**S.A.L.T. – PARASHAT DEVARIM**

**By Rav David Silverberg**

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**IN LOVING MEMORY OF**

**Jeffrey Paul Friedman**

**August 15, 1968 – July 29, 2012**

**לע"נ**

**יהודה פנחס בן הרב שרגא פייוועל**

**כ"ב אב תשכ"ח – י' אב תשע"ב**

**ת.נ.צ.ב.ה**

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Motzaei Shabbat

The Midrash (*Devarim Rabba*), in its opening comments to Sefer Devarim, notes a certain irony that arises from the first verse of this book: “*Eileh ha-devarim asher diber Moshe el kol Yisrael*” – “These are the words that Moshe spoke to all of Israel.” As this introductory verse indicates, Sefer Devarim is a record of Moshe’s lengthy discourses which he presented to the people before his passing. The Midrash finds this ironic in light of Moshe’s response to God forty years earlier when God first assigned him the role of leader of *Benei Yisrael*: “*Lo ish devarim anokhi*” – “I am not a man of words” (Shemot 4:10). Moshe, who was not a man of “*devarim*,” now presented a lengthy book of “*devarim*,” teaching and instructing *Benei Yisrael* before his passing. This observation is made as a source for the “healing” power of Torah, as the Midrash writes: “See how cherished the tongue of Torah is, as it cures the tongue… Moshe, until he was privileged to receive the Torah, it is written about him, ‘I am not a man of words,’ but once he was privileged to receive the Torah, his tongue was cured and he began speaking words…”

How might we explain the Midrash’s reference to the “curing” powers of Torah?

Presenting to people instructions, telling them what they must do and must not do, entails a certain degree of arrogance. Anybody who teaches people what they should be doing needs to ask himself or herself, “What right do I have to tell people what to do? Who am I to assume that I have the authority to give instruction to others?” Moshe, the humblest of all people (Bamidbar 12:3), thus did not consider himself an “*ish devarim*,” a man of words, qualified to guide, teach and preach. What enabled him to serve this role, however, was his receiving the Torah. As he received the Torah from God, he taught with confidence, knowing full well without any shadow of a doubt that he was communicating eternal truth, that he was presenting to *Benei Yisrael* the actual word of God. He became an “*ish devarim*,” a person with the confidence to stand before the nation and instruct them, only because of the Torah.

This, perhaps, is the Midrash’s intent when it speaks of Torah “healing” Moshe and turning him into a “man of words.” An honest, humble person is empowered to teach only through unwavering belief in the truth and importance of what he teaches, and it is thus only through firm belief in the truth of Torah that a person can feel confident assuming the role of “*ish devarim*” and conveying words of Torah to others.

(Based on an [article](http://www.vorts.co.il/?p=3059) by Rav Oded Mittelman)

Sunday

Towards the beginning of Parashat Devarim, as Moshe recounts *Benei Yisrael*’s preparations to leave Sinai and journey to the Land of Israel, he recalls feeling overwhelmed by the large number of court cases that were presented to him. He was compelled at that time to appoint a network of judges to work underneath him in order to alleviate the burden of tending to the people’s disputes.

To explain the relevance of this account to Moshe’s admonition to the people in this parasha, Seforno (1:12) writes:

He told them this to remind them of their wrongdoing, that although he informed them that they would enter the land without any warfare, and this matter would give them more benefit and honor than all their property and affairs un the desert, they [nevertheless] did not abstain from provoking fights with one another such that he needed to appointed a hierarchy of judges…

The knowledge that *Benei Yisrael* would soon be entering and settling the Land of Israel, where they would enjoy prosperity and success, should have rendered insignificant any financial disputes that they may have had in the desert. Their condition in the desert was, at that point, supposed to be very brief, as in just a matter of several weeks they were to have entered the Land of Israel, where they would build large, comfortable homes and develop large fields and vineyards. Whatever claims they had against one another in the desert were hardly consequential, as they were in any event about to enter *Eretz Yisrael* where everything would change and they would live together comfortably and peacefully. Moshe thus criticized the people for their shortsightedness in fussing over financial matters that would soon be rendered all but inconsequential.

Very often, problems that appear troubling in the present quickly fade into insignificance after just a short period of time. Many of the difficulties and disappointments we experienced in the past appear to us now, with the benefit of hindsight and a clearer perspective, to have been relatively trivial and hardly worth the distress we endured at the time. Seforno’s comments remind us of the need to look at our problems and letdowns from a broader perspective, and recognize that soon enough they will appear far less significant than they seem in the present.

Monday

In Parashat Devarim, Moshe recalls his appointment of judges and the instructions he conveyed to them. He warned them to hear all cases brought before them – both big and small – and not to fear anybody when reaching their decisions. Moshe concludes this verse by instructing the judges that difficult cases which they feel incapable of deciding should be brought to him for adjudication (1:17).

It seems, at first glance, that this final instruction stands separate and apart from the others in this verse. After Moshe commands the judges to try every case brought to them and not to be afraid of powerful litigants, he simply adds, in conclusion, that the more difficult cases should be brought to him.

It has been suggested (see Rav Yechiel Tzik’s [*Yekara De-orayta*](http://hebrewbooks.org/pdfpager.aspx?req=52544&st=&pgnum=21)), however, that these instructions are, in truth, all integrally related to one another. Moshe was concerned that the appointed judges might seek to recuse themselves from a case for one of two reasons – either because it involves a very large sum of money or yields other significant repercussions, or because one (or both) of the litigants is a person of strength and influence. A judge might be afraid to rule on a very weighty matter, and also to preside over a case involving a person of stature, and he might be tempted in such cases to bring the case to Moshe. In this verse, Moshe instructs the judges to defer to him only if the case is truly too difficult and complex for them to decide. They should not defer to him out of fear of the implications of their decision, but only if the complex legal issues at hand require his unique expertise.

Sometimes we tell ourselves that a certain undertaking is too difficult for us as an excuse to absolve ourselves of the responsibility. “I can’t” is often a dishonest way of saying “I don’t want to put in the effort.” Moshe’s warning to the newly-appointed judges is, in essence, a warning to all of us, to absolve ourselves of difficult challenges only if we are truly and honestly convinced that they are too hard for us to overcome. Certainly, there is no value in persisting in trying to do things that lie beyond our capabilities. At the same time, however, we must not avoid challenging tasks that require effort and sacrifice but are within our reach. Even when a degree of difficulty is entailed, we should exert ourselves to achieve the goal rather than falsely claiming that we cannot.

Tuesday

The Torah in Parashat Devarim (1:17) tells of Moshe’s warning to the judges he had appointed, “*Lo taguru mipenei ish*” – that they should judge without fear of any person. The *Sifrei* explains, “Lest you say: I am afraid of such-and-such person, that he might kill me or my son, set my field ablaze or cut down my trees – the verse thus states, ‘Do not fear from any man.” According to the *Sifrei*’s reading, the Torah here requires a judge to try a case and reach an honest decision even if he fears that the losing litigant will react by killing a family member or causing him grave financial harm.

As several commentators noted, the *Sifrei* here appears to take the position that a judge’s obligation to try cases and reach an honest decision overrides even the concern for human life. While we generally assume that no Biblical command overrides the concern for human life except for murder, idolatry and sexual immorality, it seems that in the view of the *Sifrei*, the requirement for a judge to rule fairly is another exception.

Netziv, in his *Meromei Sadeh* commentary to the Talmud (Sota 47b) and in his *Ha’amek She’eila* commentary to the *She’iltot* (58), writes that *Halakha* does not follow this view of the *Sifrei*, and thus a judge may refuse to issue a ruling if he fears this would pose a threat to his or somebody else’s life. This ruling is also mentioned by the *Bach* (C.M. 12).

To explain the *Sifrei*’s surprising stance, there appear to be three different approaches that could be taken.

First, the *Sifrei*’s comments might perhaps reflect the famous and controversial ruling of the Maharshal, in *Yam Shel Shelomo* (Bava Kama 4:9), that one may not distort the Torah even for a life-saving purpose. Misrepresenting Torah, in the view of the Maharshal, is such a grave matter that one may not do so even if his life depends on it. The Maharshal explained on this basis the story told in the Gemara (Bava Kama 38a) of two Roman officials who were sent by the Roman government to learn the Jews’ Torah. They Jewish scholars who studied with them taught them even aspects of the Torah which the gentiles would find offensive, despite the danger that this posed. These scholars were forbidden from misrepresenting the Torah, the Maharshal claimed, even for the sake of protecting Jewish lives. Possibly, this was the position of the *Sifrei*, which also maintained that refusing to try a case and give an honest ruling out of mortal fear of a litigant constitutes a misrepresentation of Torah law that one must avoid even at risk to life.

Another possibility is that the *Sifrei*’s position reflects the view of Rav Yaakov Ettlinger, expressed in a series of responsa in his *Binyan Tziyon* (167-169, 171), limiting the famous principle of *piku’ach nefesh*, which allows transgressing Torah law for the sake of saving human life. Rav Ettlinger claimed – controversially – that this law applies only to *mitzvot bein adam la-Makom* – laws involving our obligations to God. When it comes, however, to *mitzvot bein adam la-chaveiro* – our interpersonal obligations – we must, according to Rav Ettlinger, observe these laws even to avoid mortal danger. Thus, for example, according to Rav Ettlinger, it is forbidden for a person dying of starvation to steal food and thereby save his life, unless he knows that he will be able to repay the owner of the food he steals. Interpersonal laws, in Rav Ettlinger’s view, are treated more stringently than our obligations to God, and thus apply even at the risk to one’s life. (See Rav Asher Weiss’ critique of this position in *Minchat Asher* – Vayikra, chapter 50.) Quite possibly, it is for this reason that the *Sifrei* requires a judge to put his life at risk for the sake of trying a case, as he has a responsibility to the non-threatening litigant to allow him the opportunity to retrieve the money he deserves via a fair trial.

Finally, it could be suggested, quite simply, that this requirement overrides the concern for human life because the Torah said so. A number of *Acharonim* made the observation that when the Torah requires waging a war, the rule of *piku’ach nefesh* is, by definition, nonapplicable. War, by nature, involves a serious risk to one’s life, and thus in circumstances when war is required, the *mitzva* necessarily applies regardless of the life-threatening risk entailed. Possibly, the *Sifrei* understood that the Torah’s command to judges to perform their work without fear by definition requires exposing themselves to a degree of danger. Once the Torah demands that judges issue fair rulings without fear, it implicitly suspends the rule of *piku’ach nefesh* in this respect.

Tomorrow we will offer an entirely different possible reading of the *Sifrei*’s comment.

Wednesday

Yesterday, we noted Moshe’s warning to the judges he appointed, “*Lo taguru mipenei ish*” – that they should not be afraid of intimidating, powerful litigants as they try cases – which the *Sifrei* explained as follows: “Lest you say: I am afraid of such-and-such person, that he might kill me or my son, set my field ablaze or cut down my trees – the verse thus states, ‘Do not fear from any man.” According to the *Sifrei*, it appears, this verse requires judges to try cases and reach an honest decision even if this poses actual risk to his property or to life. As we discussed, a number of *Acharonim* noted that *Halakha* does not follow this opinion.

We might suggest an alternative reading of the *Sifrei*’s remark. The *Sifrei* does not actually say that a judge must expose himself to danger when this is necessary to do his work. Rather, it tells the judge not to say that he cannot try a case out of fear of a litigant. The intent, perhaps, is that judges should not assume that their lives or property are in danger just because one of the litigants seems intimidating. In the rare instance where there is truly legitimate reason to fear a violent, destructive reaction on the part of the losing litigant, then indeed, the judge should recuse himself rather than put himself or his family in danger. The *Sifrei*, however, refers to a situation where no such actual danger exists, but the judge might nevertheless convince himself that he would be putting himself or his family at risk in order to avoid the uncomfortable situation of ruling against a powerful individual. The Torah here requires not exposing oneself to danger, but rather ensuring not to confuse perceived danger with actual danger for the sake of conveniently withdrawing from a case.

If so, then the *Sifrei* here alerts us to the need to carefully distinguish between prudent safety measures and unwarranted, “convenient” fear. Sometimes, we might unknowingly arouse our own feelings of fear and convince ourselves of danger in order to absolve ourselves of certain difficult or uncomfortable tasks and responsibilities. Moshe’s warning to the judges is perhaps to be understood as a warning to us all not to use imaginary fear as an excuse for avoiding challenges. While we are certainly to avoid situations of actual danger, we must also ensure not to contrive feelings of fear for the sake of convenience.

Thursday

Moshe recalls in Parashat Devarim the time when he felt incapable of personally handling all the people’s legal disputes, due to the nation’s large size and the endless stream of conflicts brought to him for resolution. He observed at that time, “The Lord your God has blessed you, and you are hereby today as numerous as the stars of the sky” (1:10).

The Midrash (*Devarim Rabba* 1:14) comments that God was asked why He compared *Benei Yisrael* to the stars, rather than the sun and the moon, which are much larger and more impressive. (Apparently, the Midrash assumes that the analogy to stars was intended not only to underscore the nation’s population, which was as numerous as the stars, but also to establish some point of similarity between *Benei Yisrael* and the stars.  See Rashi’s commentary to this verse.)  God answered that in the future, the sun and the moon will be “put to shame,” as indicated by a verse in Sefer Yeshayahu (24:23 – “*Ve-chafera ha-levana u-vosha ha-chama*”). *Benei Yisrael*, however, like the stars, will never be humiliated and shamed, and thus our nation is specifically likened to the stars, and not to the more imposing celestial beings.

It is commonly understood that the “shame” which will in the future be brought upon the sun and the moon relates to the fact that they have been treated as objects of worship.  Their large, impressive stature misled the ancients to attribute to them independent, divine power. In the future, when the world will experience redemption and all inhabitants on earth will recognize the truth of a single Supreme Being, the sun and moon will be “shamed.” It will be shown to all, without any doubt, that the sun and moon are, in relation to God, not significantly larger than the stars or any tiny creature.

Metaphorically, this refers to the time when mankind will finally be able to accurately determine what and who is “big” and “small.” In our unredeemed world, we are misled by external appearances and impressions.  We afford significance and give honor to people who are wealthy, exceptionally talented, powerful or influential, rather than to those who are moral, humble and righteous. We are impressed and inspired by externally imposing figures, rather than by those who humbly and quietly live lives of substantive meaning and purpose. In the future, our perspective will be refined and reshaped, and we will be able to assess people and things accurately. The “sun” and the “moon,” those who had appeared grand and special, will be revealed to be no better than anybody else, and the small, humble “stars” will be revealed in all their glory.

The Midrash teaches that our greatest wish and aspiration should be not to shine like the sun and the moon, but rather to shine like the stars.  We should strive not to appear large and grandiose like the sun and the moon, but rather to humbly fulfill our role and mission in this world like the stars. People who “shine” with the intensity and magnificence of the sun are, in many cases, not quite as truly impressive as they appear. We should aspire to shine like the stars, to quietly and humbly serve our individual roles which we feel we need to serve in this world, and we will then never have to fear being “shamed” by our grandiose “shine” being exposed as superficial.

Friday

The *haftara* read on the Shabbat preceding Tisha B’Av is the opening chapter of Sefer Yeshayahu, in which the prophet excoriates the people of his time for their severe moral failings. As he introduces his harsh condemnation, Yeshayahu – in the name of God – laments, “An ox knows its possessor, and a donkey, its owner’s trough; but Israel does not know, My nation has not understood” (1:3). Yeshayahu bemoans the fact that whereas animals are instinctively loyal to their owners who feed them and care for them, *Benei Yisrael* have been disloyal to God.

This analogy, at first glance, seems unfair to *Benei Yisrael*. Beasts such as oxen and donkeys are naturally capable of domestication, and fulfill their owners’ wishes by sheer instinct. Can the same be said about fealty to God’s laws? Can God really expect the same kind of devotion on the part of *Benei Yisrael* as animals show to their owners by force of their natural, ingrained instincts?

One answer, perhaps, emerges from the content of the prophecy that this verse introduces. In this prophecy, Yeshayahu condemns *Benei Yisrael* for being passionate about sacrificial offerings in the *Beit Ha-mikdash*, but entirely indifferent to basic, elementary morals. He accuses them of bloodshed (1:15,21)), of ignoring the plight of orphans and widows (1:17), and of using counterfeit money and selling defective merchandise (1:22), and he describes their leaders as thieves (1:23). The picture he depicts is one of utterly distorted values and priorities, of people excitedly offering expensive sacrifices to God, thus feeling spiritually fulfilled and pious, while then lying and cheating to one another and disregarding the cries of the underprivileged. The people of this era, it seems, felt they could be holy without being ethical, that they could earn God’s favor through their sacred endeavors while violating the most basic, elementary standards of ethics and morality.

As this is the message clearly being communicated by this prophecy, we can perhaps suggest a new explanation for the analogy to domesticated animals’ instinctive loyalty to their owners. Yeshayahu is precisely condemning the people for ignoring basic, intuitive rules of ethics while pursuing lofty spiritual achievements. He teaches that honesty and decency are ingrained within the human being’s natural, intuitive sense of morality, that treating people with dignity and caring for the needy are as instinctive to human beings as eating from the owner’s trough is to a donkey. Yeshayahu’s point is precisely that *Am Yisrael* were acting in opposition to the human ethical instinct, that their spiritual aspirations perversely led them to violate their intuitive moral sensibilities, rather than enhance and refine them.

Amidst his scathing censure of the people’s corruption, Yeshayahu compares them to the cities of Sedom and Amora (1:10). These cities, of course, were destroyed centuries earlier, in the time of Avraham, because of their iniquity. The prophet Yechezkel (16:49) states explicitly that these cities’ sin was disregarding the plight of the needy. Midrashic sources describe at length Sedom’s ideological objection to hospitality and charity, and the Torah itself tells of the townspeople’s furious reaction when one resident – Lot – dared welcome two guests (Bereishit 19). Charity is not included in the Seven Noachide Laws, and no explicit directive from God was ever given demanding that people welcome weary travelers or feed hungry paupers. This universal requirement stems from our intuitive human sense of decency and compassion, and thus Sedom and Amora were destroyed despite their never having received an explicit command to help the needy. Yeshayahu invokes this precedent in his condemnation of *Benei Yisrael*’s distorted sense of piety, emphasizing that there can be no piety without first adhering to elementary, intuitive standards of decency.

This chapter was chosen as the prophecy to be read and studied before Tisha B’Av, perhaps to instruct that as we look to improve ourselves so we become worthy of redemption, we must first address the basics. Before we try elevating ourselves to exalted levels of holiness, we need to first establish a firm foundation of elementary morals and ethics. Of course, the process of repentance and growth must not end there, but this is where it absolutely must begin. Only once we adhere to the basic principles of integrity and sensitivity are we then prepared to advance and set for ourselves lofty spiritual goals.

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