YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**STUDENT SUMMARIES OF Sichot of the Roshei Yeshiva**

**Parashat Chukat**

**Sicha of HarAV Mosheh Lichtenstein**

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Dedicated in memory of Yitele bat Nathan Hacohenz”l

whose yahrtzeit is 11 Tammuz

By Family Rueff

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**Study Is Greater, For Study Leads to Action**

Summarized by Aviad Brestel

Translated by David Strauss

Our *parasha* records the song of the well:

Then sang Israel this song: Spring up, O well, sing you to it. The well, which the princes dug, which the nobles of the people delved, with the scepter, and with their staves. And from the wilderness to Matana; and from Matana to Nachaliel; and from Nachaliel to Bamot; and from Bamot to the valley that is in the field of Moav by the top of Pisga, which looks down upon the desert. (*Bamidbar* 21:17-20)

*Midrash Rabba* (ad loc.) states that there were three things that Moshe "taught" to God and God accepted from him:

Another explanation: "Then sang Israel" – This is one of the three things that Moshe said before the Holy One, blessed be He, and God said [back] to him: You have taught Me.

He said before Him: Master of the universe, from where do Israel know what they did [was wrong]? Did they not grow up in Egypt, and all of Egypt were idolaters? And when You gave the Torah, You did not give it to them, and they were not even standing there, as it is stated: "And the people stood afar off" (*Shemot* 20:17). And You gave it only to me, as it is stated: "And He said to Moshe: Come up to the Lord" (*Shemot* 20:1). And when You gave the statements [the Ten Commandments], You did not give [them] to them. You did not say: "I am the Lord Your (plural) God," but rather: "I am the Lord your (singular) God" (*Shemot* 20:1). You said it to me. Did I sin? The Holy One, blessed be He, said to him: By your life, you have spoken well. You have taught Me. From now on, I will say: "I am the Lord your (plural) God."

The second is when the Holy One, blessed be He, said to him: "Visiting the iniquity of the fathers upon the children" (*Shemot* 20:4), Moshe said: Master of the universe, how many evildoers fathered righteous ones. Should they be removed for the iniquities of their fathers? Terach was an idol worshipper, but his son Avraham was righteous. And similarly Chizkiya was righteous, whereas his father Achaz was an evildoer. And similarly Yoshiya was righteous, while his father Amon was a evildoer. Is it proper that the righteous should be struck for the iniquities of their fathers? The Holy One, blessed be He, said to him: You have taught Me. By your life, I will nullify My words and preserve your words, as it is stated: "The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers" (*Devarim* 24:16). And by your life, I will write [these words] in your name, as it is stated: "According to that which is written in the book of the law of Moshe, which God commanded, [The fathers shall not be put to death for the children" (II *Melakhim* 14:6).

The third one is when the Holy One, blessed be He, said to him: Wage war against Sichon; even if he does not want to fight you, wage war against him, as it is stated: "Rise you up, take your journey, and pass over the valley of Arnon" (*Devarim* 2:24). But Moshe did not do that. What is written above: "And I sent messengers" (*Devarim* 2:26). The Holy One, blessed be He, said to him: By your life, I will nullify My words, and preserve your words, as it is stated: "When you draw near to a city to fight against it, then proclaim peace to it" (*Devarim* 20:10).

This is an exceedingly daring Midrash that is filled with difficulty. How is it possible that Moshe will teach God something; surely He is all-knowing?

A Midrash on the verse, "Justice, justice you shall pursue" (*Devarim* 16:20), teaches that there is heavenly, Divine justice and earthly, human justice*.* This seems to be the key to solving our question. Moshe disagreed not about the correctness of God's words per se as theoretical ideas, but about their application in the world of human action. We will briefly review the various examples given in the Midrash:

First, the world of absolute truths dictates "I am the Lord your God" in the singular, for the addressee is the entire people as a single entity. Moshe, of course, agrees with this, but he claims that in practice, this creates an educational problem, and therefore it is preferable to say, "I am the Lord your God" in the plural. Otherwise, the people are liable to understand that the command is directed at Moshe alone. God agrees with this position, and accepts the human perspective.

Similarly, it is in fact appropriate to visit the iniquities of the fathers upon the sons. However, such a situation can cause a psychological problem. People born to evil parents may despair, since they start out in an inferior position, which is why Moshe argues that punishing children for the sins of their parents should not be carried out in practice. God agrees to this as well, and accepts the human point of view.

The same is true regarding the third example, relating to Sichon. Sichon was a cruel and tyrannical ruler who conquered territories indiscriminately. In terms of the pure truth, it would have served him right for the people of Israel to wage war against him, but Moshe argued that this was liable to lead to an educational-psychological problem. It would have caused the people to think that this was the optimal course of action in all situations, while this, of course, is not the case, for in general, a peaceful solution should be pursued first. Once again, God accepts the human perspective.

From this we can learn a general lesson. A commander, educator or rabbi should be attentive to the needs and problems of his trainees, students and followers. In accordance with this principle, God listens to Moshe's arguments in these cases, and ultimately accepts them.

In this context, there is a gap between Halakha and reality. Rabbi Joseph B. Soloveitchik, in his *Halakhic Man*, writes that halakhic man often occupies himself with the Halakha itself, without demonstrating particular interest in the real world, which he perceives as at best an application of the world of ideas.

When halakhic man comes across a spring bubbling quietly, he already possesses a fixed, a priori relationship with this real phenomenon: the complex of laws regarding the halakhic construct of a spring. The spring is fit for the immersion of a *zav* (a man with a discharge); it may serve as *mei hatat* (waters of expiation); it purifies with flowing water; it does not require a fixed quantity of forty se'ahs, etc. When halakhic man approaches a real spring, he gazes at it and carefully examines its nature. He possesses, a priori, ideal principles and precepts which establish the character of the spring as a halakhic construct, and he uses the statutes for the purpose of determining normative law: does the real spring correspond to the requirements of the ideal Halakha or not? (Rabbi Joseph B. Soloveitchik, *Halakhic Man*, p. 20)

This tension, between the halakhic idea and worldly reality, finds expression in other cases as well. Thus, for example, the Ramban and the *Tosafot* disagree about the exemption from monetary liability granted for damages caused due to circumstances beyond a person's control. The Ramban has a more principled position and makes a clear theoretical distinction. He grants a very limited exemption from payment in cases of circumstances beyond a person's control. In contrast, the *Tosafot* propose a realistic distinction, on the basis of which the monetary exemption in cases of circumstances beyond a person's control is greatly expanded.

Once when we were learning tractate *Bava Kama*, at the end of the term, I invited a friend, an expert on Jewish Law, to speak in the Yeshiva about the application of the various laws that we had studied in contemporary rabbinical courts. He refused to come for fear that our students would be disappointed by the reality. His argument was that in the realm of torts, as opposed to other areas, the gaps between the world of the *beit midrash* and the world of the *beit din* were exceedingly great. In the framework of our discussion, he mentioned the position of the *Tosafot*, but claimed that the position of the Ramban does not exist. He explained that even if such a position exists in the Yeshiva, it could never have been codified as the law, because society cannot exist if it follows it. Other examples of this tension are embodied in certain rules of halakhic decision-making, i.e., pressing circumstances, major loss, and the like. Nevertheless, it should be emphasized that these considerations are not allowances to waive halakha in certain cases, but rather they are internal halakhic considerations.

Thus, there is a long-standing tradition of lenient rulings regarding *agunot*, women who are stuck in their marriages because they cannot obtain a bill of divorce. *Responsa Noda bi-Yehuda* (first series, *Even ha-Ezer* 72)brings several possible justifications for allowing a certain woman to remarry, but when they are all rejected, the woman remains in her forbidden state. It is related that several years later the *Noda bi-Yehuda* went to the woman's grave to ask for forgiveness, even though he was of course right from a halakhic perspective. Another case is brought in *Responsa ha-Rama* (125), regarding an orphan girl who was married on Shabbat. He explains there, after much apologizing, why this is halakhically permitted. From all of this we see the application of the aforementioned perception of tension – the world of halakhic decision-making takes reality into account, but only through halakhic glasses.

In this context, it may be noted that the common understanding of the incident involving Achnai's oven (*Bava Metzia* 59b) is that the conclusion of the story is that the sages of each generation are the final arbiters of the Halakha. Rav Amital, *ztz"l*, had a wonderful explanation of the story. He explained that Achnai's oven was actually an oven that was built piecemeal. It was composed of a pile of unrelated parts. Rabbi Eliezer, on the level of ideas, could not recognize it as a vessel. Only a well-constructed oven could be considered a vessel. In contrast, the Sages argued that we must consider the fact that people relate to it as a vessel and use it as a vessel. The Halakha was decided in accordance with the view of the Sages.

To summarize, it may be argued that Halakha aggravates the friction between the world of ideas and reality. The halakhic idea cannot be fully realized in material reality. Reality is material, and therefore has a built-in flaw. Halakha brings pure ideas into this world and implements them in reality. It is in this context of the essential deficiency of matter that the idea of a red heifer should be understood.

As stated, matter is inherently defective in that it will end in death, which expresses the failure of matter in the most fundamental manner. However, there is a certain repair even of death – the red heifer. The red heifer is matter of the most perfect kind – "a red heifer, faultless, without blemish, and upon which never came a yoke" (*Bamidbar* 19:2). God commands that the repair of the fundamental weakness of matter – death and the impurity of a corpse – can be brought about by way of the most perfect matter. Even in the next world there will be repair of the world of matter, but the red heifer is a repair from within the world of matter. This is the idea of the red heifer.

[This *sicha* was delivered on Shabbat *Parashat Chukat*, 5777.]