

A WEEPING FOR GENERATIONS: THE SPIES AND TISH'A B'AV

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לע"נ אמי מורתי מרים בת יצחק ורבקה הכ"מ

This shiur is dedicated by friends and family of Akiva Werber who showed so many the way to HaAretz HaMe'od Me'od Tovah.

TWO VERSIONS

As the Rishonim point out at the beginning of our Parashah, there are two different stories about the "spies" sent by Mosheh. The bulk of our Parashah (Chapters 13-14) is devoted to one story, whereas Mosheh's "version", at the end of the first chapter of D'varim, tells a different story:

Compare:

Send men to search out the land of K'na'an, which I am giving to the Israelites; from each of their ancestral tribes you shall send a man, every one a leader among them." So Mosheh sent them from the wilderness of Paran, according to the command of YHVH, all of them leading men among the B'nei Yisra'el. (Bamidbar 13:2-3)

With:

All of you came to me and said, "Let us send men ahead of us to explore the land for us and bring back a report to us regarding the route by which we should go up and the cities we will come to." (D'varim 1:22)

In D'varim, the idea of sending spies to check out the land was the people's - acceded to by Mosheh. In our Parashah, it is a direct command of God.

In the D'varim version, the nation requests "men" to spy out the land. It would be reasonable to assume two or three men, since the goal was to "explore (spy out) the Land"; it would not be productive to send a stately entourage to accomplish this goal. God's command, on the other hand, includes twelve "leading men", one from each tribe (except Levi).

Another difference, one which helps us reconcile some of the others, is the verb used to describe the mission. In D'varim, the people want men to "explore" (*lach'por*) the Land. The implication is one of a military reconnaissance mission. In our Parashah, the verb used is *latur* (to visit/look over) - which implies much more of a "diplomatic mission" than an undercover job.

Indeed, if the sole purpose of this mission - as is commonly assumed - was to spy out the land in

preparation for military action, there are a few components in Mosheh's charge to the twelve princes that are unclear:

Mosheh sent them to spy out the land of K'na'an, and said to them, "Go up there into the Negev, and go up into the hill country, and see what the land is like, and whether the people who live in it are strong or weak, whether they are few or many, and whether the land they live in is good or bad, and whether the towns that they live in are unwalled or fortified, and whether the land is rich or poor, and whether there are trees in it or not. Be bold, and bring some of the fruit of the land." Now it was the season of the first ripe grapes. So they went up and spied out the land from the wilderness of Zin to R'hob, near L'vo-hamath. (Bamidbar 13:17-21)

Why would they need to walk the length and breadth of the Land? (L'vo Hamath is in the north - far from their planned entry point into the Land). Why would they need to describe the Land - besides in military terms (e.g. "whether the land they live in is good or bad") and why would they have to bring back fruit?

These questions become strengthened against the backdrop of Yehoshua's spy mission into Yericho (Yehoshua Ch. 2 - this week's Haftarah). He sent two men, who stealthily entered and exited Yericho, hid in the hills for three days and then returned with their report. The text does not identify them as "leaders", they are not sent to walk the Land and to bring back fruit - and there are only two of them! What then do we make of this odd spy mission, described in our Parashah and in Parashat D'varim?

II TWO MISSIONS

In a beautiful essay (Megadim 10 pp. 21-37), R. Ya'akov Meidan explains the two versions of the story as follows:

There are two independent missions presented here. In Parashat D'varim, Mosheh recounts that the people were motivated (probably by fear) to send spies - and, as the text there indicates - they were concerned only with identifying the best military tactic for taking the first city in the Land (akin to Yericho 38 and a half years later).

In our Parashah, on the other hand, God sends princes in order to stake a first claim to the Land - or, perhaps (as R. Meidan suggests) to begin dividing up each tribe's portion of the Land (thus explaining why Levi, who received no land, sent no representative). R. Meidan suggests that the flow of the four chapters leading up to our Parashah [the celebration of the Pesach (9:1-14), the descriptions of the Cloud of Glory (9:15-23), the description of their travels (10:1-28), the interaction with Yitro/Hovev (10:29-34), the mention of Mahn and quail (11:1-15), the introduction of support for Mosheh's leadership (11:16-35) and the ultimate statement about the singularity of Mosheh's prophecy (12:1-16)] suggest a strong parallel to the sections in Sh'mot leading up to the stand at Sinai. As such, he suggests, the forty days of the Divine mission to the Land parallel the forty days during which Mosheh was atop Sinai (perhaps the clearest parallel is the grievous sin of the people at the end of the forty days, followed by Mosheh's plea for forgiveness). Just as Mosheh stood atop Sinai for forty

days in order to bring the Torah to the people, similarly, these princes went up to Eretz Yisra'el for forty days in order to bring the Land back to the people (thus explaining their bringing representative clusters of fruit).

R. Meidan goes on to explain that Mosheh combined these two missions (which, he suggests, may have been the reason that God disallowed him from entering the Land - see D'varim 1:37). As such, the twelve princes were sent to walk the length and breadth of the Land, to stake our claim to the Land and to each tribe's portion and to report back about the beauty of the Land. At the same time, they were to check out the defenses of the first route of military conquest and the first city they would conquer.

This explains Kalev's role in the mission - since he was the representative of Yehudah, he was the only one with any business in Hevron from the perspective of the Divine mission. All of the other spies went to Hevron in order to check out its defenses, as it was the first fortified city to be conquered - but Kalev went there in order to fulfill the mission of claiming it for the tribe.

[This is, of course, just a thumbnail sketch of the main points in his essay; R. Mordecai Breuer (Pirkei Mo'adot II pp. 409-456) adopts the same general approach, but develops the story and themes in a different manner]

III THE "MA'PILIM"

Picking up on R. Meidan's thread, I would like to raise another issue. The reaction of the people is hard to understand; indeed, they seem somewhat fickle.

When the spies/travelers reported the strength of the local inhabitants, the people wept, complained (again) about having left Egypt - and then utter words they had never before said: "...let us appoint a captain and return to Egypt." (14:4). Their fear and despondency led them to consider a plan to return to the slavery of Egypt (which, as R. Meidan points out, is a total rejection of "I am YHVH your God who took you out of the land of Egypt"). In other words, even though God had promised them this good land, they rejected it out of fear of the military conflict. Yet, when Mosheh recounts their punishment to them (14:28-35), they react in the opposite manner: "Let us go up to the place of which YHVH has spoken, for we have sinned" (14:40). This failed attempt on the part of the *Ma'pilim* is hard to decipher - when God commanded them to conquer, they ran away in fear; yet, when God decreed 40 years of desert-wandering, they suddenly became courageous and prepared to fight!?

In order to understand this, we have to go back to last week's Parashah and address a seemingly unrelated issue.

IV THE 'ANAN

In Parashat B'ha'alot'kha, we are given a detailed description of the Cloud of Glory that rested on the

Mishkan:

On the day the Mishkan was set up, the cloud covered the Mishkan, the tent of the covenant; and from evening until morning it was over the Mishkan, having the appearance of fire. It was always so: the cloud covered it by day and the appearance of fire by night. Whenever the cloud lifted from over the tent, then the B'nei Yisra'el would set out; and in the place where the cloud settled down, there the B'nei Yisra'el would camp. At the command of YHVH the B'nei Yisra'el would set out, and at the command of YHVH they would camp. As long as the cloud rested over the Mishkan, they would remain in camp. Even when the cloud continued over the Mishkan many days, the B'nei Yisra'el would keep the charge of YHVH, and would not set out. Sometimes the cloud would remain a few days over the Mishkan, and according to the command of YHVH they would remain in camp; then according to the command of YHVH they would set out. Sometimes the cloud would remain from evening until morning; and when the cloud lifted in the morning, they would set out, or if it continued for a day and a night, when the cloud lifted they would set out. Whether it was two days, or a month, or a year, that the cloud continued over the Mishkan, resting upon it, the B'nei Yisra'el would remain in camp and would not set out; but when it lifted they would set out. At the command of YHVH they would camp, and at the command of YHVH they would set out. They kept the charge of YHVH, at the command of YHVH by Mosheh. (Bamidbar 9:15-23)

In this description, we are told about the Cloud resting at one place "...for two days, or a month or a year...". Note, however, that this description is presented not only before the story of the spies and the consequent decree of forty years' wandering - it is also presented before the *Mit'onenim* and *Mit'avim* (beginning of Ch. 11). Up until that point, as is clear from the Torah's description of our travels (see Rashi on Bamidbar 10:33), the Divine plan was to bring us directly from Sinai into the Land - without stopping, resting or setting up camp. Why does the Torah describe setting up/breaking down the camp and the Mishkan - and why does it describe resting in one place for as long as a year?

THE ORIGINAL PLAN - FROM SINAI TO K'NA'AN

Our question is predicated on an assumption which is borne out of the evolution of events in our history - but was not necessarily the original Divine intent.

According to the original Divine plan, as can be seen from our Parashah, the B'nei Yisra'el were to enter the Land directly through the Negev. Instead, as a result of the decree recounted in our Parashah, they were to wander for forty years. Ultimately, they crossed into the Land through the Jordan river. This crossing is clearly symmetrical to the crossing of the Reed Sea - where the *'Anan* (Cloud) first showed up. In other words, by dint of our entering the Land via the Jordan, the "Desert Experience" was bookended by these two "crossings-on-dry-land", such that the *'Anan*, which guided us to the Sea and through the desert, no longer led us once we entered the Land.

This was, however, not the original plan. The Torah tells us that: "the Ark of the covenant of YHVH

traveled before them, three days' journey, to scout out *Menuchah* (a resting place); and the "'Anan* of YHWH was over them by day as they traveled from the camp." (Bamidbar 10:33-34). The Ark and 'Anan worked in tandem; the Ark being carried ahead of the camp, followed by the 'Anan - all to find "Menuchah". What is the meaning of "Menuchah"? As the Gemara in Zevachim (119a) explains, Menuchah refers either to Shiloh (the first place where the Mishkan was set up in a quasi-permanent fashion) or Yerushalayim. In other words, the 'Anan was not originally intended to lead us only into the Land; rather, it was to lead us while we encamped in the Land while fighting for conquest, which would certainly entail encamping at one place or another for longer than a few days.

This explanation of the "downturn" in our fortunes demands clarification.

VITTHREE LEVELS OF SHEKHINAH-INTENSITY

When the Mishkan was dedicated, we entered into a relationship of intensity and intimacy with the Divine Presence (*Shekhinah*) that evoked that experienced in the Garden of Eden: Just as God is described as "walking in the Garden" (B'resheet 3:8), similarly, God promises that "I will Place My Presence/Sanctuary among you...And I will walk among you..." (Vayyikra 26:11-12). In other words, the promise of the Mishkan is a return to the close relationship which we enjoyed with God in Edenic times. We will refer to this promise as *B'rit Mishkan* - "They will make for Me a Sanctuary and I will dwell among them" (Sh'mot 25:8).

A second, less intense relationship, is implied by the covenant of Sinai. The covenant involves more than fulfilling Mitzvot and avoiding prohibitions - it involves a unique relationship, as described by the introduction at Sinai:

Now therefore, if you obey my voice and keep my covenant, you shall be my treasured possession out of all the peoples. Indeed, the whole earth is mine, but you shall be for me a priestly kingdom and a holy nation. These are the words that you shall speak to the B'nei Yisra'el." (Sh'mot 19:5-6).

This is known as *B'rit Sinai*.

A final, much less intense relationship between the B'nei Yisra'el and haKadosh Barukh Hu is known as *B'rit Avot* (the covenant with the patriarchs). The covenants which God made with Avraham, Yitzchak and Ya'akov are binding for all time and give us the Land and a populous people.

VIIB'KHIYAH L'DOROT

STEP ONE: B'RIT MISHKAN

Until we actually moved from Sinai, there was every reason for us to be able to live up to the B'rit Mishkan - for the 'Anan to be more than a guide, it would also be our protection in war. There was no reason for us to have to fight; just like when the 'Anan first protected us at the Reed Sea: "YHWH will fight for you..." (Sh'mot 14:14). This would have been the ideal completion of Sinai and the Mishkan - for us to march directly into the Land, with the Ark and 'Anan dispersing our enemies as we moved

towards settlement.

This is the intent of the phrase, said by Mosheh when the Aron was taken out to war:

...Arise, YHVH, let Your enemies be dispersed, let those who despise You flee from Your Presence." (Bamidbar 10:35).

This phrase (and the next verse), however, is marked off by an upside-down Nun before and after - where do these symbols come from?

STEP TWO: B'RIT SINAI

The next verse tells us about the Mit'oNeNim, whose name includes two Nuns in a row. These complainers weren't really complaining - they were *K'Mit'onenim* - "like complainers". In other words, they had nothing concrete about which to complain; rather, they were looking for things to critique and fault about Mosheh's leadership.

How were they punished? "The fire of God burned against them" (11:1). What was "the fire of God"? - it was the Cloud! (see 9:16). In other words, as a result of the complaints of these people who could not stand the great proximity and intimacy with the Divine, the "power" of the Ark and 'Anan was turned against them - and, instead of the 'Anan remaining at the front of a war which we would not have to fight, it turned against us and could no longer provide protection. That is why the section of *Vay'hi bin'soa' ha'Aron* is marked off with upside-down Nuns - those are the Nuns from the *Mit'onenim* who turned the 'Anan (again, two Nuns!) from our "warrior" into our punisher.

Once this level of intensity - the B'rit Mishkan - was lost, we moved back to B'rit Sinai - where we are promised victory over our enemies and perpetual settlement in the Land (if we don't violate its sanctity too broadly), but we will have to fight for it ourselves. Coming into the Land on these terms would have been the completion of the Sinaitic experience. In order to "match" the stand at Sinai, the first enemy (as indicated in our Parashah) would have been Amalek, whose destruction would have meant the introduction of the Messianic era:

He said, "A hand upon the Throne of YH! YHVH will have war with Amalek from generation to generation." (Sh'mot 17:16).

Commenting on this verse, R. Levi says in the name of R. Aha:

The Name is not complete, neither is the Throne complete, until the memory of Amalek is destroyed, as it says: *Ki Yad al Keis YH* (A hand upon the Throne of YH); it should have said *Ki Yad al Kisei YHVH* - but once the memory of Amalek is wiped out, the Throne and the Name are complete. (Midrash T'hilim 9:10)

In other words, had we but maintained the level of B'rit Sinai, we would have entered the Land through the south, defeated Amalek and ushered in the era when "on that day, YHVH will be One and His Name One" (Z'khariah 14:9). The Messianic era would have followed immediately from Sinai.

This is why Mosheh sent the "scouts" on the Divine mission for forty days - to approximate the stand at Sinai.

STEP THREE: B'RIT AVOT

Now let's reexamine the people's odd reactions, opting for Egypt when God wants them to conquer the Land, then turning around and storming the Emorite mountain when God tells them to go into the desert.

What was the phrase with which the scouts introduced the negative part of their report? - *Ephes Ki Az ha'Am* - the word *Ephes*, which may mean "nonetheless", is not easily translated. The sense of the word - and the entire report and the subsequent reaction - is one of choice: Shall we go up to this Land or shan't we? The feeling that there was a choice was what directed the reaction of the people. This is often the cause of the success of outmanned and poorly armed fighters against more powerful enemies. When you are fighting with your back to the wall, and there is no choice (as the old Israeli slogan - " 'Ein B'reirah' (there is no choice) is our most powerful tool" attests), your fighting ability is greatly enhanced. On the other hand, when the fighting force feels that they don't need to win this war, defend this land, take this hill - they can be defeated (witness Vietnam).

When the scouts said *Ephes*, the people still thought there was a choice - to go back to Egypt and return to slavery there. What they (perhaps) didn't realize was that going back to Egypt was also a direct reversal of B'rit Sinai - of "I am YHVH your God who took you out of the land of Egypt". It was only when Mosheh told them of their punishment - that they would wander the desert for forty years etc. and that a return to Egypt was not an option, that they opted to take the Land. If their only choices were (certain) ignoble death in the desert or (possible) heroic death on the battlefield, they chose the (seemingly) heroic path.

They had already rejected the B'rit Mishkan of "walking with God" as evidenced by the Divine reaction to the Mit'onenim. Now they rejected the B'rit Sinai by expressing a willingness to return to Egypt. (This would explain an interesting textual difference between Mosheh's prayer here and the original of that statement in the aftermath of the sin of the Golden Calf.

Compare:

YHVH passed before him, and proclaimed, YHVH, YHVH, a God merciful and gracious, slow to anger, and abounding in steadfast love and truth, keeping steadfast love for the thousandth generation, forgiving iniquity and transgression and sin, yet by no means clearing the guilty, but visiting the iniquity of the parents upon the children and the children's children, to the third and the fourth generation. (Sh'mot 34:6-7) With:

And now, therefore, let the power of YHVH be great in the way that you promised when you spoke, saying, 'YHVH is slow to anger, and abounding in steadfast love, forgiving iniquity and transgression, but by no means clearing the guilty, visiting the iniquity of the parents upon the children to the third

and the fourth generation.' Forgive the iniquity of this people according to the greatness of your steadfast love, just as you have pardoned this people, from Egypt even until now. (Bamidbar 14:17-19)

Note that when God forgave the people at Sinai, He declared that He is *Rav Hessed v'Emet* (abounding in steadfast love and truth); when Mosheh "reminded" Him of this commitment, he said: *Rav Hessed* (abounding in steadfast love), but *Emet* (truth) was left out. Truth is the mark of Sinai, of the Torah which was given there. Since the people had rejected B'rit Sinai, Mosheh could only point to *Hessed* as a Divine attribute which would save the people.

Now that they had rejected B'rit Sinai - all that they had left was B'rit Avot. They had, effectively, returned to a pre-Exodus mode of Divine promise. This explains the forty years of wandering - a micro-version of the 400 years of exile promised to Avraham (B'resheet 15:13). This also explains how their reaction to the scouts' reports, how their weeping on that night, introduced the possibilities of future exile into the national destiny.

From the Mishkan, we were to "move" the Edenic reality to the Land. From Sinai, we were to (at least) usher in the Messianic era with the immediate destruction of Amalek. Both of these were lost. Once we go back to the model of B'rit Avot, we aren't encountering the permanence of settlement in the Land, rather the cycle of exile and return which was begun by Avraham (Haran, Israel, Egypt, Israel) and continued by Ya'akov (Israel, Aram, Israel, Egypt) and his children (Aram, Israel, Egypt). Once the people reverted to B'rit Avot, they allowed for the possibility that this upcoming entrance into the Land would not have the permanence promised at Sinai - but that the cycles of exile and return would remain our destiny until the final redeemer would come.

Then all the congregation raised a loud cry, and the people wept that night. Rabbah said in the name of R. Yohanan: That night was Tish'a b'Av; haKadosh Barukh Hu said: They cried for naught, I will establish for them [this night as] a weeping for generations. (BT Sotah 35a)

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