

INSIGHTS

Into The Weekly Parsha

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"May his Neshama have an Aliya!"

23 ELUL

Based on the Torah of our Rosh HaYeshiva HaRav Yochanan Zweig PARSHAS NITZAVIM-VAYELECH

Nation Corporation

You are standing here today, all of you, before Hashem your God; your heads, your tribes, your elders, and your officers – all of Yisroel (29:9).

This week's *parsha* opens with Moshe Rabbeinu addressing all of Bnei Yisroel. Rashi (ad loc) explains that this was the last day of his life and Moshe was "standing" for all of the people, i.e. permanently affixing Bnei Yisroel into a new covenant with Hashem. Moshe goes on to list all the different entities bound by this covenant (leaders, elders, officers, all the men, women, children, converts, etc.) and then adds "whoever is here standing with us today [...] and those that are not here today" (29:14). Rashi (ad loc) explains that this is referring to all future generations (that they too are to be bound by this covenant).

What is the nature of this **new** covenant? Furthermore, as the Maharal (*Gur Aryeh* 29:14) asks, "How is it possible to bind all future generations to it as well?" In other words, how does my oath obligate succeeding generations so that if they don't follow the terms of the covenant they will be punished?

At the end of last week's *parsha* Moshe Rabbeinu spoke to the entire nation as a whole, however, in this week's *parsha* Moshe begins by creating an entire infrastructure. What changed?

Until now, Bnei Yisroel was an association of tribes and families under the leadership of Moshe Rabbeinu. On the last day of his life, Moshe

established the Jewish people as a corporate entity. Just as companies have individuals with different roles, so too Moshe created a hierarchy of leadership and responsibility.

In other words, the Jewish people were no longer just an associated group of people united by Moshe, but became a single entity with responsibility for each other and towards each other. Maimonides (*Yad Hilchos Krias Shema* 1:4) quotes a verse from this week's *parsha* to illustrate that the unity of God is dependent on its acceptance by the entirety of the Jewish people. To understand this on a deeper level: Everything in creation is a reflection of Hashem; thus the concept of the oneness of Hashem is articulated by the harmony and indivisibility of the Jewish people.

At this point the Jewish people are now viewed as a single entity, a corporate body, as it were. Just as within a body when one area is injured or incapacitated it affects the entirety of the body, so too we all affect each other. Rashi (29:28) explains that with this covenant we became guarantors for one another and thus we can be punished for the misdeeds of our brethren. Rashi ascertains this from the Gemara (*Sanhedrin* 27b), which states that Bnei Yisroel were made guarantors for one another.



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On the surface, this guarantee is hard to understand. First, there is no consideration here, how is this a legally binding guarantee? Second, a guarantor is only responsible for monetary restitution; a guarantor cannot be physically punished for another's misdeeds.

The word that the Gemara uses is that the Jewish people are guarantors one **with** another – "ערבים זה בזה" (as opposed to one **to** another – "ערבים זה לזה"). This is also borne out by the word "ערב", which means blended (e.g. this is how a community "eruv" works, we are a blended whole and therefore permitted to carry). Thus, this law of being a guarantor is similar to a person's body, when one leg doesn't work properly then the other leg compensates. This obligation to guarantee or pay is because we are one unified, whole nation.

This is also why succeeding generations can be held responsible for the covenant. They are simply the next generation of cells in the ever-evolving corporate body of the Jewish people – an eternally unified nation.

Bringing Torah Down to Earth

I am a hundred and twenty years old today; I can no longer go out and come in, and Hashem has told me you shall not cross this Jordan (31:2).

This week's *parsha* opens with Moshe addressing all of Bnei Yisroel on the last day of his life. Rashi (ad loc) explains "I can no longer go out and come in" as referring to "[going out and coming] in the words of the Torah. This teaches us that the knowledge handed down and the wellsprings of wisdom had become closed to him."

This means that on the last day of his life Moshe was no longer "connected" to the source of the Torah and its wisdom. The question is, why? Why was it necessary for Moshe to be closed off to the wisdom and wellsprings of Torah on the last day of his life?

In last week's *parsha* we find a remarkable statement, "This commandment that I command you today is not hidden from you and it is not distant. It is not in the heavens [for you] to say, 'who will go up to the heavens and bring it down for us [...]" (30:11-12). While many commentators (Ramban ad loc etc.) understand this verse to be referring to

the *mitzvah* of repentance, Rashi (ad loc) explains that this is referring to the Torah itself. Meaning if it was up in the heavens someone "would have to go up after it, and learn it" (*Rashi* 30:12).

What does Rashi mean by, "if the Torah was up in the sky somebody would have to ascend after it and study it to bring it down"?

Here we learn a fascinating lesson about our Torah: So long as Moshe was alive the Torah was literally in the heavens. That is, the domain of Torah remained with Hashem and his heavenly court. Moshe was "connected" to the source. He had learned all the *mitzvos* and the deep meanings that Hashem intended for us to know. If there was a question as to what the proper course of action Hashem wanted from us, we merely had to ask Moshe. If Moshe was unclear (like in the story of the person who gathered wood on Shabbos) or if he forgot a *halacha* (such as in the case of the daughters of Tzelaphchad) Moshe could go directly to

Hashem to clarify.

On the last day of his life the Torah was gifted to the Jewish people. The Torah became our domain. Our sages were now the final authority as to what the proper *halacha* was in any given situation. Therefore, even if Hashem disagreed with the sages' interpretation, we would still follow their interpretation (see the Talmudic dispute between R' Eliezer and the other sages wherein Hashem seemingly sides with R' Eliezer but we follow the ruling of the sages, *Talmud Bavi Baba Metzia* 59b).

On the last day of his life Moshe finished writing the entire Torah and gave it to the Jewish people (see 31:9). In order for him to properly give over the Torah, so that it could become the domain of Bnei Yisroel (and no longer in the heavens), Moshe could no longer have access to the secrets and wellsprings of the Torah. Thereby, on Moshe's final day, the Torah became wholly ours, and our responsibility to properly define.

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