

# *Parshas Devarim*

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## *1. The Proper Way to Communicate*

The Torah states at the beginning of the Portion of *Devarim*, **“These are the words that Moshe had spoken to all of the Children of Israel...”** Rashi explains that the verse is referring to words of admonishment and rebuke (*tochachah*). What is the meaning of “*tochachah* -admonishment”? There is a Positive Commandment, “*Hochiach tochiach es amisecha* – admonish your fellow.” If one sees his fellow going astray, he must rebuke him for doing so. The obligation of *tochachah* is to communicate to one’s fellow the wrong of the past or to inform him of the inappropriateness of the action so that he should not transgress. The word “hochiach” means to inform- to give the person an understanding of his obligation as a Jew. The verse informing a fellow Jew of his wrong concludes with the words, **“and not to the point of embarrassment...”** When one rebukes his fellow, he is not acting as G-d’s enforcer but rather he is attempting to give his fellow Jew an understanding to appreciate what he must do or not do.

At the beginning of the Book of Devarim, Moshe Rabbeinu gave words of rebuke to all of the Jewish people. He recounted each of the incidences in which they had failed over the 40-year period that they were in the desert. The Jewish people were fully aware of all the moments of failure throughout this period. There was no question in their minds that they had failed. There was no attempt to receive Moshe’s words as an accusation. Every point that Moshe had made was factual. Therefore, if the Jewish people were already aware of their failings then what was the purpose of Moshe recounting these events? A person may be aware of many things however, he usually does not associate his past with his present. If this is one’s state of mind and on a conscious level there is no feeling for past failures, the person could be prone to repeat the transgression. The value of admonishment is to communicate something of the past in a manner in which the person will appreciate, understand, and sense the cause of his failing. Thus, he will be cognizant of his vulnerability and not repeat the mistake. Moshe recounted all the negative events of the 40-year period to enable the Jewish people to internalize and realize their failings so that they should truly have a sense of remorse. The word “*hochachah*,” which means rebuke (or the word “*tochachah*” which usually refers to punishment) both have the same purpose – to sensitize the person to appreciate the inherent wrong of his actions and their ramifications.

The Torah states, **“...Moshe had spoken to all of the Children of Israel...”** Rashi asks, “Why does the Torah state “**all** of the Children of Israel?” Rashi cites Chazal who explain that if all of the people were not present at the time of Moshe’s admonishment, the group that was absent would have said to those who were present, “If we had been there when Moshe was admonishing you, we would have responded.” The value of Moshe stating his case in the presence of “all” the Jewish people was so that no individual could respond by saying, “Moshe’s claim is unfounded.”

Moshe recounted the undisputed record of the failings of the Jewish people. How could anyone have even considered contesting something that is undisputed fact? When giving a person a sense of culpability regarding his past behavior, the uncontested record is irrelevant. If one wants to deflect the accusing finger away from himself, (in his own mind) he has the ability to do so. However if one is directly confronted with the fact and

he knows that he has the opportunity to respond and he does not - then he is admitting to full culpability for the past.

Rashi cites a number of reasons Moshe chose to rebuke the Jewish people right before his passing. The first reason given is so that one should not need to rebuke his fellow more than once for the same transgression. This moment of rebuke was reflected by the words of Yaakov, our Patriarch (who admonished his children before his passing) and Yehoshua Ben Nun (the successor of Moshe) also had done the same. Why should one not rebuke another more than once?

If one rebuked his fellow Jew in a cogent manner that gave him an understanding and appreciation of the wrong that he had done, and despite this understanding, he transgresses again, then it is evident that he only violated the law a second time due to some level of rationalization or disregard. When one transgresses after having a full appreciation and understanding of the gravity of his failure, he no longer has receptivity to the admonishment of his fellow – despite its level of cogency. As the Gemara states in *Tractate Kiddushin*, “When one repeats his transgression, the wrong becomes permitted to him.” When one repeats a wrong, although he knew that he should not have, he can only behave in such a manner when he justifies the wrong – and sees it as right. The reason for this is that a person has difficulty living with guilt. Thus, he must see his wrong as permissible in order to be a repeat offender. Once one is convinced that his transgressions are justified then it becomes nearly impossible to make him realize his failure.

When one needs to rebuke an individual in a particular situation, if he feels that the individual may fail again despite his rebuke, he is potentially augmenting the problem. Therefore, he should delay the admonishment to a time where he will not need to repeat his rebuke.

Every Shabbos the Chofetz Chaim would send out his students to neighboring villages so that they should officiate and act as the rabbi and teacher for the Shabbos. Many of these small communities did not have their own rabbi and thus relied on visiting Torah scholars to officiate. One of the students of the Chofetz Chaim was told to lecture on the subject of the laws of Shabbos. When returning from the community, he was dejected and completely demoralized. He informed the Chofetz Chaim that the community that he was visiting literally ran him out of town and that he would not return under any circumstance. The Chofetz Chaim was taken aback and inquired as to what had happened to provoke such a reaction. The student responded that he had rebuked them concerning their observance of Shabbos. Since there is a Positive Commandment to admonish one’s fellow so that he should correct his ways, the student believed that he was performing a mitzvah. The Chofetz Chaim asked him to repeat exactly how he had spoken to the community. The student related to that, he had spoken to the community with fire and brimstone and that he had given several impassioned speeches on the gravity of transgressing the Shabbos. The Chofetz Chaim asked him, “When you put on your tefillin, do you do this with love or anger?” The student responded, “I do it with love.” The Chofetz Chaim said to his student, “Why is it a Positive Commandment to rebuke your fellow? It should also be done with love and not with anger.”

Rebuke is not intended to demoralize and crush the person who is in need of admonishment, but rather to inform him of his transgression so that he can appreciate his failure and not to repeat it.

## ***2. What Determines Culpability***

The Torah tells us that Moshe recounted all of the failings of the Jewish people over their 40-year period in the desert. He related to them that when he established the infrastructure for the judicial system he needed to appoint judges who are, **“distinguished men, who are wise, understanding, and well known to your tribes, and I shall put them (*aseemaim*) as your heads.”** Rashi cites Chazal who explain, “The word *“aseemaim* (*I shall put them*) is written in the Torah with the letter “yud” deleted in order to teach us something. The reason for this is that they are in a position to reproach the Jewish people and thus to lead them along the “straight path (*derech yisharah*). The word *“aseemaim*” is read without the “yud” and vowels as *“ashimaim* (*I will find them guilty*)” to indicate that the culpability for the sins of the people rests on their leaders.

The Torah tells us in the Portion of Mattos, **“Moshe was angry with the commanders of the army, the officers of the thousands and the officers of the hundreds, who came from the legion of the battle...”** Moshe was angry with the commanders of the army because they allowed the women and children of the Midianite people to live. Although the soldiers under their commander were the ones who actually took the people as captives/spoils of war (and not the commanders); nevertheless, the leaders/commanders were rebuked by Moshe and not the soldiers. Rashi explains that this indicates that leaders are fully responsible for the actions and behavior of the people. So too the judges, who adjudicate the law are responsible for the dishonest behavior of the people- not encouraging them to follow the “straight path.”

It is interesting to note that at the beginning of the Portion of Netzavim when Moshe said to the Jewish people that they were entering into a covenant with Hashem (communal responsibility *“areivus”*), he delineated every segment of the Jewish population – “leaders, elders, officers, men of Israel, small children, women, converts, wood choppers, water drawers...” Why must Moshe identify in detail every segment of the Jewish people? The Ohr HaChaim HaKadosh explains that the value of Moshe’s delineation of each group separately was to communicate to them that every individual (based on who he is) has his own sphere of influence. The leaders, who have the greatest sphere, are thus culpable if their people fail. If a member of one’s family fails, then it follows that, the father is culpable. If parents would raise their children properly and establish a standard of conduct and behavior, the family would remain on the proper path. The Torah established a fundamental principle that Jews are responsible for one another.

The function of a judge within a community is to establish the law. If the law is broken one must question why this is the case. The Gemara in Tractate Shabbos says that one of the reasons the Jewish people were exiled was because of corrupt judges.

Rashi explains as we cited earlier, “judges are in a position to lead the Jewish people along the “straight path (*derech yisharah*).” The difference between a tzaddik (devoutly righteous person) and a *yashar* (straight person) is that the *yashar* has no conflict between what he understands to be correct and where his interests truly lie. He not only understands what is right, he has nothing interfering with implementing his beliefs. He does not struggle with his inclination to do the right thing.

The responsibility of the judge is to set the law in a manner that the people will follow the proper path. This is the reason Moshe needed to appoint judges with exceptional characteristics to be qualified to fulfill that special objective. Thus, if the people should fail, it is an indication of the failure of the leadership.

### ***3. Torah, The Secret to Jewish Survival***

The Gemara in *Tractate Yoma* tells us that the First Bais HaMikdash (Temple) was destroyed because the Jewish people violated the three cardinal sins: adultery, murder, and idol worship. The Gemara states that the Second Bais HaMikdash was destroyed because of *sinas chinam* (baseless hatred) among Jews. According to the Gemara in *Tractate Nidarim*, when the First Bais HaMikdash was destroyed, even the prophets could not understand why it happened until Hashem responded by saying: “Because they had abandoned My Torah.” The Gemara explains this to mean that the Torah study of the Jewish people was not predicated with the blessing that is recited before Torah study.

Ran, (an earlier commentator on the Talmud), cites Rabbeinu Yonah who explains that the omission of the blessing of the Torah prior to study indicated that the Torah was not studied for its own sake, or for doing the Will of Hashem, but rather for the pursuit of intellectualism. If they had studied Torah as G-d’s Torah, it would have been predicated with a blessing as one does before performing any mitzvah (Positive Commandment).

Seemingly, the two passages cited in each of these Tractates of the Talmud are contradictory. In one location the Talmud tells us that the Bais HaMikdash was destroyed because of the violation of the three cardinal sins and in the other location, the Talmud tells us that it was because the Jews did not recite the blessing before studying the Torah. How do we reconcile these two contradictory passages?

The Torah in the Portion of *Vezos HaBerachah* refers to the Wisdom and Laws of Hashem as “Torah” rather than the term “*Chachma* (Wisdom).” As it is stated in the verse, “***Torah tziva lonu Moshe morasha Kehilas Yaakov***- The Torah was commanded to us by Moshe which is the heritage of the congregation of Yaakov.” The Maharal of Prague asks – if the Torah itself is G-d’s Wisdom, then an appropriate appellation for His Wisdom should have been *Chachmas Hashem (Wisdom of G-d)*. Why did G-d choose the term “Torah”? The Maharal explains that the word “Torah” indicates that its value is to give the Jew the proper direction in life. Meaning, when one studies Torah it should be with the intent to fulfill the Will of Hashem and not merely for the pursuit of intellectualism.

The Gemara in *Tractate Kiddushin* states, “I (Hashem) created the *yetzer hara* (the evil inclination) and the Torah as its antidote.” The Talmud is telling us that regardless of one’s ability, understanding, or self-control, without the study of Torah, one cannot subdue or incapacitate the *yetzer hara*. It is only through its internalization and one’s involvement with it that one can dispel the evil inclination. In what context is the Torah the antidote for one’s evil inclination?

The Gemara does not say that G-d’s “Wisdom” is the antidote for one’s inclination; but rather that “Torah” is the means through which one subdues his evil inclination. As the Maharal explained, it is “Torah” only if one studies it for the sake of fulfilling G-d’s Will and Mitzvos. However if it is studied purely for its intellectual value it is not “Torah.” Thus, it does not have the inherent ability to bring about the clarity and inner strength to take control of one’s life. With this understanding, we can reconcile the seemingly contradictory passages in the Gemara.

During the First Temple period, the Jewish people did in fact study Torah diligently, yet they fell to the level of violating the three cardinal sins (adultery, murder, idolatry). How did they fall into such a spiritual abyss when they had engaged in Torah study at such an intense level? By not reciting the blessing prior to their Torah study it was an indication that their pursuit of Torah was not for the purpose of leading a life according to its precepts but purely for its intellectual value. Thus, the Torah did not

function as an antidote to their *yetzer hara*. Consequently, the Jewish people fell to a level that they were no longer worthy of retaining the Bais HaMikdash.

One must engage in Torah study as “Torah” with the intent of applying what is learned to give one direction and understanding to live our lives as Jews.

#### ***4. The Appropriate Setting for Blessing***

The Torah states, “**Moshe spoke to the Children of Israel saying, “Hashem your G-d, the G-d of your forefathers, should increase your number a thousand fold. He should bless you as He had spoken to you...”** Rashi cites Chazal who explain that the Jewish people said to Moshe, “Your blessing is limited! Hashem said to Avraham that He will make us a number that is not countable and your blessing is limited.” Moshe responded, “The blessing that I am giving you is my personal blessing in addition to the blessing that Hashem has given you.” What was the claim of the Jewish people against Moshe? Was it that Hashem’s blessing is unlimited, meaning that the number is enormous and Moshe’s blessing was a lesser number? Alternatively, was their claim that Hashem’s blessing is unlimited and Moshe’s is limited?

The Jewish people were saying that the blessing that Hashem had given them was unlimited while the one that Moshe had given them was limited. It is not that there is necessarily a difference in the actual number of people between the unlimited blessing and the limited one; but rather there is an inherent difference between something that is expressed in an unlimited context and something that is expressed as limited. Blessing only has relevance to a context, which is unlimited. Quantification does not engender blessing.

The Gemara in Tractate Taanis tells us that if one measures and evaluates his harvest and then recites a tefillah (prayer) to Hashem to bring blessing (*beracha*) upon his harvest, it is considered a *tefillas shav* (prayer in vain). However if one did not evaluate his harvest and makes the identical request, it is considered a valid tefillah and the grain in his silo has relevance to blessing. The Gemara states, “*Beracha* (blessing) does not come to anything that is counted, weighed or measured. Blessing only comes upon something that is concealed from the eye.” Meaning, blessing exists and has relevance only within a context that is not quantified.

The Maharal of Prague explains that spirituality is something that is unlimited and physicality is synonymous with limitation. *Beracha* is something that is spiritual because its connotation is unlimited. Therefore, if one had already quantified his harvest, classifying it as something within limits, it no longer has relevance to *beracha*, which is unlimited. Consequently, his prayer is considered a *tefillas shav*.

The *beracha* that Hashem had given Avraham our Patriarch was within the context of “unlimited.” He had said to Avraham, “They should increase to a number that cannot be counted.” Since G-d’s *beracha* was expressed in an unlimited context, the Jewish people have relevance to *beracha* regardless of their actual number. However, Moshe said that their number should increase a thousand fold and regardless of the enormity of the number, the Jewish people would have been quantified. Thus, in this case, they no longer would have relevance to *beracha*. This was the concern and claim of the Jewish people. Moshe explained that his blessing is not a diminishment of the Jewish people; but rather, it only adds to Hashem’s *beracha*.

The Mishna in Pirkei Avos (Ethics of our Fathers) states, “One should be as

Careful with a (seemingly) less severe mitzvah as one is with a more severe mitzvah because one does not know the extent of the reward of mitzvos.” It is true that one cannot evaluate the reward of a mitzvah (even the seemingly less important mitzvah); however, as Rambam explains, it is clear that there is an obvious difference between the violation of Shabbos (carries the death penalty) and the partaking of non-kosher food (liability is lashes). Since one is able to discern between mitzvos based on the severity of their punishment (when they are violated), does it not follow that there is a difference between the lesser mitzvah and the more severe one regarding reward?

The Mishna is saying that one should not classify mitzvos as “less important” or “more important” because once mitzvos are put into a context of limitation; they no longer generate their unlimited spiritual value. This is the meaning of the concluding statement, “you do not know the extent of the reward for mitzvos.” Meaning, the seemingly less severe mitzvos, although they are in essence something of lesser value than the more severe ones, should not be actually classified as “less important” or “more important.” The moment they are classified as such – the reward that would normally be generated becomes limited. Reward for a mitzvah is something of an unlimited nature since it emanates from something that is spiritual. However, this is only so when the mitzvah retains its spiritual characteristic.

We are able to extrapolate from our understanding of the Mishna that if one were to say, “An hour a day of Torah study is sufficient” that it will not generate the unlimited level of spirituality since the person quantified its importance.

The mitzvah of studying Torah is to engage in it “day and night.” It must be approached as something of an unceasing nature. It is stated, “*Talmud torah keneged kulam*- the study of Torah is the equivalent of all the mitzvos combined.” There is no set time for Torah study. We find that are even in situations that there is a defined number, it does not necessarily mean that there is limitation. For example, a minyan (quorum) is comprised of ten men. In order to recite something that is referred to as “*davar shebekedusha* – something that has relevance to the sanctification of G-d’s Name” - it could only be recited within the context of a minyan. Although the quorum is comprised of ten, the representation of that group is unquantifiable. It is a microcosm of the entire Jewish people. Hashem dwells within this context because its representation is unlimited.

### ***5. The Subliminal Effect of Evil*** (from Masei)

At the beginning of the Portion of Masei, the Torah identifies the 42 locations in which the Jewish people camped during their 40 years in the desert. Rashi, in one of his interpretations, cites the Midrash Tanchuma that Hashem wanted to identify these locations so that the Jewish people could understand and appreciate their failures in each one of them and not repeat their mistakes.

One of the locations mentioned is Hor HaHar, which is the place where Aaron had passed away. What lesson are the Jewish people to take from this particular episode – the passing of Aaron in that location? In the Portion of Chukas, Hor HaHar is identified as being situated on the border of Edom (descendants of Esav). Rashi cites Chazal who tell us that because the Jewish people were in the proximity of the Edomites (the descendants of Esav, the evil one), they were diminished and thus lost a tzaddik (Aaron). As the Midrash states, “When one is associated with a rasha (evil person), one’s status is breached and diminished.” This is understandable when one is closely associated with an evil person (being subject to his influence); however, the Torah is informing us that the Jewish people were only in the proximity to a part of Edom – yet it was sufficient to cause

them to be diminished. How does one understand this? We read in Pirkei Avos (Ethics of our Fathers), “Distance yourself from a bad neighbor and do not attach yourself to a rasha...” To what degree must one be insulated from negative influences so not to be affected by them?

When the Torah identifies Hor HaHar in the Portion of Chukas, it identifies its location by telling us that it was on the border of the Land of Edom. This seems to be superfluous. However, Rashi explains that the Torah reveals it in order to teach us that because the Jewish people congregated near the border of Edom, they were subliminally affected by the Edomite people – thus causing them to be diminished. The reason the Jewish people lost Aaron the tzaddik was because their spirituality was impacted negatively and they were no longer worthy of having Aaron in their midst.

One may ask, “To what degree should one distance himself from anything which is contrary to spirituality?” The fact is if one wishes to maintain and advance his spirituality and thus have a special relationship with G-d, he must be cognizant of what represents negative influences and keep his distance.

Dovid HaMelech (King David) writes in Tehillim (Psalms), “The nations of the world will praise Hashem... because the chesed (kindness) of Hashem has overwhelmed us (the Jewish people).” The Gemara Tractate Pesachim asks, “Why would the nations of the world praise G-d when the Jewish people are the beneficiaries of His chesed (and not them)?” Reb Yehoshua Leib Diskin z’tl explains that the Jewish people throughout the ages are unaware of the continuous plotting of the nations of the world to eliminate and destroy them. The nations of the world are the only ones who are aware of their own plans to destroy the Jewish people. Thus, when their plots are foiled, they fully appreciate Hashem’s chesed on behalf of the Jewish people. The Jewish people themselves cannot praise G-d for this kindness because they are unaware of the machinations of the world. Therefore, it is only the nations of the world who understand to what degree Hashem values the Jewish people.

Similarly, the Jewish people were not fully aware of all the dangers and difficulties from which Hashem protected them in the desert. Moshe was told to record each one of the encampments in order to give the Jews an understanding of all of the miracles that Hashem had performed for them.

We live in a world where our enemies are continuously scheming to undermine and destroy us, yet they fail and are not able to succeed. We are not at all aware of the continuous miracles that Hashem performs on our behalf. We need to reflect on the fact and be beholden that despite our lengthy exile, we survive and continue as a Jewish people only because of the Chesed of Hashem.

#### ***4. The Culpability of the Inadvertent Murderer***

The Torah tells us that if a person inadvertently kills another, he must flee to one of the cities of refuge that is designated by the Torah (*Aarei Miklot*). He must remain there until the passing of the *Kohen Gadol* (High Priest). Some examples of what the Torah considers as inadvertent murders are: if one threw a stone into a forest (without realizing that there may be a person in that location) that strikes and kills an innocent victim; if one was chopping wood and the head of the axe dislodged itself killing a bystander.

The Gemara in Tractate Machos asks, “Why is the release of the inadvertent murderer from the city of refuge contingent on the passing of the *Kohen Gadol*?” The Gemara explains that if the *Kohen Gadol*, who is the spiritual representative of the Jewish people, had prayed sufficiently, the tragedy of one Jew inadvertently killing another would have been averted. The level of *Rachamim* (Mercy), created by the prayers of the *Kohen Gadol*, would have prevented the tragedy. The circumstances, which led to the unfortunate killing of an innocent person, came about because of negligent behavior (one not being cognizant of the consequences of his actions). If the *Kohen Gadol* had prayed sufficiently, the Mercy of Hashem either would have averted the danger, thus saving the victim, or would have made the potential murderer aware of the consequence of his actions. Thus, the Torah tells us that the inadvertent murderer must remain in the city of refuge until the passing of the *Kohen Gadol*.

The Gemara tells us that the value of the incarceration in the city of refuge for the inadvertent murderer is atonement for taking the life of an innocent victim. It is obvious that that he is in need of atonement since he must be incarcerated until the passing of the *Kohen Gadol*. However, if in fact the victim was innocent and did not deserve to be killed, then how was the murderer able to kill him? If in fact the victim deserved to die, then why does the inadvertent murder require atonement? Evidently, he needs atonement because he committed a crime, albeit inadvertently.

There are two levels of judgment. There is the judgment of G-d, which emanates from his Mercy, which is referred to as the Attribute of Mercy (*Midas HaRachamim*), and there is the Attribute of Justice (*Midas HaDin*). If G-d were to judge the world with His Attribute of Justice, no human being would be perfect enough to withstand His Justice. *Dovid HaMelech* (King David) states (as we say on Rosh Hashanah and Yom Kippur), “Do not allow me to enter into judgment because no living creature can be vindicated.” Within the context of Judgment, even the smallest infraction or failing deserves serious punishment, even death. The reason humanity is able to continue and even thrive, despite its shortcomings, is only because of G-d’s Attribute of Mercy (*Midas HaRachamim*).

The Ten Commandments state, “Thou shall not commit murder.” It is evident that this commandment has relevance to every human being within the context of choice – to commit murder or not (as every other Commandment in the Torah is subject to one’s choice). It is important to note that in order for one to commit murder there must be a victim. If the victim deserved to die because of his own transgressions, then why would one be culpable of committing murder? On the other hand, if the victim did not deserve to die then why would the murderer be able to kill him? How does one’s choice (to murder or not to murder) affect another person’s existence?

Based on the Attribute of Justice there is no one in existence who deserves to live –

because there is no human being one who is perfect. As King Solomon says in Koheles (Ecclesiastics), "There is no tzaddik in the land who does good and does not sin." However, because of G-d's Attribute of Mercy we are able to exist and succeed in our lives. When one chooses to take another's life (G-d forbid), it causes the Attribute of Mercy to be suspended for that person. Within the context of G-d's Justice, the person deserves to die. When the person is actually killed by the murderer, his demise is brought about based on his own spiritual account. The person who caused the Attribute of Mercy to be suspended and the Attribute of Justice to be implemented is classified as the perpetrator of the crime. Because the Kohen Gadol did not pray sufficiently for Mercy, the choice of the inadvertent murderer was still able to suspend the Midas HaRachamim –thus resulting in tragedy. However had the Kohen Gadol prayed sufficiently, the Midas HaRachamim, (despite the choice of the potential inadvertent murderer), would not have been suspended. Thus, there would not have been a murder victim.

The Chofetz Chaim writes (in his work "Chofetz Chaim") that when one speaks Lashon Hara (negative speech that has no constructive value) about another, it brings about the greatest level of prosecution against the Jewish people. He cites the Zohar, which states that Lashon Hara brings death and destruction upon the world. Thus, because of the serious repercussions of Lashon Hara, the speaker has a grave level of culpability. Until one speaks Lashon Hara, satan, who is the prosecutor of the Jewish people, is not able to prosecute. Since satan cannot prosecute, the Attribute of Mercy remains intact. Thus, the Jewish people are able to benefit from G-d's blessing. However when satan is permitted to prosecute, it activates the Attribute of Justice against the Jewish people. The one who speaks Lashon Hara empowers satan so that he should be able to prosecute the Jewish people. If one acts as a prosecutor towards his fellow by speaking Lashon Hara, Hashem allows satan to prosecute. The culpability of the person who speaks Lashon Hara is no different from the inadvertent murderer - who suspends the Attribute of Mercy from his victim. So too the speaker of Lashon Hara suspends the Attribute of Mercy and brings about tragedy.

When one commits murder inadvertently, he must flee to a city of refuge where he will remain cut off from his community until the passing of the Kohen Gadol. So too, the Torah tells us that when one speaks Lashon Hara and becomes a leper, he must be sent outside of all the camps of Israel until he recovers. He must remain outside of the camps with no interaction whatsoever with anyone – which is the equivalent of incarceration.

The Torah tells us that there is a Positive Commandment to judge one's fellow favorably in situations where there is a reasonable doubt. The halacha (law) dictates that if one witnesses his fellow, who is a middle of the road Jew (one who vacillates between good and bad), doing something that could be viewed as appropriate or inappropriate, one must give that person the benefit of the doubt - putting him in a positive light. Rabbeinu Yonah writes in his work Shaarei Teshuvah (Gates of Penitence) that even in a situation where the evidence seems to indicate that his fellow did something wrong – although he has no obligation to judge him favorably, he still should not judge him negatively. Why is the Torah so demanding that one must put his fellow in the most positive light?

When one judges his fellow negatively in the absence of conclusive evidence, there is prosecution and The Attribute of Mercy is suspended. Without Hashem's Mercy, one cannot survive. When one puts his fellow in a positive light Hashem causes His Midas HaRachamim to remain in place – thus guaranteeing existence and its blessings. Therefore, we are obliged to view our fellow in the most positive light so as not to bring about prosecution.

## 5. *The Qualifying Factor for Torah Leadership* (From Pinchas)

The Torah states, **“Hashem said to Moshe, “Take to yourself Yehoshua Ben Nun, a man in whom there is spirit, and lean your hand upon him.”** Rashi explains, **“a man in whom there is spirit”** means, he is able to deal with every type of personality. He further explains that **“lean your hand upon him”** indicates that Moshe should appoint Yehoshua Ben Nun as his successor and that he should begin disseminating Torah during Moshe’s lifetime.

The Torah continues, **“You (Moshe) shall place some of your majesty/splendor upon him (Yehoshua)...”** Rashi explains that Hashem told Moshe to transfer some of his radiance to Yehoshua his disciple. The Gemara in Tractate Shabbos tells us that Moshe’s radiance resulted from the special level of spirituality that he received at Sinai. This occurred after the Jewish people forfeited their spiritual crowns because of the Sin of the Golden Calf. When the Jewish people accepted the Torah unequivocally by declaring, **“Naaseh V’Nishmah – we will do and we will listen”** Hashem endowed each Jew with two levels of spirituality (referred to as crowns – one for Naaseh and one for Nishmah). As a result of receiving the special level of spirituality of the entire Jewish people, Moshe radiated with holiness. The verse, **“You (Moshe) shall place some of your majesty/splendor upon him (Yehoshua)...”** is telling us that Moshe was to bestow some of that radiance on Yehoshua – who was to be his successor. Yehoshua was not only the successor of Moshe because he was chosen to be, but as Moshe’s successor, he reflected a semblance of Moshe’s holiness.

The Gemara in Tractate Bava Basra tells us that Moshe’s radiance could be compared to the sun, while Yehoshua’s is that of the moon. This indicates that Yehoshua Ben Nun was only a reflection of his rebbe, Moshe Rabbeinu. Since Yehoshua had the capacity to receive his rebbe’s splendor, this was a confirmation that he was the one qualified to succeed him. What was the basis for Yehoshua meriting the capacity to reflect the spirituality of Moshe?

The Mishna in Pirkei Avos tells us, **“Moshe received the Torah at Sinai and transmitted it to Yehoshua...”** Rashi asks, **“Why did Moshe not transmit the Torah to Elazar, Pinchas, or the Seventy Elders of Israel? It is because Moshe only wanted to transmit it to one who sacrificed his life for Torah. This was Yehoshua, as he is referred as “the youth who did not remove himself from the tent (of Torah).”** He selflessly sacrificed for the study of Torah and this qualifying factor caused him to be worthy of being chosen as Moshe’s successor. What characteristic must one possess to sacrifice for Torah at this level?

The level of sacrificing for Torah is contingent on one’s degree of self-negation. The fact that Yehoshua had unceasingly been associated with Moshe from the very beginning was an indication that nothing else mattered in his life other than Torah. This is only possible when one totally negates his own aspirations. It is because of this self-negation that Yehoshua had the capacity to receive part of Moshe’s radiance and to be the conduit for the transmission of Torah for the Jewish people. Moshe, of course was at the most advanced level of negation; however, Yehoshua was second to Moshe in this regard.

Ramchal writes in his work *Derech Hashem* (The way of G-d), that even if an

ordinary person assists a tzaddik in his mission, to the degree that his involvement will determine the success of the tzaddik, he will rise to an advanced level of spirituality because of this attachment. It is analogous to the grafting of a branch onto a tree where the branch becomes part of the ecosystem of the tree. Despite the fact that he himself is not worthy of that special level of spirituality, he will attain it because of his degree of association with the tzaddik. Yehoshua, not only achieved his special level because of his self-negation, but he rose to a greater capacity because of his attachment to Moshe. Thus, he reflected Moshe's holiness as the moon reflects the radiance of the sun.

The determining factor for success in Torah study is the willingness to sacrifice and negate oneself. As the Gemara tells us, when Yehoshua was chosen to be the successor of Moshe Rabbeinu, the other elders (who were the colleagues of Yehoshua) were embarrassed. Although they may have been more intellectually qualified, they were not considered because genius alone is not the qualifying factor. Yehoshua was chosen because of his dedication to Moshe and his level of negation.

Thus, even the ordinary Jew can have a great degree of relevance to Hashem, who is the infinite/unlimited Being, by attaching himself to His infinite system. This could be accomplished through one's level of involvement with a tzaddik and selfless dedication to Torah and Mitzvos.