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Tzedek: Justice and Compassion

As Moses begins his great closing addresses to the next generation, he turns to a subject that dominates the last of the Mosaic books, namely justice:

I instructed your judges at that time as follows: "Listen to your fellow men, and decide justly [tzedek] between each man and his brother or a stranger. You shall not be partial in judgment. Listen to great and small alike. Fear no one, for judgment belongs to God. Any matter that is too difficult for you, bring to me and I will hear it."

Tzedek, "justice", is a key word in the book of Devarim - most famously in the verse:

Justice, justice you shall pursue, so that you may thrive and occupy the land that the Lord your God is giving you. (Deut. 16:20)

The distribution of the word *tzedek* and its derivate *tzedakah* in the Five Books of Moses is anything but random. It is overwhelmingly concentrated on the first and last books, Genesis (where it appears 16 times) and Deuteronomy (18 times). In Exodus it occurs only four times and in Leviticus five. All but one of these are concentrated in two chapters: Exodus 23 (where 3 of the 4 occurrences are in two verses, 23: 7-8) and Leviticus 19 (where all 5 incidences are in chapter 19). In Numbers, the word does not appear at all.

This distribution is one of many indications that the Chumash (the Five Books of Moses) is constructed as a chiasmus - a literary unit of the form ABCBA. The structure is this:

- A: Genesis - the prehistory of Israel (the distant past)
- B: Exodus - the journey from Egypt to Mount Sinai
- C: Leviticus - the code of holiness
- B: Numbers - the journey from Mount Sinai to the banks of the Jordan
- A: Deuteronomy - the post-history of Israel (the distant future)

The *leitmotiv* of *tzedek/tzedakah* appears at the key points of this structure - the two outer books of Genesis and Deuteronomy, and the central chapter of the work as a whole, Leviticus 19. Clearly the word is a dominant theme of the Mosaic books as a whole.

What does it mean? *Tzedek/tzedakah* is almost impossible to translate, because of its many shadings of meaning: justice, charity, righteousness, integrity, equity, fairness and innocence. It certainly means more than strictly legal justice, for which the Bible uses words like *mishpat* and *din*. One example illustrates the point:

If a man is poor, you may not go to sleep holding his security. Return it to

him at sun-down, so that he will be able to sleep in his garment and bless you. To you it will be reckoned as tzedakah before the Lord your God. (Deut. 24:12-13)

Tzedakah cannot mean legal justice in this verse. It speaks of a situation in which a poor person has only a single cloak or covering, which he has handed over to the lender as security against a loan. The lender has a legal right to keep the cloak until the loan has been repaid. However, acting on the basis of this right is simply *not the right thing to do*. It ignores the human situation of the poor person, who has nothing else with which to keep warm on a cold night. The point becomes even clearer when we examine the parallel passage in Exodus 22, which states:

If you take your neighbour's cloak as a pledge, return it to him by sunset, because his cloak is the only covering he has for his body. What else will he sleep in? When he cries out to me, I will hear, for I am compassionate. (Ex. 22:25-26)

The same situation which in Deuteronomy is described as *tzedakah*, in Exodus is termed compassion or grace (*chanun*). The late Aryeh Kaplan translated *tzedakah* in Deut. 24 as "charitable merit". It is best rendered as "the right and decent thing to do" or "justice tempered by compassion".

In Judaism, justice - *tzedek* as opposed to *mishpat* - *must be tempered by compassion*. Hence the terrible, tragic irony of Portia's speech in The Merchant of Venice:

*The quality of mercy is not strain'd,
It droppeth as the gentle rain from heaven
Upon the place beneath: it is twice blest;*

It blesseth him that gives and him that takes:

'Tis mightiest in the mightiest: it becomes

The throned monarch better than his crown;

His sceptre shows the force of temporal power,

*The attribute to awe and majesty,
Wherein doth sit the dread and fear of kings;*

*But mercy is above this sceptred sway;
It is enthroned in the hearts of kings,
It is an attribute to God himself;*

And earthly power doth then show likest God's

*When mercy seasons justice.
Therefore, Jew,*

Though justice be thy plea, consider this,

That, in the course of justice, none of us

Should see salvation: we do pray for mercy;

And that same prayer doth teach us all to render

The deeds of mercy. I have spoke thus much

To mitigate the justice of thy plea ...

Shakespeare is here expressing the medieval stereotype of Christian mercy (Portia) as against Jewish justice (Shylock). He entirely fails to realize - how could he, given the prevailing culture - that "justice" and "mercy" are not opposites in Hebrew but are bonded together in a single word, *tzedek* or *tzedakah*. To add to the irony, the very language and imagery of Portia's speech ("It droppeth as the gentle rain from heaven") is taken from Deuteronomy:

*May my teaching drop as the rain,
my speech distill as the dew,
like gentle rain upon the tender grass,
and like showers upon the herb ...
The Rock, his work is perfect,*

*for all his ways are justice.
A God of faithfulness and without
iniquity,
just and upright is he. (Deut. 32: 2-4)*

The false contrast between Jew and Christian in The Merchant of Venice is eloquent testimony to the cruel misrepresentation of Judaism in Christian theology until recent times.

Why then is justice so central to Judaism? Because it is impartial. Law as envisaged by the Torah makes no distinction between rich and poor, powerful and powerless, home born or stranger. Equality before the law is the translation into human terms of equality before God. Time and again the Torah insists that justice is not a human artefact: "Fear no one, for judgment belongs to God." Because it belongs to God, it must never be compromised - by fear, bribery, or favouritism. It is an inescapable duty, an inalienable right.

Judaism is a religion of love: You shall love the Lord your God; you shall love your neighbour as yourself; you shall love the stranger. But it is also a religion of justice, for without justice, love corrupts (who would not bend the rules, if he could, to favour those he loves?). It is also a religion of compassion, for without compassion law itself can generate inequity. Justice plus compassion equals *tzedek*, the first precondition of a decent society.



The Price of Hatred

It is often quoted in the name of Rabbi Abraham Isaac Kook that just as the Temple was destroyed due to baseless hatred, it will be rebuilt due to baseless love. While this teaching sounds simple, it is in fact highly nuanced, and deserves more serious consideration.

The image that comes to mind when we hear the words "baseless hatred" is usually one of rampant, wanton violence, yet the precise definition of the Hebrew phrase "sin'at hinam" leads us in a different direction altogether. The word hinam is more accurately translated as "free of charge" or "at no cost" in a monetary sense. Rather than hatred for no reason whatsoever, it implies hatred for which the price is somehow incongruous or out of balance. The problem is not that we dislike people for no reason; generally, we all feel we have very good reasons to dislike the people we do. We may have been hurt, insulted, or, worst of all, ignored, and we develop a healthy animus toward the offender as we defend ourselves and our tattered egos. The problem is that more often than not, our response is not proportional: We "overcharge" for these real or perceived wrongs. The price is not right; we pay back with interest, and, as we all know, the Torah prohibits usury.

If we were to be honest with ourselves, we would be forced to recognize that at times the other person had no intention to hurt. Our own insecurity and emotional fragility lead us to interpret the behavior or speech of others as malicious, even when no such malice was intended.

Here, then, is the dilemma: When Rav Kook's teaching is understood as an admonishment against baseless hatred, most of us can, with absolute honesty, categorically state that we are innocent. On the other hand, when we reframe the question and ask instead if we have ever overreacted, if we are guilty of

exaggerated responses to real or perceived slights, I am afraid that many of us can answer in the affirmative. We are, in fact, quite guilty, but we are blind to our own malevolence, simply because we think the other person has earned every bit of it. Whatever hatred we have for them is not "free."

As far as the "baseless love" (and not "free love," which conjures up a completely different set of issues), we are taught by Rav Kook to love others even though they are undeserving. But is this the case? Are we not commanded to love our neighbor as ourselves? Our love for others is not "free" or baseless; it is grounded in the knowledge that every person is created in the image of God, and every Jew is a unique part of our collective, a beautiful piece in the mosaic of our peoplehood. By what right do we imagine that the love and support we should be giving is unwarranted or free? This other person is my brother, sister or cousin too-many-times removed. I am obligated by Jewish law to love and care for him, to worry about her and constantly consider how I can improve her life, to pray for each and every other Jew. They are me, and we are one.

And therein lies the rub: We have somehow learned to convince ourselves that the hatred we feel is well-deserved, while the love we are obligated to feel and express is unearned and is given to the undeserving. Undoubtedly, this is what Rav Kook truly intended to convey.

Judaism teaches us to see our world from God's perspective as well as our own. While we justify our hatred of others by focusing on the wrongs they have committed, from God's higher vantage point, our hatred for others is *sinat hinam* - unearned, disproportionate, high-interest payback. While we consider our acts of kindness or gestures of love free and unearned, we are, in fact, fulfilling a very specific obligation to love and care for them.

This dual perspective is discernable in this week's parasha: Moshe recalls the episode of

the spies and recounts:

And you grumbled in your tents, and said, 'God brought us out of the land of Egypt because He hated us...'
(Deuteronomy 1:27)

Rashi points out what should be obvious to us: Quite the opposite was the case. "He loved you, but you hated Him..."

Here we have the core of *sin'at hinam* - groundless hatred: Lonely, frightened man, controlled by his own insecurity, is unable to feel God's love. In a knee-jerk reaction, he lashes out, with hatred that is both baseless and unearned, projecting this hatred back onto God.

Humankind is a strange species, capable of love yet afraid to love. We fail to consider the true nature of love as our greatest natural resource, which grows exponentially the more it is "used." Why are we so stingy in sharing it with others?

"If we were destroyed, and the world with us, due to baseless hatred, then we shall rebuild ourselves, and the world with us, with baseless love." (Rabbi Abraham Isaac Kook, *Orot HaKodesh* vol. 3, p. 324)

For a more in-depth analysis see: <http://arikahn.blogspot.co.il/2014/07/essays-and-audio-shiurim-dvarim-and.html>



Children Are a Gift

The Jewish People, Rashi informs us, were not very happy with the blessing Moshe gave them. “May God, the Lord of your fathers,” he had said, “add a thousandfold more like you and bless you as He spoke to you.”

“Only that and no more?” the people responded. “Is that the full extent of your blessing? Hashem blessed us (Bereishis 32:13) to be ‘like the dust of the earth that is too numerous to count.’”

“You will surely get the blessing Hashem gave you,” Moshe replied. “This is just my own personal blessing to you.”

What exactly was Moshe’s reply? What additional benefit would the Jewish people derive from his blessing of a thousandfold increase if they were already receiving Hashem’s blessing of virtually limitless increase?

The Chasam Sofer explains that Moshe was testing them. Why did they want children? Was it because children were useful, because they help carry the household burden, provide companionship and are a source of security in old age? Or is it because each child is a spark of the Divine, a priceless gift from Heaven, a piece of the World to Come?

So Moshe gave the Jewish people a test. He blessed them with a “thousandfold” increase in their population. If they had wanted children for their usefulness alone, they would have said, “Thank you, but that’s enough already! A thousandfold will suit our purposes just fine. We have no use for any more right now.” But that was not what they said. They wanted more children. They wanted children “too numerous to count.” Obviously, they were not thinking about their own material and emotional needs, but about the transcendent blessing that each child represents, and so, they proved themselves worthy of Hashem’s

blessing.

Hundreds of years earlier, these two conflicting attitudes toward children had already become an issue. Yaakov and Eisav had made a division. Eisav was to take this world, and Yaakov was to take the World to Come. When Yaakov came back from Aram, Eisav welcomed him at the head of an army four hundred men strong. In the tense early minutes of the confrontation, Eisav noticed Yaakov’s many children.

“Who are these children?” Eisav asked.

“These are the children,” Yaakov replied, “that Hashem graciously gave to your servant.”

The *Pirkei d’Rabbi Eliezer* expands the dialogue between Yaakov and Eisav and reveals the underlying argument.

“What are you doing with all these children?” Eisav asked. “I thought we made a division, that I would take this world and you would take the World to Come. So why do you have so many children? What do children have to do with the World to Come? Children are a boon in this world!”

“Not so,” Yaakov responded. “Children are sparks of the Divine. The opportunity to raise a child, to develop a Divine soul to the point where it can enter the World to Come, is a privilege of the highest spiritual worth. That is why I have children.”

Yaakov wants children for their own sake, but Eisav views them as an asset in this world. Children are an extra pair of hands on the farm. They can milk the cows and help with many other chores that need to be done in agrarian societies.

Modern man has progressed beyond agrarian life. He has moved off the farm and does not have such a need for children anymore. In fact, he has made a startling discovery. Children are

a tremendous burden. They are expensive, time consuming and exasperating. Who needs children?

But what about companionship? Loneliness? No problem. Modern man can get a dog. Dogs are wonderful. Instead of coming home to a house full of clamoring, demanding, frustrating children, he can come home to an adoring, tail-wagging dog who will run to bring him his slippers and newspaper. So why does he need children? This is the attitude of Eisav adapted to modern times.

Yaakov, on the other hand, understands that the purpose of children is not for enjoying this world or for making our lives easier. Each child represents a spiritual mission, a spark of the Divine entrusted to our care and our guidance, an opportunity to fulfill Hashem's desire to have this soul brought to the World to Come.



When Victory Is Assured

Greetings from the holy city of Jerusalem!

This week we begin Deuteronomy, the last Book of the Torah, consisting of Moses's final words to the Jewish people before they enter the Land of Israel. In this week's parsha, Moses recalls certain infamous events of the previous 40 years, such as the incident with the spies. He repeats the words he spoke to the people at that time: "The Lord your God, has given (*"natan"*) the land to you. Go up and inherit it"

(Deut. 1:21).

This verse presents a few technical difficulties. First, why does Moses say that God has already given the land to the Jewish people? The Jews have not yet entered Israel, and thus have not officially taken possession of it. Why, then, is the verb "to give" in the past tense (*"natan"*)? Furthermore, why does Moses say, "Go up and inherit [the land]" if he knows that the Jews will have to wage war before inheriting it? It seems that Moses should have said, "Go up and wage war"!

We could suggest a way of understanding the upcoming war based on the words Moses spoke to the nation immediately before the Splitting of the Sea: "God will wage war for you" (Exodus 14:14). When God promises to wage war for the Jewish people, there is no doubt as to the outcome. Therefore, even though the people are now facing an imminent battle, it is a battle that God has commanded them to fight, so it is already considered a victory.

This explains Moses's statement, "God... has given the land to you." The land is essentially already in the possession of the Jewish people, even though they have yet to go to war against the Canaanite nations. This also explains why Moses says, "Go up and inherit [the land]." If the war is as good as won, the Jews have only to inherit the land that God has promised them. Perhaps this is why Moses concludes the verse by saying, "Do not be afraid." The outcome of the battle is guaranteed; there is nothing to be nervous about.

A support to this interpretation appears later in the parsha, when Moses recalls the battle the Jewish people waged against Sichon, the Amorite king (Deut. 2:31-34). First, God told Moses, "Go and inherit [Sichon's] land" (Deut. 2:31). Then Sichon's army attacked the Jewish forces (Deut. 2:32), after which God gave the Jews the victory (2:33). The order of these

verses illustrates our point. The Jewish people began to possess Sichon's territory even before Sichon attacked! When God does battle for us, victory is assured from the outset.

human being, living in harmony, and serving God together.

HOPE OF ISRAEL

At the end of the war against Sichon, the Jewish people utterly destroyed all of Sichon's cities, along with the men, women and children (Deut. 2:34). The word used for "men" in this verse is "*m'tim*," a very unusual term. Why does Moses use this word rather than the more common term "*anashim*"?

We could suggest that the word "*m'tim*" be read as "*maitim*," meaning "dead people." In other words, when the Jewish forces captured Sichon's cities, the inhabitants were already considered "dead." This hint in the text emphasizes that God's promise guarantees the ultimate outcome.

Maimonides explains at length that this is the Jewish perspective on every war we fight: "When the Jewish people enter into war, we rely on the Hope of Israel and its Savior [God], the One who redeems us from distressing times, and we know that we are waging war for the unification of God's Name. Place your soul in His hand and do not be afraid or panic... Anyone who wages war with all his heart and without fear, with the sole intention of sanctifying God's Name, will have no harm come to him and no evil will befall him..." (Hilchot Melachim, 7:15).

The Book of Deuteronomy is also called "Mishneh Torah," implying a repetition of previous events. Similarly, Jewish history repeats itself. We don't know how current events in the Land of Israel will continue to unfold, but we know that, throughout the ages, Jews have put our trust in God that we will be victorious.

May we all merit to witness the peace that comes from loving and respecting every