

Kol Rina
An Independent Minyan
Parashat Devarim
August 6, 2022 *** Av 9, 5782

Devarim in a Nutshell

https://www.chabad.org/parshah/article_cdo/aid/2254/jewish/Devarim-in-a-Nutshell.htm

On the first of Shevat (thirty-seven days before his passing), Moses begins his repetition of the Torah to the assembled children of Israel, reviewing the events that occurred and the laws that were given in the course of their forty-year journey from Egypt to Sinai to the Promised Land, rebuking the people for their failings and iniquities, and enjoining them to keep the Torah and observe its commandments in the land that G-d is giving them as an eternal heritage, into which they shall cross after his death.

Moses recalls his appointment of judges and magistrates to ease his burden of meting out justice to the people and teaching them the word of G-d; the journey from Sinai through the great and fearsome desert; the sending of the spies and the people's subsequent spurning of the Promised Land, so that G-d decreed that the entire generation of the Exodus would die out in the desert. "Also against me," says Moses, "was G-d angry for your sake, saying: You, too, shall not go in there."

Moses also recounts some more recent events: the refusal of the nations of Moab and Ammon to allow the Israelites to pass through their countries; the wars against the Emorite kings Sichon and Og, and the settlement of their lands by the tribes of Reuben and Gad and part of the tribe of Manasseh; and Moses' message to his successor, Joshua, who will take the people into the Land and lead them in the battles for its conquest: "Fear them not, for the L-rd your G-d, He shall fight for you."

Devarim Haftorah in a Nutshell - Haftarah - Parshah - *Isaiah 1:1-27*.

https://www.chabad.org/parshah/article_cdo/aid/707608/jewish/Haftorah-in-a-Nutshell.htm

This week's *haftorah* is the third of a series of three "*haftarot* of affliction." These three *haftarot* are read during the Three Weeks of mourning for Jerusalem, between the fasts of 17 Tammuz and 9 Av.

Isaiah relays to the Jews a G-dly vision he experienced, chastising the residents of Judah and Jerusalem for having rebelled against G-d, criticizing them for repeating their errors and not abandoning their sinful ways — even after having been reprimanded and punished. "*Woe to a sinful nation, a people heavy with iniquity, evildoing seed, corrupt children. They forsook G-d; they provoked the Holy One of Israel.*" Harsh words are employed, comparing the Jewish leaders to the

rulers of Sodom and Gomorrah. G-d states his distaste for their sacrifices and offerings which were flavored with pagan customs. *"How has she become a harlot, a faithful city; it was once full of justice, in which righteousness would lodge, but now it is a city of murderers..."*

Isaiah then speaks gentler words, encouraging the people to repent sincerely and to perform acts of justice and kindness towards the needy, orphans and widows, and promising them the best of the land in return for their obedience. *"If your sins prove to be like crimson, they will become white as snow; if they prove to be as red as crimson dye, they shall become as wool."* The haftorah concludes with a promise that G-d will eventually reestablish Israel's judges and leaders, when *"Zion shall be redeemed through justice and her penitents through righteousness."*

Note: The first word of the *haftorah* is "Chazon" ("The vision [of Isaiah]").

The Shabbat when this *haftorah* is read, the Shabbat before Tisha b'Av, is thus called "Shabbat Chazon," the "Shabbat of the Vision." According to chassidic tradition, on this Shabbat the soul of every Jew is treated to a "vision" of the third Holy Temple that will be rebuilt with the coming of Moshiach.

FOOD FOR THOUGHT

Why Are There So Many Jewish Lawyers?:Devarim by Rabbi Jonathan Sacks z"l

<https://www.rabbisacks.org/covenant-conversation/devarim/why-are-there-so-many-jewish-lawyers/>

At the beginning of the book of Devarim, Moses reviews the history of the Israelites' experience in the wilderness, starting with the appointment of leaders throughout the people, heads of thousands, hundreds, fifties, and tens. He continues:

I charged your judges at that time: *"Hear the disputes among your people and judge fairly, between one person and another, whether the case is between two Israelites or between an Israelite and a foreigner residing among you. Do not show partiality in judgment: listen equally to the small and the great. Do not be intimidated by any man, for judgment belongs to God. Any case that is too difficult for you, bring to it me and I will hear it. Deut. 1:16-17"*

Thus at the outset of the book in which he summarised the entire history of Israel and its destiny as a holy people, he already gave priority to the administration of justice: something he would memorably summarise in a later chapter (Deut. 16:20) in the words, *"Justice, justice, shall you pursue."* The words for justice, tzedek and mishpat, are repeated, recurring themes of the book. The root tz-d-k appears eighteen times in Devarim; the root sh-f-t, forty-eight times.

Justice has seemed, throughout the generations, to lie at the beating heart of Jewish faith. Albert Einstein memorably spoke of Judaism's "pursuit of knowledge for its own sake, an almost fanatical love of justice, and the desire for personal independence – these are the features of the Jewish tradition which make me thank my lucky stars that I belong to it." In the course of a television programme I made for the BBC, I asked Hazel Cosgrove, the first woman to be appointed as a judge in

Scotland, and an active member of the Edinburgh Jewish community, what had led her to choose law as a career, she replied as if it was self-evident, “Because Judaism teaches: Justice, justice shall you pursue.”

One of the most famous Jewish lawyers of our time, Alan Dershowitz, wrote a book about Abraham,[1] whom he sees as the first Jewish lawyer, “the patriarch of the legal profession: a defence lawyer for the damned who is willing to risk everything, even the wrath of God, in defence of his clients,”[2] the founder not just of monotheism but of a long line of Jewish lawyers. Dershowitz gives a vivid description of Abraham’s prayer on behalf of the people of Sodom (“Shall the Judge of all the earth not do justice?” [Gen. 18:25]) as a courtroom drama, with Abraham acting as lawyer for the citizens of the town, and God, as it were, as the accused. This was the forerunner of a great many such episodes in Torah and Tanach, in which the prophets argued the cause of justice with God and with the people. In modern times, Jews reached prominence as judges in America – among them Brandeis, Cardozo, and Felix Frankfurter. Ruth Bader Ginsburg was the first Jewish woman to be appointed to the Supreme Court. In Britain between 1996 and 2008, two of Britain’s three Lord Chief Justices were Jewish: Peter Taylor and Harry Woolf. In Germany in the early 1930s, though Jews were 0.7 per cent of the population, they represented 16.6 per cent of lawyers and judges.

One feature of Tanach is noteworthy in this context. Throughout the Hebrew Bible some of the most intense encounters between the prophets and God are represented as courtroom dramas. Sometimes, as in the case of Moses, Jeremiah, and Habakkuk, the plaintiff is humanity or the Jewish people. In the case of Job it is an individual who has suffered unfairly. The accused is God Himself. The story is told by Elie Wiesel of how a case was brought against God by the Jewish prisoners in a concentration camp during the Holocaust.[3] At other times, it is God who brings a case against the Children of Israel.

The word the Hebrew Bible uses for these unique dialogues between heaven and earth[4] is *riv*, which means a lawsuit, and it derives from the idea that at the heart of the relationship between God and humanity – both in general, and specifically in relation to the Jewish people – is covenant, that is, a binding agreement, a mutual pledge, based on obedience to God’s law on the part of humans, and on God’s promise of loyalty and love on the part of Heaven. Thus either side can, as it were, bring the other to court on grounds of failure to fulfil their undertakings.

Three features mark Judaism as a distinctive faith. **First** is the radical idea that when God reveals Himself to humans He does so in the form of law. In the ancient world, God was power. In Judaism, God is order, and order presupposes law. In the natural world of cause and effect, order takes the form of scientific law. But in the human world, where we have freewill, order takes the form of moral law. Hence the name of the Mosaic books: Torah, which means ‘direction, guidance, teaching,’ but above all ‘law.’ The most basic meaning[5] of the most fundamental principle of Judaism, *Torah min haShamayim*, ‘Torah from Heaven,’ is that God, not humans, is the source of binding law.

Second, we are charged with being interpreters of the law. That is our responsibility as heirs and guardians of the Torah she-be-al peh, the Oral Tradition. The phrase in which Moses describes the voice the people heard at the revelation at Sinai, kol gadol velo yasaf, is understood by the commentators in two seemingly contradictory ways. On the one hand it means ‘the voice that was never heard again’; on the other, it means ‘the voice that did not cease,’ that is, the voice that was ever heard again.[6] There is, though, no contradiction. The voice that was never heard again is the one that represents the Written Torah. The voice that is ever heard again is that of the Oral Torah.

The Written Torah is min ha-shamayim, “from Heaven,” but about the Oral Torah the Talmud insists Lo ba-shamayim hi, “It is not in Heaven.”[7] Hence Judaism is a continuing conversation between the Giver of the law in Heaven and the interpreters of the law on Earth. That is part of what the Talmud means when it says that “Every judge who delivers a true judgment becomes a partner with the Holy One, blessed be He, in the work of creation.” (Shabbat 10a)

Third, fundamental to Judaism is education, and fundamental to education is instruction in Torah, that is, the law. That is what Isaiah meant when he said, “Listen to Me, you who know justice, the people in whose heart is My law; do not fear the reproach of men, nor be afraid of their insults.” (Is. 51:7)

This is what Jeremiah meant when he said, “**This is the covenant I will make with the house of Israel after those days, says the Lord: I will put My law within them, and I will write it on their hearts; and I will be their God, and they shall be My people.**” (Jer. 31:33)

This is what Josephus meant when he said, nineteen hundred years ago, “Should any one of our nation be asked about our laws, he will repeat them as readily as his own name.” The result of our thorough education in our laws from the very dawn of intelligence is that they are, as it were, engraved on our souls. To be a Jewish child is to be, in the British phrase, “learned in the law.” We are a nation of constitutional lawyers.

Why? Because Judaism is not just about spirituality. It is not simply a code for the salvation of the soul. It is a set of instructions for the creation of what the late Rabbi Aharon Lichtenstein zt”l called “societal beatitude.” It is about bringing God into the shared spaces of our collective life. That needs law: law that represents justice, honouring all humans alike regardless of colour or class; law that judges impartially between rich and poor, powerful and powerless, even in extremis between humanity and God; law that links God, its Giver, to us, its interpreters, the law that alone allows freedom to coexist with order, so that my freedom is not bought at the cost of yours.

Small wonder, then, that there are so many Jewish lawyers.

[1] Alan Dershowitz, Abraham: The World’s First (But Certainly Not the Last) Jewish Lawyer, New York, Schocken, 2015. [2] Ibid., 11. [3] Elie Wiesel, The Trial of God, Schocken, 1995. The story is believed to be fictional, although on one occasion Wiesel said that it happened and

that he was there. [4] On the subject in general, see Anson Laytner, *Arguing with God: A Jewish Tradition*, Jason Aronson, 1977. [5] Not the only meaning, to be sure. See Rambam, *Hilchot Teshuvah* 3:5. [6] Deut. 5:19, and see Rashi ad loc., who gives both interpretations. [7] *Bava Metzia* 59b.

[Moses' Retirement Speech: Devarim by Raymond Scheindlin](https://www.jtsa.edu/torah/moses-retirement-speech)
<https://www.jtsa.edu/torah/moses-retirement-speech>

Last week, we left Moses and the Israelites on the plains of Jericho in Moab, in the fortieth year after the Exodus, ready to cross the Jordan and enter Canaan. Moses has settled some final regulations; his successor, Joshua, has been installed, ready to take command. But one thing remains for Moses to do in the land of Moab—something everyone knows about but no one wants to mention: Moses has to step away. As everyone knows, he is doomed to die in Moab.

But before stepping aside, Moses has some things to say.

Deuteronomy, which we begin reading this week, is devoted to Moses's farewell to his people. Deuteronomy is preeminently Moses's book; in it, Moses mostly speaks in his own voice, so that instead of the ever-recurring third-person opening line "And the Lord spoke to Moses . . .," we read "The Lord spoke to me" (Deut. 2:2).

Deuteronomy contains not one but a series of farewell speeches and prophetic poems in which Moses recalls the forty years since the Exodus from Egypt and looks ahead to the future in the promised land.

Moses has grown as a public speaker. One of the first things he says about himself in the Torah is: "I am no man of words and have never been one I have a heavy mouth and a heavy tongue" (Exod. 4:10). Yet in Deuteronomy, Moses delivers speeches of long-rolling, well-balanced sentences. He has become a masterful speaker, a worthy predecessor of the so-called literary prophets such as Isaiah and Jeremiah.

Most people who retire after a lifetime in one position welcome the opportunity to reflect publicly on their career. When I retired from my forty-two years on the faculty of The Jewish Theological Seminary, I compelled my colleagues and friends to listen to a speech of self-indulgent length. Of course, I had no intention of using the occasion to complain about bad moments in the past; it was an occasion for warm reminiscences. Most of us who have retired probably feel that way.

Not Moses. In his first remarks in Deuteronomy, when he recalls God's command forty years earlier to break camp at Mount Sinai and begin the journey to the Promised Land, before he has heard of a single complaint or act of disobedience, he recalls that he was already groaning about the burden of being the Israelite leader: "How can I bear your trouble, your burden, your quarrels all alone?" (Deut. 1:12). Throughout this week's parashah and later in Deuteronomy, we will be hearing Moses's complaints about the people and his fears that they will not be steadfast in the long run.

Moses in Deuteronomy is 120 years old (Deut. 31:2), and if he was already weary at the start of the forty-year march, he must now be past exhaustion. Of his contemporaries, only he and two others—Joshua and Caleb—are left; the others died during the years of wandering that began with the episode of the spies. In this first speech in Deuteronomy, Moses tells this new generation of Israelites that story and the act of disobedience through which their parents forfeited the promise of the land and doomed them to be born and grow up in the wilderness.

In Moses's telling, it was their parents who asked that spies be sent to reconnoiter the land (Deut. 1:22), not God, as the story was originally told (Num. 13:2), as if the people from the start did not completely trust the divine guarantee of their victory. In Moses's telling, the spies' report about the land was completely favorable, but the people, intimidated by rumors, simply refused to go forward (Deut. 1:25–28). In punishment, God doomed the entire generation of the Exodus, including Moses, to die in the desert, for God was angry with the leader because of his flock (Deut. 1:37). Yet in the account of the desert years in Numbers, we were told that it was for striking the rock in Kadesh that Moses was blocked from entering the Land.

Perhaps as Moses brooded on his punishment, he came to blame the people for the guilt that the Torah explicitly attaches to him alone. It is easy to sympathize with Moses's mentally shifting the blame to the people, for it was the people's failure to trust God that brought about the confrontation at the rock and Moses's intemperate behavior, resulting in his downfall. In his mind, the episodes of the rock and the spies had a single cause: the people's failure to trust. And Moses, steadfast though he was, had been caught up in their weakness.

Yes, Moses is tired, angry, and willing to blame others. Yet he still loves his people. In the very passage in which he complains of the burden of leading such quarrelsome folk, he begs God to bless them and multiply them (Deut. 1:11), to make them even more burdensome! He sees promise in this new generation, for he contrasts the behavior of their parents in the episode of the spies with their own behavior when it was their turn to engage enemies: the formidable Sihon, king of the Amorites; and the even more formidable Og, king of Bashan. This younger generation trusts God and obeys his commands implicitly: they march straight through Edom and Moab, wage war against Sihon and Og as commanded, and conquer as promised. Bitter old man that he is, Moses does not praise the people for their good behavior—they are only doing their duty, after all—but we can sense a new and more satisfactory relationship with them in the way he tells the story of the conquests in the Transjordan in the second part of the parashah.

In telling the story of the older generation's failings, Moses used phraseology of distance: "I told you You refused God heard your voice God was angry with me on your account." When he comes to tell the story of the younger generation and their conquests, he includes himself in the telling: "We moved on We crossed over Sihon took the field against us God delivered him to us We made our way toward Bashan," etc. In the first part of Moses's speech, he distances himself from the people; in the second part, his identification with the

people has been renewed. When, at the end of the parashah, Moses instructs the people to cross the Jordan under Joshua's leadership and conquer the people of Canaan, it is in a new and positive tone, evincing confidence in their future behavior. Toward the end of the book, as Moses comes closer to death, his fears that the people will not remain steadfast resurge, and he makes dire predictions about what will befall them if they fail in faithfulness. In the first chapter of Isaiah, the haftara for this week), we get a full dose of prophetic rage over the misdeeds of a generation that lived some 500 years later. But in our parashah, the bitterness is over the past, and the future looks hopeful. (*Raymond Scheindlin is Professor Emeritus of Medieval Hebrew Literature at JTS*)

[Making Reparations after Churban by Rabbi Lynn Gottlieb](https://truah.org/resources/lynn-gottlieb-tisha-bav-moraltorah/)
<https://truah.org/resources/lynn-gottlieb-tisha-bav-moraltorah/>

“Zachor...Mah Haya Lanu! Remember what happened to us!”

This quote from the liturgy of Tisha B'Av, written in the 12th century by Baruch ben Shmuel of Mainz, expresses how many of us are feeling this season. Tisha B'Av initially commemorated the destruction of the Temple in Jerusalem in 586 BCE and again in 70 CE, known in Hebrew as Churban HaBayit/Destruction of The House. Over centuries, it expanded to include commemoration of the forced exile of Sefardic Jews from Spain and Portugal, European pogroms, and the Holocaust, initially called Churban before the term Shoah came into use.

The Hebrew term Churban denotes catastrophic destruction on a vast scale through human agency. And it is not our historic catastrophes alone we are mourning this year. The deadly set of rulings promulgated by the Supremely right wing Court impacting the bodies and well-being of women, girls and trans people, the sovereignty of Indigenous people, the health of the environment, the lives of Black people, freedom of religion, the right to boycott, and free speech compound the sense of emotional overwhelm present in our communities at this time. How then, might we wield our mourning technologies to meet the needs of the times we live in? From earliest Jewish times, communal mourning also included teshuvah. For instance, we associate the prayer Avinu Malkeinu with the High Holidays, but the Talmud, in tractate Ta'anit (25b) – about public fast days and mourning practices – describes when Rabbi Akiva created it during a drought, i.e. a time of public mourning and repentance.

Teshuvah carries the meaning of return to wholeness through acts of repair. In the 12th century, Maimonides famously defined it as a five step process. Here is my updated interpretation of his definition, through a reparations framework: Teshuvah requires acknowledgement of harms (hakarrah), remorse (charata) – which, in a reparations framework, is a form of accountability for the harms – and public truth telling of harms by people directly impacted by them. Often, we are tempted to think

that is enough, that we feel bad and apologize, but Maimonides argues that is not so. The last two steps – compensation (peira'on) and guarantees of non-repeat of the harm (azivat ha-chet) – are needed for teshuvah reparations to be complete to the satisfaction of injured parties. For the massive harms of colonial settlerism, racism, patriarchy, environmental destruction and, in the Jewish world, Israeli occupation, we need to implement these final two stages. It is not enough to mourn. Mourning must be accompanied by actions that end the harm being done.

To what can this be compared? Several years ago I saw Nancy Pelosi wash the feet of migrants who walked the treacherous road from Honduras to the United States to escape violence and climate devastation. As the Speaker of the House washed their feet, she shed tears of sorrow for their plight. In my understanding of faithfulness, however, you can't wash the feet of traumatized immigrants with one hand and use the other hand to sign off on massive military spending, which is the root cause of the harms that led them to leave their homes in the first place! So it is with us. For the sake of a healed future, we cannot silo our grief from our teshuvah. The two go hand in hand. Humanity's fate is tied together.

This Tisha B'Av, along with the ancient words of Baruch ben Shmuel, I will recite the words of Honduran human rights worker Berta Caceres, who was murdered defending her community's access to clean water. She said, "In the indigenous world view, we are beings who come from the Earth, from the water, and from corn. Let us wake up! Wake up, humankind! We're out of time. We must shake our conscience free of the rapacious capitalism, racism and patriarchy that will only assure our own self-destruction... Our Mother Earth, militarized, fenced-in, poisoned, and a place where basic rights are systematically violated, demands that we take action. Let us build societies that are able to coexist in a dignified way, in a way that protects life. Let us come together and remain hopeful as we defend and care for the Earth and all of its spirits and living beings." *(Rabbi Lynn Gottlieb is entering her fiftieth year of rabbinic service. She is author of She Who Dwells Within; A World Beyond Borders Passover Haggadah; and Trail Guide to a Torah of Nonviolence. Lynn lives in Berkeley, California on unceded Ohlone land. She is board chair of Interfaith Movement for Human Integrity and on the rabbinic council of Jewish Voice for Peace.)******

Yahrtzeits

Ilisia Kissner remembers her mother Etta M. Strassfeld on Sun. Aug. 7 (Av 10).
Mike Hessdorf remembers his father Ralph Hessdorf on Sun. Aug. 7 (Av 10).
Mel Zwillenberg remembers his mother Rose Zwillenberg on Mon. Aug. 8 (Av 11).
Marianne Sender remembers her mother Helen Popiel on Thurs. Aug. 11. (Av 14).
Shari Mevorah remembers her grandmother Yetta Jablonek on Thurs. Aug. 11 (Av 14).
Lisa Small remembers her aunt Edith Berman on Fri. Aug. 12 (Av 15).