

TEACHING BY EXAMPLE – AND THROUGH REASON

by Rabbi Yitzchok Adlerstein

You shall observe His decrees and His commandments...so that He will do good to you...and so that you will prolong your days... Then Moshe set aside three cities on the bank of the Jordan...for a killer to flee there who killed his fellow without knowledge...This is the Torah that Moshe placed before the Bnei Yisrael...Moshe called all of Yisrael and said to them: Hear O Yisrael, the chukim and mishpatim that I speak in your ears today. Learn them, and be careful to perform them.^[2]

Taken together, these *pesukim* look like a sandwich, with a slice of exhortation on either side, and some city of refuge material in the middle. This finding is really a question: Why would Moshe interrupt his pleas to the people to adhere to Hashem's laws with a description of how he designated the first of the *arei miklat*?

Our section makes use of quite a few divisions of Torah law. It refers to Torah, as well as to *chukim* and *mishpatim*. Why, though, is a single example picked in one verse, and different examples – almost by way of contrast – in a other verses?

Why the secrecy? Why did Moshe speak in the ears of the people, rather than shout it out for all to hear? And why did he place learning ahead of performing, which is the opposite of the *naaseh v'nishmah* / “we will do, and we will listen” response that the Bnei Yisrael gave elsewhere - a response which won them such enormous praise?

To get to an answer, we will begin with the observation that mitzvos come in various shapes and varieties. Some were designed by HKBH to ensure societal stability. They prevent the community from descending into a pit of anarchy and brutality; they promote societal cohesion. Others do not serve these goals at all. They do not hold communities together; societies can survive even if people ignore them. They function to instill strong *emunah* in us, or to instruct us in matters of religious belief so that we will subjugate our selves to His Will. Some of these mitzvos do not do this directly, but function as fences around such laws. This second set of mitzvos include what we call *mishpatim* and *chukim* and *gezeros*.

The first group is easily conveyed to people, because they appeal to human reason. Not so the second group. To be effective, they require effective instruction, frequent repetition, and safeguards to observance. In other words, it's much more complicated to get them to work! But only the combination of the two groups makes for a proper Torah society.

We can readily discern a continuum. No one resists a ban against murder. People accept its

reasonableness and its necessity. The Torah, however, also prescribes punishment for murder. This is harder to accept. If taking a life is such a horrible, unconscionable sin, why do we repeat it by executing the criminal? Guilty he may be, but he remains human! Yet, people can rightfully be persuaded that society must protect itself through this extreme measure; it is justified because of the societal good it brings by impressing upon people how we must regard the crime of murder as severe and hateful.

It is harder yet to convince people of the necessity of offering the *korban Pesach* as a reminder of the Exodus, or of the entire system of *korbanos* as service to Hashem. Yet, there when these mitzvos are performed again and again they implant in the people proper attitudes in our relationship with HKBH.

Taken together, they provide the effective combination for the Torah community. Thus, our opening line – “You shall observe His decrees and His commandments” – sets the stage. We need to stress both: the decrees that don't appeal to reason, and the mitzvos that are readily understandable, both contribute to the promise of “He will do good to you...and ... you will prolong your days.”

The continuation of our section drives home the difference between the two groups. It makes perfect sense to us that unintended manslaughter should not be treated as severely as intentional murder. The mitzvah of establishing cities of refuge enshrines the distinction between the two in legal consequence. Mitzvos that we do not resist can and should be implemented with great alacrity. Thus, no sooner had the lands of Sichon and Og been conquered, Moshe jumped at the opportunity to do what he could to implement the mitzvah of *arei miklat*.^[3]

Setting other parts of the Torah into motion would be different. They required much instruction. On a practical level, *naasheh v'nishma* would not work from day to day. In the case of these mitzvos, the people would be best served by studying, learning, hearing much about these mitzvos. Pragmatically, the *nishma* would lead to better *na'aseh*.

In contradistinction to the easily digestible mitzvos like *arei miklat*, these mitzvos required a different reaction from Moshe. Not instant implementation, but speaking into the ears - and hearts – of the people, to prepare them for full practice.

1. Based on Meleches Machsheves by R. Moshe Cheifetz, 1663-1711 .
2. Devarim 4:40-42, 44; 5:1 .
3. Chazal teach that the *arei miklat* did not go into effect for a good number of years after they were designated by Moshe. It is not clear whether the author simply looks at the plain sense of the text – which he does at times – or makes this part of his argument. I.e., that even though Moshe was aware that his setting up the cities would have no immediate practical effect, he wished to demonstrate that we should jump at mitzvah opportunities, especially those that we intuitively comprehend. .

