

The Oral Law and the Secret of "Eikha"

By Rav Yaakov Medan

"Three prophesized using the word 'eikha' (how): Moshe, Yishayahu and Yirmiyahu. Moshe said, 'How shall I bear alone your troubles...'; Yishayahu said, 'How has the faithful city become like a harlot...'; and Yirmiyahu said, 'How it [i.e. Jerusalem] sits alone...'

R. Levi said: This may be compared to a bride who had three attendants. One saw her at peace, one saw her in her wantonness, and one saw her in her disgrace. Thus, Moshe saw Israel in their glory and at peace, and he said, 'How shall I bear alone your troubles....' Yishayahu saw them in their wantonness, and he said, 'How has the faithful city become like a harlot.' Yirmiyahu saw them in their disgrace, and said: 'How [the city] sits alone.'" (Midrash Eikha)

Moshe in the Torah, Yishayahu in the Prophets, and Yirmiyahu in the Writings, all express their amazement at the situation and fate of the nation of Israel using the same expression - "eikha" - and our Sages teach that this is no coincidence. The three questions are connected to one another, and they share a single answer.

The question that stands out the most - "How the city sits alone," depicting the transition of the wealthy matron who had people clamoring at her door into a downtrodden, persecuted and destitute woman - is a thought-provoking one. If this is so concerning an individual woman, then it is most certainly true where an entire nation is concerned.

The answer to the question is given by the prophets, and once again - as a question. But this question is revealed only by those who examine deeply, searching out the real and

fundamental reasons for what happens in the world. In order to answer the question, "How the city sits alone," we must seek the answer to a more difficult question - "How has the faithful city become like a harlot?" From the situation in which Yishayahu describes the bride, the path to the situation described by Yirmiyahu in Eikha is short and simple. Thus, the root of the "eikha" - the "how" - must be sought in Yishayahu's question.

The answer to Yishayahu's question is to be found in another question, even more difficult: "How shall I bear alone your troubles and burdens and arguments?" If the root of the physical destruction described by Yirmiyahu is the spiritual destruction described by Yishayahu, then the root of this spiritual destruction is to be found hundreds of years previously, in the inability to find a common language between Moshe Rabbeinu and Bnei Yisrael. This occurred at the foot of Mt. Sinai, at the very beginning of the creation of Am Yisrael and their consolidation as God's nation. They were unable to reconcile the leadership of Moshe, the man of God - a leadership altogether holy - with the lives of the six hundred thousand simple mortals, for whom the sacred and the profane were intermixed. The inability to connect the Godly and the material is the ultimate root of the "eikha" questions in the world.

In any event, our Sages - with their sharp insight - discerned the connection between exile and the first inklings of Moshe's despair at the prospect of leading Am Yisrael, of elevating the nation to his level. This connection finds expression in the departure from Mt. Sinai towards Eretz Yisrael, which sets off a chain of deterioration described in Beha'alotekha and Shelach. First, they tell Moshe, "We are fed up with this miserable bread;" Bnei Yisrael refuse to eat the manna, the food from heaven given to them in Moshe's merit (Tanchuma, [Bemidbar 2](#)). This

refusal to eat contains something of a refusal to be drawn to Moshe's level, and Moshe cries out: "I cannot alone bear this entire nation."

This alienation between Moshe and the nation becomes increasingly severe when his leadership is undermined by Miriam and Aharon: "Did God then speak only with Moshe?" This paves the way for the nation's desire to examine Eretz Yisrael for themselves, rather than believing Moshe's promises (see Rashi on parashat Devarim), and from here to the exile of Bnei Yisrael in the desert for forty years. This is the root of all exiles, as the Sages teach concerning this first "Tisha Be-Av": "You made this day (a time of) crying for one hour; I shall make it (a time of) crying for all generations."

In parashat Devarim, the idea of appointing judges appears to be altogether less than ideal; rather, it is a necessary conclusion drawn from Moshe's question, "Eikha" – "How shall I bear alone your troubles?" However, parashat Yitro comes to teach us that at least one person regarded this idea as a pure and wholly good one. Even the Sages praise Yitro for his advice to appoint judges: "Why was he called 'Yitro'? Because he added (yiter) a parasha to the Torah (i.e., his advice and its execution were worthy of being included in the Torah)" (Shemot Rabba). The Sages were surely not praising him for adding an "eikha" to Am Yisrael. Despite the sorrow over the nation not being drawn after Moshe's lofty level, the appointment of judges represented the foundation for the establishment of the Sanhedrin; it was a cornerstone for the growth of the Oral Law. The sages of the Sanhedrin rule as to how and what may be deduced from the verses of the Torah, and the Holy One approves their decisions.

In parashat Beha'alotekha, the negative situation implicit in Moshe's question "How shall I bear alone" gives rise to the Sanhedrin: "Gather to me seventy men from the elders of Israel." The Torah thereby becomes the Torah of man. Man's thoughts become part of the halakhic process, and God's will and commandments are refracted through human perception.

The Gemara ([Shabbat 23](#) asks why we say "...Who has sanctified us with His commandments and has commanded us" with regard to rabbinic commandments. It answers, "In the command, 'You shall not stray [from the instruction of the Sages, who deduce the laws]."

Yitro merited something that many great and worthy people never merited: to add a parasha to the Torah. His parasha reveals the holiness whose source is not in the heavenly sphere, but rather deep in the recesses of man's soul. Moshe and Am Yisrael never suggested that judges be appointed, because they knew that the people waiting in line to speak to Moshe came not to ask a technical halakhic question, but rather "to seek out God." They were driven by a will to hear God's word, live and fresh from its Source. For this purpose, "officers of hundreds" would never suffice. Therefore, no one raised this idea until Yitro came along.

It was Yitro who had the courage to stand up and declare that if Am Yisrael's ability to be nourished from the teachings of Moshe Rabbeinu was imperfect, then they should seek - and would be able to find - wellsprings of Torah in the depths of the soul. It would be possible to discover Torah insights and to find God's word in all its purity within the depths of the souls of men of strength and truth among Am Yisrael. It took a Yitro to perceive this, for he was a man whose Divine service had started at the very lowest possible point. Our sages teach that "there was not a single form of idolatry that he had not engaged in," but nevertheless he arrived at faith in the Creator of the universe. And he embarked on his quest without any guidance or outside help. His profound search in the recesses of his own self brought him to Mt. Sinai.

Moshe saw what Yishayahu and Yirmiyahu did not see: that the source of the "eikha" is also the source of the growth of the Oral Law. That is why Moshe's question, "How shall I bear alone your troubles," is lodged in the midst of chapters that deal entirely with the command about the inheritance of the land, and its fulfillment. There is no better expression of the Oral Law

than the inheritance of Eretz Yisrael: "And the manna ceased the next day, when they ate of the produce of the land." Eretz Yisrael is not a land of heavenly manna, but rather a land of wells that are dug in the depths of the earth. It is the land of Avraham, Yitzchak and Yaakov, to whom God's Name was not known until they discovered it through their personal trials and tribulation. It is the land of the forefathers, who fulfilled all of the mitzvot out of their own consciousness, although they had not stood at Mt. Sinai and had never received the heavenly Torah. And so Rav Kook zt"l writes, concerning Eretz Yisrael, in his Orot Ha-Torah (1:3): "When Eretz Yisrael is built up, and all her children live upon her... then the ORAL LAW comes alive in all her glorious splendour...."

Nevertheless, the entire parasha of the appointment of the judges appears under the heading of "Eikha." For even if Yitro's intention was good and pure, not so the intention of Bnei Yisrael: "And you answered me and said, It is a good thing that you have spoken to do" (1:14). The Sifri explains: "[Moshe is chiding them:] You decided this thing for your own convenience. What you should have answered was, 'Moshe, our teacher, from whom should we rather learn - from you or from your disciple?'" Bnei Yisrael desired not only the growth of the Oral Law, but also a severance from Moshe's lofty, difficult and demanding path - from the level of the Written Law. This severance is the source of the "eikha," the source of the exile. Therefore, Rav Kook continues: "In exile the twins were separated. The Written Torah was elevated into the upper spheres of holiness, and the Oral Law descended to the lowest depths" (ibid.).

This crisis, which began prior to the Revelation at Sinai, grew at the conclusion of the period at Sinai. Moshe tells Chovav (Yitro): "We are going TO THE PLACE concerning which God said, I will give it to you." Their journey is to the land, to the Oral Torah, after sojourning at Mt. Sinai and absorbing the level of the Written Law. But from the perspective of Bnei Yisrael, "They traveled FROM GOD'S MOUNTAIN." The aim of the journey, until they would reach the land, was severing themselves and fleeing

from the level of Sinai, of Moshe Rabbeinu, of the Written Law. They perceived the level of Eretz Yisrael not as another layer to be added to the level of receiving the Torah which they had merited, but rather as contradicting it. For them, it was necessary to journey away "from God's mountain" in order to reach Eretz Yisrael. In the words of our Sages: "They were like a child running out of school."

Next came those who complained about the manna. Unlike Moshe, they had no desire to eat of the fruit of the land (see Devarim Rabba at the beginning of Vaetchanan); rather, they were fed up with eating heavenly, miraculous bread. After that came the complaint of Miriam and Aharon, and the second round of weeping - which became a weeping for all generations. An Eretz Yisrael that is severed IN ANY WAY from Sinai, from Moshe and from the Torah, is destined to be destroyed, and its inhabitants are doomed to a "separation of the twins," to exile.

Moshe chose as his wife Tzipora, the daughter of the priest of Midian. This was the hope of the great unification of Moshe with the depths of his opposite: Midian, which represented sexual immorality. It also meant the joining of Moshe, representing the Written Law, and Yitro, representing the Oral Law. (And when Moshe died, he was buried opposite - as a complete contrast to - the place where a different Midianite woman had died: Kozbi bat Tzur, at the House of Pe'or.)

When the alienation between Moshe and the nation intensifies in parashat Beha'alotekha, it finds its most bitter expression in Moshe's separation from Yitro's daughter (see Rashi). The twins were separated; the Written Torah rose to the holiness on high, while the Oral Law descended to the lowest depths. Miriam and Aharon were deeply disturbed by this, for they did not yet grasp the depths of the crisis. The Torah teaches us that "the man Moshe was exceedingly humble." The severance was not a result of Moshe's inability to lower himself, but rather a result of the nation's creations of the rift, from their fleeing away from God's mountain to their rejection of the manna. From this

split we move directly to parashat Shelach and its calamities, to the very first Tish'a Be-Av.

But that terrible decree, presented to us by Chazal based on the verse "How shall I bear alone," has its promise attached. The Sages ask how the Torah can write, "These are THE WORDS that Moshe spoke to all of Israel" ([Devarim 1:1](#)), since Moshe had claimed earlier, "I am not a man of words" ([Shemot 3](#)).

Nothing indicates a person's connection with others better than his mouth. Speech is the way in which a person communicates with those around him. Moshe, by nature, is a "man of heavy speech." It is Aharon who represents him in his dealings with the nation, serving as his mouthpiece - the same Aharon who is known for his close connection to others, "loving people and bringing them close to Torah." How difficult it was for the man of God to connect himself to simple mortals. How much destruction and suffering resulted from this for Am Yisrael throughout the generations, with its root in the chain of events in the desert. Moshe failed only when he transgressed the command of the Holy One, "SPEAK to the rock" (see Rashi, parashat Chukkat).

In parashat Devarim, even before Moshe's glory fades, it radiates anew: "These are the words that Moshe spoke." The first threads that will join Moshe and Bnei Yisrael anew into a single entity are woven here. The first cords that will once again bind the Torah of Moshe - the Written Law - to the Torah of speech - the Oral Law, start to be interlaced. All this is achieved from Moshe's side. As for Bnei Yisrael, we learn in the Midrash ([ibid.](#)): "The Holy One said to Moshe: Since they accepted upon themselves your admonishment, you must bless them." After forty years, Bnei Yisrael begin to take their teacher's words to heart, and they return to him.

Thus, Rav Kook explains ([Orot Ha-Torah, ibid.](#)):

"...Then the Oral Law will begin to sprout from the depths of its roots; it shall grow higher and higher, and the light of the Written

Law will once again cast its illumination upon it... 'And then the light of the moon will be like the light of the sun, and the light of the sun will be (brighter) sevenfold, like the light of the seven days (of Creation), on the day when God repairs the rift of His people and heals the wound of His blow' ([Yishayahu 30:26](#))."

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