

## Knowing Where We have Been Should Affect Us Profoundly

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Parshiot Ki Tetze—Ki Tavo

I recently had two interchanges, one via email with a former student who currently lives in Israel, and the other over the phone with a mentee who is an administrator in a Jewish day school. Both of these discussions, aside from being interesting in their own rights, served to highlight themes in the Parashiot that we have been reading in recent weeks.

In his email, my former student noted that he had agreed to give a Dvar Tora on the upcoming Shabbat and wanted to discuss with me a particular topic that he found provocative and disturbing, and which he hoped would turn into his Shabbat presentation. On the one hand, he cited the somewhat<sup>1</sup> reassuring implication of Devarim 24:16, “Fathers will not die on account of their children, and children will not die on account of their fathers, each individual will die as a result of his own iniquity,” i.e., that Judaism maintains that there is no vicarious atonement through the suffering of others, but rather every person is answerable only for what he himself has perpetrated.<sup>2</sup> Yet, other verses in the preceding and following chapters, quantitatively many more than the single verse in 24:16, appear to belie this principle:

Devarim 23:3, 4-7, 8-9; 25:17-19

A Mamzer (illegitimate offspring born to a man and a woman who are prohibited to marry on the pain of Karet) will not come into the community of HaShem (will not be permitted to marry someone whose lineage is not similar); even the tenth generation (from such an individual) will not be permitted to enter the community of HaShem. *(Isn't this person being punished because of the sin of his parents? He has nothing to do with his conception, and yet he must bear the burden of someone else's malfeasance?)*

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<sup>1</sup> Wouldn't it be better if no one had to die? Nevertheless, in the event that our respective mortalities becomes an issue, at least according to this verse our lives will not be adversely effected by others, only ourselves.

<sup>2</sup> While positing that sins can lead to one's death is a stark representation of the accountability involved when one fails to meet the responsibilities that his religious commitments demand of him, Rabbinic literature abounds with all sorts of exceptions regarding not only execution by this-worldly courts, but also extenuating circumstances which serve to exempt sinners from Heavenly punishments as well. Consequently, re this verse, the emphasis should not be placed upon death as a punishment, but rather how individuals will not be required to suffer as the result of the actions of others. Moshe Greenberg, “Some Postulates of Biblical Criminal Law” ([The Jewish Expression](#), ed. Judah Goldin, Bantam, NY, 1970) argues that this is the point of the verse in Shemot 21:31 “Whether he (the ox that has been established as a “goring ox”) gores a male child or a female child, in accordance with this law will be done to him (the owner of the ox).” In contrast to Hammurabi's Code wherein if harm is done to another family's child, the perpetrator's child will be subjected to the same fate, the Tora insists that such vicarious atonement will not take place, but rather the standard punishment of a monetary assessment, is all that will be meted out.

An Ammoni and a Moavi will not come into the community of God; even the tenth generation will not come into the community of God forever. Because they did not offer you bread and water on the road when you were going out of Egypt and because they hired Bilaam ben Be'or from Aram Naharaim to curse you...Do not seek their welfare and good all of your days forever.

*(While the individuals who actually meant harm for the Jews deserve to be punished, what did their immediate, let alone long-term descendents do to merit such negative treatment?)*

Do not despise the Edomi because he is your relative;<sup>3</sup> do not despise the Mitzri because you were a sojourner in his land.<sup>4</sup> The descendents that will be born to them, the third generation will come into the congregation of God.

*(Although the punishment for Edomites and Egyptians is not as extensive as that applied to the descendents of Amon and Moav, nevertheless, why should any punishment at all be given to those who did not personally treat the Jews poorly?)*

Remember what Amalek did to you on the road when you were going out of Egypt.<sup>5</sup> That he happened upon you on the road and attacked the tail end (of the encampment) containing the weak taking up the rear, and you were tired and exhausted and not fearing God. And when God will Give you respite from all of your enemies all around in the land that the Lord your God is Giving you as an inheritance to inherit it, wipe out the memory of Amalek from beneath Heaven, do not forget.

*(As in the case of Amon, Moav, Edom, and Mitzrayim, what did the future descendents of Amalek have to do with the bad acts of their ancestors that they should be subjected to such restrictions and even annihilation?)*

And although the Talmud renders moot the practical issue of how to treat these categories of individuals when it quotes R. Yehoshua to the effect that (Berachot 28a) "Sancherev (the king of Assyria) came and mixed up the nations",<sup>6</sup> thereby making it impossible to identify a true Amoni, Moavi, etc., nevertheless, even if technically speaking these laws may no longer be relevant, the principle of

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<sup>3</sup> The Edomites are descended from Eisav who was Yaakov's twin. See Beraishit 25:30; 36:1.

<sup>4</sup> Although the Egyptians eventually enslaved the Jews as per the prediction to Avraham in Beraishit 15:13, nevertheless, during a period of famine in Canaan, the Jews were allowed to sojourn in Egypt. For this Jews should remain eternally grateful despite the hardships that eventually were associated with that sojourning.

<sup>5</sup> See Shemot 17:8 ff.

<sup>6</sup> The assumption is that the manner in which Sancherev managed his empire and tried to discourage rebellions was by taking indigenous populations out of their homelands and resettling them elsewhere. An abject example of this is the biblical discussion of the Shomronim who were resettled from Africa to Israel—see II Melachim 17:24 ff.

shared and extended responsibility continues to be articulated by the aforementioned Tora verses<sup>7</sup> in apparent contradiction to the dictum in Devarim 24:16 cited above.

As a possible resolution for this inconsistency, I suggested to my correspondent that Judaism looks upon history and personal status in a different manner than the one to which we are accustomed in the West. Instead of positing that history is linear, and therefore never repeats itself, Judaism views history, and those moving through it as a cyclical and repetitive phenomenon. Therefore, try as he might, the individual cannot escape his associations with the history of his people and ancestors.

One positive aspect of such a perspective is the manner in which five different Commandments in Devarim are justified. Verses 5:14; 15:15; 16:12; 24:18,22 are all forms of the same sentiment, i.e., “remember that you were a slave in the land of Egypt.” This refrain serves as a rationale for the Commandments a) to allow one’s servants and animals to rest on Shabbat,<sup>8</sup> b) the need to give someone completing six years of service as a Jewish servant, money or goods so that he will not immediately be plunged back into destitution, resulting in his having to sell his services to yet another master, c) the requirement to share one’s largesse with the poor when he comes to Jerusalem on a pilgrimage festival, d) the directive to judge fairly the convert, the orphan and the widow, and e) the order to leave over olives and grapes during their respective harvests so that the poor can glean the remainder. Once the principle that our historical experience should result in certain behaviors intended to help people who now find themselves in positions similar to our former plight in Egypt, we can then extend the common lesson from these five examples to other Commandments in the Tora that delineate our relationship with the poor, the members of a minority, the oppressed,<sup>9</sup> i.e., that underlying all of these Commandments, whether the Tora explicitly mentions it or not, is our historic

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<sup>7</sup> A parallel problem arises in connection with the numerous cases of execution associated with various infractions mentioned by the Bible. One could conclude that Jewish law is extremely draconian and unforgiving. Yet the rules of evidence are so difficult to satisfy that the comment is made in Mishna Makot 1:10 that if one person was executed every seven (alternate reading: seventy) years, it was considered a “bloody court.” Although this means that an execution was a rare occurrence, once again that is only for technical reasons, but the fact that at least de jure, harsh punishments were “on the books” forces one to confront this philosophical reality and to account for it.

<sup>8</sup> The Ten Commandments appear twice in the Tora, the first time in Parashat Yitro (Shemot 20) and the second time in Parashat VaEtchanan (Devarim 5.) While for the most part the wording is the same, one of the key diversions in the texts is with regard to the reason for the Commandment to observe Shabbat. In Shemot 20:10, the Tora explains that resting on Shabbat affirms the belief that God Rested after completing the Work of Creation. In light of the presentation of the other Mitzvot in Devarim that refer to the Jewish experience in Egypt, a rationale presents itself for why the association with Egyptian slavery is mentioned in Ten Commandments in Devarim rather than in Shemot.

<sup>9</sup> Such Commandments include the prohibition of taking interest on loans, requiring the type of collateral that would cause the poor pain, treating the convert respectfully and sensitively, and treating slaves with care.

experience of once being a poor, oppressed minority “ourselves” that ought to assure that “we” not be responsible for the treatment of others in the manner that “we” were once treated.<sup>10</sup>

However, unless we are prepared to completely internalize the concept that we really feel that we personally underwent the Egyptian experience, these verses are not only meaningless, but are fundamentally false. Most contemporary Jews will correctly point out that not only have they never been slaves, they have also never been to Egypt! Even the people to whom Moshe was speaking during the lengthy valedictory that is recorded in Devarim and which includes the five verses in question, for the most part also never experienced slavery. If virtually all individuals who were at least twenty at the time of the Exodus had by now died out over the course of the forty years of wandering, (see BaMidbar 14:29), then those who were left, the younger generation, had been spared most of the rigors of the years of difficult labor to which the earlier generations had been subjected. The Mishna’s comment in Peshachim 10:5 (that has been incorporated into the Haggada for the Seder service on Pesach,) “In every generation a person must see himself as if he went out from Egypt...” in light of the verses cited above, is not pertinent only for the first nights of the Passover festival when we are eating Matza and Maror, drinking wine, reclining and recounting the Exodus; the historical experience of being enslaved is supposed to serve us as a source of empathy for the downtrodden and disadvantaged every day of our lives.

However, the ability to truly have empathy for the downtrodden is not necessarily the only lesson that can be learned by projecting ourselves into the Egyptian experience. Rabbi J.B. Soloveitchik, in his treatise *Kol Dodi Dofek*,<sup>11</sup> on how we should relate to the State of Israel, lists four implications of our associating ourselves with the long-term fate of the Jewish people, part of which consists of considering the Egyptian experience as literally our own:<sup>12</sup>

We all find ourselves in the realm of a common fate which binds together all of the people’s different strata, its various units and groups, a fate that does not discriminate between one group and another group, or between one person and his fellow...(→ *the Egyptian experience had a social leveling affect since all Jews were treated in the same manner.*<sup>13</sup>)

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<sup>10</sup> Two positive Commandments involving recalling our plight in Egypt in a “first-person” manner are: a) recounting the Exodus to our children (Devarim 6:21-5), and the recitation accompanying the bringing of first-fruits to the Temple (Ibid. 26:5-10).

<sup>11</sup> The English translation of this work is entitled, *Fate and Destiny* (Ktav, Hoboken, NJ, 1992.)

<sup>12</sup> Ibid. pp. 46-59.

<sup>13</sup> There is a Rabbinic tradition that the tribe of Levi was exempted from slavery since they had the status of priests, that was respected by the Egyptians—see Shemot Rabba 5:20. While this would explain why Aharon had time to go with Moshe to Pharaoh, as well as why the Levi’im did not participate in sinful activities such as the Golden Calf and the sending of spies, i.e., they did not suffer from the slave mentality as did the rest of the Jewish people, there is no clear indication in the biblical text that such a distinction was made.

The consciousness of shared historical circumstances results in the experience of shared suffering. The feeling of sympathy is a fundamental feature of the consciousness of the unifying fate of the Jewish people. The suffering of one part of the people affects the people as a whole... (→ *not only should there be empathy and concern for those outside our people, but within our people as well.*)

Shared suffering finds its expression in the awareness of shared responsibility and liability...the "I" is held responsible for the sin of his fellow, if it was in his power to rebuke him, to protest against his behavior and induce him to repent. A collective ethico-halachic responsibility devolves upon the entire Jewish people... (→ *the principle of Kol Yisrael Areivim Zeh BaZeh [all of Israel are guarantors for one another]—see Sanhedrin 27b— is based upon conclusions drawn from the Exodus.*)

Shared historical circumstances give rise of shared activity. The obligation to give charity and to perform deeds of lovingkindness derives its force from the all-penetrating and all-encompassing experience of brotherhood...The confrontation with the people's strange and unusually fate-laden existence endows the Jew with a unifying consciousness in the field of social action... (→ *if we know how it feels to be oppressed, we want to eliminate such feelings from others throughout humanity by good works.*)

Such powerful ideas and motivations, however, will only be deeply felt if we relate to the Egyptian enslavement and liberation (as well as other difficult periods of Jewish history when we were persecuted and threatened with extermination) as literally "our own."

In addition to the Tora expecting us to internalize the lessons of Egyptian slavery regardless of how long ago the Egyptian experience actually took place, it also directs contemporary Jews to constantly reexperience, at least according to RaShI, what transpired at Sinai, an event that similarly took place thousands of years ago. Consider the following three interpretations of the phrase "HaYom HaZeh" (this day, today) in the book of Devarim, which ostensibly is referring to the day on which Moshe is delivering his final remarks prior to his death:

Devarim 6:6

And it will be that these things (the words of Tora) that I am Commanding you today, (will be) on your hearts.<sup>14</sup>

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<sup>14</sup> The manner in which this verse is parsed, since it comprises the first paragraph of the Shema, becomes a bone of Halachic contention in Pesachim 53b-54a:

Mishna: Six things were done by the people of Yericho . Three of them (were so objectionable) that the Rabbis intervened, and three of them they did not intervene. And these are the ones regarding which the Rabbis did not intervene:... "squeezing together" the Shema...

Gemora: What did they do?...

RaShI—They should not be in your eyes like an ancient decree in which no one is interested, but rather like a new one (i.e., that has just been issued) that everyone runs to read...

Ibid. 11:13

And if you will surely listen to My Commandments that I am Commanding you today, to love the Lord your God and to serve Him with all of your hearts and all of your souls.

RaShI—That they should be to you new, as if you have first heard them today.

Ibid. 26:16

Today the Lord your God is Commanding you to observe these statutes and the laws, and you will observe and do them with all your hearts and all your souls.

RaShI—Every day they should be in your eyes as if they are new, as if this very day you were Commanded concerning them.

Paralleling the Seder, when we reenact aspects of the Exodus from Egypt, on Shavuot the custom to stay up all night studying Tora also constitutes a reenactment of the Sinai experience. Mishna Berura, citing Magen Avraham, explains that this custom is based upon a Midrash that states that on the morning of Shavuot, God Himself had to Wake the Jewish people in order to prepare them to receive the Tora. Consequently, to demonstrate that we have learned from “our” past, and therefore intend not be guilty of a similar indiscretion, we don’t go to sleep at all on the first night of Shavuot, preferring instead to study Tora throughout the early morning hours. RaShI, in his comments on Devarim cited above, reflects the idea that just as Pesach is not the only time when we should reflect upon our Egyptian experience, Shavuot is not the only time when the Sinai Revelation ought to have significance for us.

Perhaps even more profoundly, on a universalistic rather than particularistic level, every Motzoai Shabbat, one aspect of the Havdala service marks the beginning of a new cycle of Creation, pointing towards the upcoming Shabbat that will mark the completion of yet another set of events perfecting even further God’s Masterwork. Mishna Berura explains why a lit torch<sup>15</sup> is required on Saturday night:

Mishna Berura 298 #1

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Rava said: ...They would say “today on your hearts” (i.e., instead of pausing after the word “today” thereby linking it with the previous phrase, “that I am Commanding you today”, they recited the verse by pausing after the word “I am Commanding you”, thereby associating “today” with the last words of the verse, i.e., “today on your hearts”), implying “today on your hearts” but not tomorrow on your hearts. Had they read the verse as it is traditionally meant to be read, the positive implication is that the Commandments are being given today, that Sinai is being reexperienced.

<sup>15</sup> The term “Avuka” (torch) is emphasized in Halacha with regard to the Havdala ceremony, in contrast to “Ner” (a single-wick candle) that was used to fulfill the positive Commandment to light Shabbat candles at the outset of the day.

Because the beginning of His Creation was (partly) on Motzoai Shabbat, as is stated in Pesachim 54a, “On Motzoai Shabbat God Gave intelligence to Adam and he ground two stones together, producing fire.”<sup>16</sup>

But then just as the Jews down through the ages are apparently expected to reflect upon and literally reexperience their history, heritage and major events, such as Egyptian slavery, the reception of the Tora and even the Creation of the universe, the same is also true with respect to the descendents of other nations, particularly those that had less than positive dealings with the Jewish people.<sup>17</sup> Therefore, what ultimately defines us and them from the perspective of the Tora, at least in part, is not our own individual personal qualities, but rather some of the seminal events and experiences to which our ancestors were subjected at the time when the Jewish people as a nation was being brought into existence.<sup>18</sup>

The absence of a sense of history in a more immediate sense, also informed the discussion of my second conversation with the day school educator. The conversation at one point turned to Tefilla in school, a very challenging activity particularly for adolescents,<sup>19</sup> and he proudly recounted how in his school, if students don’t wish to pray, as long as they act respectfully, the prayer experience is deemed successful. I then asked why he thought that so many students appeared unable or unwilling to engage in prayer. He said, “These students live incredibly comfortable lives. They do not at all feel needy, and therefore think that they have nothing to pray for.” I responded that it is too bad that it has not been made clear to them that prayer is not only about “asking”; it also deals in good part with giving thanks and articulating expressions of appreciation. And when he countered that such a sensibility perhaps requires sophistication and more life-experience than these individuals normally have to this point, I

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<sup>16</sup> This account serves as a stark contrast, LeHavdil, to the myth of Prometheus. See Nedarim 9b for a Rabbinic take on, LeHavdil, the myth of Narcissus.

<sup>17</sup> I would imagine that according to the respective histories of Amon, Moav, Edom and Mitzrayim, some other nations, including the Jews, are depicted as the villains and the people therefore to be excluded.

<sup>18</sup> A particular problem that these verses pose is the nature of how the conversion to Judaism is to be understood. Shulachan Aruch, Orech Chayim 53:19 notes that a convert can fully say “Our God and God of our Fathers” despite his biological ancestry. Mishna Berura #50 quotes RaMBaM who cites as a proof text for this Halachic position Beraishit 17:5 “I have made you (Avraham) the father of the multitude of nations.” If in fact a person redefines his ancestry by virtue of conversion, why is this not the case for converts stemming from Amon, Moav, Edom and Mitzrayim? Tzorech Iyun.

<sup>19</sup> Students at this stage of their personal development are very conscious of forging their identities sometimes independent of family, tradition and school. Furthermore, their value system is highly sensitive to what they perceive as hypocrisy and inconsistency. Consequently, if they have doubts about their religious beliefs, they feel that it is dishonest for them to pray if they are unsure whether it will be efficacious in any way. While adults can exercise choice as to whether or not they will pray regularly, students in a religious school are a captive audience and often are being required to do something that is difficult for them to reconcile with their personal beliefs at the time. While as these individuals gain maturity, they make think and act differently in a few years time, during high school, mandated religious practice can sometimes be fraught with tension and controversy, particularly for the thoughtful and sensitive person who is trying to find him/herself.

suggested that the students should at least pray that their comfortable existence not be taken away from them, something that has affected at least some families during these times of financial downturn. And then I said, if these students would properly relate to their people's long-term history, e.g., "we" were once slaves in Egypt and therefore should appreciate our current situations of being "Bnai Chorin" (free men in every sense of the term) there would be so that much more for which to be thankful.

It seems to me that a sense of "neediness" must be engendered in order for any individual, young or old, to be able to pray properly. Such an idea is reflected powerfully by the insertion of Tehillim 130 into the Shacharit prayers right before "Barchu" on each of the ten days of Penitence, the period spanning Rosh HaShana and Yom HaKippurim.<sup>20</sup> The opening words of this Psalm capture the sensibility that one should possess not only during the opening days of Tishrei, but throughout the year, whenever one engages in prayer, i.e., "...From the depths I have called to You, HaShem".<sup>21</sup> MaLBIM even addresses the issue raised by my day school colleague when he comments that even if a person has achieved material and physical success, his realization that his spiritual state is so imperfect should give him pause, create a sense of humility and enable him to approach God with the appropriate frame of mind. I would only add in light of my preceding comments, that if one comes to the prayer experience with a sense of Jewish history and personal involvement, an additional significant dimension congruent to "From the depths" comes into play.

I am not sure that my responses and comments to my former student and day school colleague satisfied their questions and assumptions. However, one thing of which I am quite sure is that if we try to be true to the dictum:

חייב אדם לראות את עצמו כאלו הוא יצא ממצרים!!!

A person is obligated to see himself as if he himself went out of Egypt!!!  
our spiritual and interpersonal lives will be positively impacted.

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<sup>20</sup> Over the course of the penitential period beginning with the month of Elul, three chapters of Tehillim are added to the liturgy. In addition to Tehillim 130 discussed above, upon the advent of Rosh Chodesh Elul, Tehillim 27, "LeDavid Ori VeYishi" is inserted at the end of every Shacharit and Maariv service. I am most taken by the explanation for its inclusion that cites the reference to being attacked and involved in a war in 27:3, paralleling Amos 3:6, "When the Shofar is blown in the city, the people will not tremble?" Just as in wartime, there is rampant fear with regard to what the outcome will be, during the days leading up to Yom HaKippurim (Hoshana Rabba?), each of us is also "under attack" with respect to our ultimate judgment for the coming year.

A second chapter from Tehillim is added to the conclusion of the Rosh HaShana and Yom HaKippurim Shacharit and Maariv services, i.e., Tehillim 24, "LeDavid Mizmor: LaShem HaAretz U'Meloah." With respect to this addition, on the one hand there is a reference to God's Kingship, (v. 7 "...and the King of Glory is Coming.) But there is also a retinue of desirable human attributes (v. 4 "The clean of hands and the pure of heart...) to which a penitent would do well to aspire.

<sup>21</sup> See <http://text.rcarabbis.org/enhancing-prayer-and-thereby-faith-and-spirituality-in-the-modern-orthodox-world-by-yaakov-bieler/> for an analysis of this concept as well as two other important dimensions for prayer.