

SONS AND BROTHERS

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I

OVERVIEW

As we outlined in a previous shiur in Sefer D'varim, the Sefer is made up of three distinct sections:

- * Historical Recounting (Chapters 1-11)
 - * Laws (Chapters 12-26)
 - * Re-covenanting Ceremonies (Chapters 27-33)
- (Mosheh's death (Chapter 34) is an epilogue to the Sefer).

Until now, we have presented this tripartite division, focusing on the content and implications of the "history-sermon" which is the content of the first three Parashiot of the Sefer. Our assumption was that, beginning with Parashat R'eh (a few verses in - since the first 7 verses are a completion of the history-sermon), we have moved cleanly and totally into the "Law Compendium" of D'varim.

We will see, during the course of this shiur, that this "clean" division is not nearly as sharp as originally presented (and as conventionally understood). Before proceeding, it is prudent to point out that the "nickname" of Sefer D'varim presents us with some difficulties. Each of the Humashim is known by at least one alternative name, found in the literature of the Talmudic/Midrashic period and in that of the Rishonim.

- * B'resheet is also called "Sefer Y'tzirah" (Book of Creation), for reasons that are somewhat obvious.
- * Sh'mot is called "Sefer haG'ulah" (see Ramban's introduction to Sefer Sh'mot for a beautiful explanation of this) or, alternatively, "Humash haSheni" (the second Humash - see Netziv's introduction to Sh'mot for an insight on this term).
- * Vayyikra is known, throughout Rabbinic literature, as Torat Kohanim (a more or less literal rendering of "Leviticus" - the laws affecting the Kohanim).
- * Bamidbar is called, as early as the Mishnah, "Homesh haP'kudim" (the Humash of the censuses).
- * D'varim is called - at least as early as Rabbinic literature - "Mishneh Torah" - (either "a repetition of the Torah" or "a second Torah"). It may be that the Torah is referring to Sefer D'varim when the king is commanded to write a Mishneh Torah (D'varim17:18).

The conventional understanding of "Mishneh Torah" is "repetition", the notion being that Mosheh was

presenting the new generation with a "recap" of the Mitzvot found in the first four Humashim. As Rav Menachem Liebttag has pointed out in one of his insightful Parashah shiurim, if the goal of Sefer D'varim is to serve as a repetition/review of the Mitzvot and/or narratives found in the first four books (as seems to be Rambam's intent in his explanation of his naming his Code "Mishneh Torah" - see his introduction there), it seems to fail its purpose - see Rav Liebttag's shiur for a full treatment of this problem.

The upshot of the problem is that there are some Mitzvot which are repeated from earlier Humashim - (e.g. the list of non-Kosher animals, pilgrimage festivals), some which are not repeated here (e.g. Kohanic restrictions, offerings, Rosh haShanah and Yom haKippurim), some which are new to us in D'varim (e.g. marriage and divorce, certain components of juridical procedure) and some which are "repeated" but from a distinctly different perspective (e.g. Sh'mittah - compare Vayyikra 25:2-7 with D'varim 15:1-6). What are we to make of this Law "Review"? As a "recap", it falls short of the mark - yet it does not contain all new information. We will try to answer this by assessing the goal of Sefer D'varim in general - thereby understanding the inclusion of some of the Mitzvot here (and the sequence in which they are presented).

For purposes of this shiur, we will limit the analysis to those Mitzvot which appear in Parashat R'eh - such that this shiur will only answer part of the question.

II

PARASHAT R'EH: THE BRIDGE FROM MITZVOT TO MISHPATIM

In earlier shiurim, we noted that the catchall word "Mitzvot", which is literally translated as "commandments", is utilized in Sefer D'varim with a unique meaning. As we can see from 6:1, 11:13 and other instances, "Mitzvot" are the general attitudinal approaches to God which comprise the telos of the covenant. Loving God, fearing Him, cleaving to Him, imitating His ways etc - these are the "Mitzvot". When Mosheh completed his "lessons" in the "history sermon" of Chapters 1-11, he had brought us well beyond the demand to observe a series of obligations and restrictions - we were asked to fear God, to walk in His ways, to cleave to Him, to love Him... (see 10:12-13). As we noted in our shiur on Parashat va'Et'hanan, this was the ultimate lesson of Mosheh Rabbenu - leading us into a constantly growing relationship with God.

Whereas the Law Compendium which begins at 12:1 has been traditionally understood as an entirely new piece of Mosheh's speech, it seems that the selection of laws (and the order of presentation) suggests a different understanding.

A quick look at the first series of laws in Chapter 12 will give us some insight:

You shall surely destroy all of the worship-sites where the nations who you are uprooting worshipped, atop the high mountains and the hillocks and underneath every tree. You shall take

apart their altars, you shall destroy their worship-pillars, their Asherot (worship-trees) you shall burn by fire and you shall break their idols - and you will erase their name from that place. You shall not act thusly with Hashem your God" (12:2-4) The appositional phrase - you shall not actly thusly may be understood several ways (see Ramban ad loc.); however, any way it is interpreted, the Torah is making a demand of us which is quite extraordinary. We are called to behave with great passion and aggression towards the worship-sites of the pagans - and to promote and keep opposite characteristics regarding the worship-site and Name of God. The Torah (like other religious disciplines) incorporates the full range of emotional characteristics and traits into required behavior.

Even our calendar reflects this range - from the unbridled celebration of Sukkot to the solemnity of Yom haKippurim (without mentioning the hilarity of Purim and the anguish of Tish'a b'Av - both Rabbinically mandated commemorations). We find, in most cases, that people who find Tish'a b'Av "easy" to observe have a difficult time celebrating Purim properly. There are "Simchas Torah Yidin (Jews)" and "Tish'ah b'Av Yidin" - but there aren't a lot of people who are capable of putting their full energies into the proper moods of both types of commemorations. This is because people generally have a particular disposition and those celebrations and rituals which "fit" their emotional makeup are the ones towards which they exuberantly run to participate.

The Torah here is demanding an aggressive approach to pagan sites - to uproot, destroy and erase. There are people who would find this type of behavior easy, as it fits their general emotional makeup. To ask of these same people - who found uprooting and destruction so easy - to treat God in the exact opposite manner is not such a simple task. Conversely, those who "naturally" show the utmost respect and concern for the sanctity of God's Name may find it difficult to act with vigor and determination in destroying a pagan worship-site.

The ability to act with this emotional dexterity is grounded in motivation. If someone is able to participate in the sadness of Tish'ah b'Av because he is a naturally dour person - Purim will be very difficult to celebrate. If, on the other hand, he is sad on Tish'ah b'Av because he has a tremendous love for God and for the Jewish people and is so distraught over the loss of His holy place and the destruction of His people - then he will find it just as easy to celebrate the sanctification of His Name and the salvation of His people on Purim.

In the same way, for someone to be able to uproot and destroy one place while demonstrating the necessary respect for another Place - he must be motivated by more than just natural tendencies and personal character traits. If he is motivated by an overwhelming love for God and a desire to promote God's Name in this world, he will be as zealous in his protection of God's holy place as he will in his readiness to destroy pagan places. This first series of Mitzvot is an actualization of the ultimate lesson taught by Mosheh Rabbenu - to love God. Following this analysis of the first series of Mitzvot, we will then assay the rest of the Mitzvot in Parashat R'eh, viewing them as a bridge between the lessons of Mosheh and the more "legalistic" Mishpatim found in the next two and a half Parashiot (through Chapter 26).

III

THE SECOND DISTINCTION: A CENTRAL WORSHIP-SITE

Much has been made of the relationship between the "novelty" of centralized worship in D'varim and the Sefer Torah found by Hilkiyah hoKohen (II Melakhim 22) and the subsequent reform by Yoshiah to remove all other worship sites, bringing all worship into the realm of the Beit haMikdash. The claims of the bible critics (who maintain that D'varim, or at least this section, were enacted by Yoshiyah in order to strengthen the capitol city) aside, it would be helpful to find an association between the centrality of worship (first mentioned in 12:4-14) and the preceding section.

Following our thesis that the particular restrictions and obligations presented in this first part of the Law Compendium represent expressions of the ideal relationship with God that we are to develop, we can understand the stress on centralized worship in a new light. The pagan nations of K'na'an had multiple worship-sites; although this may have been born of convenience, it certainly fit with their polytheistic approach. Multiple "gods" can be served in multiple places. The opening line of Mosheh's "ultimate lesson" (see our earlier shiur on Parashat va'Et'hanan) is Hashem is our God, Hashem is One. In other words, the overwhelming and consuming love which we are to have for God (see Shir haShirim 8:7) is predicated on His singularity and uniqueness. This unique nature of God is mirrored in the unique selection of 'Am Yisra'el (see BT B'rakhot 6a-b in the passage about "God's T'fillin"), as well as in the unique selection of one worship-site (and the uniqueness of Eretz Yisra'el - but that belongs to a different shiur). We can now understand the association between the various "relationship-Mitzvot" and the "new" (actually, newly presented) command to maintain a centralized worship locale.

IV

INTERNALIZING A DIVINE ASTHETIC

Along with the promise of God's broadening our boundaries, such that we will not be able to bring all meat to the "place where He shall choose to place His Name"(12:20-28), the Torah expresses a concern that we will want to "adopt" pagan worship-styles for the worship of God (12:29-13:1). Following Ramban's explanation, the concern is that the B'nei Yisra'el will associate the destruction of the pagan nations with the aobject of their worship (they backed a losing horse) as opposed to the method of their worship. Therefore the Torah warns us not to make this mistake; indeed, "every manner of abomination which Hashem loathes did they do in worship of their gods..." (12:31). In other words, besides having a misguided approach to worship (worshipping nothingness as deities), the methods they used (including, as the verse states explicitly, child sacrifice) were hateful to God.

This warning is immediately followed by the injunction against adding to - or diminishing from -

God's commands. (Note that the Christian-based division of chapters reads this command as the beginning of a new section whereas the MT [Masoretic Text] sees this as the end of the section above. While the other division is understandable, the MT break is much more reasonable; since it follows the warning to be careful in our worship of God by not introducing foreign elements into that worship.)

In other words, as S'forno explains, we should not bring our own methods of worship - whether the result of our own creative thinking or adopting the behavior of other nations - into the worship of God. We won't know if those behaviors will be acceptable to God within the context of worship. (There are certainly other ways to understand the role of creativity within Avodat Hashem; Rabbi Michael Rozensweig of RIETS wrote a comprehensive article on the subject in the first issue of the Torah uMada Journal.)

There is a curious assumption implicit in our distancing ourselves from that which God abhors - and which is re-addressed at the end of Chapter 13 (v. 19). There seems to be an expectation that we will internalize the aesthetics and values of God, such that we will learn to distance ourselves from that which He hates and we will know how to do that which is upright in His eyes (13:19).

This is yet another step in the development and actualization of the "v'Ahavta" ("and you shall love God") relationship: To learn what God finds acceptable and what He loathes - and then to internalize those sensitivities, such that doing that which is right (or Right) and avoiding that which is abhorrent becomes "second nature".

[note: There is much to be written on this subject; as it seems to fly directly in the face of the statement of our Rabbis: A person should ideally desire non-Kosher food, but resist it simply because of the command of God. We have treated this subject in an earlier shiur.]

This point is the tie which connects the three parashiot which make up Chapter 13 - the prophet who threatens to lead us astray (vv. 2-6); the "Meisit" who attempts to seduce people to worship foreign gods (vv. 7-12) and the "Ir haNidachat" - the city which has "gone over" to idolatry. In each of these cases, not only are we commanded to resist the respective temptation, we are also commanded to focus our approach in a way which is the opposite of the usually desired direction:

Do not listen to that prophet... (v. 4)
(as opposed to loyalty to a prophet)

Do not have compassion... (v. 9)
(as opposed to acting compassionately)

Utterly destroy that city... (v. 16)
(as opposed to maintaining concern for our fellows' property)

The Torah is again giving us direction on what should motivate our feelings - not by "natural tendencies", rather by our love for God. Although we are generally called to compassion, loyalty,

respect for elders etc., there are situations where a greater value - love for God - "overrules" the other values.

SUMMARY

The first part of our Parashah is a series of obligations and restrictions which help guide us into actualizing the love for God which is the *raison d'être* of the Law. First, we are to demonstrate that our passions are not guided by "natural tendencies", rather by a commitment to promoting God's Name in the world. Next, we are shown how to demonstrate the singular nature of God - via centralized worship. Finally, we are given the charge to internalize the Divine system of values and aesthetics which will help us determine the Right from the Wrong.

So far, we have discussed the first half of the Parashah. Although we have not explained why Sefer D'varim is called "Mishneh Torah", we have suggested why particular Mitzvot were mentioned specifically here.

V YOU ARE THE CHILDREN OF GOD

Chapter 14 begins with this powerful banner statement

Banim Atem l'Hashem Eloheikhem you are children unto your God.

What is the implication of this statement and its purpose specifically at this point in the Law Compendium?

If we follow the next part of the verse - that which seems to be the direct consequence of the Banim Atem avowal - we find a particular and somewhat peculiar ritual prohibition:

[At this point, it is prudent to note that we will find a number of "repetitions" of laws from earlier Humashim; however, they will, at least in some cases, be presented in a different manner than the earlier version.]

You are children of Hashem your God. You must not lacerate yourselves or shave your forelocks for the dead. For you are a people holy to Hashem your God; it is you Hashem has chosen out of all the peoples on earth to be His people, His treasured possession.

What is the connection between our being children of God and not participating in the self-mutilation mourning rituals endemic to the pagan cults of K'na'an?

Rashi answers that since we are the children of God, it is appropriate for us to look dignified and noble - something which would surely be violated by self-mutilation.

Ramban points out that if that were the reason, the violation would not be limited to mourning rituals, it would apply to any circumstance of self- mutilation. If so, why does the Torah specifically say laMet- "for the dead"?

S'forno provides an alternative to Rashi which both satisfies Ramban's challenge and is the key to understanding the rest of the Parashah:

For it is inappropriate to exhibit ultimate anxiety and sorrow over a relative who dies if there remains a more dignified relative alive; therefore, [since] you are "children of God" Who is your father and is eternal, it is never appropriate to exhibit ultimate mourning for any death. In other words, since we are God's children and He is always with us, there is never an instance of death which we should experience as total devastation - for even when all seems lost, our Father is still there.

This command is immediately followed by a further explanation - For you are a holy people to God...

If we look at the end of the next series of laws, we find the exact same phrase (v. 21) - thus bookending this section. What is the content of this section which sits between the markers of "You are a holy people to Hashem your God"?

As mentioned above, along with laws which were never mentioned before and laws which were mentioned from a different perspective, Sefer D'varim includes some instances of laws which are nearly "cut-and-paste jobs" from earlier Humashim.

Chapter 14, verses 3-21, is a prime example of this type of "repetition". The list of acceptable and unacceptable animals - along with the guiding characteristics - is almost a repeat of the listing found in Chapter 11 of Vayyikra (Parashat Sh'mini). In other words, the section which is identified by the tag "You are a holy people..." is the laws of Kashrut. Why these laws specifically?

The Midrash Halakhah states:

R. Elazar b. Azariah said: From whence do we know that a man should not say: 'I cannot tolerate wearing Sha'atnez, [or] I cannot tolerate eating pork, [or] I cannot tolerate illicit relations'--Rather that he should say: 'I am capable and willing, but what can I do, my Father in Heaven decreed thus' [that I avoid these things]? Therefore Scripture states: 'I have separated you from the Nations to be Mine' -- thus, he avoids the sin and accepts God's Sovereignty." (Sifra Parashat Kedoshim) RABD's reading and comments here seem to strengthen the challenge: "Therefore Scripture states: 'To be Mine'--in other words, practice this law for My sake and not due to your own consideration. (commentary of RABD, ibid.) Although we certainly do not apply this type of reasoning to those areas of Halakhah which build the ethical self - e.g. proper social interaction and respectful behavior towards others and their property - there is room for it within the corpus of Halakhah. To wit, there are some areas of Halakhah where the sole motivation for observance is commandedness. Unlike the integration and internalization of Divine values, outlined above, the laws of Kashrut (along with some other areas of Halakhah) should be driven by - and result in - a conscious and deliberate awareness of God's direct

role as Lawgiver and Commander.

If the first consequence of the banner statement: Banim Atem... is the awareness of God's constant presence in our lives, the second is the method by which we maintain that closeness - by separating ourselves and preserving a unique relationship which is "To be Mine".

VI

SONS AND BROTHERS

As surely as "You are children of Hashem your God" implies a close and special relationship with God, it also implies a special bond within that family of children. If we are all children of the One God, we are also all brothers and sisters to each other.

The rest of the Halakhot presented in Parashat R'eh are expressions of that relationship - the second prong of "Banim Atem". Let's survey them:

[note: for purposes of brevity - and due to space considerations - I will highlight the phrase in each section which points to the general thread which ties these Halakhot together.]

* Ma'aser Sheni (Second Tithe) (14:22-27)

Note v. 27: As for the Levites resident in your towns, do not neglect them, because they have no allotment or inheritance with you.

* Ma'ser 'Ani (Tithe for the Poor) (14:28-29).

V. 29: the Levites, because they have no allotment or inheritance with you, as well as the resident aliens, the orphans, and the widows in your towns, may come and eat their fill so that Hashem your God may bless you in all the work that you undertake.

* Sh'mittah. (15:1-6).

As mentioned above, here is an example of a law which is presented in D'varim and which appears earlier - but the presentation in D'varim is from a different perspective. In Vayyikra, Sh'mittah is oriented towards agricultural "resting"; here, it is focused on "Sh'mittat K'safim", the cancellation of all debts on the seventh year. This is driven by the statement -

Of a foreigner you may exact it, but you must remit your claim on whatever any member of your community owes you. There will, however, be no one in need among you... (vv. 4-5).

* Tzedakah (15:7-11).

Note v. 11: Since there will never cease to be some in need on the earth, I therefore command you, "Open your hand to the poor and needy neighbor in your land."

* Ha'anakah (gifting the Hebrew slave when he leaves your employ) (15:12-18)

Note v. 15, the justification for this gift: Remember that you were a slave in the land of Egypt, and

Hashem your God redeemed you; for this reason I lay this command upon you today.

* B'khor Ba'al Mum (Sanctification of the first-born of the flock or herd and the result of its having a permanent blemish) (15:19-23).

This one does not seem to fit the group so easily; however, note verse 22: ...within your towns you may eat it, the Tamei (unclean) and the Tahor (clean) alike, as you would a gazelle or deer.

* Pesach (16:1-8) This section is itself a bit strange, as it comes at the beginning of three parashiot, each devoted to one of the pilgrimage festivals. What is odd is that unlike the latter two, there is no explicit Mitzvah of rejoicing by which we are enjoined here. One additional "oddity"; this is the only place where the Torah refers to Matzah as Lechem 'Oni- the bread of poverty or affliction. We will return to this section at the end of the shiur.

* Shavuot (16:9-12) Note v. 11: Rejoice before Hashem your God - you and your sons and your daughters, your male and female slaves, the Levites resident in your towns, as well as the strangers, the orphans, and the widows who are among you - at the place that Hashem your God will choose as a dwelling for his name.

* Sukkot (16:13-17) Note (again) v. 14: Rejoice during your festival, you and your sons and your daughters, your male and female slaves, as well as the Levites, the strangers, the orphans, and the widows resident in your towns.

SUMMARY

What we see throughout these last 9 parashiot of R'eh is a series of Mitzvot where the motivation - and performance - focuses on mutual responsibility for each other's welfare and inclusion. This is, indeed, the second implication of the tenet: Banim Atem l'Hashem Eloheikhem - "You are children unto Hashem your God".

VII

POSTSCRIPT PESACH AND LECHEM 'ONI

As mentioned above, Shavu'ot and Sukkot are both highlighted by explicit commands to rejoice - and Pesach has no such command (although Halakhically there is a Mitzvah of Simchah on Pesach, it is inferred from these others by analogy).

If we consider the "Banim" relationship as it affects our interactions with other Jews, we find yet another motivation for treating each other with such consideration - especially in their realm of financial welfare and sustenance. Besides the theologically-driven argument of fellowship by virtue of a "common Father"; there is a historically-driven argument based on the common experience of

slavery. Much more than common success, shared oppression serves to forge a people - as did happen for us in Egypt. It is the commemoration and constant awareness that, although today some of us are more comfortable and financially secure than others, we all were slaves, with nothing to call our own.

This is the commemoration of Pesach - it serves as a second reason to treat each other with consideration without regard (or perhaps with excessive regard) for class distinctions. This is why the Matzah is called Lechem 'Oni specifically here - because we are to utilize the experience of Pesach to remind ourselves of common oppression - to motivate us to common concern and mutual responsibility.

Note that the section about Pesach is "bookended" by a reminder of our being slaves - once in the section of Ha'anakah (15:15) and once in Shavu'ot (16:12) - these bookends serve to highlight the place of Pesach within the larger schema of the Mitzvot appearing in the second half of R'eh. These Mitzvot are all methods of expressing and fortifying the theme: You are all children of God.

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