

When Following the Law Is Not Good Enough

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Rabbi Yoḥanan says: Jerusalem was destroyed because they adjudicated [based on] Torah law... and did not go beyond the strict letter of the law. (Bava Metzia 30b)

Text: Devarim 6:17-18 (17) You shall surely keep the commandments of the LORD your God, and His treaty terms and His statutes with which He commanded you. (18) And you shall do what is right and good in the eyes of the LORD, so that it may be good for you, and you shall come and take hold of the good land that the LORD swore to your fathers.

- Is v. 18 a Mitzvah? What makes it difficult to decide? What is its relationship to v.17?
- We are told that it will be good for us and we will take hold of the good land if we do what is good in God's eyes. Is this a reward or a consequence?

Commentary: Rashi Devarim 6:18 *What is right and good [in the eyes of the LORD] – This refers to a compromise and acting beyond the strict demands of the law.*

- What difficulty in the text directed Rashi in this direction?
- Can compromise and “acting beyond the strict demands of the law” be legislated into law? How would you suggest getting to this point? Do you think that the legal system has any responsibility to get people to this point?

Commentary: Ramban (Nachmanides) Devarim 6:18 *Our rabbis... said: This is compromise and acting beyond the strict demands of the law. And the meaning is while in the beginning it said that you should keep His laws...now it says that also where you are not commanded, be mindful to do what is good and straight in His eyes...And this is a great issue, since it is impossible to mention in the Torah all interactions that a person has with his neighbors and fellow humans, all his business dealings and all local and state rules; but after mentioning many of them such as “you shall not go about slandering your kin”... “you shall not vilify the deaf”... it stated in a general way that one should do the good and right in everything, to achieve compromise and acting beyond the strict demands of the law.*

- What difficulty of legal codes does this commentary highlight?
- What is the scale of moral behavior for according to Ramban?
- How should we deal with this problem in modern codes of law?

- In your opinion, how does one learn to fulfill the demand that Ramban sees in this Pasuk?



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Annual I (Deuteronomy 3:23-7:11) Etz Hayyim, p. 1005
Triennial I (Deuteronomy 3:23-5:18) Etz Hayyim, p. 981
Haftarah I (Isaiah 40:1-26) Etz Hayyim, p. 1033

Rabbi Joe Schwartz

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My son, who will be 7 in November, has discovered mortality.

Until now, I've been able to console my son when he is afraid. “There are no vampires,” I've assured him, “and even if there are, the clove of garlic you insist on taking to bed with you will repel them.” And: “The cut on your finger will heal. Isn't it amazing how the body heals?”

But then, two nights ago he asked me, “Why do we die? And why do we live if we'll just die in the end?” What could I say? The fear behind his eyes is my fear, too. What consolation could I offer?

(Dvar Torah continued on the back page...)

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We are this week in a paradoxical moment in the Jewish calendar. It is a time of beginnings: Moshe has just begun his great peroration, preparing the people to enter the Land of Israel. But it is also a time of imminent death, as Moses confides to his people that his death has been decreed:

“I begged the Eternal One then, saying: ‘O Eternal God . . . Let me, I pray, cross over and see the good land on the other side of the Jordan, that good hill country, and the Lebanon.’

“But the Eternal One was cross with me for your sakes (למענכם), and would not heed me. The Eternal One said to me, “Enough! Never speak to Me of this matter again! Go up to the summit of Pisgah and gaze about, to the west, the north, the south, and the east. Look at it well, for you shall not go across yonder Jordan.” (Devarim 3:24-26)

As the people are about to be reborn in their own land, Moshe is preparing to die. And not only that, but as Samson Raphael Hirsch wrote, Moshe, toward the end of his life, had become “embittered,” believing “that his life’s work was of no account, and that all he had done for the nation had been in vain.” (Comment to Bemidbar 20:12) Here he is, dying unable to taste the fruits of his labor, his work still far from complete. Like so many he will perish, In Naomi Shemer’s beautiful words, “in the middle of summer / just when the peaches are bountiful / and all the fruits are laughing in the basket.”

And yet this section is always read on Shabbat Nahamu, the Shabbat of Consolation, the Shabbat on which we read Isaiah’s prophecy to the exiles in Babylon of national restoration: “נְחַמוּ נְחַמוּ עַמִּי יְאִמֵּר: “Be consoled, be consoled, O My people!’ Says your God. ‘Speak to the heart of Jerusalem, and declare to her that that her term of service is over, her iniquity expiated.’” (Isaiah 40:1-2)

How can it be that we read of Moshe’s tragic death, his unanswered prayers to live to see the conclusion of his mission, on the very Shabbat dedicated to our consolation? Where is the consolation?

There is a hint that Moshe had come to peace, at least to some extent, with his own death. Recall that he said God refused his petition to live long enough to enter the land “למענכם.”

Many commentators understand this to mean “on account of you” — i.e., on account of the people’s sins. But למען does not mean “on account of” but “for the sake of” — it does not point to the cause, but the purpose of a thing. Rabbi David Tzvi Hoffman explains Moshe’s meaning this way: Moshe’s death is “for the benefit of the Jewish people.” God decreed it not out of wrath or as judgment, but in order “to serve as an enduring lesson for the Jewish people — and it was for this reason that God would not, or could not, grant Moshe’s plea.”

What is that lesson? All human beings die; and even the greatest of us may die without tasting the fruits of our labor. But, God exhorts us, “Be consoled, O my people.” There is consolation, but it is not for us as individuals. We are only consoled when we understand ourselves as part of a larger whole — of the Jewish people. Even Moshe Rabbeinu is, in the end, only a small part of a project much greater and longer than himself. And the span of a human life is too short to measure the success or meaning of that project.

This is true for all the great, generational projects of which we are a part — living up to the ideals of Torah, creating a just Jewish state in the Land of Israel, playing our part in the redemption of humanity. We cannot measure their success by the span of our own lives, and we all of necessity die “in the middle of summer.” The work will not be completed in the course of any one life, or even a thousand lives. Our part is to be of service to the great project. And in knowing that we can serve as one link in a long and still unfinished chain, there is consolation.

I don’t think this thought will quite put my son’s worried mind at ease, not yet. But perhaps in a few years.

We welcome your comments: torahsparks@uscj.org