

A “Thought Provoking” *D’var Torah*

by

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NOTE: The following questions (including a few pieces of Torah as well as an accompanying *chiddush*) are the beginning of my attempt to change strategy, improve my attitude, let go of the past, but also (to be perfectly honest) to devise a way of prompting a paradigm change in the way that *Yidden* think, but more importantly, *talk* about Moshe and the *Mashiach*. I’ve decided (with the encouragement of a *Yid* who shares my *hashkafah*) to utilize a question and answer format, similar to the *Kuzari*, and Rav Hirsch’s *Nineteen Questions*, in order to present my case.

For any who have read some of my previous offerings, and who might have been “turned-off” by the tone, please accept my apologies, as it was not my intention to push away but rather to draw near. I would appreciate another chance to calmly, carefully, but succinctly make my case, and I thank those who will carefully consider the following *D’var Torah*.

A SERIOUS question for thoughtful consideration: “Is it (*theoretically*) possible that the sages of a generation could be mistaken on an important point of Torah, and that an individual *Yid* (possibly even a *ger*) could recognize this mistake, and refuse to follow the directions given him by those sages?”

The initial, gut reaction to this question might be a resounding, “No!” How could it be possible that a solitary individual could hold a position that is contrary to that of the sages of his generation, and that that individual could be correct, while the sages are mistaken? It flies in the face of logic to even consider such a possibility – but this is a teaching found in HaShem’s Torah, and it is this improbable possibility that we will examine in the following *D’var Torah*.

On the *passuk* (*Vayikra* 4:13) “And if the (עדה) **whole congregation** of (ישראל) *Israel* (שגג) **sins through ignorance**, and the thing is hidden from the eyes of the assembly, and they have done something against any of the commandments of the Lord concerning things which should not be done, and are guilty...,” **the Or HaChayim** writes, “The word עדה, ‘community of’ is taken by *Toras Kohanim* as referring to the Sanhedrin, the Jewish Supreme Court. The word עדה in this verse and the word עדה in *Bamidbar* 35:24-25¹ both are a reference to the Sanhedrin of 71 Sages. The word ישראל is presumed to mean the Court which is unique to Israel, i.e. the Court comprising 71 judges.

“The word שגג” teaches that the legislation introduced here applies only if the Court erred in Judgment and the people acted upon that error in judgment ... Thus far the *Toras Kohanim*.

“A moral/ethical approach to this verse considers the word שגג” as referring to Israeli society committing moral errors and departing from Jewish norms. As a result of such conduct it

¹ ***Bamidbar* 35:24-25:** “Then (עדה) **the congregation** shall judge between the man slayer and the avenger of blood, according to these judgments. And the congregation shall deliver the slayer from the hand of the avenger of blood, and (עדה) **the congregation** shall restore him to his city of refuge, where he had fled; and he shall live there until the death of the high priest, who was anointed with the holy oil.”

would follow that the Jewish Supreme Court will also hand down faulty judgments as the judges and their Torah knowledge reflect the level of the people whom they represent. They are to blame for the people straying as they had not used their authority in controlling public morals....”

The Or HaChayim (Vayikra 4:27) [“And if any one of the common people sins through ignorance, (בעשותה) when he does something against any of the commandments of the Lord concerning things which ought not to be done, and is guilty....”] **writes**, “... בעשותה, **when he (the נפש) has performed it (the sin)**. This word [בעשותה] is extraneous and Toras Kohanim interprets it both restrictively and inclusively. It is used restrictively to teach that if the person who committed the sin did so as a result of carrying out a ruling handed down by the High Court, he is exonerated [of individual sin, and his sin is atoned for by the *korban* brought on behalf of the entire community] ... The word בעשותה is interpreted inclusively in the event that the individual complied with the High Court’s faulty ruling **though he was well enough versed in Torah to know that the ruling was faulty**. In such a case he cannot shield himself behind the High Court’s ruling, but has to offer a personal sin-offering of a she-goat **for having acted against his better judgment.**”

Thus, it would seem from the Or HaChayim’s understanding (as gleaned from *Toras Kohanim*), that an individual is forbidden by HaShem’s Torah from going against his own understanding, and following what he knows to be a faulty ruling by the Sanhedrin, which by definition is populated with the greatest Torah minds of each generation. This idea is also expressed by Rav Hirsch in his commentary.

Rav Hirsch (Vayikra 4:13) writes, “... ישגו ונעלם וגו’ ... שגגה denotes an error of faulty theory. The mind is caught up with some idea and thus is distracted from all other matters. Hence, the stronger form שגג – a wrong idea, fixed in the mind. This error of faulty theory is explained further by the words ונעלם דבר מעיני הקהל וגו’. **The בית דין הגדול functions as עיני הקהל, the eyes of the nation.** The wisdom of the nation resides with them. They draw knowledge from the Torah, and from this knowledge they draw conclusions as to how the people should act. In the case of our verse, ‘something’ (דבר) escapes the knowledge of the nation’s greatest sages. They are caught in a misconception of the law (ישגו) and as a result overlook some aspect of it (ונעלם מהם דבר) ... Scripture ... says ישגו ונעלם; from this we infer that there was a שגגת הוראה on the part of the Sanhedrin, a העלם דבר, which lead to a מעשה שגגת on the part of the קהל

“**[I]f someone knew that בית דין had erred (ידע שטעו) but nevertheless acted in accordance with it erroneous ruling, because he thought that מצוה לשמוע דברי חכמים ... the individual who sinned is held responsible and not the בית דין.**”

Rav Hirsch (Vayikra 4:14) writes, “... The בית דין הגדול is the rational soul of the national body (עיני הקהל). Hence, the nation provides the פר for the use of the בית דין and exhorts itself – and the בית דין – to serve G-d as a ‘פר.’”

Rav Hirsch notes something interesting regarding the Written Torah and unintentional sin. In his commentary on **Vayikra 4:2**, Rav Hirsch writes, “...[N]ot every offence that is committed inadvertently makes one liable to a חטאת; rather, the obligation to bring a חטאת is

limited to the inadvertent violation of a ... negative precept entailing an action that when done willfully carries the penalty of כרת ... [E]ven מגדף, blasphemy, is excluded – even though it is a negative precept for which one is liable to כרת – since it entails no action but only speech (*Kereisos* 2a). All this is derived from the case of עבודה זרה, which is the archetype for this halachah; for עבודה זרה is the only sin whose שגגה is mentioned explicitly in the Torah as making one liable to a חטאת (Bamidbar 15:22; see Rav Hirsch there).”

Rav Hirsch had already commented on the error that leads to עבודה זרה earlier in his commentary on the *Chumash*. **Rav Hirsch, Bereshis 24:4** (“*But you shall go to my country, and to my family, and take a wife for my son Isaac.*”) reads – “. . . Avraham rejected the daughters of Canaan, preferring an Aramean woman for his son. Let us bear in mind, though, that the Arameans, too were idolaters. Thus, the reason for Avraham’s decision was not the **idolatry** of the Canaanites, but their moral degeneracy.

“Idolatry is basically an intellectual error, and that can be corrected. Moral degeneracy, however, takes hold of the whole individual, heart and soul. Hence, even a man such as Avraham could not hope to find among the Canaanites a modest, morally pure woman as a wife for his son, a woman who would bring with her a nobility of spirit and the purity of morality, as a pearl for his home.”

HaShem’s Torah, *Bamidbar* (15:22-26), which has already been referenced by Rav Hirsch, reads:

“And if you have erred, and not observed all these commandments, which the Lord has spoken to Moses, All that the Lord has commanded you by the hand of Moses, from the day that the Lord commanded Moses, and onward through your generations; Then it shall be, if anything is committed by ignorance without the knowledge of the congregation, that all the congregation shall offer one young bull for a burnt offering, for a sweet savor to the Lord, with its meal offering, and its drink offering, according to the prescribed ordinance, and one kid of the goats for a sin offering. And the priest shall make an atonement for all the congregation of the people of Israel, and it shall be forgiven them; for it is ignorance; and they shall bring their offering, a sacrifice made by fire to the Lord, and their sin offering before the Lord, for their ignorance; And it shall be forgiven all the congregation of the people of Israel, and the stranger who sojourns among them; seeing all the people were in ignorance.”

Rashi explains (15:22) – **And if you should err and not fulfill **Idolatry** was included in “all the commandments” (Lev. 4:13) for which the community brings a bull [as a sin-offering], but here Scripture removes it from that category to apply to it the law of a bull for a burnt offering and a he-goat for a sin-offering. - [Sifrei Shelach 22] If you err Scripture speaks of **idolatry**, or perhaps only to one of the other commandments? Scripture therefore states, “all of these commandments.” One commandment which is equivalent to all the commandments. Just as someone who transgresses all the commandments, casts off the yoke [of the Torah], violates the covenant, and acts brazenly [toward the Torah], so one who transgresses this commandment, casts off the yoke, violates the covenant, and acts brazenly. Which [one] is this? This is **idolatry**. - [Sifrei Shelach 33] **which the Lord spoke to Moses** [The first two commandments,] “I am [the Lord, your God]” and “You must not have [any other gods]” (Exod. 20:2-3) were heard by the word of the Divine, as it says, “Once did God speak, but we heard them twice” (Ps. 62:12). - [Sifrei Shelach 33]**

Rashi (15:23) – All that the Lord commanded This teaches us that anyone who acknowledges [the truth of] **idolatry** is considered as if he had denied the entire Torah and all the prophecies of the prophets, as it says, “from the day on which the Lord commanded and from then on.” - [Sifrei Shelach 33]

Rashi (15:24) – If because of the eyes² of the congregation it was committed inadvertently If, because of **the leaders** [literally, **eyes**] of the congregation [the Sanhedrin] this transgression was committed inadvertently—for they [the leaders/ the Sanhedrin] erred and ruled concerning one form of service, that it was permitted to worship **an idol** in this manner. - [See **Horios 2b**]

Now we come to answer the second question that was asked at the beginning of this piece, whether or not it is possible for the lone individual who has recognized something amiss could be a *ger*. Please consider the *ger* Yisro, the words that Moshe used to urge him to stay, as well as Rashi’s understanding of Moshe’s words:

Bamidbar 10:29-31 “And Moses said to Hobab, the son of Raguel the Midianite, Moses’ father-in-law, We are journeying to the place about which the Lord said, I will give it you; come with us, and we will do you good; for the Lord has spoken good concerning Israel. And he said to him, I will not go; but I will depart to my own land, and to my kindred. And he said, Leave us not, I pray you; for you know how we are to camp in the wilderness, and you may be to us instead of eyes.”

Rashi, Bamidbar 10:31 – You will be our guide The verse has the past tense, [and] as the *Targum* renders, [it means: all the wonders wrought for us, you have seen with your eyes.] Another explanation: [It is in] the future tense—If anything should be hidden from our eyes, you shall enlighten us [with your guidance]. A further interpretation: You shall be as beloved to us as the pupils of our eyes, as it says, “*You shall love the proselyte*” (Devarim 10:9).

I would like to suggest a novel understanding of the few *passukim* that *seem* to suggest that it was Moshe (and Aaron) who “took us out of Egypt.” I have, in past writings on this subject, quoted Moshe (Shemos 16:6) as well as several Sages (Rashi, Or HaChayim, Rav Hirsch all on *Shemos* 16) who all are in agreement that it is an error to attribute the exodus from Egypt to Moshe. Yet still there are a couple of *passukim* (*Shemos* 3:10-12, *Shemos* 6:13, 6:27; *et al*) that do seemingly attribute the exodus to flesh and blood, rather than solely to HaShem. But I have realized, I believe, a way of understanding these few *passukim* that does not contradict Moshe or our Sages, but yet still gives a *kosher* role to Moshe (and Aaron) in HaShem’s Redeeming us from slavery. The *chiddush* (which ties the contribution of Yisro in) goes something like this:

“In *Parashas Yisro*, we find that after Yisro converts, he observes the way that Moshe sits all day long judging the people and answering their questions. Yisro (who at one time was one of Pharaoh’s advisors, and who saw how the people of Egypt idolized their ruler) objects to

² **Regarding Yisro (Bamidbar 10:29-31)** “And Moses said to Hobab, the son of Raguel the Midianite, Moses’ father-in-law, We are journeying to the place about which the Lord said, I will give it you; come with us, and we will do you good; for the Lord has spoken good concerning Israel. And he said to him, I will not go; but I will depart to my own land, and to my kindred. And he said, Leave us not, I pray you; for you know how we are to camp in the wilderness, and you may be to us instead of eyes.”

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the way that Moshe is conducting himself. I believe that Yisro saw the danger of Moshe unintentionally setting himself up as the new ‘pharaoh,’ and that the people might relate to him in the way that they had to Pharaoh – which, it seems, the Erev Rav eventually did at the incident of the Golden Calf. Yisro understood that only HaShem (*Tehillim* 121) ‘*neither slumbers or sleeps,*’ but that Moshe, made of flesh and blood would certainly tire. But also, Yisro recognized, that Moshe was the leader of the generation, a prophet of HaShem, whose job it was to **not** take the people out of Egypt, but rather to take Egypt out of the people. This is the true task of any leader/king of Israel, to direct his students on the proper path of serving HaShem (see *Hilchos Melachim* 4:10). [Also note that the *passukim* that attribute the exodus to Moshe deal with *Har Sinai* (Toras Moshe) and Moshe’s confronting Pharaoh (as HaShem’s spokesman), and the truth of my *chiddush* will come clearly into focus!]

Thus we see that it is a lesson of Torah that a lone individual can have a correct understanding that has eluded the greatest sages of his day, as well as the fact that such an individual – as exemplified in Yisro – can be a *ger*. I also have posited an understanding of a few “stray *passukim*,” that have been utilized (in my opinion) to justify the non-kosher words, “Moshe took us out of Egypt.” All in all I’m feeling pretty good about this piece!

Dear reader, tell me what you think!