

# *Small Tastings of Torah, Judaism and Spirituality*

From Rav Binny Freedman

## **(Portion of Va'etchanan)**

*Lebanon was a most unlikely place for a halachic discourse (a dialogue involving a complex legal question of Jewish tradition), but that had never stopped Dani before, and this was no exception.*

*Anyone who ever served in Lebanon, particularly in the springtime, would be familiar with the beautiful cherry orchards that dotted the countryside, and this was equally true for the area that Dani's unit was patrolling. Ripe on the trees, no fruit ever tasted as sweet to me as the cherries you could pick and savor from the trees that dotted the area of Lebanese no-man's land the IDF patrolled in the spring of 1984. During the long hours of patrol, the fruit offered a brief respite from the grueling duties Israeli soldiers had to shoulder day by day.*

*But to Dani, the readily available fruit presented an entirely different image, or rather, a challenge. Whose fruit were these? Where were the Arab owners who had planted and maintained these orchards in years past? Undeterred by his fellow soldier's skeptical responses, Dani began to wonder whether this fruit which was so readily available was in fact permissible to be taken, given that the owners, albeit non-Jewish, might still own these orchards and may never have given up hope of harvesting the fruit despite their being situated in a war zone.*

*So, against all the odds, in an age before anyone had even considered the possibility of cell phones, Dani managed to get an army phone line, and, rather than use it to call his family in Jerusalem, instead tracked down his Rosh yeshiva (the Rabbinic head of his yeshiva, or institute for higher Jewish learning) Rav Amital, to ask him whether it was indeed permissible to partake of this fruit.*

*While I will always wonder what Rav Amital's initial reaction was to such a question being asked by a soldier in Lebanon, (was he shocked? amazed? filled with pride?) his response was unequivocal: it was in fact forbidden to partake of such fruit as the owners might legitimately still retain ownership; eating that fruit, suggested Rav Amital, was indeed theft, pure and simple. After hearing Rav Amital's response to his query, Dani then made it his mission to ensure that all of the soldiers in his unit knew that the cherries were 'unkosher' and that picking them was an act of theft, and from that day forward when his unit was on patrol, the cherries stayed on the trees.*

*Three days later, on the 19th of Adar (in March 1984), Dani, whose pure virtue and intense love of Torah when we studied together in yeshiva had been both an inspiration and a beacon to me, was killed (along with Dudi Cohen) at the Kasmieh bridge in Lebanon.*

*Putting aside how incredible it is that an entire army unit on patrol in Lebanon agreed not to pick fruit in no-man's land simply because they might be stealing from unknown Arab owners, one wonders how a boy in such an unlikely environment as an army unit at war, would even concern himself with such seemingly mundane questions....*

How indeed does one maintain a sense of ethics in such unlikely environments, and how important is the nature of one's environment in the face of the ethical challenges we so often encounter in the day-to-day of life?

This week's portion, **Vaetchanan**, always read on the Shabbat after *Tisha B'av* (the anniversary of the destruction of both Temples), may contain a most unlikely response to this question.

"*Az yavdil Moshe shalosh arim be'ever ha'Yarden mizracha shamesh.*"

"*Then did Moshe set aside three cities east of the Jordan (river).*" (Devarim (Deut.) 4:41)

Seemingly out of the blue, with no obvious connection to the events being discussed, Moshe suddenly decides to set aside three cities on the Eastern side of the Jordan River, in the lands of the tribes of Reuven and Gad (and eventually half of the tribe of Menashe).

These three cities, known as *Arei Miklat*, or cities of refuge, were in fact parallel to three additional cities of refuge that would eventually be set aside on the Western side of the Jordan River (in Israel proper) after the conquest of the Land of Israel in the time of Joshua.

The purpose of these cities as delineated by the subsequent verses here in our portion, were to afford a place of shelter to men guilty of manslaughter (accidental murder) fleeing from their victims' blood relatives.

What purpose does the fulfillment of this mitzvah, commanded by G-d as part of the settling of the land and the creation of a just society, have here in the midst of Moshe's narrative to the Jewish people on the banks of the Jordan as they are about to enter the land of Israel?

Indeed, this puzzling insertion begs a response to a larger issue concerning the nature of Moshe's long narrative that has occupied the entire previous four chapters (since the beginning of the book of Devarim).

Jewish tradition suggests that the purpose of Moshe's long soliloquy to the second generation about to enter the land of Israel was to give them reproof (*Tochacha*) on the mistakes they had made in the past perhaps in an effort to ensure they not be repeated in their new venture to create a just and ethical society (a "light unto the nations") in the land of Israel.

Yet, it is interesting to note that this speech seems to be both lacking in content as well as the fact that it is very much out of order!

For example, Moshe chooses to skip entirely (in these first four chapters of Devarim) some of the most significant events in the Jewish people's short history, such as the giving of the Torah at Sinai as well as the sin of the Golden Calf, opting instead to include seemingly less significant events such as the appointing of judges and creation of a judicial system, the journey through the lands of Edom, Amon and Moav and the conquest of the lands of Og, king of the Bashan.

Why does the narrative skip such significant events which occurred in the first year after the Jewish people left Egypt (Sinai, and the Golden Calf) and jump to events which have only just recently occurred (i.e. the conquest of Og in the fortieth year as well as the dialogue with the tribes of Reuven and Gad who prefer to stay on the eastern side of the Jordan), only to return to some of the events (such as the sin of the Golden Calf) later on, in next week's portion (*Ekev*) ?

Yet, some significant events, such as the sin of the spies, are very much a part of this earlier narrative!

Even stranger, is the connection all of this has with the opening of this week's portion (implying it is a critical piece of the narrative): Moshe's desperate pleas, left unanswered, to enter the land of Israel with his people (despite G-d's promise he would not enter due to the mistake he made in dealing with the Jewish people during the episode of the bitter waters of *Merivah*...). Why is it so important, specifically now, for the Jewish people to hear of Moshe's vain attempts to enter the land of Israel which were subsequently refused by G-d?

And, as if we are not yet confused enough, this is then followed by no less than a forty-verse diatribe against the evils of idolatry only to be interrupted by the above mentioned decision to set aside three cities of refuge east of the Jordan River!? Aren't the Jewish people sufficiently familiar with the prohibition of idolatry which features prominently in the Ten Commandments?

What indeed is the purpose of Moshe's long narrative, and how might this help us to understand the nature of its discourse? And why did Moshe 'suddenly' decide to set aside these three cities of refuge?

It is worth noting that the use of the word "**Az**" as in "*Az yavdil Moshe shalosh arim be'ever ha'Yarden ...*" ; "**Then** did Moshe set aside three cities east of the Jordan ..." usually denotes an event that occurs as a result of the preceding narrative. For example, in the song Moshe sings after the splitting of the Red Sea ("*Az yashir Moshe et hashirah hazot...*" "**Then** did Moshe sing this song ..." *Shemot* (Exodus) 15:1 ) the word "**Az**" (then) implies (see **Rashi** there) that when Moshe saw the great miracles of the splitting of the Sea his heart was filled with the desire to sing. What then was the immediate impetus for Moshe's decision to set aside these cities?

**Rav Avigdor Nevensahl** in his *Sichot le'sefer Devarim* makes note of a fascinating comment in **Rashi** which may shed light on this entire discussion.

In the middle of his long speech, Moshe mentions the agreement he came to with the tribes of Reuven and Gad, whose desire to make their homes on the Eastern side of the Jordan River presented somewhat of a quandary for Moshe.

These tribes, recognizing the value of the lush, grazing lands on the eastern slopes of the Jordan river, were quite content to remain there in lieu of entering (and conquering) the rest of the land of Israel.

Just 39 years after the sin of the spies, yet another generation of Jews were apparently willing to forego entry into the Promised Land for (literally) greener pastures. Moshe eventually agrees to their request on the condition that they first leave their families and herds as the spearhead ("*chalutzim*" literally 'the pioneers'...) of the army that would ultimately conquer the land. (See *Bamidbar* (Numbers) Chapter 32).

And now Moshe recalls this discussion, in the midst of his long speech:

*"Va'etzav etchem ba'et ha'hi leimor: Hashem Elokeichem natan lachem et ha'aretz hazot le'rishta'; chalutzim ta'avru lifnei acheichem B'nei Yisrael..."*

*"And I commanded you at that time saying: G-d, your G- d has given you this land to inherit; you shall pass over as the spearhead (in front) before your brethren, the children of Israel...." (Devarim 3:18)*

And Rashi points out in this verse, that Moshe here is actually speaking exclusively to the tribes of Reuven and Gad! Now this is strange; why, in the middle of a speech to the entire Jewish people would Moshe suddenly speak specifically to the tribes of Reuven and Gad? Unless this entire speech; the entire first four chapters of the book of Devarim, while meant for the entire Jewish people to hear, is actually directed specifically to the tribes of Reuven and Gad!

Maybe this entire speech is just one long chance, suggests Rav Nevensahl, to dissuade the tribes of Reuven and Gad from what Moshe still believes is essentially a bad idea! (After all, Rashi does not say Moshe is speaking to the tribes of Reuven and Gad **now**, but just that he is speaking to them!)

Think about it: Reuven and Gad, for all the wrong reasons, have decided to allow the Jordan river to separate them from the rest of the Jewish people, something which Pinchas points out (in *Yehoshua* (book

of Joshua) 24:19) is a very bad idea, as the eastern side of the Jordan river is spiritually inferior to the land of Israel proper.

These tribes, after all, will remain more distant from the Temple and the centers of Torah learning in the land of Israel and in Jerusalem, as well as allowing the river to divide the Jewish people, something that does not seem to have been the original intent of the Jews' journey from Egypt to the land of Israel. Indeed, it may well be this very spiritual danger that leads to the erecting of an altar along the Jordan River (Yehoshua chapter 22) by the tribes.

Indeed, as Moshe points out, the Jewish people are prohibited from conquering their distant cousins, the children of Edom, Amon, and Moav, something which will inevitably result in a society (east of the Jordan) which exists in much closer proximity to (indeed surrounded by...) the idolatrous nations of the East. (Unlike Israel proper where all the Nations must either accept the Noachide laws which preclude idolatry, leave the land, or be destroyed.)

Hence Moshe, in his critique (reproof) of the Jewish people here specifically mentions Israel's willingness to allow for more judges rather than retain a closer relationship with Moshe himself, something which Jewish tradition views as a willingness to compromise with a lower, and yet more convenient, spiritual level. This of course is precisely the issue of the tribes of Reuven and Gad, who are willing to settle for a lower spiritual environment on the Eastern banks of the Jordan, simply because the grazing land is better and the conquest is already complete.

This is why the sin of the spies which was all about the desire to remain comfortable (albeit spiritually) in the desert, is included in this speech, whereas the sin of the Golden Calf and receiving the Torah at Sinai are omitted at this point, because they represent a completely different issue.

And this is why Moshe spends so much time exhorting them as to the evils and pitfalls of idolatry, precisely because this is the main reason he feels they should relent and cross over the Jordan with everyone else.

Now we understand why Moshe's burning desire to enter the land of Israel is part of this narrative: because that is the entire point! 'Look', says Moshe, 'how much I longed to enter the land of Israel, and here you are able to go and yet choose to stay in the East!!'

It may even be the reason Moshe's deal with these tribes is that at the very least they should be spearheading the army conquering the land.

This cannot be because the army 'needs' these tribes; after all, if it is Hashem's will that the Jewish people conquer the land of Israel, then the land will be conquered with or without the tribes of Reuven and Gad! Clearly, they are made to agree to be a part of conquering the land because they need this for themselves! And while it may be that this condition is as much a message of Jewish unity, it may also be that by giving that much to something, these tribes may yet fall in love with the land and choose to remain! (After all, the more you give to something, the more you fall in love with it, and the tribes of Reuven and Gad end up fighting alongside their Jewish brethren for fourteen long years before they are able to cross back over to the eastern part of the Jordan valley....)

However, as much as Moshe tries, the tribes of Reuven and Gad do not respond as Moshe had hoped: there is no massive decision to leave the eastern lands they lust for and settle in Israel along with the rest of the Jewish people. And it is at this point, when Moshe realizes they will indeed settle these eastern lands that Moshe realizes there will need to be cities of refuge on the Eastern banks of the Jordan as well. Given that a mitzvah is best done immediately, he immediately fulfills this mitzvah by setting these cities

aside even though they will not effectively be cities of refuge until the conquest of Israel proper allows the three western cities of refuge to be set up as well.

Perhaps these cities of refuge themselves are an allusion to the great dangers of idolatry, whose ultimate consequence is indeed exile....

Once this is all apparent, Moshe returns to speaking to the entire Jewish people and returns to those events that apply equally to all the tribes, such as the sin of the Golden Calf etc....

Ultimately, the land of Israel, and the Torah's desire for us to be here, is all about creating the right environment. And if our mission to be a light unto the nations necessitates the creation of an ethical and holy society, then creating the right environment for that is essential to its ultimate success.

We are a blessed generation, and we live in incredible times. After two millennium of suffering and wandering, Jews today enjoy unprecedented rights, and one can find Jewish communities all over the world where Jews live happily and even safely amongst their non-Jewish neighbors with equal rights and protection under the law.

Just walk into the Beit Midrash (study hall) of Yeshiva University or Lakewood, or try and choose which kosher restaurant to visit in Manhattan, Miami or Los Angeles, never mind trying to decide which Jewish day school your children should attend and you cannot help appreciating how fortunate we truly are, just eighty years after our parents and grandparents were hunted in the sewers of Warsaw and Kovno....

But make no mistake about it: our home as a people is not in Teaneck or Woodmere, and as long as Jews live in a Christian society, in communities immersed in the spiritual desert that Western society seems to inevitably produce, we will never achieve all that the Jewish people has dreamed of for nigh on four thousand years.

Creating a spiritual and ethical environment which allows for Jewish ethics and spirituality to flourish is a lot of work. And while it certainly begins with the decisions each of us makes in our everyday lives to create moments of spiritual and ethical immersion wherever we are and whatever we are doing, (even on patrol in Lebanon), the ultimate goal of the Jewish journey remains here, in the alleyways of Jerusalem and the mountains and streams of Israel. And even though one can find plenty of 'New York and Los Angeles' walking down a street in Jerusalem Tel Aviv or Haifa (which just means we still have a lot of work to do...) there is something here, in the air, that a Jew cannot find anywhere else.

Perhaps this is why this portion is always read on the Shabbat after Tisha B'Av. After three weeks of mourning over what we lost two thousand years ago, maybe it is time, at last, as a people, to start thinking about how we rebuild it together, visitor by visitor, immigrant by immigrant, and maybe one day soon even community by community, here, at home, in the land of Israel.

Best wishes for a Shabbat Shalom,

Binny Freedman