

Early Indications

One of the dominant themes of the book of Devarim is the admonishment (*tochacha*) given to the Jewish people by Moshe. We are taken on a review of the various outright heinous sins committed throughout the sojourn in the desert, and Moshe does not hold back. However, the first instance of rebuke, as found in the Torah portion of Devarim, is less than obvious.

This first instance of rebuke can be found in the following verses (Devarim 1:12-13):

“How can I bear your trouble, your burden, and your strife all by myself? Prepare for yourselves wise and understanding men, known among your tribes, and I will make them heads over you.”

The simple understanding of these verses is that Moshe was referencing an episode in the Torah portion of Yitro. At that time (reading as prior to the giving of the Torah), Moshe was overburdened with judging the nation. Yitro, seeing the tremendous struggle facing Moshe, advised he institute a hierarchal system of judges (Shemot 18:13-14):

“It came about on the next day that Moses sat down to judge the people, and the people stood before Moses from the morning until the evening. When Moses' father in law saw what he was doing to the people, he said, ‘What is this thing that you are doing to the people? Why do you sit by yourself, while all the people stand before you from morning till evening?’”

Yet the Sages all point to the first verse in Devarim as being a form of rebuke Moshe is giving the Jewish people. Rashi encapsulates this view:

“your trouble: This teaches us that the Israelites were troublesome [people]; if one saw his opponent in a lawsuit about to win, he would say, ‘I have [other] witnesses to bring, [more] evidence to introduce, I [will exercise my right to] add judges to you [in your tribunal]’.

and your burden: This teaches that they [the Israelites] were heretics: If Moses was early leaving his tent they would say, ‘Why does the son of Amram leave so early? Perhaps he is not at ease inside his house?’ If he left late, they would say, ‘Why does the son of Amram not leave? What do you think? He is [probably] sitting and devising evil schemes against you, and is thinking up plots against you.’

and your strife: This teaches that they [the Israelites] were contentious.”

It is clear Rashi sees these various complaints by Moshe as being criticisms leveled against the Jewish people. However, the story as presented in Yitro does not offer the remotest hint of the Jewish people acting in any inappropriate manner. Furthermore, in the first recounting, Yitro is the one who points out the problem with the current judicial system. Here, Moshe seems to be indicating he is the one who was concerned about how things were operating. How do we explain this discrepancy?

One can also inquire as to the importance of each specific criticism. As Rashi (and the Sages) often write, each description conveys some specific idea. What does each idea teach us?

Often, the Sages find various verses that hint to certain deep flaws in the nation, flaws that if corrected will not manifest into more serious violations. In this instance, the Sages are pointing to various insidious issues that were present in the early formative years of the nation.

The first of these is something quite common. When faced with a losing verdict, the litigant is unable and unwilling to accept the result. The individual flails, seeking some way to prolong the case and prove the verdict was incorrect. The inability to accept the outcome stems from the outlook of a person never acknowledging error. A subjectivist viewpoint means truth must conform to the individual's outlook. One's ego becomes the driving force, and truth takes a back seat to the need to be correct.

The second flaw is also rooted in one's ego yet directed towards a different source. When subjecting oneself to a legal process, it is tempting to question the veracity of the judge involved in the case. Using an ad hominem type of attack on a judge is an attempt to create a distraction, undermining the acceptance of the potential outcome. Personal character attacks mean that whatever happens, the judgment itself is poisoned. Underlying this view is the natural resistance people have to the acceptance of an authority in determining the proper course.

Finally, there is the issue of the Jewish people being contentious. This also points to an overemphasis on the individual. A litigious society leads to a corrosion of unity, and the idea of a "nation" becomes a mere fantasy.

All these issues are important flaws that needed to be addressed, as they would imperil the future acceptance of and adherence to the Torah. Subservience to an objective system of worship and morals means setting aside one's insistence on being "right". Accepting the Torah means not questioning the motivations of the authority giving it over. The Torah was set up for the nation, and a lack of cohesion would undermine any type of acknowledgment.

While these flaws were serious, they were also not unexpected. The Jewish people had recently left Egypt, and while they had witnessed the great miracles and left the world of slavery, they were still in the early seminal years of development. It would be wrong to think of them as being on a high level at this stage.

One of the primary objectives of the Torah would be to create the path to bring the Jewish people to the highest possible state of existence. Thus, it would be expected that these types of flaws existed, or else why have the Torah? Moshe understood this quite well and sensed these

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issues when involved in judging. However, he also considered that through his role as teacher and through the giving of the Torah, these flaws would be rectified.

The Torah never records these flaws as they were not out of the ordinary. Unfortunately, it turned out that these issues were not resolved, evidenced by the future sins committed by the Jewish people. When Moshe now turns to admonishing the Jewish people, he begins with this allusion to these flaws, as per the Sages. The lesson he is teaching them is how the inability to solve these underlying problems laid out the groundwork for the future sins committed by the Jewish people. When one can engage in introspection, the ability to uncover potential flaws comes to light, and correcting them means the future sin will never occur. Admonishment is much more than pointing out incorrect actions; it provides an opportunity to uncover the deepest flaws one might have and truly change oneself.