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Does the Punishment Fit the Crime?

Congregation Adat Reyim

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In "The Mikado," an operetta by G&S, the eponymous character sings about his fantasy of the punishment fitting the crime. In this week's Torah portion, Chukat, Hashem informs Moses and Aaron that because of a transgression, neither will enter the land flowing with milk and honey. The few verses in this week's reading have generated much discussion on whether the punishment fits the crime. Indeed, there is controversy as to what the crime was. Let's read Numbers 20:1-13.

[Read the verses from a Chumash]

The rabbis have considered aspects of this story that many of us have probably let pass without a second thought. For example, according to the midrash, after their sister Miriam's death, Moses and Aaron saw a crowd of people approaching. At first they believed the people were making a sympathy call. They quickly learned otherwise; thirsty people are not concerned about social niceties. Chazal has also wondered why after neither Aaron nor Moses responded to the people's complaints, the brothers retreated to the Tent of Meeting. Was it to hear from God how to respond or was it because the people were trained not to enter that area and so Moses and Aaron were physically safe from a mob? God tells Moses to take *the* staff, gather the assembly, and talk to *the* stone. Chazal wonders which staff was the proper staff. Was it Moses' staff with which he hit the rock 39 years earlier in the wilderness, or was it Aaron's staff that bloomed almond buds 38 years earlier? The text is not clear. Similarly, there are quite a few midrashim about which stone Moses was to address.

Note, by the way, that when I speak about the incident in parsha B'shallach I will use the term "rock" for what Moses was told to strike. In Chukat Moses is told to speak to a stone. The Torah uses two different words as well. Moses is told to strike the "tzur" but speak to the "selah."

So, what was Moses' sin? The Torah in four places refers to it:

- Because you did not believe in Me to sanctify Me in the eyes of the Children of Israel (in the selection just read)
- Because you defied My word at the waters of strife (Num 20:23 still in Chukat)
- Because you rebelled against My word in the wilderness of Zinn (Num 27:14 in Pinchas)
- Because you trespassed against me among the children of Israel at the waters of strife at Kadesh, in the wilderness of Zinn; because you did not sanctify Me (Deut 32:51 in Haazinu)

Never is the precise nature of the sin clearly specified in the Torah. Chazal struggles to understand the nature of Aaron and Moses' sin and Hashem's response. I will now summarize a variety of responses, each of which can legitimately find backing in the text.

1. Rashi (11th century France) feels that had Moses spoken to the stone, as instructed, Bnei Israel would have thought, "If an inanimate stone obeys Hashem's commands, how much more so must we obey?" So by not bringing about this Kiddush, Hashem Moses caused a Chillul Hashem. Shemuel David Luzzato (19th century Italian professor of Jewish studies) also argues this position, pointing to verse 20:8 "...speak to the stone before their [i.e. the people's] eyes ..." He writes,¹ "It should have said their ears ... we must conclude that not external sight but insight is meant... Moses and Aaron were bidden to act in a way calculated to impress the people with the omnipotence of God – appeal to their insight [and they didn't]."
2. Rambam (12th century Egypt) wrote² that his whole sin lay when he used the expression, "hear now, ye rebels". A man of his stature should not give vent to anger in front of the community of Israel, when there is no need for anger.
3. Ramban (12th century Spain) said the sin was that Moses said, "Notzi/Shall we bring forth water" rather than, "Yotzi/Shall He [Hashem] bring forth water." The Israelites may have been misled into believing that Aaron and Moses extracted the water for them. The midrash points out that Moses served as a shepherd or 40 years for his father-in-law Jethro and may have learned where the springs in the desert were located and how to bring the water out from them.
4. Rabbeinu Bachya ben Asher (14th century Aragon) said that by hitting the stone twice, Moses implied that God had weakened during the 39 years Israel wandered in the desert. Moses needed to strike the rock only once, but now he struck the stone twice.
5. Ovadiah Sforno (16th century Italian) said that Moses and Aaron made a conscious decision to lessen the miracle from a purely supernatural miracle (in which a stone would turn to water when spoken to) to a more concealed miracle (in which water would seem to flow out of the stone naturally). They did this because they felt B'nei Israel was unworthy of an open miracle and that their attempt to cause such an open miracle would fail. In fact, B'nei Israel should have seen the open miracle to refute the belief that Hashem had taken Israel out of Egypt to abandon them in the desert.
6. Ibn Ezra (12th century) faults Moses and Aaron for not taking the initiative at the stone as soon as they were approached by the assembly. Yosef Albo (14th-15th century Spain) agrees, arguing that Aaron and Moses should not have waited for Hashem's instructions. Had they acted immediately, Hashem would have also acted. Moses asserted his authority during Korach's rebellion without waiting for instructions from God. He should have done the same when Klal Israel was in need of water.
7. R' Don Isaac Abravanel (15th century Spain) felt that Moses' death was decreed earlier during the incident with the spies. Moses' poor instructions to the spies caused the spies to err. Aaron's death was decreed at the incident of the Golden Calf. For some reason, however, Hashem waited until parsha Chukat to announce these decrees. Other commentators and the midrash also feel the decree was made earlier, but point to different events, for example, killing the Egyptian taskmaster³ or not correcting Jethro's daughter when she introduced him to her father as an Egyptian.
8. Maharal (R' Yehudeh Loewe ben Bezalel, 16th century Slovakia)⁴ felt that all of Moses' actions during this incident showed a slip in the level of his emunah/faith.

One with perfect faith will never lose his temper since he knows all troubles are trials from God.

9. R' Samson Raphael Hirsh (19th century Germany)⁵ said Moses' loss of his temper showed he had lost hope in B'nei Israel's ability to fulfill their destiny as a people. He wondered if all he had done for the last 40 years was in vain. This was his sin. The punishment bears witness that the scales of justice weigh the slightest errors of the great and saintly equal to the worst sins of ordinary mortals.
10. R' Yehuda Aryeh Alter (the Sefat Emet, 19th Century Poland and the 2nd Gerrer Rebbe) felt that Moses' death due to striking the stone was not a punishment per se. Rather, the actions of hitting the stone and talking to it represent two distinct kinds of leadership.⁶ Moses' actions demonstrated he was unable to provide the proper leadership for conquering and settling the land. A new generation of leaders was required and so Moses and Aaron had to be replaced.

As one can see from the above sample explanations, there is a wide variety of viewpoints concerning these thirteen verses. I lean toward the Sefat Emet's line of reasoning, even though that explanation, as well as the explanation of R' Don Isaac Abravanel, raises another problem -- why did Hashem not tell Moses the true reason for the decree? Would Hashem lie to his servant Moses? This is a topic for a different d'var or perhaps for a future Lunch and Learn.

The punishments sung about by the Mikado were a source of merriment. The punishment announced in this week's portion have been a source of discussion throughout the centuries among the Jewish community.

Good Shabbos!

END NOTES

¹ Nehama Leibowitz on page 246 of her volume on Numbers references his work entitled Ha-ketav Ve-hakabbalah.

² Email from Rabbi Shlomo Katz (genesis@torah.org) on Thu, 24 June 1999; and Leibowitz, op. cit., page 239, reference Shemonah Perakim, Chapter 4.

³ The Torah: A Modern Commentary, edited by W. Gunther Plaut, UAHC, 1981, page 1155, note 3.

⁴ Rabbi Shlomo Katz, op. cit., refers to his work Gur Aryeh.

⁵ Katz, op. cit., who refers to Hirsh's The Pentateuch, page 371.

⁶ Katz, op. cit., reference Sefat Emet Years:5647, 5650, 5654 for descriptions of the various leaderships.