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The Role of Sefer Devarim

Rabbi Solomon Drillman zt"l - Written up by Rabbi Benjamin Kelsen

The Ramban teaches that Sefer Devorim, the fifth book of the Torah, was addressed to the generation of Klal Yisroel that would be entering Eretz Yisroel. Even though Chazal call Sefer Devorim “Mishne Torah”, the second Torah, the Ramban comments that there are some new mitzvos here which had not been taught previously. The Ramban offers two reasons as to why these mitzvos were not discussed previously. The Ramban says that perhaps these mitzvos are of the type called “talui b’aretz”, dependant upon being the land of Israel for them to be applicable. The second explanation of the Ramban is that these mitzvos are halachos which are not quite so common and therefore were only mentioned at the end of Klal Yisroel’s sojourn in the wilderness and the beginning of their preparations to enter Eretz Yisroel.

However, there are several meforshim, commentators, such as the Abarbanel the Kli Chemdah, and the Radbaz, who object to the Ramban’s first suggestion. One of the difficulties raised by these commentaries is that it is difficult to find a connection between the “new” mitzvos delineated here and Eretz Yisroel. While we know that those mitzvos which would fall under the classification of “agriculture” are generally held to apply only within the borders of Eretz Yisroel, the “new” mitzvos introduced here, such as marriage and divorce, have nothing to do with agriculture. How can the Ramban suggest that the mitzvos of Devorim are connected with Klal Yisroel’s imminent entry in Eretz Yisroel?

However, Ramban stated his opinion previously, especially in Parshas Acharei. The Forefathers only considered themselves obligated in mitzvos in the Holy Land. For this reason, Ramban explained, Yaakov was able to marry two sisters in the Diaspora, but upon his entrance into Eretz Yisrael, Rachel died.

HaGaon HaRav Elchonon Wassermann, zt”l hy”d,

explained as follows: There are two aspects to each of these “new” mitzvos. The reason for the mitzvah and the legal requirements of the mitzvah. The Patriarchs lived before the Torah was legally binding. Therefore, they only kept the commandments because they perceived the reason; the reasons only applied in Eretz Yisrael. Once the Torah was commanded at Sinai, there is a legal obligation to keep the commandments which is not dependent on locale. (Koveitz Shiurim, end of Kiddushin).

In the Mishnah Torah, at the start of Hilchos Ishus, the Rambam writes that before Mattan Torah a man would meet a woman in the market and take her home with him as a “common-law” wife. However, following Matan Torah, we were required to perform Kiddushin, the marriage ceremony, thereby formalizing the “sanctification” of the union.

In other words, prior to Mattan Torah, marriage was a matter of convenience, made quickly and dissolved swiftly. It is only with the introduction of Kiddushin and Gittin, divorce, that we have the concept of sanctity added to the equation.

Reb Chaim Brisker commented, when describing the marriage of Yaakov Avinu to Leah and Rachel, two sisters, that while certain relationships, such as incest, are prohibited by their very nature and will never be permitted, there are other relationships, however, which are only forbidden because of timing and/or circumstance. For example, in the case of Leah and Rachel, the marriage of Yaakov Avinu to either sister would have been acceptable, once one sister was married to him, the second sister could not, but only because the halachos of Kiddushin prevents a man from having a relationship with two sisters. For Yaakov Avinu the concept of Kiddushin was inapplicable because it was before Matan Torah. Reb Chaim explained that even though the Avos kept the spirit

of the mitzvos, the actual halachos were not yet in effect. Interestingly, Rashi on Parshas Chayei Sarah, as well as the Da'as Zekeinim on Parshas VayeiShev, state that there was indeed a ceremony of sorts conducted by the Avos and the Shivtei Koh. HaRav Drillman explained that while this is true, Reb Chaim meant to say that even though there was a ceremony the Halachic consequences of Kiddushin and

Gittin were not yet being applied.

It is with this understanding, explained the Rav, zt"l, that the Ramban states that the mitzvos unique to Sefer Devorim are "talui b'aretz" associated Kiddushin with Klal Yisroel's entrance into Eretz Yisrael, because it was only at that point that the "Marriage" of Klal Yisroel to the Ribbono Shel Olam as the Am HaNivchar was completed.

Straight from the Heart

Rabbi Josh Hoffman

Rabbi Mordechai Pinchos Teitz, was the rabbinic leader of the Orthodox Jewish community of Elizabeth, New Jersey, and also a pioneer radio broadcaster who founded and delivered, for several decades, the weekly program Daf HaShovua, which was the first Talmud class ever heard over radio in America. In the later years of his life, Rabbi Teitz had severe throat problems, to the extent that his doctor told him not to speak publicly. Despite these strict orders, however, he decided to deliver a talk at a simcha, or joyous occasion, that he was attending. He prefaced his remarks by saying that even though his doctor had given him strict orders not to speak publicly, he had no fear that any harm would come to him from his words, because they would be coming from the heart. This remark, although its medical merits may be open to question, can help us understand the opening sections of Moshe's farewell address to the Jewish nation, as recorded in this week's parsha.

In parshas Devorim, Moshe begins his farewell address to the nation by recounting some of the events that occurred since he was sent by God to be their leader. We mentioned in last year's Netvort to parshas Devorim (available at Torahheights.com) that Moshe's long oration, which lasted thirty-six days, from the first of Shevat until his death on the seventh of Adar, poses a great difficulty for the commentators. This is especially so in light of the Talmudic statement that Moshe said the section of blessings and curses in the book of Devorim 'from his own mouth.' Some commentators explain this to mean that whereas, in regard to the rest of the Torah, God spoke directly through Moshe's mouth, meaning that Moshe delivered God's message to the people at the same time that he received it, in regard to the section of blessings and curses in the book of Devorim, Moshe first heard God's message, and then delivered it to the people. Other

commentators, understanding this Talmudic statement differently, and in a broader sense, explain it to mean that the entire book of Devorim was said by Moshe on his own to the Jewish nation, albeit through divine inspiration, and was later said over to him by God to be written in the Torah as he had delivered it. However we understand this Talmudic statement, it certainly tells us that Moshe did not suffer from a lack of communication skills. This seems to be in conflict with what Moshe himself told God when He first asked him to speak to the Jewish people, as recorded in parshas Shemos and again in parshas Vaeira. There, Moshe told God "I am not a man of words.... I am heavy of mouth and heavy of speech" (Shemos 4:10). Last year we offered an approach that reconciles these seemingly contradictory sources, but I would now like to suggest a different approach based on a comment of Rabbi Avrohom Shmuel Binyomin Sofer, known as the Kesav Sofer, on this week's parsha.

The Kesav Sofer cites the Midrash Rabbah (Devorim 1:2) which relates the opening words of parshas Devorim, "These are the words (that Moshe spoke)," to a verse in Mishlei (28:23), "He who rebukes a man shall in the end find more favor than he that flattered with the tongue." The midrash explains that Moshe is the one who rebuked Yisroel, and he found more favor in their eyes, in the end, than did Bila'am, who flattered them but eventually caused them to sin. The Kesav Sofer explains that the people accepted Moshe's words, despite the fact that he had given testimony on himself that he was not a man of words, because his words came from the heart, and therefore entered into the heart. One is reminded here of the story concerning Rabi Avrohom Kalmanowitz of the Mir yeshiva in Brooklyn, who approached Henry Morgenthau, Jewish Secretary of the Treasury in the administration of FDR during World War Two and asked

him to exercise his influence on the president to help rescue the Jews of Europe. Morgenthau was spurred into action, and his efforts helped create, in 1944, the War Refugee Board, which was instrumental in saving, by one estimation, perhaps 100,000 Jews from Nazi clutches. He later remarked that although he did not comprehend the Yiddish language in which Rabbi Kalmanovitz spoke, he understood everything he said, because of the emotional, heartfelt way in which he delivered his message. In the case of message, also, according to the Kesav Sofer, Moshe's words came from the heart, and, therefore, the people understood what he was saying, despite what may perhaps be described as his throat condition.

Based on the Kesav Sofer's explanation of the reason for the effectiveness of Moshe's oration, we can understand what seems to be an interruption in the flow of his message. Moshe begins his words of rebuke to the people by telling them that the trip to the Holy Land should really have lasted only eleven days, but they ended up traveling in the wilderness for forty years, due to their sins. Now, however, he tells them, they are ready to enter the land. At this point, Moshe describes the process of choosing judges to handle any cases of litigation that may arise among them. Why did Moshe choose this moment to mention this entire episode? What did the appointment of judges have to do with what he was in the middle of telling them? Rabbi Shlomo Goren, in his *Toras Hamikra*, explains this apparent interruption by referring to the Talmudic statement that the appointment of proper judges is worthy of keeping the Jewish nation alive and settling them upon the Holy Land (see Rashi to *Devorim*, 16:20). The purpose of a judicial system is to maintain peace among the nation, and in order for the Jewish people to endure in the land, they must care for each other and work

together as a unit. Only judges who had a feeling of love for their people would be able to adjudicate their disputes in a manner that would maintain the cohesiveness of the unit. Perhaps, then, Moshe was offering himself as an example of how a judge should deal with the people. Although Moshe spoke words of rebuke to them, he did it in a way that made his inner feeling of love for them palpable, and, in that way, his rebuke was accepted. So, too, the judges needed to approach their task of judging cases in way that demonstrated their desire to bring peace to all involved in their adjudication.

Actually, the section of appointing judges that Moshe mentions during his oration was already recorded, with some differences in detail, in parshas *Yisro*, when Moshe's father-in-law, suggested that he set up such a system. The Torah there tells us that this incident occurred 'on the next day,' (*Shemos* 15:13) which the midrash, cited by Rashi there, explains to mean the day after *Yom Kippur*. Rav Yosef Dov Soloveitchik, zt"l, explained this to mean that when a judge considers a case, he must have in mind the experience of *Yom Kippur*. Just as we all hope that, on *Yom Kippur*, God will judge us with mercy, and not on the basis of strict justice, so, too, should the judge strive to judge the cases he handles in this way. In this spirit, said Rav Soloveitchik, the Talmud urges judges to use the method of 'peshara,' or judicial compromise, in judging cases, rather than strict justice, in order to give consideration to the human weaknesses of both sides, and arrive at an amicable solution. It was, then, this approach to judging the nation that Moshe wished to inculcate in the men he appointed, so that they would follow his example of sincerity and love in approaching the problems that were certain to confront them upon entering the land.

Moshe Rabbenu's Retelling of his Appointment of Judges

Rabbi David Horwitz

Deuteronomy 1:9-18 states:
Thereupon I said to you, "I cannot bear the burden of you by myself. The L-RD your God has multiplied you until you are today as numerous as the stars in the sky.- May the L-RD, the God of your fathers, increase your numbers a thousand fold, and bless you as he promised you.-How can I alone bear the trouble of you, and the burden, and the bickering! Pick from each of your tribes men who are wise, discerning, and

experienced, and I will appoint them as your heads."

You answered me and said, "What you propose to do is good."

So I took your tribal leaders, wise and experienced men, and appointed the heads over you: chiefs of thousands, chiefs of hundreds, chiefs of fifties, and chiefs of tens, and officials for your tribes.

I further charged your magistrates as follows: "Hear out your fellow men, and decide justly between any man and a fellow

Israelite or a stranger. You shall not be partial in judgment: hear out low and high alike. Fear no man, for judgment is God's. And any matter that is too difficult for you, you shall bring to me and I will hear it."

Thus I instructed you, at the time, about the various things that you should do.

It is interesting to compare these verses with Exodus 18:13-27 and to notice the numerous discrepancies between the two accounts. The Torah there states:

Next day, Moses sat as magistrate among the people, while the people stood about Moses from morning until evening. But when Moses' father-in-law saw how much he had to do for the people, he said, "What is this thing that you have undertaken for the people? Why do you act alone, while all the people stand about you from morning until evening?"

Moses replied to his father-in-law, "It is because the people come to me to inquire of God. When they have a dispute, it comes before me, and I arbitrate between a man and his neighbor, and I make known the laws and teachings of God."

But Moses' father-in-law said to him, "The thing you are doing is not right; you will surely wear yourself out, you as well as the people. For the task is too heavy for you; you cannot do it alone. Now, listen to me, I will give you counsel, and God be with you! You act for the people in behalf of God: you bring the disputes before God, and enjoin upon them the laws and the teachings, and make known to them the way there are to go and the practices they are to follow. You shall also seek out from among all the people capable men who fear God, trustworthy men who spurn ill-gotten gain; and set these over them as chiefs of thousands, hundreds, fifties and tens. Let them exercise authority over the people at all times; let them bring every major dispute to you, but decide every minor dispute themselves. Make it easier for yourself, and let them share the burden with you. If you do all this-and so God commands you- you still be able to bear up; and all these people will go home content."

Moses heeded his father-in-law and did just as he had said. Moses chose capable men out of all Israel, and appointed them heads over the people- chiefs of thousands, hundreds, fifties, and tens. And they exercised authority over the people at all times: the difficult matters they would bring to Moses, and all the minor matters they would decide themselves. Then Moses bade his father-in-law farewell, and he went his way to his own land.

The most obvious difference between the two sources, of course, is the omission of Yitro from Moses' description of the events in Deuteronomy. But there is another important distinction. In Sefer Devarim, there is a note of

weariness in Moses' account that is totally different from the account in Sefer Shemot. Only in Devarim do we find the exclamation, How can I alone bear the trouble of you, and the burden, and the bickering! What can account for this difference?

Rav Lichtenstein once suggested that the difference in emphasis between the two accounts stems from the fact that in Sefer Devarim, Moshe is recounting the events from his own personal perspective. He had already endured 40 years of hardship and pain leading the troublesome children of Israel. He was constantly aware that because of the events at Mei Meribah, he could not be allowed to set foot in Eretz Yisrael, the land he longed for so desperately. Even after the forty years were over, he still had to endure their complaints of the populace. Thus there was an inevitable note of weariness that set in, when recalling the events that transpired forty years earlier.

Scientists now understand that human memory is not merely a passive retrieval of impressions, as the eighteenth century Scottish philosopher David Hume thought. It is an active, dynamic process. As long as we are alive, we are filtering our memories of past events through all the subsequent events that transpired after the events that we are remembering. (A good book that pertains to this topic is by Mary Warnock and is titled *Imagination*. It is published by the University of California Press, 1978.)

Pursuing this idea further, a comment by Ramban regarding a discrepancy between Moshe's retelling of the account of the spies and the original account in Sefer Ba-Midbar can now be more fully understood. Deuteronomy 1:45 states:

Again you wept before the L-RD, but the L-RD would not heed your cry or give ear to you.

But, as Ramban (ad loc.) remarks,

There (in the Book of Numbers, 14:45) Scripture did not mention this weeping, for there was no need to mention it. But Moses mentioned it now...

But why did Moshe mention it now?

Ramban continues:

...as praise that they (the children of Israel) regretted their sin, and to tell them that this sin was too great to forgive because the great oath (of God) had already been pronounced, and a Heavenly decree accompanied by an oath cannot be rent. (Ramban: Commentary on the Torah: Deuteronomy [Chavel edition], p. 23.)

Perhaps *davka* now in Sefer Devarim Moshe had a

special reason to mention the weeping of benei Yisrael. Moshe, realizing that although he had done teshuvah for his mysterious sin at Mei Meribah, he could still not enter Eretz Yisrael. The gezerah of God was final. But Moshe had acquired a deep empathy for the rest of benei Yisrael who were also denied the opportunity to enter the land. He

Profits and Prophets

Rabbi Lord Jonathan Sacks

There are few more blazing passages in the whole of religious literature than the first chapter of the book of Isaiah, the great “vision,” chazon, that gives its name to the Shabbat before Tisha B’Av, the saddest day of the Jewish year. It is more than great literature. It expresses one of the great prophetic truths, that a society cannot flourish without honesty and justice. It could not be more relevant to our time.

The Talmud (Shabbat 31a) states that when we leave this life and arrive at the world to come, the first question we will be asked will not be a conventionally religious one (Did you set aside times for learning Torah?) but rather, Did you act honestly [be-emunah] in business? I used to wonder how the rabbis felt certain about this. Death is, after all, “the undiscovered country, from whose bourn no traveller returns.” The answer it seems to me is this passage from Isaiah:

See how the faithful city has become a harlot! She once was full of justice; righteousness used to dwell in her—but now murderers! Your silver has become dross, your choice wine is diluted with water. Your rulers are rebels, companions of thieves; they all love bribes and chase after gifts. They do not defend the cause of the fatherless; the widow’s case does not come before them. (Is. 1: 21-23)

Jerusalem’s fate was sealed not by conventional religious failure but by the failure of people to act honestly. They engaged in sharp business practices that were highly profitable but hard to detect – mixing silver with baser metals, diluting wine. People were concerned with maximising profits, indifferent to the fact that others would suffer. The political system too had become corrupt. Politicians were using their office and influence to personal advantage. People knew about this or suspected it – Isaiah does not claim to be telling people something they didn’t already know; he does not expect to surprise his listeners. The fact that people had come to expect no better from

wished to state that they cried as praise that they regretted their sin, as Ramban put it.

The ways of God are inscrutable. Moshe Rabbenu reached the heights of identification with the travails of his fellow Israelites while at the same time he accepted that the Will of God, the Judge, is unalterably final.

their leaders was itself a mark of moral decline.

This, says Isaiah, is the real danger: that widespread dishonesty and corruption saps the morale of a society, makes people cynical, opens up divisions between the rich and powerful and the poor and powerless, erodes the fabric of society and makes people wonder why they should make sacrifices for the common good if everyone else seems to be bent on personal advantage. A nation in this condition is sick and in a state of incipient decline. What Isaiah saw and said with primal force and devastating clarity is that sometimes (organised) religion is not the solution but itself part of the problem. It has always been tempting, even for a nation of monotheists, to slip into magical thinking: that we can atone for our sins or those of society by frequent attendances at the Temple, the offering of sacrifices, and conspicuous shows of piety. Few things, implies Isaiah, make God angrier than this:

The multitude of your sacrifices—what are they to me?” says the Lord... “When you come to appear before me, who has asked this of you, this trampling of my courts? Stop bringing meaningless offerings! Your incense is detestable to me ... I cannot bear your evil assemblies. Your New Moon festivals and your appointed feasts my soul hates. They have become a burden to me; I am weary of bearing them. When you spread out your hands in prayer, I will hide my eyes from you; even if you offer many prayers, I will not listen.”

The corrupt not only believe they can fool their fellow humans; they believe they can fool God as well. When moral standards begin to break down in business, finance, trade and politics, a kind of collective madness takes hold of people – the sages said adam bahul al mamono, meaning, roughly, “money makes us do wild things” – and people come to believe that they are leading a charmed life, that luck is with them, that they will neither fail nor be found out. They even believe they can bribe God to look the other way. In the end it all comes crashing down and those who suffer

most tend to be those who deserve it least.

Isaiah is making a prophetic point but one that has implications for economics and politics today and can be stated even in secular terms. The market economy is and must be a moral enterprise. Absent that, and eventually it will fail.

There used to be a belief among superficial readers of Adam Smith, prophet of free trade, that the market economy did not depend on morality at all: "It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest." It was the brilliance of the system that it turned self-interest into the common good by what Smith called, almost mystically, an "invisible hand." Morality was not part of the system. It was unnecessary.

This was a misreading of Smith, who took morality very seriously indeed and wrote a book called *The Theory of Moral Sentiments*. But it was also a misreading of economics. This was made clear, two centuries later, by a paradox in Games Theory known as *The Prisoner's Dilemma*. Without going into details, this imagined two people faced with a choice (to stay silent, confess or accuse the other). The outcome of their decision would depend on what the other person did, and this could not be known in advance. It can be shown that if both people act rationally in their own interest, they will produce an outcome that is bad for both of them. This seems to refute the basic premise of market economics, that the pursuit of self-interest serves the common good.

The negative outcome of the Prisoner's Dilemma can only be avoided if the two people repeatedly find themselves in the same situation. Eventually they realise they are harming one another and themselves. They learn to co-operate, which they can only do if they trust one another, and they will only do this if the other has earned that trust by acting honestly and with integrity.

In other words, the market economy depends on moral virtues that are not themselves produced by the market, and may be undermined by the market itself. For if the

market is about the pursuit of profit, and if we can gain at other people's expense, then the pursuit of profit will lead, first to shady practices ("your silver has become dross, your choice wine is diluted with water"), then to the breakdown of trust, then to the collapse of the market itself.

A classic instance of this happened after the financial crash in 2008. For a decade, banks had engaged in doubtful practices, notably subprime mortgages and the securitization of risk through financial instruments so complex that even bankers themselves later admitted they did not fully understand them. They continued to authorize them despite Warren Buffet's warning in 2002 that subprime mortgages were "instruments of mass financial destruction." The result was the crash. But that was not the source of the depression/recession that followed. That happened because the banks no longer trusted one another. Credit was no longer freely available and in one country after another the economy stalled.

The key word, used by both Isaiah and the sages, is *emunah*, meaning faithfulness and trust. Isaiah in our haftara twice uses the phrase *kiryah ne'emanah*, "faithful city." The sages say that in heaven we will be asked, Did you conduct your business *be'emunah*? – meaning, in such a way as to inspire trust. The market economy depends on trust. Absent that, and depend instead on contracts, lawyers, regulations and supervisory authorities, and there will be yet more scandals, collapses and crashes since the ingenuity of those who seek to sidestep the rules always exceeds those whose job it is to apply them. The only safe regulatory authority is conscience, the voice of God within the human heart forbidding us to do what we know is wrong but think we can get away with.

Isaiah's warning is as timely now as it was twenty-seven centuries ago. When morality is missing and economics and politics are driven by self-interest alone, trust fails and the society fabric unravels. That is how all great superpowers began their decline, and there is no exception.

In the long term, the evidence shows that it is sounder to follow prophets than profits.

Og Stands Tall on the Stage of History

Rabbi Ephraim Z. Buchwald

In his recapitulation of the events leading up to the people's entry into the land of Israel, Moses recalls the defeat at the hands of Israel of two great ancient kings, Sihon, the king of the Amorites, and Og, the king of

Bashan. (The original stories of the defeat of Sihon and Og are recorded in Numbers 21:21-35.)

Because the people of Edom did not permit the ancient Israelites to cross through their land, the children of Israel

were forced to turn eastward toward the Jordan and travel through the territories that belonged to the fearsome rulers, Sihon and Og. Despite Israel's request to pass through his land, Sihon declines to give permission and mobilizes his army to battle Israel. The Israelites, however, smite Sihon and the Amorites by the sword, taking possession of their land. Although these lands were not intended to be a part of biblical Israel, Israel occupied all the Amorite cities, as well as the capital city, Heshbon, and its suburbs.

Marching even further north toward the Bashan, Israel encounters the giant Og, who rallies his army to do battle with the Israelites in Edrei. After being reassured by G-d not to fear Og, the Israelites smite the King of Bashan, his sons and all his people and take possession of his lands as well (Numbers 21:34).

While there is very limited information regarding Og in the biblical text, the Midrash creates an elaborate biography of the King of Bashan.

The Midrash Tanchuma in Leviticus 12, depicts Og as a paradigm of wickedness, citing the verse in Isaiah 57:20, which states that "the wicked are like the troubled sea." The Midrash explains that, like the sea, the wicked fail to learn from previous failures. Just as the waves do not learn from previous waves that they cannot overwhelm the land, so the wicked fail to learn from the punishments of other wicked people. After all, Pharaoh tried to defeat the Jewish people and was beaten down, but Amalek did not learn from Pharaoh. Sihon and Og should have learned from Amalek, but instead turned a blind eye to Israel's military successes, went out to attack Israel and were roundly defeated.

It is important to note that Og is not always characterized in the Midrash as being entirely negative. In Genesis 14, we are told that the powerful four kings defeated the king of Sodom and captured Abram's nephew, Lot, and all his possessions. Genesis 14:13 informs us: "Vah'ya'vo, ha'pah'leet," and "the fugitive came" and told Abram the Hebrew who dwelt in the Plains of Mamre the Amorite that his brother, Lot, had been taken captive. Abram subsequently makes war with the powerful four kings and defeats them, rescuing Lot. Rashi (Rabbi Shlomo Yitzchaki, 1040-1105, foremost commentator on the Bible) offers two elucidations of who this "fugitive" might be. According to the literal meaning, Rashi suggests that it was Og, who escaped from the battle with the four kings. This interpretation is based on the verse in Deuteronomy 3:11 that says that only Og was left of the remnant of the Refaim. The Midrash Bereishith Rabbah agrees that the fugitive

was Og; however, it identifies him not as a refugee from the war, but as the one who escaped the destruction of the generation of the flood. The allusion to Og in the verse in Deuteronomy is that only Og remained of the Refaim, the giants, who lived prior to the Flood.

The Yalkut, in Deuteronomy 8:10, states that when Moses and the children of Israel came to Edrei and were about to wage war with Og, Moses raised his eyes and saw Og sitting on a high wall with his feet reaching the ground. Struck by Og's gigantic stature, Moses was seized with fear, to the extent that G-d had to assure him not to be afraid. Moses then proceeded to wage war with Og and vanquished him. The rabbis ask: Why should the great Moses have been afraid of Og? They suggest that Moses was fearful that the merits of Og's good deed, informing Abram that his nephew Lot had been captured by the four kings, would make it impossible for Israel to defeat the King of Bashan.

Rashi, however, offers an alternate negative interpretation, suggesting that Og was not being at all altruistic when providing this information to Abram. Rather, Og was certain that Abram would be killed attempting to rescue Lot, and that Og would then be able to abscond with Abram's beautiful wife, Sarai (Sarah).

Og is frequently depicted by the Midrash as being enormously large and powerful. When Moses went out to wage war against Og, Og announced deprecatingly: "How large is the camp of Israel? Three parasangs in circumference? I will pluck up a mountain three parasangs in circumference, hurl it at them, and kill them." He proceeded to lift a mountain three parasangs in circumference and carried it on his head. But the Holy One sent ants that bored holes in it, so that it slipped down around Og's neck. He tried to pull it up, but since his teeth began jutting out from both sides of his mouth, he could not pull it past them.

Given Og's enormous size, how did Moses vanquish him? The Midrash tells us that Moses, who himself was 10 cubits tall, took an ax that was 10 cubits in length, jumped 10 cubits high into the air, and struck Og on his ankles, killing him. Again stressing the great bulk of Og, the Midrash relates a story of Abba Saul, who had been a gravedigger. On one occasion, Abba Saul chased a deer who fled from him and entered the thigh bone of a gigantic corpse. Abba Saul recounts that he pursued the deer into the bone for three parasangs, but he neither caught up with the deer, nor reached the end of the thigh bone. When he returned the way he had come, he was told that the enormous thigh bone was part of the corpse of Og, the

king of Bashan.

Scripture in Deuteronomy 3:11 underscores the enormous stature of Og by writing about his special sleeping accommodations: “Hee’nay ar’so eres bar’zel,” behold his bed was an iron bed... nine cubits was its length and four cubits its width by the cubit of a man. The commentators explain that Og was so big and so heavy that ordinary wooden furniture could not support him. Others suggest that the Bible is referring to Og’s bed when he was a baby, that his cradle would break because Og was so strong.

The Midrash elaborates further on the verse in Deuteronomy 3:11, which states that only Og remained of the remnant of the Refaim. The Midrash suggests that as the floodwaters swelled, Og sat himself on one of the rungs of the ladders of Noah’s ark, and swore to Noah and to his sons that he would be their slave forever. With that assurance, Noah proceeded to punch a hole in the ark, and through it handed food to Og every day. Now it is clear why the verse refers to Og as “The Fugitive,” rather than “a” fugitive. “The Fugitive” indicates that he was someone who had already been known at the time to have escaped from peril, having previously escaped from the Flood.

An alternate view, cited in the Talmud Zevachim 113b, is that Og was so tall that he was able to stand on the side of the ark and not drown in the water. Other views, recorded in tractate Niddah, are that the water reached only to Og’s ankles, or that Og ran to the land of Israel during the flood, where there was no flood (Rashi, Niddah 61a).

The rabbis also offer a gematria interpretation that is based on Genesis 7:23, which states, “Va’yee’sha’ayr ach

Noach,” that only Noah survived the flood. The rabbis say that the Hebrew letters “ach Noah” add up to the value of 79, the exact value of the name Og in Hebrew. Thus, besides Noah and his family, only Og remained.

The Midrash further relates that when Isaac was born, Abraham made a great feast (Genesis 21:8). Rabbi Judah Barsimeon says, “Do not read ‘a great feast,’ but rather ‘a feast for great personages.’” Og and all the great ones [the giants] like him were at the feast. Og was asked, “Didn’t you say that Abraham is like a barren mule who could not beget a child?” Looking dismissively at Isaac, Og said, “So what is this gift? Is it not a puny little thing that I can simply crush with my finger?” G-d was angry that Og had belittled His gift to Abraham [the infant Isaac]. “As you live,” said G-d, “you will see thousands of myriads issue from his [Isaac’s] children’s children!” And it was at the hands of Isaac’s descendants that the evil Og was to fall (Midrash Genesis Rabbah 53:10).

What accounts for the unusually extensive attention given Og in the Midrash is uncertain. Certainly, scripture’s lyrical description of Og’s oversized bed and/or cradle (Deuteronomy 3:11) can easily lead to fantasies about giants and visions of massive creatures. Even the inconsistency of hundreds of years that separate the story of Noah from those of Abraham and Moses do not seem to rattle the Midrashic creativity. Perhaps the message that binds the Midrashic narratives together is that the Jewish people, with the help of G-d, have the power to vanquish their enemies, no matter how large or powerful. It is a lesson that must not be dismissed.

Good for no Reason

Rabbi Shlomo Einhorn

This Shabbos, in synagogues across the country, we begin reading the book of Devarim. According to the Talmud in Avodah Zarah (28a) this book is also called Sefer HaYashar, the Book of the Upright. Why is this the alternative name for Devarim? Because it contains within it the verse “v’asisa hayashar v’hatov” “and you shall do the right and the good.” Question: If containing the word “yashar” is what qualifies a book for being called Sefer HaYashar, why isn’t Shemos (Exodus) called Sefer HaYashar as it contains the verse “V’hayashar be’inav taaseh”? R. Eliezer Rabinowitz suggests that perhaps it is not so much the word yashar as it is the uniqueness of the verse “v’asisa hayashar v’hatov”. This verse is marshaled in numerous

situations in the Talmud to suggest that we act on occasion beyond the letter of the law. One example (Bava Metziah 16b) deals with lending requirement. Our verse instructs the lender to go the extra mile for the borrower. This week begins the nine days. The nine days leads up to Tisha B’av, which commemorates the destruction of the Holy Temple. The 2nd Temple was destroyed on account of sinaas chinam – baseless hatred. Rav Kook was famous for coining the famous converse: that the Temple will only be rebuilt on account of ahavas chinam – baseless love. Baseless love is essentially “and you shall do the right and the good.” It is about going beyond that which we are required to do simply because it is yashar, it is right.