לֹא־דָבַר רַק הוּא מִכֶּם כִּי־הוּא חַיִּיכֶם וּבִדְבַר
הַזֶּה תֵּאָרִיכוּ יָמִים עַל־הָאָדָמָה אֲשֶׁר אַתֶּם עֹבְרִים אֶת־הַיַּרְדֵּן שָׁמָּה
לְרִשְׁתָּהּ: מח וַיִּדְבֹּר יי אֶל־מֹשֶׁה בְּעֵצָם הַיּוֹם הַזֶּה לֵאמֹר: מט עֲלֶה
אֶל־הָרֵ הָעֵבְרִים הַזֶּה הֲרִנְבוּ אֲשֶׁר בְּאֶרֶץ מוֹאָב אֲשֶׁר עַל־פְּנֵי יַרְחוֹ
וּרְאֵה אֶת־אֶרֶץ כְּנָעַן אֲשֶׁר אֲנִי נָתַן לִבְנֵי יִשְׂרָאֵל לְאֶחְזָה: נ וּמַת בְּהָר
אֲשֶׁר אַתָּה עֹלֶה שָׁמָּה וְהֶאָסַף אֶל־עַמִּיִּךְ כְּאִשְׁר־מָת אֶהְרֹן אָחִיֶּךָ
בְּהָר הָהָר וַיֹּאסֶף אֶל־עַמִּי: נא עַל־אֲשֶׁר מְעַלְתֶּם בִּי בַתּוֹךְ בְּנֵי יִשְׂרָאֵל
בְּמִי־מְרִיבַת קֹדֶשׁ מִדְּבַר־צֶן עַל אֲשֶׁר לֹא־קִדַּשְׁתֶּם אוֹתִי בַתּוֹךְ בְּנֵי
יִשְׂרָאֵל: נב כִּי מִנְּגִיד תִּרְאֶה אֶת־הָאֶרֶץ וְשָׁמָּה לֹא תָבוֹא אֶל־הָאֶרֶץ
אֲשֶׁר־אֲנִי נָתַן לִבְנֵי יִשְׂרָאֵל:

(44) Moses came, together with Hosea son of Nun, and recited all the words of this poem in the hearing of the people.

(45) And when Moses finished reciting all these words to all Israel,

(46) he said to them: Take to heart all the words with which I have warned you this day. Enjoin them upon your children, that they may observe faithfully all the terms of this Teaching.

(47) For this is not a trifling thing for you: it is your very life; through it you shall long endure on the land that you are to possess upon crossing the Jordan.

(48) That very day the Lord spoke to Moses:

(49) Ascend these heights of Abarim to Mount Nebo, which is in the land of Moab facing Jericho, and view the land of Canaan, which I am giving the Israelites as their holding.

(50) You shall die on the mountain that you are about to ascend, and shall be gathered to your kin, as your brother Aaron died on Mount Hor and was gathered to his kin;

(51) for you both broke faith with Me among the Israelite people, at the waters of Meribath-kadesh in the wilderness of Zin, by failing to uphold My sanctity among the Israelite people.

(52) You may view the land from a distance, but you shall not enter it – the land that I am giving to the Israelite people.

(44) Moses came, together with Hosea son of Nun, and recited all the words of this poem in the hearing of the people: One of the most important moments in the transmission of spiritual guidance is when the disciple begins to teach others – but still during the lifetime of the teacher, and in his presence.

Only when that has been achieved will there be no conflicts, after the death of the teacher, over the inheritance of the legacy, that might otherwise arise because the people do not fully trust the student, or they suspect that he has distorted his master's teachings. Therefore, Moses transmits the poem to the people together with Hosea (Joshua) son of Nun, presenting him to the people as Moses' rightfully appointed successor.

Together with Hosea son of Nun: Here Joshua is called by his former name, Hosea, even though that name has long since been changed: "Those were the names of the men whom Moses sent to scout the land; but Moses changed the name of Hosea son of Nun to Joshua" (Num. 13:16).

We can view this as modesty on the part of the student, who chooses to use his "less exalted" name in the presence of his teacher. Or, perhaps it is an allusion to that episode of the scouts just mentioned. By using Joshua's former name, Hosea, Moses is saying, as it were, that even if it was not possible to conquer the land back then, this time the venture will surely succeed.

(45) And when Moses finished reciting all these words to all Israel: I.e. after having read them the poem. Or, in a broader sense, now that he was finished transmitting the Torah to the people in its entirety, and has thus completed his life's mission.

(46) He said to them: Take to heart all the words with which I have warned you this day: Rather than mechanically offering their assent, the people must take it to heart – they must internalize and feel every word.

(47) For this is not a trifling thing for you: The Hebrew here is *davar reik*, literally, "an empty thing." Not a single word of the Torah is empty, i.e., meaningless, pointless, or superfluous. Every word conveys valuable information, and each word must therefore be properly

interpreted. If on a first reading the meaning is not obvious, one must delve deeper into the text in order to discover its underlying significance.

It is your very life; through it you shall long endure on the land that you are to possess upon crossing the Jordan: Moses is saying: as long as you can find new meanings in the Torah, you will live long on this earth. The length of one's life is commensurate to one's desire to renew his understanding of the Torah. That longevity depends on revealing new approaches to meet the emerging challenges of each age.

This is true for each individual, and also for the nation as a whole. As a person's perspectives and insights in the Torah increase, so will his vitality increase. And the more actively the nation develops new approaches to the Torah, which enables them in each era to solve problems at the national level, the longer likewise will be the life expectancy of the nation. Absent that search for new meanings, the entire nation will suffer degradation. But the constant renewal of the Torah is the cure for this.

(48) That very day the Lord spoke to Moses: The Hebrew is *be-`etzem ha-yom ha-zeh*, which we might translate colloquially as "in the very heat of the day," that is, at high noon, when it is clearly visible to all. The same expression is used to describe Noah's entry to the ark (Gen. 7:13), and the exodus from Egypt (Exod. 12:51). This very public appeal was needed to ensure that the entire nation would acknowledge and accept the change in leadership.

(49) Ascend these heights of Abarim to Mount Nebo: The term "heights of Abarim" refers to the whole mountain range. Mount Nebo is one of its peaks.

Which is in the land of Moab facing Jericho: This emphasizes that both sides of the Jordan must eventually become parts of the unified Land of Israel.

And view the land of Canaan, which I am giving the Israelites as their holding: It is given to Israel as a possession. But Moses can only view it.

(50) You shall die on the mountain that you are about to ascend, and shall be gathered to your kin, as your brother Aaron died on

Mount Hor and was gathered to his kin: “Your kin” in the Hebrew is *ammecha*, literally, “your people,” i.e., your loved ones, your family. This meaning of the word *`am* has been retained in the Arabic language.<sup>55</sup> *`Am* can also mean “nation.” And here likewise, *ammecha* is the entire Jewish nation. It was always difficult for Moses to align himself with the people, because he always saw himself as distinct from them, and even standing in opposition to them.⁵⁶ Thus, Moses will be fully “gathered to his people” only after death, when the Torah becomes the foundation for Jewish national life in every age.

(51) For you both broke faith with Me among the Israelite people, at the waters of Meribath-kadesh in the wilderness of Zin, by failing to uphold My sanctity among the Israelite people: At the very beginning of this book of Deuteronomy (1:37), the real reasons that Moses could not enter the Land of Israel were noted – the episode of the spies, and the need for a change in leadership. But here the Torah repeats the reason given in the book of Numbers (20:12) – the incident of the Waters of Meribah – in order to remind the people of an official and essential “pedagogical” meaning: that stricter demands are placed on a nation’s leaders than on its ordinary citizens.

(52) You may view the land from a distance, but you shall not enter it – the land that I am giving to the Israelite people: This verse is the introduction to the blessings that Moses will very soon give the Jewish people. Although Moses cannot enter the Land of Israel, he rejoices with the nation who will. It is this aspect of Moses’ singular greatness that the Torah is emphasizing here.

⁵⁵ We have already elaborated on this sense of the Hebrew word *`am* in the *Bible Dynamics* commentary to Exod. 21:8.

⁵⁶ Moses’ problematic self-identification, which expresses a certain “detachment” from the Jewish people, has been discussed earlier. See the *Bible Dynamics* commentary to Exod. 4:2, 4.



**WEEKLY
PORTION 11**

**VE-ZOT
HA-BERACHAH**

§ 27. MOSES BLESSES THE CHILDREN OF ISRAEL

§ 27.1. BLESSING THE NATION AS A SINGLE, INDIVISIBLE UNIT (33:1-5)

א וְזֹאת הַבְּרָכָה אֲשֶׁר בֵּרַךְ מֹשֶׁה אִישׁ הָאֱלֹהִים אֶת־בְּנֵי יִשְׂרָאֵל לִפְנֵי מוֹתוֹ: ב וַיֹּאמֶר יי מִסִּינַי בָּא וְזָרַח מִשְׁעִיר לָמוֹ הוֹפִיעַ מֵהָר פָּאָרָן וְאַתָּה מִרְבֶּבֶת קֹדֶשׁ מִיִּמֵּינוֹ אֲשַׁדֶּת (אֲשַׁדֶּת) לָמוֹ: ג אַף חִבֵּב עַמִּים כָּל־קֹדְשָׁיו בְּיָדְךָ וְהֵם תָּכֹן לְרִגְלְךָ יֵשָׁא מִדְּבַרְתֶּיךָ: ד תוֹרָה צוּה־לָנוּ מֹשֶׁה מוֹרֶשֶׁה קֹהֶלֶת יַעֲקֹב: ה וַיְהִי בִישֻׁרוּן מֶלֶךְ בְּהִתְאַסֵּף רָאשֵׁי עָם יַחַד שְׁבֹטֵי יִשְׂרָאֵל:

(33:1) This is the blessing with which Moses, the man of God, bade the Israelites farewell before he died.

(2) He said: The Lord came from Sinai; He shone upon them from Seir; He appeared from Mount Paran, and approached from Ribebboth-kodesh, lightning flashing at them from His right.

(3) Lover, indeed, of the people, their hallowed are all in Your hand. They followed in Your steps, accepting Your pronouncements,

(4) When Moses charged us with the Teaching as the heritage of the congregation of Jacob.

(5) Then He became King in Jeshurun, when the heads of the people assembled, the tribes of Israel together.

(33:1) This is the blessing with which Moses, the man of God, bade the Israelites farewell before he died: Weekly portion *Ha'azinu* spoke of hardship, catastrophe, and retribution. But this final weekly portion of the Torah, *Ve-zot Ha-Berachah*, seeks to balance that. Despite all the torments they have experienced, the people will not be deprived of the Almighty's blessings and the joy of possessing the land. And it is therefore essential that the Torah should end on that note.

The blessing: "The blessing" – in the singular. It should be seen as one, well-integrated blessing for the entire Jewish people, not just a random collection of separate blessings, one for each tribe.

This is the blessing with which Moses, the man of God, bade the Israelites farewell: This weekly portion begins with the word *ve-zot*, "and this" (not just *zot*, "this"), because it is a continuation of the patriarch Jacob's blessings that he gave to his twelve sons before his death (Gen. 49:1-28).

Which Moses, the man of God: This expression is usually understood to mean a man with a close relationship with God, a man who is a servant of God, or the like. But the Midrash understands *ish ha-Elohim*, literally, "Moses, the man-God." Says the Midrash: "Moses in his lower half was a man, but in his upper half he was God."⁵⁷

We encountered this view of Moses early on, even before the Exodus, where Moses is called "God" with respect to Egypt and also to Aaron: "The Lord replied to Moses, 'See, I place you in the role of God to Pharaoh, with your brother Aaron as your prophet' " (Exod. 7:1). And we see the same idea in the episode of the golden calf, where the people tell Aaron: "Come, make us a god who shall go before us, for that man Moses, who brought us from the land of Egypt – we do not know what has happened to him" (Exod. 32:1). The people intended that the calf would replace Moses.

Of course, there is no attempt to actually equate Moses with the Almighty. Although the Hebrew word *Elohim* does usually mean God in the sense of the Tetragrammaton ("the Lord," the Almighty), it can also

⁵⁷ Midrash Devarim Rabba 11.4.

simply denote power, strength, Divinity, angels, or other similar concepts or beings.

Bade the Israelites farewell before he died: Moses' death gives an independent existence to the Israelites. In that sense, it is as if Moses' death is itself a blessing for them.

A blessing always involves development and advancement. In this case, such progress would have been hindered if Moses had continued to live. Even great people must depart, because otherwise life cannot develop. Moses must die, because the people of Israel are even more important than he is.

When Moses thinks about himself, that he is about to die, he knows that this is happening because of the people of Israel. We would therefore certainly expect that at the hour of death, his anger towards the people of Israel would increase. And yet, just at that time, when he is about to die because of them, he blesses them. Thus, Moses rises above human nature, above the natural human impulse to feel extreme anger at the person or persons who are the direct cause of one's death. This is why Moses is described here as the "man-God."

(2) He said: Before describing the special function and attributes of each individual tribe, Moses enumerates the elements that are common to the entire nation.

The Lord came from Sinai; He shone upon them from Seir; He appeared from Mount Paran, and approached from Ribebboth-kodesh: We can understand this as a description of Israel's itinerary of movement through the wilderness. After receiving the Torah at Sinai, they moved on to Seir and Paran, while assimilating additional elements of the Teaching along the way. Thus, although the Divine revelation began at Mount Sinai, it did not end there, but was a long process that included every stage of the journey through the wilderness.

However, the Midrash sees in this verse four distinct aspects of Divine revelation: Sinai, Seir, Paran and Ribebboth-kodesh (which translates as "tens of thousands of saints"). Seir is always associated with Edom (Gen. 36:8), and Paran – with Ishmael (Gen. 21:21), which means that Divine revelation here is connected in some way with them. However, that association can assume various forms. The Midrash suggests

two very different options for reading this entire passage: “negatively isolationist,” and “positively universalist.” Both approaches are correct, of course. They are mutually complementary.

The first, “isolationist” approach, interprets this verse as follows: “He shone for them, because he left Seir. He appeared to them because he left Mount Paran.” The Midrash formulates it this way: first, God turned to the descendants of Esau, who lived in Seir, with a proposal to accept the Torah, but they were not interested. Then He offered the Torah to the descendants of Ishmael who inhabited Mount Paran. But neither did they show any interest at all. In the end, He gave the Torah at Sinai to the Jewish nation, most of whom were quite eager to receive holiness.

But the second, “universalist” approach understands this verse quite differently. “The Lord came from Sinai” – He gave His light to the Jewish people, in Hebrew. “He shone upon them from Seir” – He gave light to Esau-Edom, in Latin (i.e. Christianity). “He appeared from Mount Paran” – He gave light to the sons of Ishmael, in Arabic (i.e. Islam). “And approached from tens of thousands of saints” – this is the Aramaic language (the word *ata*, “came, approached,” that the Torah uses here is actually Aramaic). In the Biblical perspective, Aramaic is the “universal language of civilization,” which in modern terms equates to “secular humanism.” Thus, the Torah was given in four languages, and only by considering them all together can one fully understand Divine revelation.

From the Jewish point of view, the presentation of the Torah’s ideals in these forms (Christianity, Islam, and “secular humanism”) is of course a distortion. But even a distorted transmission makes some sense, and has a positive effect on the spiritual advancement of mankind.

Lightning flashing at them from His right: This is the fundamental and original source of Divine revelation. But Sinai, Seir and Paran, are the secondary “points of transmission.”

At them: According to the isolationist reading, “at them” means the Jewish people. But by the universalist interpretation, it means humanity as a whole.

Lightning flashing at them: There is a peculiarity in the Hebrew text here. The words *esh dat* are actually written in the Torah as one

word, a word that is rather difficult to explain. The Masoretic tradition has therefore established that it is to be read as two words.

As two words, this expression is translated as “the flame of the law,” i.e., strict observance. This is the attribute of *gevurah* – might, severity, austerity. But as a single word, it can mean a slope along which a torrent of water flows – a waterfall (cf. *ashdot ha-pisgah*, slopes of Pisgah,” see Deut. 4:49). In that case, the word has quite the opposite meaning – water in abundance for all, corresponding to the attribute of *chesed* – generosity, kindness, gentleness.

The first of those two readings is closer to the “isolationist” approach, in which strict observance of Torah law is what is most important. But second reading realizes the “universalist” approach, according to which the Torah’s values and ideals were given as an act of kindness for the benefit of all of humanity.

(3) Lover, indeed, of the people: By the “isolationist” reading, these are the tribes of the Jewish people. But the “universalist” reading understands it to mean all the peoples of the world.

Their hallowed are all in Your hand: *Kedoshav* can be translated as “saints.” All saints, whether of the Jewish people or of humanity at large, are protected by a special Divine providence.

They followed in Your steps, accepting Your pronouncements: All these saints participate in dissemination of the Divine light in the world.

(4) When Moses charged us with the Teaching as the heritage of the congregation of Jacob: In this verse the text shifts from third person, “they,” to first person, “us.” The people are speaking about themselves.

By the “isolationist” reading, “us” means the Jewish nation: only to them did Moses bequeath the Torah. It is “the heritage of the congregation of Jacob” in the sense that other peoples have no share in it.

But by the “universalist” approach, “us” means all of mankind. And yet, it is “the heritage of the congregation of Jacob” in the sense that only they own an authentic understanding of the Torah. The true interpretation of the Torah is possible only through the Jewish people. Thus, the Torah is given to all of mankind in the sense that its light spreads,

but only partially, along various channels: Christianity, Islam, and secular humanism. However, the correct interpretation of this Divine light is possible only through Jewish tradition.

(5) Then He became King: An alternate translation is: “Then there was [or, arose] a king among Jeshurun.” Deut. 33:2, 3 spoke about God’s relationship to all people, and Deut. 33:4 about the Torah as a specifically Jewish heritage. This verse, Deut. 33:5 is about the kingdom. Without its own state, the Jewish nation cannot fully fulfill its role as the spiritual center of mankind.

In Jeshurun: As noted earlier, Jeshurun is the name of the Jewish people in the Messianic perspective, when they speak openly to all of mankind.

(5) When the heads of the people assembled, the tribes of Israel together: By the “isolationist” reading, this means that only “when the heads of the people are assembled, and all the tribes of Israel are together,” can the right king then rule in Israel. That is, only that system of government is legitimate to which the entire nation has agreed and consented.

But by the “universalist” reading, the beginning of the verse, the “king” in “Then there arose a king among Jeshurun” is understood as referring to the Jewish people themselves, for they are a “kingdom of priests” for mankind (Exod. 19:6). They can fulfill their world mission only “when the heads of the people assembled,” i.e., all their spiritual leaders and “the tribes of Israel together” – each tribe having its own unique approach to realizing the Torah’s ideals.

In both lines of interpretation, the “isolationist” and the “universalist,” it is emphasized that all the tribes of the Jewish nation must act together. This is a preface to Moses’ blessings of the specific, positive attributes and potential of each individual tribe. Those blessings begin immediately below.

§ 27.2. THE BLESSINGS OF THE INDIVIDUAL TRIBES

The blessings began with the nation collectively (Deut. 33:2-5). They are then divided according to the individual tribes (Deut. 33:6-24). And finally, blessings are again bestowed on the people as a whole (Deut. 33:25-29).

When the patriarch Jacob blessed his sons, he enumerated them by order of birth, from oldest to youngest. This was because the primary issue there was the question of which of the brothers would become king and have dominion over the rest. Jacob therefore had to mention the personal qualities of each of his sons, the ancestors of the future tribes.

Here, however, in Moses' address, the blessings reflect the nature of the future allotment of territories in the Land of Israel, and the role of each tribe in the national organism.

It seems that Moses already knows, at least approximately, where the territory of each of the tribes will be located, and he blesses them in sequence of location, from south to north. Precedence is given to the southern tribes, since they (especially Judah, Levi, Benjamin) are, generally speaking, more closely connected to the kingdom and an organized, national structure. The northern tribes, on the other hand, tend toward anarchy.

§ 27.3. REUBEN (33:6)

וַיְהִי רְאוּבֵן וְאֶל־יִמָּת וַיְהִי מִתִּיּוֹ מִסְפָּר:

(6) **May Reuben live and not die, though few be his numbers.**

(6) May Reuben live and not die, though few be his numbers:

The enumeration of the tribes begins with Reuben, whose territory is located in the southeast (beyond the Jordan).

May Reuben live and not die: Midrash explains: let him live in this world, and not die in the World to Come. Specifically, let him not be reminded of the incident of Bilhah (Gen. 35:22). I.e., "in this world" and "in the World to Come" are to be understood to mean, respectively, that

Judah shall have a sound physical existence, and that his unique features will endure in the national Jewish culture and mentality. It is essential to preserve the characteristics of each tribe, despite its shortcomings.

Of all Jacob's sons, Reuben is the most complex. In his father's blessings, he was denied the primacy of his firstborn status. But now the issue is his very survival. This is more difficult for him than for his brothers, because after losing firstborn status, it is very difficult to survive.

Though few be his numbers: An alternate translation is: "And may his people be included in the reckoning." Moses means that Reuben should be numbered among all his brethren, the other eleven tribes, despite the following dangers:

- (i) War: Reuben and Gad must go ahead of the other ten tribes in the battles for conquering the Land.
- (ii) Isolation: Reuben's allotment of territory is beyond the Dead Sea, bordering on Ammon and Moab. Reuben will have no contact at all with any other tribe except Gad. (Gad too lives in Gilad, on the border with Ammon. But his territory is between those of Reuben and Manasseh, adjoining the Jordan, and through it he has contact with the center of the country.) In this respect Reuben's situation is therefore the worst of all the tribes.

§ 27.4. JUDAH (33:7)

וְזֹאת לַיהוּדָה וַיֹּאמֶר שְׁמַע יי קוֹל יְהוּדָה וְאַל־עֲמֹז תְּבִיאֵנּוּ יְדִיו רַב
לֹא וְעֶזֶר מִצָּרָיו תִּהְיֶה׃

(7) And this he said of Judah: Hear, O Lord the voice of Judah and restore him to his people. Though his own hands strive for him, help him against his foes.

(7) And this he said of Judah: The introductory word *Ve-zot*, "And this," emphasizes that something is added here beyond the blessings of the other tribes. That addition is the kingdom.

Hear, O Lord the voice of Judah: This means “the voice of his prayer,” i.e., when Judah prays for success in the wars waged for conquering the land. But it can also mean “the voice of his kingdom,” i.e., Reuben as the representative of the nation as a whole is responsible for all the other tribes, and his “voice” is therefore more significant than that of the other tribes.

But here, in the word *shema`*, “hear,” there is also an allusion to the tribe of *Shim`on* (Simeon), the only one of the twelve tribes whom Moses does not mention in this chapter by name. (For more on this point, see § 27.5 immediately below.)

And restore him to his people: Unless he lives in harmony with the rest of the people, Judah’s kingdom cannot possibly be realized.

Though his own hands strive for him, help him against his foes: Even on his own Judah is strong, and he can stand up for himself. But when he defends the entire nation of Israel, he needs help.

§ 27.5. SIMEON (33:7)

Hear, O Lord the voice of Judah: Moses does not mention the tribe of Simeon explicitly. But, as already noted, in the word *shema`*, “hear,” of Judah’s blessing there is an allusion to Simeon, whose name derives from that Hebrew root.

Thus, Simeon’s blessing is subsumed within Judah’s. This is because the tribe of Simeon does not have its own allotment of territory in the Land of Israel, but was located in the southern part of Judah’s allotment: “The portion of the Simeonites was part of the territory of the Judites; since the share of the Judites was larger than they needed, the Simeonites received a portion inside their portion” (Josh. 19:9).

Jacob in his blessings stated that Simeon and Levi would not receive allotments, because of their actions in the incident of Dinah and Shechem (Gen. 34). Here, however, Moses gives the tribe of Levi their own blessing, but he does not do so for Simeon. Why is this?

Although in the story of Dinah, Simeon and Levi acted jointly, it later turned out that Levi’s intentions had been noble. Thus, when the Lev-

ites stepped forward to fight for God in the incident of the golden calf, they were following the example of their ancestor Levi, who had fought for Dinah. Nor is it a coincidence that both accounts use very similar phrases to indicate taking up one's sword in preparation for battle (Gen. 34:25; Exod. 32:27). But unlike Levi, Simeon behaved differently. On the contrary, in the episode of the Moabite seductions in Shittim (Num. 25), one of the most difficult ordeals that Moses had to deal with in all the forty years in the wilderness, the behavior of the Simeonites was quite arguably the very worst.

It is a guiding principle that future events clarify past intentions. If the original intentions were noble, the later events can atone for the earlier mistakes. Thus for Levi, Jacob's curse becomes a blessing. But for Simeon, on the contrary, a bad situation becomes even worse.

Only a few short weeks before Moses delivered these blessings, the tribe of Simeon had behaved egregiously with the Moabite women. The result was a plague in which 24,000 men died – mostly of the tribe of Simeon.

Simeon's correction therefore is that he loses his independence, "so as not to repeat his stupid mistakes," as we might say. Thus, he loses his right to be a separate entity in the Jewish state. The Simeon tribe is instead absorbed into the tribe of Judah. As subjects in every respect to Judah's kingdom, the Simeonites are given no individual autonomy, because they cannot be trusted to behave responsibly.

Thus, Simeon and Levi must both be scattered, as Jacob said about them: "Cursed be their anger so fierce, And their wrath so relentless. I will divide them in Jacob, Scatter them in Israel" (Gen. 49:7). But Levi is scattered among all the tribes, while Simeon is "scattered" only within the tribe of Judah. Moreover, while Levi nonetheless retains a "point of concentration" in the Temple, Simeon lacks even that. The reason is, apparently, that it is primarily the tribe of Judah that engages in hostilities against other nations, and since Simeon is the most warlike of the tribes, Simeon's presence helps Judah to fulfill that function. But in order for Simeon to achieve this, he must remain totally subordinate to Judah's royal command.

§ 27.6. LEVI (33:8-11)

ח וּלְלֵוִי אָמַר תִּמְיָד וְאוּרִיָּד לְאִישׁ חֲסִידְךָ אֲשֶׁר נָסִיתוֹ בַּמִּסָּה תִרְיָבָהוּ
 עַל־מִי מְרִיבָה: ט הָאֱמֹר לְאָבִיו וּלְאִמּוֹ לֹא רָאִיתִיו וְאֶת־אֶחָיו לֹא הִכִּיר
 וְאֶת־בָּנָיו לֹא יָדַע כִּי שָׁמְרוּ אִמְרֶיךָ וּבְרִיתְךָ יִנָּצְרוּ: י יִזְרוּ מִשְׁפָּטֶיךָ
 לְיַעֲקֹב וְתוֹרָתְךָ לְיִשְׂרָאֵל יְשִׁימוּ קְטוֹרֶה בְּאַפֶּךָ וְכִלְיִל עַל־מִזְבִּיחֶךָ:
 יא בָּרֶךְ יי חֵילוֹ וּפָעַל יָדָיו תִּרְצֶה מִחֵץ מִתְנַגִּים קָמְיוֹ וּמִשְׁנֵאָיו מִן־
 יְקוֹמוֹן:

(8) And of Levi he said: Let Your Thummim and Urim be with Your faithful one, whom You tested at Massah, challenged at the waters of Meribah;

(9) Who said of his father and mother, "I consider them not." His brothers he disregarded, ignored his own children. Your precepts alone they observed, And kept Your covenant.

(10) They shall teach Your laws to Jacob and Your instructions to Israel. They shall offer You incense to savor and whole-offerings on Your altar.

(11) Bless, O Lord, his substance, and favor his undertakings. Smite the loins of his foes; let his enemies rise no more.

(8) And of Levi he said: After Judah, and moving northward, Levi is next. He does not have his own territory, but is scattered throughout the country. He does, however, have the Temple, which is located in Jerusalem, between the territories of Judah and Benjamin.

Thus we can see that although, historically speaking, Jerusalem became the site of the Temple only several centuries later, and meanwhile the Tabernacle would be located temporarily in Shiloh (which is to north, between the allotments of Benjamin and Ephraim), Moses knew in advance the permanent locations in the land of all the tribes.

Let Your Thummim and Urim be: This is an appeal to the Almighty. (The Urim and Thummim were uniquely important components of the priestly garments. See the *Bible Dynamics* commentary on Exod. 28:30.)

With Your faithful one: Aaron and the later High Priests.

Whom You tested at Massah, challenged at the waters of Meribah: These are the two stories in the Torah in which God commanded

Moses to draw water from a rock (Exod. 17 and Num. 20). Moses emphasizes here the merits of the tribe of Levi (the Levites did not murmur against God even when the other tribes did) and defends Aaron from accusations of misconduct, given that even in the latter of the two incidents it was Moses who struck the rock, while Aaron did nothing wrong.⁵⁸ All this is needed so that the people will honor the priesthood that will descend from Aaron, and they will not say: “Aaron was a sinner. Why then should he and his descendants be the High Priests?”

(9) Who said of his father and mother, “I consider them not.” His brothers he disregarded, ignored his own children. Your precepts alone they observed, and kept Your covenant: The High Priest must not defile himself to the dead even in order to bury very close relatives (unless there is absolutely no one else available to do it, but that is a rare situation). This restriction does not apply to all other priests, or to the Levites. But the High Priest is “the quintessence of Levite-ness,” as it were, because he represents the life of this entire tribe.

(10) They shall teach Your laws to Jacob and Your instructions to Israel: The primary work of the Levites in the provinces is teaching the Torah to the people. For this reason, they are settled in forty-eight cities, scattered among all the other tribes (Num. 35:1 ff.).

They shall offer You incense to savor and whole-offerings on Your altar: This refers to the priests. Thus, all the strata of the Levites are mentioned here: High Priests, ordinary priests, and the Levites who live in the provinces.

(11) Bless, O Lord, his substance: *Chayil*, “substance,” is also the word for “army.” Unlike the other tribes, the Levites are organized into a single unit – an army, as it were.

And favor his undertakings: This is a plea to the Almighty to favor all the functions of the priests and the Levites as just described above. This is critical not only for them, but for the life of the entire nation.

⁵⁸ For more on the question of Aaron’s guilt in this incident, see the *Bible Dynamics* commentary to Num. 20:7.

Smite the loins of his foes; let his enemies rise no more: This refers to those who unlawfully lay claim to the priesthood and attempt to usurp it. Since the priesthood is hereditary, it belongs to the clan, not the individual, and those who encroach on it will likewise be punished collectively, as a group.

§ 27.7. BENJAMIN (33:12)

יב לְבִנְיָמִן אָמַר יְדִיד יי יִשְׁכֵּן לְבֶטֶחַ עָלָיו חֲפָץ עָלָיו כָּל־הַיּוֹם וּבֵינָם
כְּתִפּוֹ שָׁכֵן:

(12) Of Benjamin he said: Beloved of the Lord, he rests securely beside Him; Ever does He protect him, as he rests between His shoulders.

(12) Of Benjamin he said: Advancing from south to north, Benjamin's territorial allotment comes next.

Benjamin is special among the tribes. He was born in the Land of Israel, and did not participate in the conflict between the brothers (Jacob's sons) and in selling Joseph into slavery. The Torah also says explicitly that Benjamin's soul and Jacobs are tightly intertwined (Gen. 44:30). Wherever Benjamin is, there the identity of the nation of Israel is. Benjamin is the factor that unites the entire Jewish nation.

As the youngest of Jacob's twelve sons, the tribe of Benjamin symbolizes the younger generation and the future of the people. This is why Judah and Joseph have been fighting over Benjamin throughout history: they understand that whichever of the tribes he goes with will always endure. When after a protracted, centuries-old conflict, after the division of Solomon's kingdom, Benjamin remained with Judah, it was that tribe who became decisive in history, while the tribe of Joseph and all who had joined him were taken captive by the Assyrians, among whom they assimilated and disappeared. (However, many individuals of these tribes, during the nation's exile in Babylonia, joined forces with the tribe of Judah, and continued to be preserved within the nation.)

Beloved of the Lord, he rests securely beside Him: “Rests” here is *shochen*, from the same Hebrew root as *Shechinah*, the term used to refer to the Almighty’s Divine presence and His abode. The special position of Benjamin as “the central tribe” was also expressed in the fact that throughout Jewish history the Temple, and therefore the *Shechinah*, remained only in his territory, never in that of any other tribe. The sites of the national altars in Nob and Gibeon, and later, the two Temples in Jerusalem, were on Benjamin’s southern border. The Tabernacle at Shiloh was on the northern border of Benjamin’s territory.

He rests securely beside Him: And moreover, the major miracles that will occur during the conquest of the land (the splitting of the waters of the Jordan River, the fall of the walls of Jericho, and the stones that rained down from the heavens at Beth-horon) will all happen exclusively within Benjamin’s territory. In other territories and locations, Divine assistance comes from Heaven for conquering the land, but there are no actual miracles, since miracles are associated with the Divine presence, the *Shechinah*.

Ever does He protect him, as he rests between His shoulders: Benjamin’s territory has no mountain peaks. It is located on a mountain pass, below the mountains that extend from the north and from the south, in a lowland between the allotments of Joseph and Judah. The Temple, the abode of the Almighty, is therefore located there.

§ 27.8. JOSEPH (33:13-17)

יג וְלִי־סֹף אָמַר מְבָרֵכֶת יְיָ אֶרְצוֹ מִמֶּגֶד שָׁמַיִם מִטֹּל וּמִתְהוֹם רִבְצָת
תַּחַת: יד וּמִמֶּגֶד תְּבוּאֹת שֶׁמֶשׁ וּמִמֶּגֶד גֶּרֶשׁ יְרֵחִים: טו וּמִרָאשׁ הָרִירִי
קֶדֶם וּמִמֶּגֶד גְּבֻעוֹת עוֹלָם: טז וּמִמֶּגֶד אֶרֶץ וּמִלְאָה וּרְצוֹן שְׁכֵנֵי סָגָה
תְּבוּאָתָהּ לְרֹאשׁ יוֹסֵף וּלְקֶדֶד נְזִיר אָחִיו: יז בְּכוֹר שׁוֹר הָדָר לוֹ וְקֶרְנֵי
רֹאשׁ קֶרְנָיו בָּהֶם עֲמִים יִנָּגַח יַחֲדוֹ אֶפְסֵי־אֶרֶץ וְהֵם רִבְבוֹת אֶפְרָיִם
וְהֵם אֲלֵפֵי מְנֹשָׁה:

(13) And of Joseph he said: Blessed of the Lord be his land with the bounty of dew from heaven, and of the deep that couches below;

(14) With the bounteous yield of the sun, and the bounteous crop of the moons;

(15) With the best from the ancient mountains, and the bounty of hills immemorial;

(16) With the bounty of earth and its fullness, and the favor of the Presence in the Bush. May these rest on the head of Joseph, on the crown of the elect of his brothers.

(17) Like a firstling bull in his majesty, he has horns like the horns of the wild-ox; with them he gores the peoples, the ends of the earth one and all. These are the myriads of Ephraim, those are the thousands of Manasseh.

(13) And of Joseph he said: Joseph has an especially lengthy blessing, because Moses is blessing two tribes at once (Ephraim and Manasseh).

Blessed of the Lord be his land with the bounty of dew from heaven, and of the deep that couches below: Joseph's blessing refers to the land, while the other tribes' blessings say nothing about the land, but emphasize instead only the features of the tribes themselves.

Unlike Judah, to whom Moses gave a blessing with a military theme, here the blessing is one of peace. Joseph's orientation is the land; he is engaged in developing the economy.

And of the deep that couches below: This means the presence of natural springs.

(14) With the bounteous yield of the sun, and the bounteous crop of the moons: In order to obtain a plentiful harvest, the right conditions, both day and night, must prevail. Joseph's territory is exceedingly fertile and bountiful.

(15) With the best from the ancient mountains, and the bounty of hills immemorial: The mountains of Joseph's territory are very prominent. These are the mountain of Elon Moreh, Mount Gerizim and Mount Ebal, and the mountain of Baal-hazor (2 Sam. 13:23). Thus, beauty and economic success are combined here.

(16) With the bounty of earth and its fullness, and the favor of the Presence in the Bush: Or, "the favor of He who dwells in the bush."

This refers to the Almighty, of course, whose appearance to Moses in the thorn bush (Exod. 3:2) was an important precursor to the Exodus from Egypt.

Joseph has one enormous flaw – he is too attached to Egypt, and the economic prosperity it represents (which was the reason that he brought his father and brothers and their families, the Israelites, to Egypt). This shortcoming is sufficient even to outweigh and negate all of Joseph’s great achievements. But God, by appearing to Moses in the thorn bush and proclaiming the onset of the Exodus, transferred from Egypt to the Land of Israel all of Joseph’s accomplishments (which could have been lost if the Israelites had remained in Egypt and perished there). By doing so, the Almighty restored Joseph’s blessing.

Thus, in Moses’ words here there is criticism. In Joseph’s desire to transform the world around him (in itself a very admirable and important goal) lies also the danger of going down the wrong path.

May these rest on the head of Joseph, on the crown of the elect of his brothers: “Crown” here can be understood to mean distinction. Joseph has the “distinction” that his brothers were in conflict with him, hated him, and sold him into slavery.

(17) Like a firstling bull in his majesty, he has horns like the horns of the wild-ox; with them he gores the peoples, the ends of the earth one and all: The horns of the wild-ox are especially majestic, but the horns of the bull are stronger and better for goading. Joseph has these two qualities: a unique combination of strength and beauty – Ephraim and Manasseh. With their help, he will conquer all other nations.

These are the myriads of Ephraim, those are the thousands of Manasseh: A myriad is ten thousand. Thus, Ephraim is far greater than Manasseh. This is the realization of Jacob’s blessing: “He [Manasseh] too shall become a people, and he too shall be great. Yet his younger brother [Ephraim] shall be greater than he” (Gen. 48:19).

§ 27.9. ZEBULUN AND ISSACHAR (33:18-19)

יח וְלִזְבוּלֹן אָמַר שְׂמַח זְבוּלֹן בְּצִאתָהּ וַיִּשְׁשָׁכֶר בְּאַהֲלֶיהָ: יט עַמִּים הָרַ-
יִקְרְאוּ שֵׁם יִזְבְּחוּ וּבְחֵי-צֶדֶק כִּי שֹׁפַע יָמִים יִיָּקֻוּ וּשְׁפָנֵי טָמוּנֵי חֹזֶל:

(18) **And of Zebulun he said: Rejoice, O Zebulun, on your journeys, and Issachar, in your tents.**

(19) **They invite their kin to the mountain, where they offer sacrifices of success. For they draw from the riches of the sea and the hidden hoards of the sand.**

(18-19) **And of Zebulun he said: Rejoice, O Zebulun, on your journeys, and Issachar, in your tents. ... For they draw from the riches of the sea and the hidden hoards of the sand:** This too is a dual blessing, given to two tribes jointly, Zebulun and Issachar, because they are most successful when working together. Both are located north of the territory of Manasseh: Issachar in the Jezreel Valley, and Zebulun in the Haifa region.

In Jacob's blessing we read: "Zebulun shall dwell by the seashore" (Gen. 49:13). But Moses adds: "Rejoice, O Zebulun, on your journeys." The tribe of Zebulun trades with overseas countries. Like the Phoenicians, Zebulun sailed around the Mediterranean, considered then an important window into the larger world. Issachar's territory, while not unsuited for developing agriculture, is nonetheless not the most fertile land. (But note that "hidden hoards of the sand" are mentioned in this blessing, which can also be translated as "treasures hidden in the sand." Apparently, glass production is meant. I.e., Issachar is blessed with technological know-how in handicrafts). When with Zebulun's help Issachar exports his products, together they amass great wealth.

Moreover, Zebulun later traded not only locally in products produced by Issachar, but as an important participant in much more extensive international trade. The development of the Mediterranean region, and the discovery of the territories of Spain, Italy, Tunisia in the ancient world, can be compared to the discovery of America by the Europeans in the sixteenth century.

Accordingly, the magnificence of Solomon's kingdom was largely rooted in international trade: ships from India arrived in Elath, goods were transported along a safe land route within Solomon's realm to the Haifa region, and from there those goods were transported on the ships of the tribe of Zebulun across the Mediterranean. The economic decline after Solomon's death, and the division of the kingdom into northern and southern factions, was the result of the discontinuation of the land connection between Elath and the Zebulun region, such that the income from that trade also disappeared.

Rejoice, O Zebulun, on your journeys, and Issachar, in your tents: In the Talmudic era and following it, after the Jewish people were expelled from their land, and the study of the Torah (rather than the development of the country) occupied the central place in the national consciousness, this cooperation of the brothers, Issachar and Zebulun, was rethought and revised. In the newer formulation it became: Zebulun spends his time on the road, engaged in business pursuits, and he uses this income to finance Issachar, who sits in tents, i.e., he occupies himself with study of the Torah. The sages further added that Issachar's merits for studying the Torah belong in fact to Zebulun, for providing Issachar with that opportunity to study. This model of "cooperation between business and culture" enabled the survival of the Jewish people all throughout their very long exile.

(19) They invite their kin to the mountain, where they offer sacrifices of success: An alternate translation is: "They shall call peoples unto the mountain; there shall they offer sacrifices of righteousness."

Because Issachar and Zebulun's activities are associated with international trade, the peoples of the world will come to them. In this way they "invite the nations to their mountain." Thus, having learned from the Zebulunite merchants about the existence of a "mountain" – i.e., about serving the Almighty, the One and Only – these representatives of the nations will visit the ports of Zebulun in order to see the Tabernacle and the Temple as well. Or, in our contemporary terms, they will want to add "religious tourism" to their business trips. As the Midrash notes, after seeing the service in the Jewish Temple and becoming acquainted with the principles of the Torah, many of those foreigners became

proselytes (converts). This is precisely the meaning of the words, “They shall call peoples unto the mountain; there shall they offer sacrifices of righteousness.”

In just this way, when the Jewish people combine economic success with spiritual advancement, the peoples of the world can be “called unto the mountain.”

§ 27.10. GAD (33:20-21)

ב וּלְגַד אָמַר בְּרוּךְ מְרַחֵב גֹּד בְּלִבָּיָא שְׁכֵן וְטָרַף זְרוּעַ אֶף־קִדְקֹד:
כא וַיֵּרָא רָאשֵׁי לֹא בִי־שֵׁם חֶלְקֵת מַחֲקֶק סָפֹן וַיִּתֵּא רָאשֵׁי לֹא עֲדָקֶת
יז עֲשֵׂה וּמִשְׁפָּטֶי עַם־יִשְׂרָאֵל:

(20) And of Gad he said: Blessed be He who enlarges Gad!
Poised is he like a lion to tear off arm and scalp.

(21) He chose for himself the best, for there is the portion of
the revered chieftain, where the heads of the people come.
He executed the Lord's judgments and His decisions for Israel.

(20) And of Gad he said: The enumeration of the tribes continues northward, but here shifting to the northeast, the Transjordan, where Gad's territorial allotment is located along a long strip that runs from the Dead Sea's northern coast to the eastern edge of the Kinneret (the Sea of Galilee).

Blessed be He who enlarges Gad!: The tribe of Gad has a very extensive but sparsely populated territory. In fact, the boundaries of that territory depend on how densely the tribe can populate it.

In Jacob's blessing we read: “Gad shall be raided by raiders, but he shall raid at their heels” (Gen. 49:19). Here Moses supplements this with a blessing of expanded boundaries.

Poised is he like a lion: Gad guards the border. All the tribes who dwell on the borderlands are likened to lions. (Judah guards the southern border, Gad the eastern, and Dan the northeastern. On the northwestern border, however, the border with what today is Lebanon, there was then a friendly state of Phoenicia.)

To tear off arm and scalp: The Midrash explains that Gad's warriors were eminently fierce and powerful. With just one blow they would sever the head of an enemy soldier, and also the arm raised to protect the head.

(21) He chose for himself the best: The Hebrew here for "best" is *reishit*, literally, "the first." The tribe of Gad was the first to eye highly desirable real estate in the Land of Israel, in the eastern portion of the Transjordan, and to choose to settle there.

For there is the portion of the revered chieftain: Hebrew, *mechokek*, "legislator." Gad chose an allotment for himself. And the legislator, Moses, approved it.

Another possible translation of this verse: "Because there the portion of the legislator is hidden." This refers to Moses' tomb on the east bank of the Jordan, on Mount Nebo, which is hidden from the people: "And no one knows his burial place to this day" (Deut. 34:6).

Where the heads of the people come: Or, literally, "came." Gad's leaders came to Moses with their demand for an allotment (Num. 32:1 ff.).

He executed the Lord's judgments and His decisions for Israel: Moses fulfilled what God required of him. He dealt with the situation in such a manner that no other tribes of Israel could have any grievance against him. (Namely, Moses insisted that as a condition for granting Gad's request to settle in the Transjordan, they would first send detachments westward who would fully participate in the conquest of the central, primary territory of the Land of Israel. Thus, no other tribe could complain that Gad was not shouldering their burden along with the rest of the nation.)

§ 27.11. DAN (33:22)

כב ולדן אמר דן גור ארִיָה יִזְק מִן־הַבָּשָׁן:

(22) And of Dan he said: Dan is a lion's whelp that leaps forth from Bashan.

(22) And of Dan he said: The tribe of Dan has two separate allotments. The original one was in the Jaffa region, from which he then

moved northward (these are today's Gush Dan and the Tel Dan regions, respectively). Here Moses is referring to the second of those two, the northern territory, for although it appeared later, it became Dan's primary territory.

As already noted, Moses orders his blessings of the individual tribes according to the sequence of the territories – from Judah, the most systemic royal tribe, in the south, to the more anarchic tribes in the north, of which Dan is the most glaring example.

Precisely at the time when the kingdom was gradually gaining strength in the south, the tribe of Dan, as the most anarchistic, left the southern region, stole Micah's idol, and resettled themselves in the northern territories (Judg. 18).

However, the country cannot function properly without the union of all the tribes, and it is therefore not by chance that the expression "from Dan to Beersheba" is used in the Tanakh to mean the entire nation of Israel – from Dan in the extreme north to Judah in the south (e.g., Judg. 20:1). Moreover, the Tabernacle could not have been built without the joint participation and contributions of these fundamentally different tribes, Judah and Dan. This is why Bezalel from the tribe of Judah and Oholiab from the tribe of Dan were chosen to build the Tabernacle.⁵⁹

Dan is a lion's whelp that leaps forth from Bashan: This is the region known today as the Golan Heights.

Dan's fighting style is "individualist-anarchistic" – he leaps forth like a guerilla fighter. An exemplar of the tribe of Dan and this style of warfare was Samson (Judg. 3-16).

§ 27.12. NAPHTALI (33:23)

בג וְלִנְפֹתָלִי אָמַר נַפְתָּלִי שִׁבְעַת רְצוֹן וּמָלֵא בְרָכַת יְיָ יִם וְדָרוֹם יִרְשָׁה:

(23) And of Naphtali he said: O Naphtali, sated with favor and full of the Lord's blessing, take possession on the west and south.

⁵⁹ For an elaboration on these points, see the Bible Dynamics commentary to Exod. 31:6.

(23) And of Naphtali he said: Naphtali's territory is the Galilee, west of the Kinneret, the Sea of Galilee.

O Naphtali, sated with favor and full of the Lord's blessing: Much earlier, in Jacob's blessing, Naphtali was characterized as "giving goodly words" (Gen. 49:21, alternate translation). But here he is "sated with favor and full of the Lord's blessing." I.e., Naphtali's portion is endowed with beauty and affluence. Everything that is elegant and refined is his.

Take possession on the west and south: The meaning of this phrase is not entirely clear. If we view Naphtali as representing the aesthetic ideal within the Jewish people, in like manner to "Japheth dwelling in the tents of Shem" (Gen. 9:27), then "south" is Judaea, Jerusalem, the kingdom, and the Temple. And "west" is Japheth himself – the Greeks who are west of Israel, across the Mediterranean sea. If so, Naphtali then symbolizes the unification of the Jewish religion with Greek aesthetics and literature. The result was that through the lofty literary form of the Tanakh the peoples of the world were able to accept Jewish ideas. Therefore, those "goodly words" that Naphtali gives are essential for spreading the Divine light.

§ 27.13. ASHER (33:24)

כד וּלְאַשֶׁר אָמַר בְּרוּךְ מִבְּנֵי אֲשֶׁר יְהִי רְצוֹי אָחִיו וְטָבַל בְּשֶׁמֶן רַגְלָו:

(24) And of Asher he said: Most blessed of sons be Asher; may he be the favorite of his brothers, may he dip his foot in oil.

(24) And of Asher he said: Asher's territory is the northern Galilee region, and southern Lebanon.

Most blessed of sons be Asher: Asher is blessed with children. When he entered Egypt he already had grandchildren (Gen. 46:17), and in the wilderness his population only increased (Num. 47:27).

May he be the favorite of his brothers: Asher is their favorite thanks to the high-quality oil pressed from the olives growing in Asher's territory. The place where that oil was produced was rich. Asher "shall

yield royal dainties” (Gen. 49:20). He is wealthy and contented, and has no pretensions to anyone, which is why the brothers love him. The menorah in the Temple was kindled with oil from olives grown in Asher’s territory.

May he dip his foot in oil: Asher produces oil in very abundant quantities, enough not only for food, illumination, and anointing heads, but much more than that – there is so much oil, you can even dip your feet in it.

§ 27.14. THE CONCLUSION OF THE BLESSINGS

(33:25-29)

כֹּה בִרְזֵל וּנְחָשֶׁת מְנַעֲלֶיךָ וְכִימִיָּךְ דְּבִאָדָּה: כֹּה אֵין פֶּאֶל יִשְׁרוֹן רֶכֶב שָׁמַיִם
בְּעֶזְרֶךָ וּבְגִאֲוֹתָו שְׁחָקִים: כֹּה מַעֲנֶה אֱלֹהֵי קָדֶם וּמִתַּחַת זִרְעֹת עוֹלָם
וַיַּגְרֵשׁ מִפְּנֵיךְ אוֹיֵב וַיֹּאמֶר הַשָּׁמַד: כֹּה וַיִּשְׁכֵּן יִשְׂרָאֵל בְּטַח בְּדָד עֵין
יַעֲקֹב אֶל-אֶרֶץ דָּגָן וְתִירוֹשׁ אֶף-שָׁמִיר יַעֲרֹפוּ טַל: כֹּס אֲשֶׁרֶיךָ יִשְׂרָאֵל
מִי כְמוֹךָ עַם נוֹשָׁע בְּיָי מִגֹּן עֶזְרֶךָ וְאֲשֶׁר-חָרַב גְּאֻתְךָ וַיִּכָּחֶשׁוּ אוֹיְבֶיךָ
לָךְ וְאַתָּה עַל-בְּמוֹתֵימוֹ תִּדְרֹךְ:

(25) **May your doorbolts be iron and copper, and your security last all your days.**

(26) **O Jeshurun, there is none like God, riding through the heavens to help you, through the skies in His majesty.**

(27) **The ancient God is a refuge, a support are the arms everlasting. He drove out the enemy before you by His command: Destroy!**

(28) **Thus Israel dwells in safety, untroubled is Jacob’s abode, in a land of grain and wine, under heavens dripping dew.**

(29) **O happy Israel! Who is like you, a people delivered by the Lord, your protecting Shield, your Sword triumphant! Your enemies shall come cringing before you, and you shall tread on their backs.**

(25) **Your doorbolts:** Having completed the blessings of the individual tribes, Moses now again addresses all of Israel. The collective

blessing that follows here completes the Torah. These are Moses' final words to Israel, a rhapsodic text that is especially difficult to interpret.

May your doorbolts be iron and copper, and your security last all your days: Although some commentators believe that this verse is still part of Asher's blessing, most are of the opinion that it resumes Moses' blessing of all the tribes jointly. (The sudden transition from third person to second person would seem to support this: "May he dip his foot in oil. May your doorbolts be iron and copper.")

The earlier transition from the nation as a whole to the individual tribes (Deut. 33:5-6) was not indicated by any special marker (or even a paragraph break). And so here, the return from Moses' blessings of the individual tribes to the nation as a whole. If we assume, then, that after the characteristics of each tribe have been enumerated, this verse applies to all the tribes, the point of this verse is, perhaps, that all the people together serve as the guardians of the land: "May your doorbolts be iron and copper."

May your doorbolts be iron and copper: The land is securely guarded from all sides.

And your security last all your days: The uncommon Hebrew word used here, *dov'echa*, can also be translated as "prosperity." You will be prosperous all the days of your life.

(26) O Jeshurun, there is none like God: Here for the third and last time in the Torah the nation of Israel is called by the name Jeshurun (Hebrew, *Yeshurun*), an allusion to the Messianic aspect of Moses' blessings.

The God of Jeshurun is the Almighty Who is revealed to the world through *Yeshurun* – Israel in the Messianic context. The idea expressed here is that no human conception of the Almighty can represent how the Almighty will be revealed through His Messianic salvation of Israel.

(27) Riding through the heavens to help you, through the skies in His majesty: "Riding" means that He comes to the rescue very quickly, and that salvation comes "in the heavens," i.e., through the world of ideas. The Almighty is steadily building a world of ideas that will enable Israel to fulfill its Messianic mission.

The ancient God is a refuge: The God who comes to your aid is the same Who existed even before He created the world. But even before the Creation there was a meaning – the purpose for which the world was created. Israel is therefore associated with that meaning.

A support are the arms everlasting!: After the Creation, the Almighty governs the world through the immutable and eternal laws of nature that He has established.

He drove out the enemy before you: And yet, He intervenes in the daily lives of the people, driving out their enemies. Here there is a sharp transition from lofty metaphysics to real, natural events. God's manifestation in both the world of ideas and the physical world comprises a single, indivisible unit.

By His command: "Destroy!": The Almighty ensures Israel's victory by expressing it as a Divine mandate: "Destroy!" Now that it is a Divine directive, Israel must only complete the task by fulfilling it.

(28) Thus Israel dwells in safety, untroubled: Although translated here as "untroubled," a more usual translation of *badad* is "alone, isolated."

"There is a people that dwells apart, not reckoned among the nations" (Num. 23:9). There too, "apart" in the Hebrew is "*badad*." Precisely because Israel dwells apart from all other nations, they are able to correct the entire world.

Untroubled is Jacob's abode, in a land of grain and wine, under heavens dripping dew: By God's blessing Israel enjoys the wealth of the land: bread and wine. And the riches of heaven: the world of ideas.

(29) O happy Israel! Who is like you: This section began with "There is no God like the Almighty Who dwells in the heavens" (Deut. 33:26). But here the point is emphasized that likewise no one can compare to the people of Israel, for they are unique among all the nations on earth. And therefore: "O happy Israel!" Because there is no one like you.

A people delivered by the Lord, your protecting Shield, your Sword triumphant!: An alternate translation is: "Your protecting Shield, the Sword of your pride!"

This salvation comes in two forms: defensive and offensive. A protective hypostasis, represented by a shield, is needed to save the people. But an offensive one, a sword, is also needed, so that Israel can fulfill its mission of spreading the light of the Almighty throughout the world. And therefore, “the Lord is the Sword of your pride!” The Jewish people are proud that the Almighty, whose light they spread, is their sword.

We should also note here that pride in one’s worthy characteristics and achievements is an important, positive feeling.

Your enemies shall come cringing before you: Not only will they be defeated, but they will admit their moral failings. And because of that, they will be able to correct themselves.

And you shall tread on their backs: But at the same time, the enemies too have achievements. You will recognize those achievements, and master them as your own.

Thus, the blessing that completes the Torah ends with a wish for political success and military victory, but along with those, the mutual enrichment of Israel and mankind. All of the above are essential in order for this great narrative to ultimately succeed.

§ 28. MOSES' DEATH

§ 28.1. GOD'S FINAL ADDRESS TO MOSES (34:1-4)

א וַיַּעַל מֹשֶׁה מִעֲרֵבַת מוֹאָב אֶל-הַר נֹבֹה רֹאשׁ הַפְּסִגָּה אֲשֶׁר עַל-פְּנֵי
יְרֵחוֹ וַיֵּרְאֵהוּ יְיָ אֶת-כָּל-הָאָרֶץ אֶת-הַגִּלְעָד עַד-דָּן: ב וְאֵת כָּל-נַפְתָּלִי
וְאֶת-אָרֶץ אֶפְרַיִם וּמְנַשֶּׁה וְאֵת כָּל-אָרֶץ יְהוּדָה עַד הַיָּם הָאֲחֵרוֹן:
ג וְאֶת-הַנֶּגֶב וְאֶת-הַכְּפָר בְּקֶעֶת יְרֵחוֹ עִיר הַתְּמָרִים עַד-צֶעֱרָ: ד וַיֹּאמֶר
יְיָ אֱלֹהֵי זֶה אֶת הָאָרֶץ אֲשֶׁר נִשְׁבַּעְתִּי לְאַבְרָהָם לְיִצְחָק וְלַיַּעֲקֹב לֵאמֹר
לְזֶרְעֶךָ אֶתְנַנָּהּ הִרְאִיתִיךָ בְּעֵינֶיךָ וְשָׂמָה לֹא תַעֲבֹר:

(1) Moses went up from the steppes of Moab to Mount Nebo, to the summit of Pisgah, opposite Jericho, and the Lord showed him the whole land: Gilead as far as Dan;

(2) all Naphtali; the land of Ephraim and Manasseh; the whole land of Judah as far as the Western Sea;

(3) the Negeb; and the Plain – the Valley of Jericho, the city of palm trees – as far as Zoar.

(4) And the Lord said to him, "This is the land of which I swore to Abraham, Isaac, and Jacob, 'I will assign it to your offspring.' I have let you see it with your own eyes, but you shall not cross there."

(34:1) Moses went up from the steppes of Moab to Mount Nebo, to the summit of Pisgah, opposite Jericho: The end of the five books of the Torah marks the completion of a number of different things simultaneously, namely:

- The completion of Moses' life story: the emphasis here is on Moses' acceptance of his imminent death, and also the unique "loneliness factor" of his death (no one witnessed it, no one was present) and its mysterious aspect (the location of Moses' grave remains a secret for all time).
- The completion of the book of Deuteronomy and the Torah: the style of presentation here is very sublime. It is a poetic form of expression used to describe history's most important moments.
- The completion of Israel's "prehistory": this period began long before with the Patriarchs, and lasted all through the period when Israel had not yet gained their independence, which is now about to happen. There is a palpable optimism here – the transition to a new stage of life.

And the Lord showed him the whole land: Gilead as far as Dan:

The Torah does not say that Moses merely "saw," but, rather, "the Lord showed him." The Almighty endowed Moses with special vision that enabled him to see what he needed to see.

(1-3) Gilead as far as Dan; all Naphtali; the land of Ephraim and Manasseh; the whole land of Judah as far as the Western Sea; the Negeb; and the Plain – the Valley of Jericho, the city of palm trees – as far as Zoar: Tradition associates all these places not merely with their geographical positions, but with important historical events that took place at these locations. Thus, Moses was able to perceive great distances – not just physically, in space, but also prophetically, in time: he saw what would be happening on this earth in future eras. To this extent, at least, God fully fulfilled Moses' request: "Let me, I pray, ... see the good land on the other side of the Jordan" (Deut. 3:25).

(4) And the Lord said to him, "This is the land of which I swore to Abraham, Isaac, and Jacob, 'I will assign it to your offspring.' I have let you see it with your own eyes, but you shall not cross there": These words, the last words that Moses will hear, embody the very essence of his life:

- (i) The Covenant with the Patriarchs has been realized.
 - (ii) Moses has observed the unfolding of history, and has become the greatest of all prophets.
 - (iii) He must now set the people free, to build their own future lives.
- Moses has lived a very full life and has fulfilled his mission. His departure is the culmination of that process.

§ 28.2. MOSES' DEATH AND BURIAL (34:5-12)

ה וַיָּמָת שָׁם מֹשֶׁה עֶבֶד־יְיָ בְּאֶרֶץ מוֹאָב עַל־פִּי יְיָ: וַיִּקְבֹּר אֹתוֹ בְּגִי
 בְּאֶרֶץ מוֹאָב מִוֶּלַּב בֵּית פְּעֹר וְלֹא־יָדַע אִישׁ אֶת־קִבְרָתוֹ עַד הַיּוֹם הַזֶּה:
 ז וּמֹשֶׁה בֶן־מֵאָה וְעֶשְׂרִים שָׁנָה בָּמָתוֹ לֹא־כָהֶתָה עֵינָו וְלֹא־נָס לַחֹה:
 ח וַיָּבֹכּוּ בְנֵי יִשְׂרָאֵל אֶת־מֹשֶׁה בְּעֶרְבַת מוֹאָב שְׁלֹשִׁים יוֹם וַיִּתְּמּוּ יָמָיו
 ט בְּכִי אָבֵל מֹשֶׁה: ט וַיְהוֹשֻׁעַ בֶּן־נּוֹן מָלֵא רוּחַ חֲכָמָה בִּי־סֶמֶךְ מֹשֶׁה אֶת־
 ידּוֹ עָלָיו וַיִּשְׁמְעוּ אֵלָיו בְּנֵי־יִשְׂרָאֵל וַיַּעֲשׂוּ כְאֲשֶׁר צִוָּה יְיָ אֶת־מֹשֶׁה:
 י וְלֹא־קָם נָבִיא עוֹד בְּיִשְׂרָאֵל כַּמֹּשֶׁה אֲשֶׁר יָדְעוּ יְיָ פָּנִים אֶל־פָּנִים:
 יא לְכָל־הָאֲתֹת וְהַמּוֹפְתִים אֲשֶׁר שָׁלַח יְיָ לַעֲשׂוֹת בְּאֶרֶץ מִצְרַיִם
 לְפָרְעֹה וּלְכָל־עַבְדָּיו וּלְכָל־אֶרֶצוֹ: יב וְלִכְלֵ הַיָּד הַחֲזָקָה וְלִכְלֵ הַמּוֹרָא
 הַגָּדוֹל אֲשֶׁר עָשָׂה מֹשֶׁה לְעֵינֵי כָל־יִשְׂרָאֵל:

- (5) So Moses the servant of the Lord died there, in the land of Moab, at the command of the Lord.
- (6) He buried him in the valley in the land of Moab, near Beth-peor; and no one knows his burial place to this day.
- (7) Moses was a hundred and twenty years old when he died; his eyes were undimmed and his vigor unabated.
- (8) And the Israelites bewailed Moses in the steppes of Moab for thirty days. The period of wailing and mourning for Moses came to an end.
- (9) Now Joshua son of Nun was filled with the spirit of wisdom because Moses had laid his hands upon him; and the Israelites heeded him, doing as the Lord had commanded Moses.

(10) **Never again did there arise in Israel a prophet like Moses – whom the Lord singled out, face to face,**

(11) **for the various signs and portents that the Lord sent him to display in the land of Egypt, against Pharaoh and all his courtiers and his whole country,**

(12) **and for all the great might and awesome power that Moses displayed before all Israel.**

(5) So Moses ... died there: As discussed at length previously, there are two opinions as to whether Moses could have written these final verses of the Torah that describe his own death and burial:

- (i) Moses could not have written, “So Moses died there.” Rather, everything until this verse was written by Moses, but the remaining verses, from here onward, were written by Moses’ disciple and successor Joshua.
- (ii) Moses’ Torah could not have been left unfinished, to be completed by someone else. Not even a single word could have been missing. Rather, the Almighty dictated these words to Moses in advance of their occurrence. And Moses wrote them down “through his tears.”

The first of those two approaches maintains that later prophets can add individual words and phrases to the Torah. But the second approach says that that is impossible. Every word and letter of the Torah was written only by Moses himself, and by no one else.

The servant of the Lord: In the opening verse of the previous chapter, Moses was called “the man of God,” but here he is “the servant of the Lord.” There is a significant difference between these expressions. (Note too that the Hebrew word *‘eved* can mean either “servant” or “slave.”)

Over the course of his lifetime, Moses has performed the functions of a “man-God.” But he now dies as a “servant of the Lord,” which means that he is compelled to die against his will. A man is free, but a slave is not free. Thus, Moses must die, and it is not in his power to choose. “The servant of the Lord” indicates closeness to the Almighty, but at the same time much less independence.

In the land of Moab: These words are a reference to the Covenant in the Steppes of Moab – the renewal of the Torah by Moses towards the end of his life. Moreover, Moab is the place from which David's kingdom will come forth in the future.⁶⁰ This is yet another allusion to the Messianic theme as expressed here at the end of the Torah.

At the command of the Lord: The Torah stresses that Moses dies now not because he was guilty of any wrongdoing, but only because the Almighty has decided that it must be so.

(6) He buried him in the valley ... and no one knows his burial place to this day: The descriptions of Moses' burial site are particularly inconsistent. Earlier (Deut. 32:49) the Torah stated that Moses would be buried on Mount Nebo, but here we are told that Moses' tomb is "in the valley." It is emphasized that no one knows the location of his grave. And it is also not even clear who buried him. ("He buried him" of this verse can only mean that God Himself buried Moses, but this is not made explicit.) The meaning of all this confusion is, firstly, that Moses' tomb must not become a center of worship. And secondly, to highlight the secrecy that shrouds Moses' death and burial.

In contrast, the tomb of the Patriarchs in Hebron is well-known and visited often, and yet it has never become a center of idolatry. Why, then, was there such a concern if the location of Moses' burial would be known? The difference here, apparently, is that the people have a "familial" connection with the Patriarchs. Visiting their graves is therefore as natural as visiting the graves of one's parents or ancestors. But Moses was an intermediary between God and the people, God's emissary here on earth. Precisely in this sense there was a danger that his grave could become a place of worship. Idolatry is exactly that – an attempt to find a mediator between God and human beings. The Patriarchs, however, were never mediators, but only the progenitors of the Jewish people.

⁶⁰ David has a very strong connection with Moab. David's great-grandmother Ruth was a Moabite, and David also emphasizes the connection in the Psalms: "Moab would be my washbasin" (Ps. 60:10). See the *Bible Dynamics* commentary on the book of Genesis, § 20.2, 25.5 for more details.

He buried him in the valley in the land of Moab: Unlike Jacob and Joseph, not even Moses' bones could be transported to Canaan – so great was the danger that his influence could hinder the further development of the Jewish people.

Near Beth-peor: Worshipping Peor (as Israel actually did at one point, see Num. 25:3) is the flip side of monotheism. Peor worship is the search for holiness everywhere and in everything, even in man's crudest bodily functions. It is so dangerous that only Moses can resist it – Moses, who brought into the world not just the teachings of monotheism, but the laws of the Torah that define what is permissible and what is forbidden, thus opposing and countering the seduction of the "mystical intoxication with monotheism."

Moses is therefore buried opposite Beth-peor, as a protection from it.⁶¹

(7) Moses was a hundred and twenty years old when he died: In Jewish Tradition, a life-span of 120 years represents a life lived to the fullest – quantitatively, and by extension, qualitatively as well.

His eyes were undimmed: Quite often, a person who spends his life in the "higher worlds" fails to see even what is right in front of him in this world – his commitment to spiritual pursuits "dims his eyes." So it was with Isaac (see Gen. 27:1 and the *Bible Dynamics* commentary there).

This is why the Torah emphasizes here that Moses experienced no such impairment. Moses' Torah focuses squarely on life in this world, and on things and objectives of this world, close to us, in this life. Therefore, Moses' eyes were undimmed.

And his vigor unabated: Moses did not die of old age, but only because the Almighty had decreed it, so that Israel could become an independent nation in the Land of Israel.

(8) And the Israelites bewailed Moses in the steppes of Moab for thirty days: Literally, "And the sons of Israel bewailed Moses..." – "sons" here means the men specifically. This contrasts with the wording in the

⁶¹ We have covered this topic in greater detail earlier, see the *Bible Dynamics* commentary to Deut. 4:2.

book of Numbers at Aaron's death, where the Torah says, "the whole community knew that Aaron had breathed his last. All the house of Israel bewailed Aaron thirty days" (Num. 20:29). In that case, "all the house of Israel" mourned for Aaron – both the men and the women.

Moses was not mourned by all. He was a tough leader, who often left people dissatisfied with his decisions. Aaron, on the other hand, was mourned by all, because he always sought compromises in order to resolve conflicts between people. As the Mishnah states: "Hillel used to say: Be of the disciples of Aaron, loving peace and pursuing peace, loving mankind and drawing them close to the Torah" (Avot 1:12).

The period of wailing and mourning for Moses came to an end: This means that the people survived even this major loss, and were able to return to normal, active life.

(9) Now Joshua son of Nun was filled with the spirit of wisdom because Moses had laid his hands upon him: Joshua became the leader of Israel not simply by default (i.e., because he was the best or only person available to fill the position), but because Moses, as directed by God, had explicitly appointed Joshua to lead the nation.

And the Israelites heeded him, doing as the Lord had commanded Moses: They obeyed Joshua and did as Moses commanded.

There are two types of leaders. One type always maintains his distance from the people. His leadership style is a function of the uncommonly sublime level at which he operates, as compared with that of the people whom he leads. Although he is their leader, they cannot fully express themselves and realize their abilities under him. Moses was such a leader. The second type of leader leads the people based on their actual potential, not his own characteristics or inclinations. Above all, he encourages the people to be independent. Such a leader was Joshua.

Wilderness life required the first type of leader, but life in the Land of Israel will require the second type.

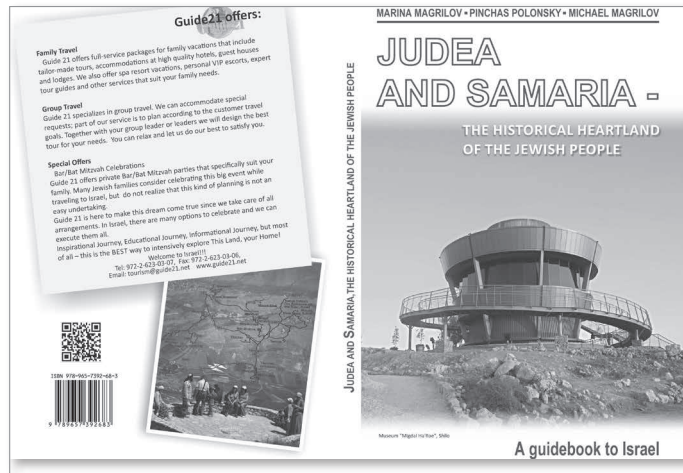
(10) Never again did there arise in Israel a prophet like Moses – whom the Lord singled out, face to face: Moses' uniqueness consisted in that he could speak with the Lord freely and openly, in a state of full consciousness (not in a dream state, like other prophets). That is why Moses was able to convey to mankind the commandments and

principles of the Torah, whose sublime, Divine character far surpasses that of any other prophecy.

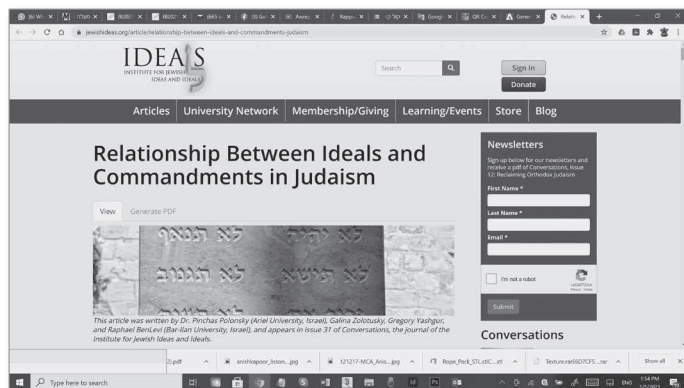
(11) For the various signs and portents that the Lord sent him to display in the land of Egypt, against Pharaoh and all his courtiers and his whole country: This was the first stage of Moses' mission. God, through Moses, revealed himself to Egypt, and thus to all of mankind, but this gave human beings only a general idea of the Almighty.

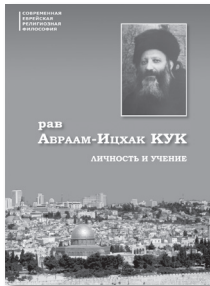
(12) And for all the great might and awesome power that Moses displayed before all Israel: But in the second stage, the Almighty revealed himself through Moses to the people of Israel, in order to convey a much more profound and detailed conception of Him, which Israel would later transmit to all of mankind.

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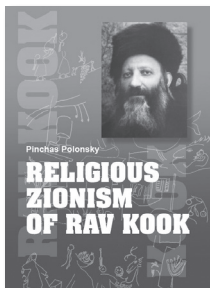


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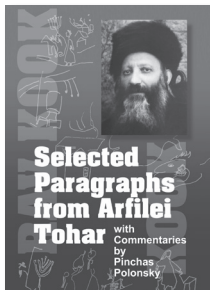
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