

“But We and Our Parents have Sinned”

R. Yaakov Bieler
Parshat Devarim, 5764

When the Tora is read on an annual cycle, (1) Parshat Devarim always precedes Tisha B'Av (the fast of the 9th of Av, commemorating the destructions of the two Temples). The literary connection between this Parsha and the saddest day of the Jewish calendar, appears in Devarim 1:12, where the first word of the Book of Lamentations read on Tisha B'Av evening, and which serves as the basis for the book's name, “Eicha” (literally, how!), is foreshadowed in Moshe's opening words to the people during the week leading up to his death: “EICHA (in this case, how?) can I bear alone TORCHACHEM (your trouble), U'MASA'ACHEM (and your onerous burdens), VE'RIVCHEM (and your strife)?” (2)

Thematically, Devarim 1:12 is part of Moshe's reprise throughout the book of Devarim of what he considers the highlights and most important events that the Jewish people had experienced together over the course of the past forty years. The immediate context of the verse in question is the sequence of events that led to Moshe's appointing seventy elders to assist him in his administrative duties. The people had demanded meat, for they recalled the type of foods that they allegedly used to consume in Egypt, (3) before they were redeemed. Although Moshe could have invoked the overwhelming size of the encampment as the reason for needing to appoint the seventy, in keeping with his father-in-law Yitro's suggestions regarding expanding the number of judges so that a greater number of people could have their cases tried in a more expeditious manner—see Shemot 18:18—he chose instead to emphasize the people's contentiousness, implying that had they had other, more positive qualities, he could have continued as their sole leader and arbiter. Devarim 1:12 appears to insist that obstinacy, insensitivity, and self-centeredness are endemic to the Jewish persona from Moshe's point of view. (4)

It is notable that the comments in Devarim that Moshe makes in front of the entire nation are far harsher than what is recorded in the incident in BaMidbar upon which the verse in Devarim is based. In BaMidbar 11:11, Moshe complains privately to God, “...Why have You Dealt badly with Your servant, and why haven't I found favor in Your Eyes, that You Place the MASA (onerous burden) of this entire people upon me?... (v. 14) I am not able to bear this people alone, for it is too difficult for me!” Logically, one would expect that an individual's evaluation of others would be more extreme when

s/he is speaking “in camera”, than when public pronouncements are being made. (5) Yet the term MASA in BaMidbar appears to be embellished in Devarim by TIRCHA and RIV.

Furthermore, not only does Devarim 1:12 appear to be an overstatement on Moshe’s part of the reasons for his creation of additional leadership positions, but it also seems to be recounted to the wrong audience. If the book of Devarim takes place after all of the generation that left Egypt, with the exception of the Levites, (6) have died during the forty years of desert wanderings, (7) why is the next generation, that had nothing to do with the sinfulness entailed in being dissatisfied with the Manna and asking to eat meat instead, being confronted with the shortcomings of their parents? Is it assumed that since “the apple does not fall far from the tree”, that the same characteristics, or at least the potential for them, are equally present in the offspring of the sinners as they were in the perpetrators themselves? Doesn’t such an attitude on the parts of Moshe and HaShem, support God’s previous Proposal first mentioned in Shemot 32:10, and repeated in BaMidbar 14:12 to wipe everyone out, and start the formation of the Jewish people afresh from Moshe? Such a strategy had already been utilized previously by HaShem in two different ways: when the peoples of the world acted in a corrupt manner, God literally Started Over from Noach in Beraishit 6:17-18, probably Expecting that most if not all of Noach’s descendents would live up to the desired Divine Standards; and when starting over from the ostensibly righteous Noach (8) did not make a significant difference in the world’s population’s ethical and spiritual behavior, HaShem Designates Avraham as the father of a people that would hopefully be exemplary and provide a model for other peoples to emulate. Is the inherent configuration of the Jewish people’s belief systems and their personality traits such that not only is the Egyptian slave generation written off as irredeemable, but their children are not expected to act much better?

And if one should respond that perhaps too much is being made of one verse, i.e., Devarim 1:12, and that Moshe was merely poetically embellishing a perspective that was identical with what had been stated in BaMidbar, additional indications throughout Devarim can be cited to demonstrate that in fact realistic expectations for this next generation’s adherence to the Ways of HaShem and His Tora, as well as those who would come after them, were not great. Devarim 1:22 ff. tells the story of the spies, and rather than referring to “they” who refused to go up, Moshe tells those assembled before him, (1:26) “YOU would not go up... YOU rebelled against the commandment of HaShem... YOU murmured in your tents... (1:34) And the Lord Heard YOUR words... (1:43) YOU would not hear but rebelled...” In Devarim 9, additional

incidents in the desert are recalled, again described as having been perpetrated by the present-day Jewish people rather than those from the past: (9:6) “...Remember YOU are a stiff-necked people. (9:7) Remember and do not forget how YOU provoked the Lord, your God to anger in the wilderness...”

And lest one think that perhaps there was something particularly wrong with only the first generation that followed the Exodus, criticism of future generations of the Jewish people is continued in Parshat Ha’azinu, when poetically, similar qualities to those cited by Moshe at the beginning of Devarim, are identified as the causes for the eventual troubles of the Jews: (Devarim 32:15-17) “But Yeshurun grew fat and kicked; YOU have become fat, YOU have become thick...; THEY (a reference to the same antecedent as for YOU) provoked Him to jealousy with strange gods, with abominations they provoked Him to anger.” This poem, as well as the earlier references in Sefer Devarim, suggests that the qualities and characteristics of which Moshe spoke, may not have been the unique result of the experience of enslavement in Egypt, but rather they are passed down from generation to generation, most probably by a combination of nurture and nature.

If we will never be able to elude the aspects of our nature that are elucidated in Devarim—are these particularly Jewish attributes, or are they inherent in all human beings, whatever structured program and unique history is given them?—then what becomes the point? The fact that HaShem continues to encourage us to aspire to living in accordance with His Law, however “unnatural” that might be, and the extent to which the Jewish people are mandated to serve as a model for other nations, who are expected by their Creator to similarly strive to achieve ethical and spiritual greatness, suggest that while we may never be able to obviate our tendencies, we very much can discipline them, and sublimate them in directions that are positive and constructive. The study of the sins of our ancestors then is not a mere history lesson, confined to a particular people living in a specific time and place, but it also serves as a means by which we come to know ourselves, recognize potential pitfalls and shortcomings, and thereby hopefully move forward without constantly revisiting the errors of those who preceded us.

The premise that studying the history of the Jewish people, even in terms of their wanderings in the desert, with an eye to gaining better understandings of ourselves, would encourage us not only to consider the “Peshat” (the literal meanings) of the verses that describe the people’s actions and attitudes, but also the “Derash” advanced by the classical as well as modern biblical commentators.

RaShI offers the following hypotheses regarding the Jewish character traits described in Devarim 1:12. The medieval commentator understands Moshe to be attributing to the Jews behaviors whereby (TORCHACHEM) if they see that they are losing a legal case, they will try to protract it and delay the rendering of a final verdict by making additional claims or contending that there are additional witnesses to be produced; (U'MASA'ACHEM) they attempt to undermine Moshe's leadership by making innuendos regarding his family life as well as suggesting that he is continually plotting against the people's best interests; (VE'RIVCHEM) they are generally contentious and argumentative.

Sephorno associates the tri-part criticism with (TORCHACHEM) individual disputes that do not involve monetary matters, (U'MASA'ACHEM) administrative issues affecting the entire people, and (VE'RIVCHEM) controversies that focus upon property and possessions. While disagreements between individuals and tensions within the general populace are to be expected when dealing with such a multitude of people, Sephorno understands Moshe as particularly not being sympathetic to such hostilities and conflicts in light of all of the miracles that have been performed on the people's behalf as well as the prospect of their being able to enter the land of Canaan with God's Help, i.e., they have been assured of victory. Shouldn't such good fortune serve to allay these interpersonal difficulties? And if they do not, is this not an indication of ingratitude and lack of appreciation for what has been done and will continue to be done on the people's behalf? Ha'azinu comes to mind again, when we read (Devarim 32:13) "He made him ride on the high places of the earth, and he ate the produce of the fields. And he made him suck honey out of the rock, and oil out of flint...But Yeshurun grew fat and kicked..."

RaMBaN relates the three areas in which Moshe claims to have encountered difficulty to the tasks in which his role as leader of the Jewish people require him to engage in the activities that he described to Yitro in Shemot 18:15-16. Moshe feels responsible to teach the people Tora whenever HaShem Reveals new laws to him ("...And I make known the statutes of God and His Laws"), he must pray on their behalf each time some new transgression angers God and causes Him to Unleash some new plague or destruction ("...When the people come to me to seek out God"), and he also has to adjudicate their disputes ("...And I judge between one man and his colleague...") Understandably, if the people were more motivated to learn God's Tora, were more ready to follow the directions of HaShem as conveyed by Moshe, and would concentrate on spiritual rather than material matters, these tasks would have proven easier and more infrequent than they turned out to be, and therefore Moshe conveys his disappointment that these tasks proved

so massive and difficult. Doesn't present-day Jewish leadership also encounter these areas of difficulty, suggesting once again, that "plus ca change, plus c'est la meme chose" (the more things change, the more they stay the same)?

So what sort of positive response might Moshe have expected as a result of his sharp critique in Devarim 1:12, from the perspective of RaShI, Sephorno, and RaMBaN? And by extension, what ought we to be aspiring to, in order to undo the destructions associated with the Tisha B'Av period of the year? Not only should Jews not assign the resolution of their differences to non-Jewish secular courts, but they should ideally be able to get along to the point where Jewish courts will be necessary only for issues of personal status, such as conversion and conferring ordination. We should try to give more credit to our communal leaders and assume that they are working idealistically for the common good, rather than for their personal aggrandizement and pursuit of power. We should strive to create an atmosphere of cooperation and mutual support within our institutions and neighborhoods, rather than climates of divisiveness and antagonism. We should focus on matters of the spirit more than on materialistic acquisition. We should evidence our concern for our entire community rather than focusing upon those we might consider exclusively our own circle. We must be sure that we are not unappreciative of the great benefits and advantages that we have enjoyed by living during this important period of history, rather than overly dwelling on our perceived problems and challenges. We should approach the teaching and study of Tora as a privilege rather than an arcane burden. We should welcome the opportunity to pray for others instead of overly focusing upon ourselves. And we should be sure to make peace between our feuding brethren, as students of Aharon, who, in contrast to his brother, was truly a pursuer of peace, one who inspired love among those who were engaged in disputes, as well as between husbands and wives. (9)

Shabbat Shalom and may we take to heart Moshe's critique, and thereby bring the Third Temple's rebuilding that much closer.

(1) According to Megilla 29b, the community in Israel would read the Tora on a tri-annual cycle.

(2) The Haftora for Shabbat Chazon is Yeshayahu 1, whose v. 21 similarly contains the word "Eicha".

(3) BaMidbar 11:4-5. It is difficult to determine whether their remembrance was mere sentimentalism or based upon actual fact. Would these be foods that slaves were given? Or were these foods that were available in Egypt, but not necessarily directly enjoyed by the individuals remembering them?

(4) It would appear that Moshe could defend his harsh evaluation of the Jewish people's character traits, by citing not only the numerous plagues that God Sends to punish the people for a wide variety of transgressions, which indicate Divine Displeasure at their

behavior, but also the very comments that God Shares repeatedly with His Prophet about the lackings of the Jewish people. In Shemot 16:28, when some of the people go out on Shabbat to try to gather Manna after being explicitly told that the double portion on Friday was to suffice, God angrily States, "...How long will you refuse to keep My Commandments and My Teachings?" After the sin of the Golden Calf, God Says to Moshe, (Shemot 32:7) "...Your people...have become corrupt. They have turned aside quickly from the way that I have Commanded them... (v.9, [repeated in 33:3, 5]) ...It is a stiff-necked people..." And once the troubles begin in BaMidbar, HaShem makes a number of blunt value judgments about the Jews: (11:17) "...And they (the seventy Elders) will bear with you the onerous burden of the people..." ; (14:11) (Following the people's acceptance of the spies' report concerning Canaan and their unwillingness to enter the land) "...How long with this people provoke Me, and how long will it be before they believe Me, for all the signs that I have Performed among them?" ; (14:27) "How long shall I Bear this evil congregation that murmurs against Me?" ; (14:35) "I will surely Do it (cause them to die in the desert) to this evil congregation that are gathered together against Me."

While it might be contended at least in the instances of the sin of the Golden Calf and the sin of the Spies, God's negative portrayal of the Jews and threat to annihilate them, constitutes a ploy designed to see if Moshe would rise to their defense and attempt to dissuade HaShem from carrying out the people's destruction, nevertheless, even if in the end the people are saved from total annihilation, this does not mean that the original Divine Evaluation of them with which He Confronted Moshe, is false. Consequently, Moshe's own estimation of the people may have been reinforced by the comments made by the Divine. Does the commandment of (Devarim 28:9) "VeHalachta B'Drachav" (and you will walk in His Ways) not apply to criticizing the Jewish people? A precedent for making such a distinction is the apparent double standard with regard to vengeance. On the one hand, HaShem is described as a (Tehillim 94:1) "Keil Nekamot" (a God of vengeance) and in Jewish liturgy, such as "Av HaRachamim" (ArtScroll p. 454), there are numerous requests for God to avenge Jewish blood from those who have spilled it. Yet the Tora commands, (VaYikra 19:18) "Lo Tikom VeLo Titor" (you shall not take revenge and you shall not bear a grudge." Should it be assumed that when it comes to behaviors where it is difficult for man to not become emotional and therefore lacking in proper judgment that the behaviors can only be engaged in by God, Who is not susceptible to personality flaws such as anger, and therefore prohibited to man? On the other hand, under controlled circumstances, as in Devarim, where Moshe is recalling the past, as opposed to what took place in the heat of the moment in BaMidbar, someone like Moshe is permitted to describe what took place in the interests of critiquing the people and alerting them to potential shortcomings in the future?

(5) This is not the only instance when according to the Tora, Moshe publicly derides the Jewish people. Upon informing the people that meat will be forthcoming in accordance with their demands, Moshe says scornfully: (BaMidbar 11:20) "... (you will eat meat for a month) until it comes out of your nostrils, and it is disgusting to you, because you have despised the Lord Who is Among you..." The outburst in BaMidbar 20:10, in which he publicly castigates the entire people and bitterly says, "...Listen you rebels..." may have proven particularly disastrous for Moshe personally, since according to some commentators, e.g., RaMBaM in Shmona Perakim, Chapt. 4, and Ibn Ezra on BaMidbar

20:8 (this view is the first of many that he lists), the Divine Decision not to allow him to enter Israel was made as a result of the manner in which he addressed the Jews, rather than because he had struck instead of spoken to the rock when attempting to miraculously extract water from it.

(6) See e.g. Sephorno on Devarim 33:8.

(7) BaMidbar 26:64-65.

(8) RaShI on Beraishit 6:9 presents the Midrashic debate regarding the objective as opposed to relative virtue of Noach. His failure to try to intervene on behalf of the world's population when told that a flood would obliterate everyone but his family, as well as his escapade in 9:20-21 support the detractors. Those who believe that he was an exceptional individual emphasize, in addition to the Tora's description of his righteousness, the fact that he was chosen at all.

(9) RaShI on BaMidbar 20:29.