

## 5784 – Deuteronomy 11-16 – Re'eh (See)

Hi everybody, this is Rabbi David Fohrman, and welcome to *Parshat Re'eh* ...<sup>1</sup>

All right guys, cheeseburgers everybody, it's the classic non-Kosher food and it's not Kosher not just because the meat wasn't slaughtered properly, even if you have slaughtered the meat according to Jewish law, it's still not Kosher.

According to Torah law milk and meat cannot be cooked together, but the problem is if you actually look in the Torah you will never find a verse that actually says this, 'milk and meat cannot be cooked together.'

### Oral Torah vs Written Torah Law

It would seem like such a simple thing to say, 'don't cook milk and meat together', **and yet that's not how the Torah says it**. The actual Written Torah expresses this law very differently. The verse that's the source for not cooking milk and meat together is a verse in this week's *parsha*; לֹא-תֵבֶשֶׁל גְּדִי בְחֵלֶב אִמּוֹ (lo t'vashel g'di b'chalev imo)—do not boil a kid, baby goat, in its mother's milk (Deu 14:21).

So you say, how come I can't eat my cheeseburger, I'm not boiling a kid in its mother's milk when I eat a cheeseburger? What is going on here? **Why does the Written Torah say one thing, and the Oral Torah that explains these laws to me, tells me something else?**

Now there are reasons for this. Our belief is, that the Oral Torah, at least the main principles in interpretations of the Oral Torah, were passed to Moses along with the Written Torah at Sinai, and these interpretations were passed down from generation to generation orally.

So the Written Torah did contain a kind of oral explanation, and if any elements of that explanation got lost over time, well the Oral Tradition also included a set of tools whereby you could recover these teachings. There were exegetical methods going back to the Torah's text and extracting those legal teachings. We call this *Halachic D'rash*, it's used all over the place throughout the Talmud.

So that's a little quickie background on Oral Law and Written Law, but what I want to talk with you about is what the rationale behind that is. **Why have a Written Law and an Oral Law at all?** The Written Law says what it says, why don't I just do that? How come there has to be a discrepancy at all between the Written Law and the Halachic, legal expression of that law?

### Why Does Judaism Need Oral Law and Written Law?

I think to attack this point, we really need to look at the role of law itself

within the Torah as a whole. Because I might just take the devil's advocate position, why do I have to have so many laws? Six hundred and thirteen laws in the Torah?

**If the Torah is trying to guide me spiritually, why doesn't the Torah talk about lofty, overarching concepts like love? Why don't I spend my days in meditation? What am I doing keeping to this legal code? Legal codes don't seem so spiritual. How can you have a religion based upon law? What is the role of law in the Torah?**

I want to just point out by way of observation that in this question about law being so mundane, we might respond to that by saying, in a sense law fits life, because life is mundane. It's not just law that is mundane, life is mundane.

You know, Rabbi Berel Wein<sup>2</sup> once said, **life is like chewing gum, first you get a little bit of flavor and after that it's all chew, chew, chew**. Or to use another analogy, life is like a cross-country trip. I remember driving cross country in 2001 with my kids, every once in a while you get to something really spectacular—Mount Rushmore, Yosemite, Zion National Park—and these things are really inspiring, but other than that it's cornfields. I mean there's a lot of cornfields out there and one just looks like the other. That's kind of like of life.

Life has a lot of routine in it; it's board meetings, it's picking up the kids from carpool, it's making lunch, it's bedtime, filing reports for your boss, it's all of these things. Yes, there are these grand, symphonic moments in your life; your wedding day, 10th anniversary, these glorious family vacations to Disneyland, the Alps, and all of that stuff. But those are just the things that punctuate our regular mundane existence, it's not the main stuff that life is made out of.

So is it mostly about just living for the grand moments, and that's the exciting thing, and I just have to put up with the cornfields? Or is there spirituality in the cornfields also?

### What Is the Purpose of Oral and Written Torah Law?

I think the Torah's position is very firmly, there's spirituality in those cornfields—and that's where law comes in. **The purpose of law is to take some of those lofty ideals and to find ways to bring them into everyday life.**

We need to do that for two reasons. First, if we don't then everyday life remains truly mundane. **This is a way of elevating everyday life.** Secondly, **if we don't do this, the ideals themselves will be lost, we will lose our grasp upon them.**

<sup>1</sup> <https://members.alephbeta.org/playlist/jewish-oral-law-vs-written-law>

<sup>2</sup> Berel Wein (b. 1934) is an American-born Orthodox rabbi, lecturer and writer. He authored several books, in both Hebrew and English, concerning Jewish history and popularized the subject through more than 1,000 audio tapes, newspaper articles and international lectures.

There's a poem that I really like from Emily Dickinson—I'm a fan in general of her poetry—there's one called "Deed," and it talks about this. The poem goes like this.

*A deed knocks first at thought, And then it knocks at will.  
That is the manufacturing spot, And will at home and well.  
It then goes out an act, Or is entombed so still  
That only to the ear of G-d, Its doom is audible.*

Now what was she talking about here? She was talking about how we get to do anything in life and she was also talking about **why it's important that we actually do things in life and not just hold on to abstract ideas**. She's arguing that anything that we do, if you kind of take it apart, there's a three-step process involved.

Before we do it, it begins as a thought, we have to think about some sort of ideal that we want to reach for. Wouldn't it be great if there was less drunk driving on the roads? But then that thought has to go knocking on a door, the door of will, emotion, passion. In other words, the next question is, can that thought engage your emotions and get you to feel fired up, interested and passionate about it?

You see the pain in the face of a mother who lost her child to a drunk driver, and you say, that's terrible, you get fired up about that. The next thing you do, is you say, I'm going to do something about that, which is the poem's next line. Will, that's the manufacturing spot for a deed.

After you get will, passion, engaged, it then goes out an act—that thought is transformed into an act, you're going to do something with it. You're going to be the founder or the charter member of Mothers Against Drunk Driving. Its first meeting is going to be in your living room.

So yes, if that thought can get your heart excited about it, that you can have some passion and will behind that thought, then the deed will go out as an act. But if it doesn't, if you never succeed in transforming that deed into some sort of act that you actually do in real life, then the deed dies and the emotion dies and the thought dies.

It's all entombed so still that only to the ear of G-d its doom is audible. No one but G-d will have ever known that that thought was ever there in your head in the first place.

So the upshot is, ideals are important, but how do you take those ideals and make them a part of the cornfields—everyday life?

Imagine a guy who is into an ideal, how special his wife is, he sits on the stone floor and meditates upon this all day long; how special is my wife. A guy comes to him and says, you know if you really think your wife is so special you should feel something, but what does your emotion tell you? So he says oh yes, excuse me, and the next day, he's there, he's meditating on the stone floor about how much he loves his wife, how passionate he is about her. He sits there with eyes closed and candles burn-

ing, just meditating about how in love he is with his wife. How impressed is his wife going to be with this?

You know, after a couple of days, his wife is going to come knocking on the door, it's like, do you think maybe you could help out in the kitchen, change a diaper, something? It's like, **if you really love me, that love, that feeling, would have to translate somehow into action, even a mundane action, something**. And if it doesn't, that love will die.

Because in the human soul thoughts don't last and even emotions don't last unless they can find an expression in the world of action. I don't care if it's a mundane expression, a mundane action, but **that mundane action is a lifeboat for the thought, for the passion, for the ideal. It allows it to survive in real life**.

### The Elements of Oral Torah and Written Torah

So the Torah talks to us about laws, but remember there's two elements in laws, there are the grand ideals and then there are the ways to express those grand ideals in mundane, everyday life—the details of the laws.

So I can talk about law from each of these two perspectives. One way to talk about law is to express the grand ideals, another way to talk about law is to express ways in which to filter down those ideals into everyday life. **The first job more or less, is done by the Written Torah, the second job more or less, is done by the Oral Torah**.

So what that means is this: in *Torah Sh'bich-tav* (תורה שבכתב)—in the Written Torah—**the Torah will sometimes express law in terms of the ideals. The Oral Torah will find a way to translate that law into particular details, so that I can bring the ideals into daily life**.

### Understanding Oral and Written Law in Daily life

So in our case, there is an overriding ideal, think about it. In creation, originally, did not give man the right to consume meat. It involved killing another living, breathing being, and you weren't supposed to do that. The original man was vegetarian. He, and the animals, shared a common food source: the grasses of the field, the vegetation of the ground, the fruits of the trees. But then after the flood G-d gave man the ability to consume animals and yet, there are limits. You have to understand what you're doing when you're taking another life, killing another mammal like yourself for food.

Milk. Milk isn't something you buy in a store, it's a sacred liquid for a mammal, it's how a mother nurtures a child. **Meat is the opposite of that milk**, it's the death of the animal. Life is nurtured through milk, but meat is about the death of that which was nurtured.

So once you realize that, yes, I give you permission to eat animals, yes, I give you permission to consume milk, but would you boil a kid, a baby

goat in its mother's milk? You wouldn't do that, right? That would be a kind of desecration of sorts, you'd be treating that food—the milk and the meat—just as things, as mere ingredients, that you can just mix and match together.

Okay, so that's the ideal, but how many times a day are you faced with the opportunity of boiling a baby goat in its mother's milk? It's a particular vision of an ideal, but how does that make its way into my life in a daily way? For that we have the Oral Torah, and **the Oral Law comes along and says, let me show you how we're going to translate that ideal into daily life; we're going to keep milk and meat separate.**

Every day when I have a cup of milk, every single day when I have meat, I can understand that these things shouldn't be mixed, don't cook them together, don't eat the products of cooking them together, they don't go together. **There's an ideal and then regular, mundane expressions of that ideal.**

If you keep to these laws throughout the cornfields of life, if you don't mix milk and meat in that way, you elevate your experience of eating, you elevate your experience of shopping. Milk and meat aren't just things anymore, you've taken an ideal and made it part of your daily life, and you've therefore worked to save that ideal. It will survive through your mundane actions.

Even though your life may look like a lot of cornfields, those cornfields suddenly won't seem quite as mundane as they used to be, as all of a sudden something as simple as a trip to a store or a bite of food can become a little embodiment of a higher consciousness. A little embodiment of holiness itself.

1. *Our belief is, that the Oral Torah, at least the main principles in interpretations of the Oral Torah, were passed to Moses along with the Written Torah at Sinai, and these interpretations were passed down from generation to generation orally.*

a. **Avot 1:1**

Moses received the Torah from Sinai and gave it over to Joshua. Joshua gave it over to the Elders, the Elders to the Prophets, and the Prophets gave it over to the Men of the Great Assembly. They [the Men of the Great Assembly] would always say these three things: Be cautious in judgement. Establish many pupils. And make a safety fence around the Torah.

b. *R' Yonah*<sup>3</sup> stresses the fundamental principle of faith that the term "Torah" includes both the Written Law ... [i.e., the Five Books of Moses] **and the accompanying Oral Law** ... the interpretation of

the text. God gave the Oral Law to Moses in its entirety and it was expounded by successive generations of sages (see Ber 5a). Without the Oral Law, the Torah would be unintelligible. Thus, in the light of the Oral Law, the generic negative commandment ... *You shall not steal* (Lev 19:13), covers not only the stealing of money, **but extends to liability for damages inflicted by one person or his property upon another person or his property.** Likewise, many terms remain undefined in the written text of the Torah, and the Oral Law identifies them [e.g., *an eye for an eye* (Exo 21:24) is not literal but means monetary compensation; the ambiguous term *fruit of a beautiful tree* (Lev 23:40) refers to the commandment to take an *etrog* on *Sukkot* (*R' Yonah*).<sup>4</sup>

c. The Torah (*Devarim* 12:21) ordains that cattle and sheep must be slaughtered ritually before being eaten, and sums up the precept by stating: **"as I commanded you."** Nowhere does the text explain what ritual slaughter is or how it is to be performed. **Yet the phrase "as I have commanded you" indicates that the people must have been familiar with the method of slaughter.** Therefore, there must have been an oral tradition, which permitted the written Torah to ordain *mitzvot* in a concise manner. It is this tradition that we refer to as the orally transmitted Torah (see Chullin [Ordinary Things] 27a).<sup>5</sup>

... the Torah (*Bereshit* 1:28) states, "... and God said to them, 'Be fruitful and multiply ...'" The written Torah does not explain whether this was a blessing or a commandment. Even if we assume that it is an injunction, several questions must be answered: Are both men and women obligated? How many children must one have to fulfill the precept? What if one has children only of one sex? What if one's children die? Or if they die after having children themselves? Are their children considered his children? Only an oral tradition can answer these questions and allow us a proper understanding of the *mitzvah*.

**Many of the written Torah's *mitzvot* simply can't be fulfilled without an instructive tradition.** For example, *Shemot* 20:10 and *Devarim* 5:14 state that one shall not perform *m'lachah* work on Shabbat, yet neither text defines *m'lachah*. *Shemot* 21:12 declares that a murderer shall be put to death, yet it does not describe the method of carrying out the sentence, while the Torah uses separate terms for different manners of executions without specifying what each entails. Concerning Yom Kippur, the Torah decrees (*Vayikra* 16:31), "...

3 Rabbi Yonah was an Amora (*Expounder*) of the 4th-generation (320–350 ce) active in *Eretz Yisrael*.

4 Rabbi Moshe Lieber, Ed., *The Pirkei Avos Treasury, Ethics of the Fathers*, (Mesorah Publications, Ltd.), p. 6.

5 Nathan T. Lopez Cardoza, *The Written and Oral Torah* (Jason Aronson, Inc), pp. 65-67.

you shall afflict yourselves ...,” but it does not explain what constitutes affliction. Nor does it specify how much of the harvest one should leave in his fields for the poor (*Vayikra* 19:9-10).

At times the Torah mentions a specific case but does not indicate whether the applicable law can be taken as a general rule. For example, *Shemot* 21:26-27 states: “And if a man strikes the eye of his indentured servant or his maidservant and destroys it, he shall free him as compensation for the eye.” Is this law particular to damaging an eye or is it also relevant to injuries of other limbs?

Furthermore, many laws are mentioned only in passing, even though society depends upon them. Nowhere does the Torah explain how marriage is effected; the text only notes that there is such an institution. Similarly, the only reference to the method of property acquisition and transfer is a prohibition of overcharging! (*Vayikra* 25:14) **Since the purpose of the Torah is to create a code of behavior for mankind, there must be some vehicle for determining its intent. The orally transmitted Torah is that vehicle.**

- d. **God’s street map.** R’ Aharon Kotler<sup>6</sup> likened the relationship of the two Torahs to the difference between a world map and street map. On the huge world map New York City appears as a small black dot. Using only that map, one could never find a particular location within the city. Only with the help of a detailed map, which provides the block-by-block picture of the city, would one be able to locate his destination. Similarly, the basic map—the Written Torah—was given by God, and the Oral Torah fills out the details.<sup>7</sup>
- e. As we say in our prayers, “Blessed is He, our God, Who created us for His glory ... gave us the Torah of truth, and implanted eternal life within us.”<sup>8</sup> God “gave” us the Written Law in its entirety, but in addition He implanted within His people the national character through which God-fearing Torah scholars would have the ability and wisdom to interpret the nuances of the Written Text **and apply its words to life situations as they unfold.** It is in this sense that the Oral Law is described metaphorically like a tree that is *implanted ... within us. Just as a tree, once planted, has the capacity to grow and produce fruit and the seeds for more trees, so the Oral Law enables those who study it to elucidate the Written Law and*

**produce even more wisdom and applications, all emanating from the same roots.**<sup>9</sup>

1) John 15:1-5

<sup>1</sup>“I am the true vine, and my Father is the gardener. <sup>2</sup>He cuts off every branch in me that bears no fruit, while every branch that does bear fruit he prunes so that it will be even more fruitful ... <sup>3</sup>Remain in me, as I also remain in you. No branch can bear fruit by itself; **it must remain in the vine.** Neither can you bear fruit unless you remain in me. <sup>4</sup>“I am the vine; you are the branches. If you remain in me and I in you, you will bear much fruit; apart from me you can do nothing.

f. Matthew 23:1-3

<sup>1</sup>Then Yeshua said to the crowds and to his disciples: <sup>2</sup>“The teachers of the law and the Pharisees sit in Moses’ seat. <sup>3</sup>So **you must be careful to do everything they tell you.** But **do not do what they do, for they do not practice what they preach.**

2. *I think the Torah’s position is very firmly, there’s spirituality in those cornfields—and that’s where law comes in. The purpose of law is to take some of those lofty ideals and to find ways to bring them into everyday life.*

a. Luke 10:25-37

<sup>25</sup>On one occasion an expert in the law stood up to test Yeshua. “Teacher,” he asked, “what must I do to inherit eternal life?”

<sup>26</sup>“What is written in the Law?” he replied. “How do you read it?”

<sup>27</sup>He answered: “Love the Lord your God with all your heart and with all your soul and with all your strength and with all your mind’ (Deu 6:5); and, ‘**Love your neighbor as yourself**’” (Lev 19:18). <sup>28</sup>“You have answered correctly,” Yeshua replied. “**Do this and you will live.**”

<sup>29</sup>But he wanted to justify himself, so he asked Yeshua, “And **who is my neighbor?**” <sup>30</sup>In reply Yeshua said: “A man was going down from Jerusalem to Jericho, when he fell into the hands of robbers. They stripped him of his clothes, beat him and went away, leaving him half dead. <sup>31</sup>A **priest** happened to be going down the same road, and when he saw the man, he **passed by on the other side.** <sup>32</sup>So too, a **Levite**, when he came to the place and saw him, **passed by on the other side.** <sup>33</sup>But a Samaritan, as he traveled, came where the man was; and when he saw him, he took pity on him. <sup>34</sup>He went to him and bandaged his wounds, pouring on oil and wine. Then he put the man on his own donkey, took him to an inn and took care of him. <sup>35</sup>The next day he took out two silver coins and gave them to the innkeeper. ‘Look after him,’ he said,

6 Aharon Kotler (1892–1962) was an Orthodox rabbi and a prominent leader of Orthodox Judaism in Lithuania and the United States

7 Rabbi Moshe Lieber, Ed., *The Pirkei Avos*—, p. 7.

8 Shabbat liturgy—see Robert R. Gorelik, *Siddur T’fillot (Prayer Book)*, (Eshav Books), p. 141.

9 Rabbi Moshe Lieber, Ed., *The Pirkei Avos*—, p. 7.

'and when I return, I will reimburse you for any extra expense you may have.'<sup>36</sup>“Which of these three do you think was a neighbor to the man who fell into the hands of robbers?”<sup>37</sup>The expert in the law replied, “**The one who had mercy on him.**” Yeshua told him, “**Go and do likewise.**”

- 1) The Sadducees in the priestly service were extremely concerned about ritual purity.
  - a) To a Sadducean literalist, the prohibition in the written Torah (Lev 21:1) “And the Lord said to Moses, ‘Speak to the priests, the sons of Aaron, and say to them that none of them shall de-file himself for the dead among his people’” **superseded all humanitarian concerns.**<sup>10</sup>
  - b) **The Pharisees would never have agreed.**
- 2) The priest and the Levite may have believed that the man in the parable was dead.
  - a) Leviticus 21:11  
<sup>11</sup>(The priest) must not enter a place where there is a dead body. He must not make himself unclean, even for his father or mother.
  - b. Nazir 7:1  
A High Priest or a Nazirite may not contract uncleanness because of their (dead) kindred ...
- 3) Whether the priest and the Levite realized that the man was still living or wrongly assumed that he was already dead, they failed to act—**in either case, the oral law is certainly at issue**—“(Yeshua) criticizes a priest and a Levite for not being willing to risk incurring corpse-impurity simply on the chance that they might have been able to help.<sup>11</sup>
  - a. **Well-known oral Torah teachings treated the issues that confronted the priest, the Levite, and the Samaritan, who all encountered the scene of a cruel and brutal robbery.**
  - b) The oral law teaches proper ethical conduct whether the man was dead or still alive.
  - c) **The priest and the Levite could ignore the teachings of the oral law in good conscience because of their literal approach to the Pentateuch.**

4) *Pikuach nefesh* (Heb. פיקוח נפש), which means "saving a soul" or "saving a life," is the principle in *Halakha* (Jewish law) that **the preservation of human life overrides virtually any other religious rule of Judaism**. In the event that a person is in critical danger, **most mitzvot, become inapplicable if they would hinder the ability to save oneself or someone else**. However, there are certain exceptions; some rules and commandments may not be broken under any circumstances and thus may require an act of self-sacrifice.<sup>12</sup>

- a) Leviticus 18:5  
"You shall keep My statutes and My laws, which a person shall do and **shall live by them**. I am the LORD."
  - b) Ezekiel 20:11  
"And I gave them my statutes, and showed them my judgments, which if a man do, **he shall even live in them.**"
3. *Even though your life may look like a lot of cornfields, those cornfields suddenly won't seem quite as mundane as they used to be, as all of a sudden something as simple as a trip to a store or a bite of food can become a little embodiment of a higher consciousness. A little embodiment of holiness itself.*
- a. Proverbs 16:3  
<sup>3</sup>**Commit to the LORD whatever you do**, and he will establish your plans.
  - b. 1Corinthians 10:31  
<sup>31</sup>So whether you eat or drink or **whatever you do, do it all for the glory of God.**
  - c. Colossians 3:23  
<sup>23</sup>**Whatever you do, work at it with all your heart, as working for the Lord**, not for human masters,

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10 Dr. Brad H. Young, *The Parables, Jewish Tradition and Christian Interpretation*, (Hendrickson Publishers, 1998), p. 109.

11 E. P. Sanders, *Jewish Law from Jesus to the Mishnah*, (Trinity Press International, 1990), p. 42.

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12 [https://en.wikipedia.org/wiki/Pikuach\\_nefesh#:~:text=Pikuach%20nefesh%20\(Hebrew%3A%20%D7%A4%D7%99%D7%A7%D7%95%D7%97%20%D7%A0%D7%A4%D7%A9,other%20religious%20rule%20of%20Judaism.](https://en.wikipedia.org/wiki/Pikuach_nefesh#:~:text=Pikuach%20nefesh%20(Hebrew%3A%20%D7%A4%D7%99%D7%A7%D7%95%D7%97%20%D7%A0%D7%A4%D7%A9,other%20religious%20rule%20of%20Judaism.)