

9.

Shelach

Sometimes the Thought Doesn't Count

It's Great to Mean Well, but Action Comes First



*Dedicated in loving memory of Chava bat Moshe,
marking her yahrtzeit on June 15, 21 Sivan.*

*May the merit of the Torah study accompany
her soul in the world of everlasting life and be
a source of blessings to her family with much
health, happiness, nachat, and success.*

PARSHA OVERVIEW

Shelach

Moses sends twelve spies to the land of Canaan. Forty days later they return, carrying a huge cluster of grapes, a pomegranate, and a fig, to report on a lush and bountiful land. But ten of the spies warn that the inhabitants of the land are giants and warriors “more powerful than we”; only Caleb and Joshua insist that the land can be conquered, as G-d has commanded.

The people weep that they’d rather return to Egypt. G-d decrees that Israel’s entry into the land shall be delayed forty years, during which time that entire generation will die out in the

desert. A group of remorseful Jews storm the mountain on the border of the land and are routed by the Amalekites and Canaanites. The laws of the *menachot* (meal, wine, and oil offerings) are given, as well as the mitzvah to consecrate a portion of the dough (challah) to G-d when making bread. A man violates the Shabbat by gathering sticks and is put to death. G-d instructs to place fringes (*tzitzit*) on the four corners of our garments, so that we should remember to fulfill the *mitzvot* (divine commandments).

I. THE MEKOSHESH AND HIS INTENTIONS

Tragedy of the Spies

TEXT **1a**

BAMIDBAR (NUMBERS) 13:1-2

וַיִּדְבֹר ה' אֶל מֹשֶׁה לֵאמֹר:
 שְׁלַח לְךָ אַנְשִׁים, וַיְתִירוּ אֶת אֶרֶץ כְּנָעַן אֲשֶׁר אָנִי נֹתֵן לְבְנֵי יִשְׂרָאֵל.
 אִישׁ אֶחָד, אִישׁ אֶחָד, לְמִטֵּה אֲבֹתָיו תִּשְׁלַחוּ, כָּל נָשִׂיא בְהֵם:

And G-d spoke to Moses, saying, “Send men to scout the land of Canaan that I will give to the Children of Israel. Send one man from each tribe: each will be a leader of his tribe.”

TEXT 1b

IBID. 13:31–33

וְהָאֲנָשִׁים אֲשֶׁר עָלוּ עִמּוֹ אָמְרוּ לֹא נוּכָל לַעֲלוֹת אֶל הָעָם כִּי חֲזָק
הוּא מִמֶּנּוּ:

וַיֵּצֵאוּ דַבַּת הָאָרֶץ אֲשֶׁר תָּרוּ אֶתְּהָ אֶל בְּנֵי יִשְׂרָאֵל, לֵאמֹר, הָאָרֶץ
אֲשֶׁר עָבְרָנוּ בָּהּ לְתוֹר אֶתְּהָ אָרֶץ אֲכָלֶת יוֹשְׁבֶיהָ הִיא, וְכָל הָעָם
אֲשֶׁר רָאִינוּ בְּתוֹכָהּ אֲנָשִׁי מַדּוֹת:

וְשָׁם רָאִינוּ אֶת הַנְּפִילִים בְּנֵי עֲנָק מִן הַנְּפִלִים, וְנָהִי בְּעֵינֵינוּ כַּחֲגָבִים
וְכֵן הָיִינוּ בְּעֵינֵיהֶם:

And the men that ascended with him said, “We cannot go up against the people because they are stronger than us.”

They spoke ill of the land that they scouted, saying, “The land that we passed through to explore is a land that consumes its inhabitants, and the people that we saw therein are men of stature.

“There we saw the fallen ones, the sons of Anak, descendants of giants. In our eyes, we felt like grasshoppers, and so were we in their eyes.”

TEXT 1c

IBID. 14:31–32

וְטַפְכֶם אֲשֶׁר אָמַרְתֶּם לְבִזְיָהוּ, וְהֵבִיאֲתִי אֹתָם, וְיָדְעוּ אֶת הָאָרֶץ
אֲשֶׁר מֵאִסְתֶּם בָּהּ. וּפְגָרֵיכֶם אֹתָם יִפְּלוּ בַּמִּדְבָּר הַזֶּה:

And the children about whom you said they would be as spoils, I will bring them, and they will know the land that you despised. And your corpses will fall in this desert.

The Mekoshesh Eitzim

TEXT 2

IBID. 15:32–34

וַיְהִיו בְּנֵי יִשְׂרָאֵל בַּמִּדְבָּר, וַיִּמְצְאוּ אִישׁ מִקְשֵׁשׁ עֵצִים בַּיּוֹם הַשַּׁבָּת:
וַיִּקְרִיבוּ אוֹתוֹ, הַמְצָאִים אוֹתוֹ מִקְשֵׁשׁ עֵצִים, אֶל מֹשֶׁה וְאֶל אַהֲרֹן
וְאֶל כָּל הָעֵדָה:
וַיִּנְיְחוּ אוֹתוֹ בַּמִּשְׁמֶר כִּי לֹא פִרְשׂ מֶה יַעֲשֶׂה לוֹ:

And the Jews were in the desert, and they found a man gathering wood on the Sabbath.

Those who found him gathering wood brought him before Moses, Aaron, and the entire assembly.

They placed him under guard because what should be done to him had not been specified.

TEXT 3

TOSAFOT, TALMUD TRACTATE BAVA BATRA, 119B

ומעשה המקושש היה בתחלת ארבעים מיד אחר מעשה מרגלים.
דאמר במדרש דלשם שמים נתכוין. שהיו אומרים ישראל,
כיון שנגזר עליהן שלא ליכנס לארץ ממעשה מרגלים שוב אין
מחויבין במצות. עמד וחילל שבת כדי שיהרג ויראו אחרים.

The event of the wood-gatherer occurred at the beginning of the forty years, shortly after the event of the spies. The Midrash explains that the wood-gatherer had noble intentions. The people had assumed that because they had been barred from entering the land as a result of the event with the spies, they were exempt from the commandments. He therefore arose and transgressed the Sabbath so that he would be executed and the others would observe.

Tosafot

A collection of French and German Talmudic commentaries written during the 12th and 13th centuries. Among the most famous authors of *Tosafot* are Rabbi Yaakov Tam, Rabbi Shimshon ben Avraham of Sens, and Rabbi Yitzchak ("the Ri"). Printed in almost all editions of the Talmud, these commentaries are fundamental to basic Talmudic study.

II. INTENT VS. ACTION

Hinged Upon the Land

TEXT 4

SIFREI, EKEV, CHAPTER 7

אף על פי שאני מגלה אתכם מן הארץ לחוץ לארץ היו מצויינים
במצות, שכשאתם חוזרים לא יהיו לכם חדשים. משל למלך
שכעס על אשתו וחזרה בבית אביה. אמר לה הוי מקושטת
בתכשיטיך, וכשתחזרי לא יהיו עליך חדשים. כך אמר להם
הקדוש ברוך הוא לישראל, בני היו מצויינים במצות, שכשאתם
חוזרים, לא יהיו עליכם חדשים.

Sifrei

An early rabbinic Midrash on the biblical books of Numbers and Deuteronomy. *Sifrei* focuses mostly on matters of law, as opposed to narratives and moral principles. According to Maimonides, this halachic Midrash was authored by Rav, a 3rd-century Babylonian Talmudic sage.

Although I shall exile you from Israel, be diligent with the *mitzvot* so that when you return, they will not seem new to you. This is analogous to a king who grew angry with his wife, and she returned to her ancestral home. The king asked, “Please wear your royal ornaments while in your father’s home so that when you return to the palace they will not seem new to you.” Similarly, G-d told the Jews, “My children, be diligent with my commandments so that when you return, they will not feel new to you.”

The Torah Only Forbade Deliberate Action on Shabbat

TEXT 5

MAIMONIDES, MISHNEH TORAH, LAWS OF SHABBAT 1:8

נתכוין ללקוט תאנים שחורות וליקט לבנות, או שנתכוין ללקוט תאנים ואחר כך ענבים, ונהפך הדבר, וליקט הענבים בתחלה ואחר כך תאנים, פטור. אף על פי שליקט כל מה שחשב, הואיל ולא ליקט כסדר שחשב פטור, שבלא כוונה עשה. שלא אסרה תורה אלא מלאכת מחשבת.

If a person intended to pick black dates but picked white dates instead, or to pick dates first and then to pick grapes, but mistakenly reversed the order and picked the grapes ahead of the dates, they are not liable. Although he picked what he intended to pick, it is considered a nondeliberate action since he did not pick it in the order that was intended. *The Torah only prohibited deliberate action* [emphasis added].

**Rabbi Moshe
ben Maimon
(Maimonides, Rambam)
1135–1204**

Halachist, philosopher, author, and physician. Maimonides was born in Córdoba, Spain. After the conquest of Córdoba by the Almohads, he fled Spain and eventually settled in Cairo, Egypt. There, he became the leader of the Jewish community and served as court physician to the vizier of Egypt. He is most noted for authoring the *Mishneh Torah*, an encyclopedic arrangement of Jewish law; and for his philosophical work, *Guide for the Perplexed*. His rulings on Jewish law are integral to the formation of halachic consensus.

TEXT 6

RABBI LEVI YITZCHAK OF BERDITCHEV, KEDUSHAT LEVI, BAMIDBAR 15:32

כיון שלא היה בדעתו כלל לקושש עצים לצרכו, שלא היה צריך כלל, רק נתכוון שיתקדש שם שמים על ידו, אם כן הוא מלאכה שאינה צריכה לגופה. אם כן לא חילל שבת כלל.

Inasmuch as he had no need for wood and he did not gather it to lay in a supply, his only intent was to glorify G-d through his action; his work was not for its inherent purpose, and he did not technically transgress Shabbat.

Unjust Punishment?

TEXT 7

THE REBBE, RABBI MENACHEM MENDEL SCHNEERSON, LIKUTEI SICHOT 28, P. 95

דער חיוב סקילה בדיני אדם איז על פי תורת אמת אויף דער מעשה ופעולה. און וויבאלד אז זיין מעשה איז געווען א מעשה פון חילול שבת, איז דאס על פי דין בית דין שלמטה א פעולה וואס מ'איז אויף דעם מחוייב סקילה, און ס'איז כלל ניט נוגע זיין כוונה.

According to the Torah of truth, the court's punishment of stoning is only for the action of the sin. Inasmuch as his action was a violation of the Shabbat, an earthly court must regard it as a deed that entails capital punishment. His intent is completely irrelevant.

Rabbi Levi Yitzchak of Berditchev 1740–1809

Chasidic rebbe. Rabbi Levi Yitzchak was one of the foremost disciples of the Magid of Mezeritch and later went on to serve as rabbi in Berditchev, Ukraine. His Chasidic commentary on the Torah, *Kedushat Levi*, is a classic that is popular to this day. He is known in Jewish history and folklore for his all-encompassing love, compassion, and advocacy on behalf of the Jewish people.

Rabbi Menachem Mendel Schneerson 1902–1994

The towering Jewish leader of the 20th century, known as “the Lubavitcher Rebbe,” or simply as “the Rebbe.” Born in southern Ukraine, the Rebbe escaped Nazi-occupied Europe, arriving in the U.S. in June 1941. The Rebbe inspired and guided the revival of traditional Judaism after the European devastation, impacting virtually every Jewish community the world over. The Rebbe often emphasized that the performance of just one additional good deed could usher in the era of Mashiach. The Rebbe's scholarly talks and writings have been printed in more than 200 volumes.

Teshuvah Doesn't Mitigate a Court Verdict

TEXT 8

THE REBBE, RABBI MENACHEM MENDEL SCHNEERSON,
LIKUTEI SICHOT 9, PP. 112-114

דאס גופא וואס תורה האט איבער געגעבן זיין עונש צו בית דין שלמטה, וואס זיי קענען ניט וויסן וואס ביי יענעם אין הארצן טוט זיך, איז מוכיח אז דער עונש איז פארבונדן מיט יענעמ'ס ענינים הגלויים וואס ווערן ניט נשתנה דורך תשובה שבלב . . .

דער פגם וועלכער איז געווארן דורך די חטאים, וואס זייער עונש איז איבערגעגעבן געווארן צו בית דין שלמטה, איז ניט בלויז אין די ענינים הפנימיים פון דעם עובר עבירה, נאר אויך אין זיינע ענינים החיצוניים. און וויבאלד אז אויך לאחרי שעשה תשובה האבן זיך זיינע ענינים החיצוניים נאך ניט געביטן לגמרי, ווארום דאס גופא וואס א צווייטער מענטש קען טראכטן אז ער האט ניט תשובה געטאן, איז א ראי' אז עס פעלט עפעס אין זיינע ענינים חיצוניים, דעריבער דארף ער האבן אן עונש, רחמנא ליצלן, בכדי צו מתקן זיין דעם פגם.

The very fact that the Torah authorizes an earthly court, who cannot know the inner secrets of a sinner's heart, to administer punishment proves that the punishment is directed at the visible [external] dimension of the sinner that is not impacted by repentance of the heart. . . .

A sin impacts the sinner internally and externally. Repentance only rectifies the sin's internal impact on the sinner, not its external impact. The very fact that another can be ignorant of the sinner's repentance proves that repentance does not rectify the sin's external impact. A physical punishment is therefore necessary to rectify the sin's external impact.

III. IT'S ALL ABOUT THE ACTION

Spiritual Gurus

TEXT 9

THE REBBE, RABBI MENACHEM MENDEL
SCHNEERSON, LIKUTEI SICHOT 28, P. 96

ס'איז מבואר בכמה מקומות, אז דער טעם פארוואס די מרגלים האבן געוואלט בלייבן אין מדבר און ניט אריינגיין אין ארץ ישראל, ווייל דער עיקר עסק פון אידן אין מדבר (וואו זיי האבן זיך ניט געדארפט פארנעמען מיט עסק הפרנסה, וכו') איז געווען אין לימוד התורה. וכמאמר חז"ל: "לא ניתנה תורה לדרוש אלא לאוכלי המן". וואס לימוד התורה איז עיקרו די הבנה והשגה בשכל ומחשבה (און אויך אראפברענגען עס אין דיבור). מה שאין כן אין ארץ ישראל, וואס דארט איז דאך "שש שנים תזרע שדך גו' תזמור כרמך", ובפנימיות - דער עיקר עבודה דארט איז - מעשה, מצות מעשיות (ובפרט קיום המצות התלויות בארץ), און מעשים טובים בכלל.

It is explained in many places that the spies desired to remain in the desert rather than enter the Land of Israel because in the desert (where it was not necessary to worry about earning a living, etc.) Jews were primarily occupied with the study of Torah. As our sages, of blessed memory, said, "The Torah was given to those who ate the manna." Not so in Israel, where they would need to plant fields and prune vineyards for six [out of every seven] years. In Israel, the primary religious pursuit would be the actionable commandments—general good deeds and the commandments unique to Israel in particular.

The Mekoshesh Wins the Argument

TEXT 10a

THE REBBE, RABBI MENACHEM MENDEL
SCHNEERSON, LIKUTEI SICHOT 28, P. 97

אויף דעם קומט דער המשך פון מעשה מקושש עצים, עמד
וחילל שבת כדי שיהרג ויראו אחרים. דאס ברענגט ארויס אז
אויך אין די ענינים וואס כל תוכנם איז מלאכת מחשבת, און ער
האט דאך דאס געטאן לשם שמים, ניט אויף עובר זיין אויף רצון
השם, פונדעסטוועגן, איז אויך בזה דער עיקר די מעשה בפועל.
וואס דערפאר זאגט תורת אמת אז דער פסק הלכה למטה איז אז
דאס איז חילול שבת און עם קומט דערפאר סקילה.

The story that follows that of the spies is about the wood-gatherer, who arose and violated the Sabbath so that he might be executed and others would take note. This story demonstrates that even sins that depend entirely on deliberate intent—and, moreover, it was committed for the sake of Heaven, not to transgress the divine will—nevertheless, even in this case, the defining consideration is the factual act, rather than the intent. The Torah of truth, therefore, ruled that the verdict in the earthly courts must be that this is considered a violation of the Sabbath and that it is punishable by stoning.

TEXT 10b

THE REBBE, RABBI MENACHEM MENDEL SCHNEERSON, IBID.

און דאס האט געלערנט די אידן וואס זיינען דעמאלט געבליבן
 אין מדבר, אז אף על פי שנגזר עליהן שלא ליכנס לארץ, איז דאס
 נאר אז זיי קומען ניט אן צום עיקר קיום מצות במעשה, ווי ס'איז
 אין ארץ ישראל. אבער אויך זיי, פארבלייבנדיק אין מדבר, איז די
 עבודה נוגע בעיקר ווי דאס קומט אראפ אין מעשה בפועל, אויף
 ויפל עס איז שייך במדבר.

This taught the Jews who remained in the desert that though it had been decreed that they not enter the Land of Israel, it only meant that their physical observance of the commandments would not be as potent as it would have been in the Land of Israel. However, even for them in the desert, the most important aspect of their relationship with G-d was the manner in which it could be expressed in action to the extent possible in the desert.

Conclusion

TEXT 11

TALMUD TRACTATE KIDUSHIN, 40B

וכבר היה רבי טרפון וזקנים מסובין בעליית בית נתזה בלוד,
 נשאלה שאלה זו בפניהם: תלמוד גדול, או מעשה גדול?
 נענה רבי טרפון ואמר: מעשה גדול. נענה ר"ע ואמר: תלמוד גדול.
 נענו כולם ואמרו: תלמוד גדול, שהתלמוד מביא לידי מעשה.

Rabbi Tarfon and the Elders were once reclining in the upper story of Nithza's house, in Lydda, when this question was raised before them: Which is greater, study or practice?

Rabbi Tarfon said, "Practice is greater."

Rabbi Akiva said, "Study is greater because it leads to practice." They all concluded that study is greater because it leads to action.

Babylonian Talmud

A literary work of monumental proportions that draws upon the legal, spiritual, intellectual, ethical, and historical traditions of Judaism. The 37 tractates of the Babylonian Talmud contain the teachings of the Jewish sages from the period after the destruction of the 2nd Temple through the 5th century CE. It has served as the primary vehicle for the transmission of the Oral Law and the education of Jews over the centuries; it is the entry point for all subsequent legal, ethical, and theological Jewish scholarship.