

Parshas Devarim

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1. The Importance of Choosing One's Associates

The Torah identifies the 42 locations in which the Jewish people had camped during their 40-year trek in the desert. The Torah states regarding the location of Mount Hor, **“They journeyed from Kadesh and encamped in Mount Hor, at the edge of the land of Edom. Then Aaron the Kohen went up to Mount Hor at the word of Hashem and died there...”** Why did the death of Aaron occur at this time, when the Jewish people were encamped in Mount Hor?

The Torah states (in the Portion of Chukas), **“Hashem spoke to Moshe and Aaron on the border of the land of Edom...”** Rashi cites Chazal who explain, “From here we see that because they had attached themselves with Esav the evil one, their actions were breached and they had lost a tzaddik (Aaron). When one attaches/associates himself with a rasha (evil), his deeds are diminished.” Why were the actions of the Jewish people diminished as a result of their association with the Edomites if there is no indication whatsoever that they had failed spiritually?

If one were to observe an evil person succeeding in his life, one would be in a position to envy that individual. This situation would be classified as *rasha v'tov lo* (an evil person who experiences good fortune). However the verse states, “G'd compensates His enemies in order to destroy them.” The Mishna teaches us that it is not possible to receive reward for the performance of a mitzvah in the physical realm. This is because the consequence of mitzvah has eternal value. Something of unlimited reward cannot be paid in a limited/physical existence. Thus, it is not possible to receive reward for a mitzvah in this world. A rasha who does perform some good deeds in his lifetime is deserving of compensation/reward for that goodness that he had brought about. However, because he has no interest in the world to come, G'd compensates him in the limited and material world. In essence he is only receiving an infinitesimal amount of what he truly deserves. But, because he does not value spirituality, this is acceptable to him. The value of the limited reward that is exchanged for the infinite compensation in the world to come manifests itself as overwhelming material blessing. This blessing in its essence is actually a curse and it is not something to be envied – as it may be incorrectly perceived. The rasha is exchanging eternity for the present limited existence. Thus, when G'd compensates the rasha it is in fact to bring about his ultimate destruction.

In fact the predicament of the rasha who experiences good fortune is the ultimate expression of Midas HaDin (Attribute Justice). The Attribute of Mercy would have dictated that the rasha should not be compensated in this world – despite his preference of the material over the spiritual. However, because his classification is rasha/evil his reward is meted out under the auspices of the Attribute of Justice.

When one enters into a location that is subject to the Attribute of Justice, which is exacting, as perfect as one's deeds may be, they are scrutinized and evaluated in the most absolute manner. There is no good deed which is perfect enough and no person who is worthy enough to withstand the Midas HaDin (Attribute of Justice).

Thus, when the Jewish people came in close proximity to the land of the Edomites,

they entered into a location of the evil/rashaim whose predicament was a consequence of Midas HaDin. This is the reason that G'd does not want the Jewish people to have any level of association with the rasha. Because G'd's relationship with the rasha is (in the ultimate sense) to bring about his destruction, the Jewish people cannot have any association with the rasha. When the Jewish people came close to the border of the Edomites when they camped at Mount Hor, they were subject to Midas HaDin and consequently their spiritual accomplishments were breached.

The only way that the Jewish people could be reinstated (silencing the Midas HaDin) was through the passing of a tzaddik – Aaron HaKohen. Aaron, who was the spiritual equivalent of Moshe (his brother) needed to pass away in order to atone for the Jewish people. As it is stated, “The passing of tzaddikim atones for the generation.”

Pirkei Avos (Ethics of our Fathers) states “Distance yourself from a bad neighbor and do not attach yourself to a rasha...” Seemingly, the meaning of the word “attached” would be that one who is intimate with the rasha. However from the words of Rashi who cites Chazal, “attached” does not mean intimate involvement but rather that merely being exposed to the rasha is sufficient to diminish one's spirituality.

The Torah tells us that Bilaam HaRasha was zealous in his desire to destroy the Jewish people – as it states, **“Bilaam arose early in the morning and harnessed his own donkey (to curse the Jewish people).”** Rashi cites Chazal who tell us that when Bilaam arose early in the morning to saddle his donkey, G'd said to him, “Do not think that you are doing something so exceptional (by rising early and negating yourself) because their elder (Avraham) also arose early and saddled his donkey to do My Will.” Why was it necessary for G'd to address Bilaam's zealous behavior and inform him that it was not considered something special – because Avraham had preceded him with such behavior? If Bilaam was going to perform a mitzvah in an exceptional manner it would have indicated to G'd that he was more dedicated than the Jewish people. It would have been understandable for G'd to address him as He did. However, Bilaam's zeal and alacrity manifested themselves in going to do something that was contrary to the Will of G'd (cursing the Jewish people). Why was it necessary for G'd to respond to Bilaam's evil behavior?

Every person is endowed with inherent characteristics and abilities. Although Bilaam was arrogant and haughty he nevertheless was willing to negate himself by saddling his own donkey in order to curse the Jewish people. Bilaam was demonstrating through his behavior that a human is capable (despite his own status and self-interest) of negating himself on the most extreme level to carry out a particular objective. The purpose of his selfless behavior was to bring about prosecution upon the Jewish people. Although his behavior manifested itself in the most negative context, nevertheless, it was a demonstration of one's ability to negate himself to such a degree. Thus it was necessary for G'd to respond to Bilaam that “their elder (Avraham)” had preceded him with an act of self-negation to carry out the Will of G'd.

When the Jewish people came into the proximity of the Edomites, who were exceptionally and selflessly dedicated towards fulfilling their evil objective and setting a basis for satan to prosecute the Jewish people. Why are the Jews not as dedicated in their objective as the Edomites are in theirs? It is within one's capacity to be totally involved – without any distraction. If this is the case, why are the Jewish people not performing the Will of G'd in a similar manner? Consequently, the Jewish people were subject to prosecution/Midas HaDin. This is the meaning of the words of Chazal that when one associates himself with evil, his actions are breached. Thus, the tzaddik must be taken to

silence the prosecution.

King Salomon states, “There is no tzaddik in the land who does good and does not sin.” Therefore if one wishes to advance himself spiritually and merit the Attribute of Mercy, he must distance himself from settings that would precipitate the Attribute of Justice.

2. Appreciating the Failings of the Members of the First Temple Period

The Gemara states, “When the month of Av begins one should decrease his joy.” The month of Av is the most tragic month in the Jewish Calendar. The Mishna in Tractate Taanis states, “Five tragedies occurred on the Ninth of Av (Tisha b’Av)- the sin of the Spies, the destruction of the First and Second Temples, the massacre at Batar, and the city of Jerusalem was plowed under (by the Romans).”

The Gemara in Tractate Nidarim tells us that after the Bais HaMikdash (Temple) was destroyed the Sages and Prophets were asked, “Why was the land destroyed (Temple/Jerusalem/Jews sent into exile)?” They were not able to respond until G’d was asked. He responded, “Because they (the Jewish people) had abandoned My Torah.” The Gemara explains that the meaning of “abandoning the Torah” does not mean that they did not study the Torah; but rather, their study was not predicated on the blessing which precedes the study of Torah. One recites a beracha before engaging in a mitzvah.

Ran (earlier commentator) on Tractate Nidarim cites Rabbeinu Yonah who explains that before the destruction of the First Temple, when the Jewish people engaged in Torah study, they did so for the sake of intellectual pursuit as one does with other branches of knowledge. When a Jew studies Torah he must engage in it for the sake of adhering to its principles and laws- not for intellectual advancement. Because the Torah was studied on a deficient level it did not afford the generation the necessary protection to ward off the enemy. This deficient level of Torah engagement was considered an abandonment of G’d’s Torah.

The Midrash tells us that the Torah was the blueprint of Creation – as it states, “G’d gazed into the Torah and created the world.” The purpose, value, and function of the world is to facilitate the fulfillment of the Torah in its entirety. Every aspect of the Torah is addressed in creation. Mahral of Prague z’tl writes in Nesivos Olam that the Torah itself represents “order.” It is the Torah that brings “order to existence; however, when the Torah is breached there is a consequent disruption in the “order” of existence.

The Mishna in Pirkei Avos tells us that the world was created through the Ten Utterances of G’d. The Mishna asks, “Why were there Ten Utterances? He could have created the world with One Utterance.” The Mishna answers, “So as to punish the evil who destroy the world that was created through Ten Utterances and to give good and proper reward to the tzaddikim who maintain the world that was created through Ten Utterances.” The Mahral states that the Mishna cannot be simply telling us that the world was created with Ten Utterances (and not One) to give greater reward to the tzaddik and greater punishment to the rasha. It is communicating to us a profound understanding of Creation.

Mahral explains that the number ten, although it is composed of ten parts, it is an entity unto itself. The number ten is a complete unit. If one part of the whole was to be removed from the ten it would cease to be the entity that it had been. It would be a totally different entity that has no relevance to the original entity. The essence of the world is

one entity reflecting the unity of G'd. Ten, being a unified entity is the basic number that best encapsulates the essence of creation as being unified and whole. The order of existence only comes about through Torah – which is reflected by the Ten Utterances. G'd created existence through the Ten Utterances to indicate that its essence is one and its purpose is only to fulfill the Torah. It cannot exist as a fractionalized entity. The Mishna is explaining why the tzaddik is so deserving of reward and the rasha so deserving of punishment.

The Gemara in Tractate Shabbos tells us that the Bais HaMikdash is referred to as the “*even ha shseeva* – the rock of sustenance.” All blessing emanated from the Temple. It was destroyed because the Jewish people did not engage in Torah properly (as it is stated in the Gemara in Tractate Niddarim). The appellation of “Torah,” which means “to guide” indicates that it is intended to shape, guide, and govern one’s life. The value of the Torah is its intellectualism. When it was not studied as “Torah” but rather as a branch of wisdom, it was considered an abandonment of Torah – thus disrupting the order of existence. This caused a breach in the Ten Utterances which resulted in tragedy.

3. The Potency of Torah

The Gemara in Tractate Nidarim tells us that the reason the first Bais HaMikdash (Temple) was destroyed was because of the abandonment of Torah. As G'd had said, “Because they (the Jewish people) had abandoned My Torah.” The Torah was studied for the sake of intellectualism and not as a way of living one’s life

The Gemara in Tractate Yomah explains that the reason the First Bais HaMikdash was destroyed was because they had transgressed the three Cardinal Sins (forbidden sexual relations, murder, and idol worship). The Second Bais HaMikdash was destroyed because of Sinaas Chinam (baseless hatred) among Jews. How do we reconcile the two statements that are given in Tractate Nidarim and Tractate Yomah?

Maharal of Prague z'tl asks, “Why is the Torah referred to by G'd as “Torah” and not “the Wisdom of G'd Chachmas Hashem?” Maharal explains that the word Torah indicates that it is a direction/guide to direct the Jew on how to live his life. One must study Torah in order to fulfill its laws and not for the sake of its intellectualism. Thus, it is not referred to as the “Wisdom of G'd.”

Torah brings about positive spiritual results when it is studied with the proper intent – as “Torah” (to actualize its concepts/mitzvos). However, if it is studied for the sake of intellectualism, then it does not spiritualize the individual. Because the members of the First Temple Period had studied Torah for its intellectualism, they regressed to the point that they engaged in the Three Cardinal Sins. How could one who understands the ideals and value of spirituality violate the Three Cardinal Sins?

The Gemara tells us in Tractate Kiddushin that the Torah is the antidote to the evil inclination – as it is stated, “I (G'd) have created the evil inclination. I have created Torah as its antidote.” The Gemara states that Torah only functions as an antidote when it is processed as “Torah” – which is for the sake of its fulfillment and not for the sake of intellectualism. Therefore although the members of the First Temple Period were engrossed in Torah study, it did not offer the protection that is needed to combat one’s own inclination to sin.

The Gemara in Tractate Nidarim states that the Sages and Prophets were asked why was the land (Jerusalem) destroyed and they could not respond. As the Gemara in

Tractate Yomah tells us, although it was obvious that the Jewish people had failed and fallen to the point of violating the Three Cardinal Sins, the difficulty of the Sages and Prophets was – how is it possible that a generation that was so immersed in Torah study was not protected by that study. Only G'd Himself was able to reveal the true intent of those who were engaged in His Torah. Their emphasis was on its intellectualism and not its fulfillment. As the Gemara explains- their study was not predicated on the blessing of the Torah.

In terms of the mitzvah of studying Torah, if one engages in it without the proper intent it will in fact lead to having the proper intent. As it is stated, “One should engage in Torah and mitzvos even with an improper intent (shelo l'shmah) because ultimately it will bring him to a level of proper intent (l'shmah).” However, while the Torah is being studied in a deficient manner, it will not offer the spiritualization needed to act as an antidote to the evil inclination.

4. The Jew in His Glory and in His Disgrace

The Mishna in Pirkei Avos states that the world was created with the Ten Utterances of G'd. Maharal of Prague z'tl explains that the reason G'd created the world with Ten Utterances (rather than with one) was to indicate that the world is one entity and must be maintained in a specific order – which is the Torah itself. However, if one does not maintain that order, existence is disrupted and it becomes something other than what it was meant to be. Maharal explains that the Jew is a spiritual being that is an entity unrelated to the physicality of man – “tzura ha'nivdeles.” The physicality of the Jew is only his circumstance in existence. If the Jew does not behave as a spiritual being (within the context of Torah) it is not that he becomes less of a spiritual being, but rather, he ceases to exist as that special spiritual being. He loses his status and value in existence.

The Gemara in Tractate Kesubos tells us that Reb Yochanon Ben Zakai was traveling with his students and noticed a woman picking kernels of barley from between the dung of the animals belonging to Arabs. When the woman saw the Rabbi, she covered her hair and approached him saying, “Rabbi, please feed me.” Reb Yochanon Ben Zakai asked her, “Who are you?” She responded, “I am the daughter of Nakdimone Ben Gurion (who was one of the wealthiest Jews during the Second Temple Period).” Reb Yochanon Ben Zakai shared with his students that he had signed on her marriage contract which had a value of millions of gold coins. Reb Yochanon Ben Zakai began to weep and stated, “Fortunate are the Jewish people, who when they do the Will of G'd no nation or people can dominate them. However when they do not do the Will of G'd they are given over to a lowly nation and not only them, but even into the hands of their animals.”

Maharal of Prague asks, “How do we understand the words of Reb Yochanon Ben Zakai? It is understandable that the Jews are “fortunate” when they do the Will of G'd and thus achieve a level of superiority and independence. However, how do we understand the good fortune of the Jew when he fails and is dominated by the lowest of the nations of the world? Maharal explains that the observation of Reb Yochanon Ben Zakai of the predicament of the Jewish people indicates the special status of the Jew. When the Jew follows the Will of G'd he cannot be dominated. However when he transgresses the Will of G'd it is not that he becomes lessened but rather he becomes totally negated. Thus, indicating that when the Jew loses his spiritual posture he falls to a level of non-existence. This is a confirmation of the essence of the Jew – that his essence is spiritual and not physical.

5. The Role of a Judge within the Context of Rendering a Decision

The Torah tells us that Moshe said to the Jewish people, **“I cannot carry you alone.”** Rashi cites Chazal who explain “Was it too difficult for Moshe to judge the Jewish people alone? He was the one who took them out of Egypt, split the Sea, and brought forth the Manna. Did he not have the capacity to judge them? Rather, Moshe was saying – Hashem has elevated and exalted you (the Jewish people) above judges. He (G’d) removed the culpability from you and placed it upon the judges. As King Solomon states, “Who could judge such a difficult people!” Was it too difficult for the wisest man who ever lived to judge the Jewish people? Rather, King Solomon was saying that the judges of the Jewish people are different than those of the nations of the world. When the judges of the nations render a corrupt judgment that results in execution or taking of money from the accused they are not held accountable. However if I (King Solomon) were to render a judgment that was incorrect to any degree my soul will be taken from me. Therefore, Moshe said that it was too much for him to bear.”

According to Chazal, although the judges of the world do render corrupt or incorrect decisions G’d does not react to their impropriety. However if a Jewish judge were to render an incorrect judgment, the consequences to him would be grave. How do we understand this? Why is the degree of culpability to the Jewish judge greater than that of all others?

The Gemara in Tractate Sanhedrin states, “A judge who renders a judgment that is absolutely true is considered G’d’s partner in Creation. However, if he renders a corrupt judgment, then his soul would be taken from him.” Even if the judge’s ruling causes as much as one cent to be taken unjustly from an innocent party, he deserves to die. Thus the Gemara states regarding the seriousness of convening as a judge, “When a judge sits in judgment he should feel as if there is a double-edged sword situated between his legs. Even if he were to deviate slightly he would be cut in half.”

The Gemara explains that although the liability to the judge is very grave; nevertheless, a judge should not be concerned if he renders an incorrect decision as long as he ruled with integrity. He is not accountable for that which is beyond his ability because, “A judge only rules based on what he sees.”

Chazal tell us that at the beginning of Creation, G’d brought about existence through the Attribute of Justice (Midas HaDin) – which is exacting and precise. However, because G’d saw that man was prone to fail and thus not able to withstand the Midas HaDin, He coalesced it with the Attribute of Mercy (Midas HaRachamim). The world could not survive if Divine Judgment was in effect. Nevertheless, because G’d’s initial intent was to institute existence within the context of the Attribute of Justice, this indicates that meting out justice is essential to maintaining the order of existence. The task of meting out justice was given to the courts to establish a judicial system. In fact one of the Noachide laws is that a judicial system must be established within society so that there should be human accountability.

The Midrash tells us that G’d said, “If there is justice below, then there is no (need) for justice from above. However, if there is no justice below there will be justice from above.” Meaning, that if the courts function with integrity and are not corrupt, then human justice will maintain the order of existence. However if the courts are corrupt and the order of existence is not being maintained within the context of justice, then Divine Justice must be instituted. With this we are able to understand why a judge who renders an absolutely truthful judgment is considered G’d’s partner in Creation. When a judge acts with integrity the world is not subject to Divine Justice. He is responsible for the world’s existence – thus he is considered G’d’s partner in existence. However if a judge renders a

corrupt decision, then he will be the cause for Divine Justice to come upon existence - which brings about untold tragedy. Thus, the judge deserves to lose his life. The failing of the judge is not that he victimized an innocent person, but rather, he caused a breach in justice, which brings about cataclysmic consequences.

This level of culpability has no relevance to the nations of the world. Chazal tell us that the world was created for the sake of the Jewish people to fulfill the Torah in the physical existence. The Jewish people are the “caretakers” of existence.” The Midrash Tanchuma tells us that if the non-Jew would understand the consequences of the failing of the Jew, he would appoint two policemen to every Jew to ensure that he does not fail in his fulfillment of the mitzvos. When the Jew fails, all existence is compromised.

The Gemara in Tractate Shavuot tells us that if one sees another individual (even a Torah sage) acting inappropriately, one has an obligation to respond. This is based upon the principle, “In the place of a Chilul Hashem (Desecration of G’d’s Name) there is no place for honoring even the Sage.” This is the responsibility of every Jew. If we should witness situations that are not in accordance with the Torah - and have the ability to correct them- we have an obligation to intercede.

6. The Inextricable Link Between the Temple and the Torah

The Torah tells us that Moshe recounted the events which had transpired since the Jewish people had been taken out of Egypt. The Torah states, **“You have gained much at this mountain (Sinai).”** Rashi cites Chazal who explain, “You (the Jewish people) assumed much greatness and reward as a result of camping at the mountain. You made the Mishkan, the Menorah, and the Vessels. You received the Torah at Sinai. Additionally, you established the Sanhedrin (High Court with all its responsibilities).” Seemingly, the order of events that occurred at Sinai is not enumerated in chronological order. The order should have been: the Jewish people received the Torah, built the Mishkan and its Vessels. Additionally it is difficult to understand why the Menorah, which was one of the Vessels of the Mishkan, was singled out?

The kindling of the Menorah, although it was one of the services of the Mishkan that was performed by the Kohen (as the other services), the purpose/function of this Vessel was uniquely different from all of the other Vessels. The Vessels and Altars in the Mishkan facilitated services involving sacrifices/offerings which brought about atonement. The function of the Menorah was unrelated to atonement. The effect of the kindling of the Menorah was to draw down the spiritual energy that is necessary to comprehend the Written Law. The light of the Menorah corresponds to the elucidation of the Torah, which is the Oral Law. Thus, although the Menorah was one of the Vessels of the Mishkan, it is identified separately by Chazal because of its uniqueness and importance.

The Mishkan is referred to as “Mishkan Ha’Aidus- the Sanctuary of Testimony.” Chazal tell us that the Mishkan is a testament to the Jewish people that they were forgiven for the Sin of the Golden Calf.

Why did Chazal not mention the receiving of the Torah before the building of the Mishkan – since sequentially the Jewish people received the Torah at Sinai before the building of the Mishkan? The purpose of the Mishkan was to provide a setting in which the Divine Presence could dwell amongst the Jewish people. As it is stated, **“Build for Me (G’d) a Mikdash (Sanctuary) so that I may dwell in your midst.”** Why was the Mishkan necessary to be the medium through which the Divine Presence of G’d dwelt in

the midst of the Jewish people? It could have dwelt directly in their midst. The Commentators explain that before the Sin of the Golden Calf, the Jewish people were at such an exceptional spiritual level that there was no need for the Mishkan to be the medium. The Divine Presence dwelt directly in their midst. However because of the Sin of the Golden Calf, they were no longer qualified to be the sanctuary for the Divine Presence (Shechina). Thus, the Mishkan was needed to be the medium.

When G'd had given the Torah to the Jewish people at Sinai, because at that time He dwelt in their midst, they had relevance to be the receptacle for Torah. However because the Jewish people had failed with the Golden Calf, the Shechina could no longer dwell in their midst – thus causing the Jewish people to be no longer qualified to be the receptacle for Torah. There needed to be a medium to bridge the spiritual gap that was created by the Sin. The Holy Ark was the location of the Divine Presence. As it is stated, “I will communicate with you from between the Cherubs (that were on the cover of the Holy Ark).” The Divine Presence and Torah are inextricably linked. In order for the Jewish people to have relevance to the Torah there needed to be a linkage to G'd – namely the Mishkan. Therefore before the Sin, Chazal would have enumerated the receiving of the Torah before the making of the Mishkan. However, after the Sin of the Golden Calf, the making of the Mishkan is enumerated before the receiving of the Torah because it is only through the Mishkan did the Jews have relevance to Torah.

We say every day at the conclusion of the Amidah (Silent Prayer), “May it be Your will...that the Holy Temple be rebuilt, speedily in our days and grant us our share in Your Torah...” It is when the Bais HaMikdash (Temple) – the location of the Divine Presence- will be rebuilt that we will have greater relevance to the Torah. Despite the fact that we presently do not have the Bais HaMikdash, we still have relevance to the Torah – however at a diminished level. Only after the rebuilding of the Bais HaMikdash, will the Torah be restored to its original glory.

The Gemara in Tractate Berachos states, “After the destruction of the Temple, the only location in existence that G'd has an interest in is the four cubits of halacha (law).” Since we do not have the Temple, we need to create a setting in which the Divine Presence should descend. However when the Bais Mikdash stood, it was not necessary to create a setting for the Divine Presence through Torah, but rather the Divine Presence gave us a greater relevance to Torah.

