

Kol Mevasser

SHABBAT NAHAMU

11 Av 5769

August 1, 2009

Kahal Joseph Congregation • 10505 Santa Monica Boulevard • Los Angeles, CA 90025

310-474-0559 • phone 310.441.4059 fax • www.kahaljoseph.org

The Spirit and the Letter of the Law

Rabbi Yosef Benarroch

We are all familiar with the famous statements of the Rabbis associating the destruction of the Temple(s) with the most severe transgressions. The Talmud in the tractate of Yoma 9b explains that the first Temple was destroyed because Jews engaged in the three cardinal sins, idolatry, adultery, and murder. The second Temple was destroyed because of causeless hatred (Sinat Hinam). One could very well see the association of these sins with the destruction of the Temple(s). Everyone would agree that these are extremely severe sins and the punishment fits the crime.

What most people don't know is a much less known Rabbinic statement that gives a different explanation of why the Temple was destroyed. In the name of Rabbi Yohanan the Talmud states, "*The city of Jerusalem was destroyed because the Rabbis enacted the judgments of the Torah.*" (*Baba Mezia 30b*).

This statement would appear to be quite odd. After all "enacting the judgments of the Torah" is exactly what Rabbis are supposed to do. How could it be that the city of Jerusalem was destroyed because the Rabbis were following the law? It seems to me that this is not only a case where the punishment doesn't fit the crime, but there would appear to be no crime at all!!!

The Talmud sensing this question ends by giving the following answer, "*Rather we must conclude that they enacted their judgments strictly (according to the letter of the law) but they were unable to go beyond the letter of the law*" (*Ibid*).

What does "unable to go beyond the letter of the law" mean? Why is "unable to go beyond the letter of the law" considered to be such a great transgression that it resulted in the destruction of Jerusalem and the Temple? How does the punishment

PRAYER SCHEDULE

SHABBAT NAHAMU

10 Av / Friday, July 31st

Shaharith6:30 am
Minhah & Arvith6:45 pm
Shabbat Candlelighting.....7:36 pm

11 Av / Saturday, August 1st

Shaharit8:30 am
Minhah & Arvith7:00 pm
Motzei Shabbat8:39 pm

Weekdays

12 Av / Sunday, August 2nd

Shaharith7:30 am

13-16 Av/ August 3rd to 6th

Shaharith6:30 am

SHABBAT EKEV

17 Av / Friday, August 7th

Shaharith6:30 am
Minhah & Arvith6:45 pm
Shabbat Candlelighting.....7:30 pm

fit the crime? I would like to share two stories from the Talmud that may shed light on this question.

The Talmud relates the following story, "*Because of a chicken and a rooster the house of the King (the Temple) was destroyed. It was customary in Jerusalem that when a bride and groom wed that a chicken and a rooster were given to them as a gift as a symbol that they should be fruitful. Once a legion of Roman soldiers passed by and stole the chicken and rooster. Those who were present at the wedding fought with the Romans. The soldiers went to the Caesar and told him that the Jews had rebelled against his authority*" (*Talmud Gittin 57a*). The Rabbis conclude that as a result of this episode the Caesar sent his troops to destroy Jerusalem.

In a second story we are told the following, "*Because of an axle to a wagon the city of Betar (a great city also destroyed on the ninth of Ab) was destroyed. It was customary in the city when a*

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boy and girl were born that they would plant a cedar tree (for the boy) and a Shittim tree (for the girl). When they wed they would cut down the trees and use them to build the Hupah (canopy). It once happened that during a wedding the daughter of the Caesar passed by and the axle of her wagon broke. She ordered her soldiers to use the wood of the cedar tree (from the canopy) to fix her wagon. The Jewish men fought with her soldiers. The soldiers went to the Caesar and told him that the Jews had rebelled against his authority". (Talmud Gittin 57). In each one of these stories the Talmud concludes that the actions of the Jews led to the destruction of those cities.

It would appear to me that this is exactly what the Talmud meant when it said, "they were unable to go beyond the letter of the law". In each one of these cases people stood on principle when it was very clear that common sense and flexibility were in order. According to the strict letter of the law they were correct in fighting the Roman soldiers and standing up for what was rightfully theirs. But they didn't take into account the bigger picture. . . Their actions were endangering the entire nation. This was a case where they should have gone "beyond the letter of the law". Their inflexibility had grave consequences . . . They were out of touch with the facts.

Perhaps it is no coincidence when the Talmud uses the symbolism of the cedar to make this point. Elsewhere the Rabbis comment, "*A person should always be bending like a reed and not rigid like a Cedar (Talmud Taanit 20a)*". In fact one of the qualities of a Torah scholar is that they should be bending like a reed. The "Maharal" of Prague (Netivot Olam 2) explains that the taller a reed grows the more it bends back towards the ground, while the taller a cedar gets the more it grows upright getting further away from the ground. He compares this to a Torah scholar, saying that the more a Torah scholar grows the more he must be connected to the ground (reality). A cedar represents an individual who has their head in the clouds and is not able to adapt their knowledge to reality. The scholar who is like a reed is "in touch", while the scholar who is like a cedar is "out of touch". While the people of Betar stood on principle, they were out of touch with what the implications of their actions meant for the Jewish nation.

The implications of this principle are far reaching. As a Rabbi I know all too well how important common sense is and how important it is to understand not only the letter of the law but the spirit of the law. Without the spirit of the law Judaism becomes a dry dogmatic way of life, devoid of joy and meaning. Without the spirit of the law the most religious looking people can do the worst things in the name of their religion.

Our Rabbis warned against outward religiosity that was devoid of the true intentions of the Torah. Just because a Jew may look the part doesn't mean he plays the part. Dogma without proper spiritual depth is not what G-d wants. Meticulous religious observance without proper ethics and moral behavior is contrary to the Torah. This I believe is what the Talmud meant when it said that Jerusalem was destroyed because the Rabbis were unable to go "beyond the letter of the law".

There is no question that this sickness plagues us today just as it did during Temple times. It would stand to reason that had we corrected this malady then the Temple would have been rebuilt. As we commemorate Tisha Be-ab, let us remember this valuable message of our Rabbis. May we all merit living Judaism in its fullest, with both the letter and the spirit of the law so that we may all see the rebuilding of our Temple.

Shabbat Kiddush
is sponsored in memory of

Moshe ben Yehezkel
Hagooli (Levy) z"l

by
The Hagooli Family

In Memoriam

These anniversaries occur from Shabbat, the 11th of Av (August 1st) to Shabbat, the 18th of Av (August 8, 2009). It is customary to light a candle in the evening and to attend services in honor of the relative being remembered.

Sunday / 12 Av

Aziza bat Racel

Hacham Moshe ben Yaacob Masliah

Tuesday / 14 Av

Moshe ben Yehezkel

Eliyahu ben Mordechai Mizrahie

Pinchas ben Channah

Friday / 17 Av

Yaacov Yonah ben Yonah Yitzhak

Sabiha bat Gurjiya Horesh

Massoodah bat Tirkie

Shabbat / 18 Av

Kadoori ben Sasson