**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**PARASHAT HASHAVUA**

**Rav Yishai Jeselsohn**

**Parashat reeh**

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**לע"נ**

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**יהודה פנחס ע"ה בן הרב שרגא פייוועל נ"י**

**כ"ב אב תשכ"ח – י' אב תשע"ב**

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**The Words of the Rabbis**

**I. "That it may go well with you, and with your children after you"**

Observe and hear all these words which I command you, that it may go well with you, and with your children after you, forever, when you do that which is good and right in the eyes of the Lord your God. (*Devarim* 12:28)

This verse concludes the unit in our *parasha* that deals with the laws of eating meat. The Torah describes how it was prohibited in the wilderness to eat "meat of desire," i.e., the meat of a permitted animal that had not been sacrificed, and so the only meat that was permitted to be eaten was from animals that had been offered on the altar. The Torah then describes the changes that will occur after the people enter the land and their territory expands. On the one hand, "meat of desire" will be permitted; on the other hand, sacrifices will be permitted only in the Temple, and not wherever one happens to be as they were in the wilderness.

The concluding words of this passage are surprising: Is it the case that simply by virtue of offering our sacrifices in a particular place, God will be good to us and to our children forever? Why is there such great praise and reward for the performance of a relatively simple mitzva?

It may be suggested that this verse is not actually about a particular reward for the specific mitzva just discussed, but rather relates to the entire Torah and teaches that a person who observes the Torah will be blessed. However, if that is the case, we must address a different question: Why does this general commandment appear specifically in this place?

As he often does, the *Or Ha-Chaim* explains our verse after raising a number of other difficulties with its wording:

1. “Observe and hear” – it is difficult, for it should have said "hear and observe"; why did the Torah place observance before hearing?
2. Furthermore, what are the words "*et*" (the) and *"kol*" (all) meant to include? [“*Shemor ve-shamata et kol ha-devarim ha-eileh*…”]
3. Furthermore, why is this the only verse in which Moshe speaks about the well-being of children due to their parents' observance of the commandments?
4. Furthermore, it is necessary to know: That which he says, "when you do that which is good," which appears to be offering a reason for "that it may go well with you" – did he not already state: "Observe and hear… *that it may go well with you*"? Behold, [he has already indicated] that the aforementioned good is a reward for the observing and hearing mentioned earlier. (*Or Ha-Chaim*, *Devarim* 12:28)

The first difficulty relates to the order of the words in the verse: why does observing precede hearing? We are all familiar with Israel's response to God: "We will do and we will hear" (*Shemot* 24:7). This response comes to express Israel's dedication to "blind" obedience to God, without conditions or questions. But what is the meaning of the precedence given to observance in our verse? Surely regarding the performance of the *mitzvot*, as opposed to their acceptance, it is clear that one must first hear them, and only then can one observe them!

The second question deals with derivations from the verses. Both the word "*et*" and the word "*kol*" are often interpreted as alluding to something beyond what is written explicitly in the verse. Thus, one must ask: What do these words come to teach in our verse?

The last two questions relate to the mention of reward: "that it may go well with you, and with your children after you, forever." One may ask: Why is the reward *here* expanded to the children, and not restricted to the one who fulfills the mitzva? Moreover, the verse offers two reasons for the reward: first at the beginning of the verse, "observe and hear… that it may go well…"; and then at the end of the verse, "when you do that which is good and right." Which of the two is the main reason?

**II. Rabbinic Innovations**

The *Or Ha-Chaim* offers several ways to understand what the verse comes to teach us, and the nature of the observing and hearing of which it speaks. We will focus on the first explanation:

Moshe commands here regarding two separate things:

1) [to observe and to listen to] the Torah and the various commandments that had already been made know to the Israelites;

2) that the Rabbis would decree and innovate "fences."

Concerning the Torah and the commandments written therein, which were already known, Moshe said "observe"; and concerning matters that our Rabbis of blessed memory would innovate, he said "and hear," that it would be necessary to accept all their decrees and fences. (*Or Ha-Chaim*, ibid.)

Here, the *Or Ha-Chaim* chooses to understand the verse as reinforcing the mitzvato listen to the words of the Sages – a mitzva which the Gemara in tractate *Shabbat* establishes as an explicit Biblical command. The Gemara there discusses the blessing recited when lighting Chanuka candles, and asks how it is possible to say "and He has commanded us," when the mitzvaof lighting Chanuka candles does not appear in the Torah and indeed the entire observance of the days of Chanuka began after the time of the Torah and stems from a Rabbinic decree. The Gemara answers as follows:

Rav Chiyya bar Ashi said: He who lights the Chanuka lamp must pronounce a blessing… What blessing is uttered? He blesses: “who sanctified us by His commandments and commanded us to kindle the light of Chanuka.” And where did He command us? R. Aviya said: [It follows] from: "You shall not turn aside [from the matter which they shall declare to you]" (*Devarim* 17:11). Rav Nechemya said: "Ask your father, and he will declare to you; your elders, and they will tell you" (*Devarim* 32:7). (*Shabbat* 23a)

The Gemara cites two verses from the Torah that indicate the need to listen to the words of the Sages. The first appears in *Parashat Shoftim*:

And you shall come to the priests the Levites, and to the judge that shall be in those days; and you shall inquire; and they shall declare to you the matter of judgment. And you shall do according to the matter which they shall declare to you from that place which the Lord shall choose; and you shall observe to do according to all that they shall teach you. According to the law which they shall teach you, and according to the judgment which they shall tell you, you shall do; you shall not turn aside, from the matter which they shall declare to you, to the right or to the left. (*Devarim* 17:9-11).

And the second appears in *Parashat Ha'azinu*:

Remember the days of old, consider the years of many generations; ask your father, and he will declare to you, your elders, and they will tell you. (*Devarim* 32:7)

In our verse, the mitzvais brought as an allusion. The main new point being conveyed, according to the plain meaning of the verse, is the great reward that awaits one who keeps the Torah. However, based on the seemingly extraneous term, "and hear," the *Or Ha-Chaim* explains that the verse also contains a reference to the mitzvato listen to the words of the Sages. After all, if one observes the Torah's commandments, he has clearly heard them! Therefore, the *Or Ha-Chaim* concludes that the “hearing” here refers to something else – namely, listening to the words of the Sages.

Why is it specifically with regard to the words of the Sages that emphasis is placed on the importance of hearing? First, because by the nature of things, and in contrast to the words of the Torah, Rabbinic *mitzvot* are subject to changes and updates, and therefore they call for additional listening. In addition, again in contrast to the words of the Torah – regarding which importance is attached to the commanded actions themselves – with respect to the words of the Sages, the situation is slightly different, as we will see.

There is a famous ruling by Rabbi Yaakov of Lisa, the author of *Netivot ha-Mishpat*, which is often cited as fundamental for understanding the nature of the words of the Sages.

The Mishna in tractate *Bekhorot* (5:6) records the following *halakha* in the laws of buying and selling: If one sold a slaughtered cow to another person (for eating), and it turned out that the animal was a *treifa* and therefore forbidden to be eaten, the buyer can cancel the sale and demand reimbursement. The *Shulchan Arukh*, following the Rambam, rules that this applies only when the meat was forbidden by Torah law, but not when it was forbidden only by Rabbinic decree:

However, one who sells to his friend something that is prohibited to be eaten by Rabbinic decree, if the food still exists, [the buyer] returns the food and receives his money. If he ate them, then he ate them and the seller does not return anything to him. (*Shulchan Arukh* CM 234:3)

The *Netivot* explains this ruling in the following manner:

And it is possible that even though with regard to Torah prohibitions, even one who eats them inadvertently requires atonement and repentance to protect himself from afflictions, nevertheless, with regard to Rabbinic prohibitions, no atonement is necessary, and it is as if he did not sin. (*Netivot ha-Mishpat*, *Beiurim* 234:3)

According to the *Netivot*, there is a fundamental difference between a Torah prohibition and a Rabbinic prohibition. In the case of a Torah prohibition, when a person inadvertently transgresses the word of God, he needs atonement. Thus, for example, one who inadvertently desecrates Shabbat must bring a sin-offering. But if a person inadvertently transgresses a Rabbinic prohibition, he does not need atonement at all and there is nothing problematic about it.

The *Netivot* adduces proof for his words from the Gemara in *Eiruvin* (67b), which indicates that regarding Rabbinic matters, one may first act and only afterwards ask whether or not he had acted properly, which is not the case with regard to Torah laws.

What is the principle behind the *Netivot's* position? In what way are Rabbinic laws different from Torah laws, such that inadvertent violation of them does not require atonement?

The answer to this question is found in the sources we saw above for the very obligation to listen to the Sages, and is emphasized in the verse in our *parasha.* The two explicit sources cited by the Gemara in *Shabbat* speak of the obligation to listen to the Sages: "You shall not turn aside from the matter which they shall declare to you"; "Ask your father, and he will declare to you; your elders, and they will tell you."

The obligation to observe the words of the Torah is a composite of two factors: 1. the importance of the matter itself (e.g., remembering the act of creation on Shabbat); 2. the responsibility to heed the word of God, even when there is no apparent reason. Regarding the words of the Sages, however, only the second component is binding.

In *yeshiva* jargon, it is often asserted that Rabbinic laws relate to the *gavra,* the person, rather than to the *cheftza*, the object. That is to say, when the Torah says an animal is not kosher, there is a deficiency in the animal that causes it to be not kosher. The Sages cannot change the essence of the animal, thus when they forbid the eating of an animal, their prohibition relates to the person. The animal has not changed, and there is nothing intrinsically wrong with eating it. The problem is that the person did not heed the words of the Sages.

This point is emphasized in our verse, and it is possible that it is what brought the *Or Ha-Chaim* to see the verse as referring to the words of the Sages. The mitzvaof "hearing" pertains to the words of the Sages much more so than the mitzvaof "observing," for the fundamental obligation is to *listen* to the Sages, as we have seen.

**III. Decrees and Fences**

The *Or Ha-Chaim* continues by explaining, according to his understanding, what is learned from the inclusion of the words "*et*' and "*kol*":

This is what Moshe meant by "*et kol*" – meaning, *et* includes all the various decrees and ordinances that would be enacted by the Rabbis in the future, and he said *kol* ("all") to teach that by way of their fences, the matters will be fulfilled in perfect manner. This is the meaning of "all the words," because without this, the mitzvais not performed in perfect manner, for by way of the fence, nothing is missing from it. (*Or Ha-Chaim*, ibid.)

According to its plain meaning, the verse refers to the observance of the *mitzvot* written in the Torah, and it comes to teach that one must observe "all" of them. But this seems obvious; would it be possible to suggest that one could keep only some of the *mitzvot*?! With the *Or Ha-Chaim's* reading of the verse, that it is dealing with the Rabbinic commandments, things become more clear. An essential aspect of the role of Rabbinic laws is to ensure the observance of the Torah. We see this when the Gemara in *Yevamot* (89b-90a), in the course of a discussion about whether the Sages can uproot a Torah law, defines the role of the Sages as enacting "preventive measures" (*migdar milta*). That is to say, the Sages are responsible for establishing fences to ensure that a person will not stumble and transgress a Torah commandment. In many instances, Rabbinic prohibitions are intended to prevent a person from accidentally transgressing a Torah prohibition. Thus, we find, for example, in the area of second-degree sexual prohibitions, that the Sages expanded the circle of forbidden relationships so that a person will not come to violate a Torah prohibition. Similarly, in the laws of *nidda* (a menstruating woman), the Sages instituted many distancing measures between the husband and wife in order to avoid transgressing a prohibition punishable by excision (*karet*). In this way the words of the Sages do not stand as a unit that is separate from the Torah, but rather are considered as a way of keeping the Torah itself. The plain meaning of the verse, "observe and hear all these words," explains, according to the *Or Ha-Chaim's* understanding, that the way to observe *all* the commandments of the Torah is to *hear* the words of the Sages.

Moshe concludes with the words, "that it may go well with you, and with your children," because the decrees and fences established by our Rabbis is what enables generations of the people of Israel forever to separate themselves from all that is abhorrent to God. (*Or Ha-Chaim*, ibid.)

The *Or Ha-Chaim* also explains why it is precisely this mitzva of listening to the words of the Sages that brings a lasting reward for generations to come. The purpose of Rabbinic decrees is to preserve the core that the Torah commanded. It is natural for observance of rules and laws to wane over time, thus an authority is needed that constantly refreshes them, so that the *mitzvot* can stand for all generations. This is the role of the Sages: they adapt the operational laws, derived from the laws of the Torah, for each generation, through the decrees and fences applying to that period, thereby enabling the Torah to stand for many generations. Therefore, only the power of keeping the words of the Sages enables the Torah’s continuation for all generations.

**IV. "And you shall do that which is good and right"**

The last question raised by the *Or Ha-Chaim* still needs an answer: Why is there an apparent doubling of the reason for the reward in the verse? Is this reward granted for following the words of the Sages, which is learned from "and hear," or for doing “that which is good and right,” as at the end of the verse?

The *Or Ha-Chaim* explains that the two reasons are actually one:

And his words, "when you do that which is good" – the meaning is that the sole purpose of Rabbinic decrees and ordinances is to do what is good and right in the eyes of God… Accordingly, this part of the verse is also part of the reason for the command of "and hear," for by this [i.e., “hearing” and following the decrees of the Rabbis] you will do the good and the right that God commanded by way of the [Rabbinic] decrees and fences. All this, in addition to the good that will be in reach of future generations as a result of the interpretations of Torah left to us by *Chazal*. According to this, "when you do" is another reason for the words "and hear." (*Or Ha-Chaim*, ibid.)

"Doing" the words of the Sages is the same as doing “that which is good and right in the eyes of the Lord your God.” We can gain a better understanding of this idea through the innovative words of the Ritva in his commentary to tractate *Rosh ha-Shana*. The Gemara there seeks sources for many of the laws connected to the holidays:

It was taught in a *beraita*: Rabbi Yehuda said in the name of Rabbi Akiva:Why did the Torah say to pour out water on the festival [of Sukkot]? The Holy One, blessed be He, said: Pour out water before Me on the festival, so that your rains this year may be blessed. Also recite before Me on Rosh Hashana [blessings making mention of] kingship, remembrance, and the shofar – kingship, so that you may proclaim Me king over you; remembrance, so that your remembrance may rise favorably before Me; and through what? Through the shofar. Rabbi Abahu said: Why do we blow on a ram's horn? The Holy One, blessed be He, said: Sound before Me a ram's horn so that I may remember on your behalf the binding of Yitzchak the son of Avraham, and account it to you as if you had bound yourselves before Me. (*Rosh ha-Shana* 16a)

Two laws concerning Rosh Hashana are discussed here, the first of which is the obligation to recite blessings that mention kingship, remembrance, and the shofar – as we do in the *Musaf* prayer. Presumably, these blessings, like all blessings in the liturgy, are Rabbinic enactments. This is evident in the Gemara’s later discussion of what one should do if he has to choose between two *mitzvot* – hearing the shofar blasts or the blessings of *Musaf*:

It is a greater mitzva to hear the shofar than to recite the blessings. Hence if there are two towns, in one of which the shofar is being blown and in the other of which the blessings are being recited, one should go rather to the place where they are blowing than to the place where they are reciting the blessings. Surely this is self-evident: the former precept is a Torah law; the latter is [only] of Rabbinic origin! It was necessary to state the rule, [to show that it still applies] even though he is certain of [finding an opportunity for] the latter and not certain of [finding an opportunity for] the former. (*Rosh ha-Shana* 34b)

The Gemara's conclusion is that hearing the shofar blasts is preferable because that is a Torah law, while the blessings are only by Rabbinic decree.

The second law mentioned in that Gemara – performing the mitzvaof shofar specifically with a ram's horn – is also a Rabbinic decree; in fact, it is not considered a true requirement but only a more beautiful way of performing the mitzva(see *Shulchan Arukh Orach Chaim* 586:1).

Why then does the Gemara relate to these laws as Torah laws, and use the formulation "The Holy One, blessed be He, said"?

The Ritva offers a surprising answer:

As for what it says: "The Holy One, blessed be He, said: Recite before Me on Rosh Hashana [blessings making mention of] kingship, remembrance, and the shofar" – even though the verses mentioning kingship, remembrance, and shofar are not by Torah law, but by Rabbinic decree, as I have mentioned, nevertheless, from that which the Torah says: "a **memorial** proclaimed with a **blast**" [*zikhron teru'a*, *Vayikra* 23:24], we learn that it is appropriate to mention verses of shofar blasts and verses of remembrance, and verses of kingship are learned as *Chazal* expounded in the *Sifra* [*Emor* 2] from the verse: "And they shall be to you for a memorial before Your God; I am the Lord your God" (*Bamidbar* 10:10)…[that whenever remembrance is mentioned, kingship should be mentioned alongside it]. From here the Rabbis drew support to institute these verses of the shofar blasts, and for this reason Rabbi Akiva taught that **the Holy One, blessed be He, said**: Recite before Me on Rosh Hashana [blessings making mention of] kingship, remembrance, and the shofar. *For anything that has a support from a verse, the Holy One, blessed be He, alluded that it is fitting to act in that manner, only that it was not established as an obligation, and it was given over to the Sages*.This matter is clear and true – and *not* like those who explain *asmakhtot* as a type of signal given by the Sages, and that this was not the Torah's intention. God forbid, let the matter be settled and not said, as it is a heretical opinion. But the Torah alluded to it and handed the obligatoriness to the Sages to establish it if they so desire, as it is stated: "And you shall do according to the matter which they shall declare to you" (*Devarim* 17:10). Therefore you find that the Sages provide in all places a proof, allusion, or support for their words from the Torah, as if to say that they are not innovating anything on their own, and that the entire Oral Law is alluded to in the Written Law, which is perfect, and not God forbid, deficient in any manner. (Ritva, *Rosh ha-Shana* 16a)

The words of the Ritva here are particularly sharp: even when the words of the Sages are not decrees or fences, but "new" commandments that do not seem to be mentioned in the Torah, God forbid that we should say that the Sages made them up on their own. Everything is God's will, revealed in the Torah, and it is God's will that the Sages would be the ones to enact those ordinances.

This seems to also be what the *Or Ha-Chaim* means to say here: the commandments of the Sages are a revelation of the good and righteous path of the Torah and do not stand on their own.

We can now answer the question with which we opened the discussion: Why is it specifically at the end of *this* section that the Torah commands about the Rabbinic commandments?

This section is one of the places in which the principle that we just saw appears most strongly. The laws of ritual slaughter are spread out across numerous chapters in the *Shulchan Arukh*,and it is clear to all the authorities who listed the 613 Torah laws that it is a Torah law, even though the specifics of the law are not mentioned anywhere in the Torah. All of the laws of ritual slaughter were given to Moshe at Sinai and revealed by *Chazal*, and the Torah source for them is found in our section:

If the place which the Lord your God shall choose to put His name there be too far from you, then you shall kill of your herd and of your flock, which the Lord has given you, *as I have commanded you*, and you shall eat within your gates, after all the desire of your soul. (*Devarim* 12:21)

And as Rashi explains:

"The you shall kill… as I have commanded you" – This teaches us that there was already a commandment regarding the slaughtering of animals, as to how one should slaughter. These are the laws of ritual slaughter that were told to Moshe at Sinai. (Rashi, ad loc.)

It is only natural that after teaching the laws of slaughter – laws that are only alluded to in the Torah, while all their details and minutiae were learned by *Chazal –* the Torah highlights the obligation to keep the words of the Sages. This, in the wake of the important roles that *Chazal* play in preserving the *mitzvot* of the Torah and revealing the will of God, roles that will influence the observance of the Torah in future generations as well.

(Translated by David Strauss)