

INSIGHTS

Into The Weekly Parsha

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Based on the Torah of our Rosh HaYeshiva HaRav Yochanan Zweig

PARSHAS DEVARIM

Rebuke and Responsibility

These are the words which Moshe spoke to all Israel... (1:1)

This week's *parsha* opens with Moshe addressing the entire nation. Both Rashi and Targum Yonason (ad loc) point out that Moshe isn't merely speaking to Bnei Yisroel – he's actually criticizing them. In fact, all the places listed in the *possuk* are locations where the Jewish people transgressed and angered Hashem. Therefore, the word "spoke" actually means criticized in this situation.

The very first Midrash Rabbah in this week's *parsha* points out that "before Moshe merited the Torah he said, 'I am not a man of words' (*Shemos* 4:10), but once he merited the Torah his tongue became healed and he began to speak words. How do we know this? The verse says here 'These are the words of Moshe' (1:1)."

Simply put, the Midrash seems to be saying that Moshe had a speech impediment, which is the reason he argued with Hashem that he shouldn't be the one chosen to lead Bnei Yisroel out of Egypt. However, once he received the Torah on Har Sinai he was cured and was able to speak as a leader should.

Nevertheless, this is problematic for several reasons; the Midrash doesn't say when he "received" the Torah, it says when he "merited" the Torah – this doesn't seem to be referring to getting the Torah on Mount Sinai when everyone else was also healed. Even more difficult is the fact that Moshe received the Torah almost forty years prior and had given many eloquent speeches over this time period; why mention only now his being "cured"?

The Midrash gives us a remarkable clue. The word "merited" in the Torah actually comes from the Gemara in Yoma (72b), "R' Yochanan said three crowns were given to Bnei Yisroel that of the Altar ('Crown of

Kehuna'), that of the Aron ('Crown of Torah'), and that of the Table ('Crown of Kingship'). Aharon the Kohen merited the crown of priesthood, King David merited the crown of royalty, and the crown of Torah is there and can be obtained by whoever wishes to take it." In other words, the crown of Torah can be merited by anyone who desires to obtain it.

Moshe, being the "most modest person in the world," didn't quite fit into the role of leader. A modest person gives everyone his or her space, seldom – if ever – telling anyone what to do. In fact, Moshe saw this very same attribute of modesty of his student Yehoshua as such a critical issue that he was worried that Yehoshua would not be able to reject the evil plot of the spies. Leadership requires putting people in their place when the need arises; this is unnatural to one who desires to give people their space.

When Moshe "merited" the crown of Torah all this changed. A crown of Torah implies an aspect of kingship. A king's primary job is taking responsibility for the welfare of everyone else. Therefore, meriting the crown of Torah means taking responsibility for others, and this is where the aspect of leadership comes into play.

Moshe wasn't saying to Hashem that he doesn't speak well; Moshe was saying that leadership is all wrong for his personality. Leadership requires guiding others and often that means criticizing them to get them on the proper path. A modest person would naturally loathe criticizing others. However, once Moshe merited the crown of Torah he became vested with responsibility for Bnei Yisroel. Rashi (ad loc) points out that Moshe had decided not to criticize Bnei Yisroel until the end of his life. That is why we only see this concept of criticizing Bnei Yisroel now, instead of in earlier Torah portions.



This is a lesson for everyone who leads a Torah life. Accepting the crown of Torah means accepting the responsibility to ensure that others also lead a meaningful life. This means taking ownership of our obligation to help others achieve a meaningful life too. Unfortunately, in our day and age most people don't realize that criticizing others doesn't mean informing others what they are doing wrong; it means showing people how they are harming themselves. The only way to accomplish this is to begin by showing them genuine love. Once they see that you care about them, they will then be open to hearing constructive criticism.

Did You Know...

In this week's *parsha*, Moshe begins his "exit interview" with a detailed (albeit cryptic) description of Bnei Yisroel's long list of missteps and outright rebellious activities against the Almighty. Included in his monologue are instructions for living in Eretz Yisroel and, interestingly enough, one of the things that he specifies (as Rashi explains on 1:18) is the differences between monetary and capital cases (where the defendant will be killed if found guilty) with regard to judicial procedure. These 10 differences are also listed – and subsequently discussed – in *Sanhedrin* 32a, and they're quite interesting. They exhibit compassion in law that is noticeably lacking in American law and which truly expresses Torah values. Here are these differences (as defined by the Me'em Lo'ez chapter 1):

Internalizing the Loss

The period beginning with the fast of the 17th day of Tammuz and culminating with the 9th of Av is known as the “three weeks.”

These weeks represent a growing sense of sadness that slowly intensifies until we reach the saddest day on the Jewish calendar – Tisha B’Av; the anniversary of the destruction of both Temples and many other disastrous events over the last three millennia.

In other words, we begin this period with certain restrictions; beginning on the 17th day of Tammuz, we refrain from listening to music or getting haircuts or shaving – all of which are elements of mourning. When Rosh Chodesh Av arrives, Ashkenazim add more intense restrictions (Sefardim begin these restriction the week that Tisha B’Av falls out); we don’t bathe for pleasure, put on fresh clothes, eat meat or drink wine etc. Lastly, on the day of Tisha B’Av, we add even more

intense acts of mourning like sitting on the floor, forbidding the study of Torah, etc.

Yet when someone, heaven forbid, suffers a loss the mourning period actually begins with *shiva* and the most intense acts of mourning (sitting on the floor, no bathing, forbidden from learning Torah, etc.) and as time goes on it progressively lessens. That is to say, after *shiva* the restrictions become less intense; a mourner cannot shave or get a haircut until after thirty days, and then it continues to decrease for the remaining year of mourning; including more minor restrictions against attending parties, listening to music, and so on.

Why is it that when a person suffers a loss the mourning restrictions progressively decrease, while when we mourn all the tragedies suffered in the destruction of Yerushalayim and the Beis Hamikdosh the mourning restrictions progressively increase?

The answer is that when a person suffers a loss the goal is to experience the loss in the most intense way and slowly begin to recover from the experience by progressively lessening the actual mourning rituals. In this way, a person can begin to move past the experience while honoring the effect the loss had on him.

By the destruction of Yerushalayim and the Beis Hamikdosh, the goal is exactly the opposite. We need to slowly build up to the experience because we want the intensity of the loss to remain with us forevermore. We aren’t interested in moving away from the experience and resolving the loss. We want to slowly immerse ourselves in the mourning process so we can truly experience each phase in order to really connect with what we had and how sad it is that it is gone. May we merit to see Yerushalayim and the Beis Hamikdosh speedily rebuilt.

Did You Know Cont.

1. In monetary cases a majority consisting of one is sufficient, while in capital cases a majority of one is enough only to save a person, but to kill him there needs to be at least two more in the majority.
2. Monetary cases are judged by a court of three judges (derived from the triple repetition in *Shemos* 22:8), while capital cases are only judged in a court of twenty-three. The reason that capital cases require twenty-three judges is that the court needs a *minyan* of ten to have the unique ability to indict and another *minyan* to have the unique ability to acquit. Additionally, there must be two more because we need a majority of at least two to convict someone (and by one to acquitted). The final judge is to make sure that there is never a tie.
3. In capital cases, the court actively seeks evidence that he is innocent, while in monetary cases there is no such compelling rule.
4. Regarding monetary cases, if they misjudge a case they can always retry the case and make a new, correct ruling. In capital cases, they can only reopen the case if the defendant was mistakenly condemned, but once they acquit him, they cannot retry him. The only exception is if they missed something in the Oral Torah, as this is explicit.
5. In monetary cases, a student can speak for or against his teacher, however, in capital cases he can only speak in favor of the defendant, not against him.
6. In monetary cases, if the judge voted that a person is guilty/innocent and then new evidence is found for/against the defendant, the judge can switch and vote for/against the defendant. However, in capital cases, only if the judge voted to condemn is he allowed to switch if new evidence is found, but once he votes to acquit he cannot change his vote.
7. Monetary cases must start during the day and can be finished at night, while capital cases must start and finish during the day.
8. Similarly, monetary cases can start and finish in the same day, while capital cases have to start and finish on separate days, as to give more chances for the defense to find evidence to acquit.
9. In monetary cases, the greatest judge among them speaks first, followed by the others. In contrast, in capital cases, the most junior member speaks first and the greatest one speaks last. This is to give the most senior judge a chance to hear everyone else's argument, as his vote is important and can be a deciding factor in the case.
10. The last difference is that in monetary cases anyone can be a judge, even proselytes, *mamzeirim*, and those with certain extreme disabilities. In capital cases, only people with unblemished heritage can be judges such as Cohanim, Leviim, or a Yisroel who's child can marry a Cohen. Similarly, a very old man or someone incapable of having children cannot be a judge because they don't have children in their lives (or it's been too long since they raised them), which means that they do not have the ideal level of compassion for this kind of trial.



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