



The Value of Forgetfulness in a Culture of Tradition

Rabbi Avital Hochstein – hochstein@hadar.org

Parashat Nitzavim-VaYelekh 5777

As we approach the end of Devarim, we also approach Moshe's death. The tension rises: The only leader the Jewish people have known thus far is about to die. Even we—the readers of the biblical text from a distance of hundreds of years—sense the great fear that must have been felt by the Israelites. But there is another aspect to the tension, which we, the readers, are not only observers of, but also party to. In a culture that values tradition, which is largely founded on a connection to the past, moments of death and transition from one generation to another feel particularly threatening. These are moments that hold the potential for crisis and fragmentation. Dealing with them is particularly complex.

In the Babylonian Talmud, in a *sugya* in Massekhet Temurah, we find several descriptions of Moshe's death and the moments surrounding it. At the center of some of these versions are verses taken from our *parashah*, which holds within them a tension between continuity and fragmentation. Interestingly, they are spoken by Moshe himself:

דברים ל, י"א – י"ד

"לֹא־נִפְלְאָת הוּא מִמֶּנִּי וְלֹא רִתְקָה הוּא: לֹא בִשְׁמַיִם הוּא לֵאמֹר מִי יַעֲלֶה־לִּנִּי הַשָּׁמַיְמָה וְיִקְחֶנָּה לִּנִּי וְיִשְׁמַעְנִי אֹתָהּ וְנַעֲשֶׂנָּה: וְלֹא־מֵעֶבֶר לֵימִי הוּא לֵאמֹר מִי יַעֲבֹר־לִנִּי אֶל־עֶבֶר הַיָּם וְיִקְחֶנָּה לִּנִּי וְיִשְׁמַעְנִי אֹתָהּ וְנַעֲשֶׂנָּה: כִּי־קְרוֹב אֵלַיִךְ הַדָּבָר מְאֹד בְּקִיּוֹד וּבְלִבְבָּהּ לַעֲשׂוֹתוֹ:"

Devarim 30:11-14

This instruction which I enjoin upon you this day is not too baffling for you, nor is it beyond reach: It is not in the heavens, that you should say “Who among us can go up to the heavens and get it for us and impart it to us, that we may observe it?” Neither is it beyond the sea, that you should say, “Who among us can cross to the other side of the sea and get it for us and impart it to us, that we may observe it?” No, the thing is very close to you, in your mouth and in your heart, to observe it.

According to the simple reading of these verses, they describe the *mitzvah*, or the Torah, whose origin is the heavens, as something that is now within a hand’s grasp of the Israelites, and maybe of humans in general. Already in the verses themselves, one can sense a certain tension, which finds expression in the words of negation used by Moshe: “[it] is not too baffling for you, nor is it beyond reach.” From between the lines one can hear echoes of a tension with regards to the relationship between tradition and continuity, between past and future, between old and new.

The Talmudic *sugya* which quotes these verses in the course of its description of Moshe’s death reveals something of the way in which our tradition perceives the meaning of tradition itself.

This is what is told in Massekhet Temurah (16a) in one of the versions describing Moshe’s death, on which we will focus:

אמר רב יהודה אמר שמואל: שלשת אלפים הלכות נשתכחו בימי אבלו של משה.

Rav Yehudah reported in the name of Shmuel: “Three thousand traditions and laws were forgotten during the period of mourning for Moshe.”¹

¹ There is room to wonder about the reason that the laws were forgotten, which is not mentioned in this midrash: The midrash links the days of mourning and forgetfulness, and perhaps indicates that by focusing

The *midrash* describes a reality in which, immediately after Moshe's death, a gap is formed between his Torah in his lifetime and the Torah that he leaves behind.

אמרו לו ליהושע: שאל!

They said to Yehoshua: "Ask!"

The Israelites' reaction shines some light on their consciousness: It is clear that they are aware of the gap that was created during the transfer of leadership between Moshe and Yehoshua, and they are not comfortable with it. In addition, they do not demand of Yehoshua "learn," but rather "ask"—for this is what they were accustomed to with Moshe, who would turn to God with his questions. Out of this habit, and their demand of Yehoshua, the new reality with regards to the Torah is revealed, in the words of the verse taken from our *parashah*:

אמר להם: 'לא בשמים היא' (דברים ל).

He replied: "It is not in heaven."²

Yehoshua's answer is that the locus of the Torah, and in fact the source of knowledge from now on, is no longer in the heaven. With Moshe's death, our role is to clarify knowledge ourselves. That is, while Moshe asked God his questions directly, after his death the relationship is not so direct. In essence, the very nature of the Torah changes: During

on a person we have lost, instead of on his Torah, we create a reality in which, at the end of the days of mourning, which were focused here on Moshe himself, Moshe's Torah was forgotten.

² The story describes an additional, and identical, address, that occurs generations later and is directed at a different figure:

They said to Shmuel: "Ask!"

He replied: "These are the commandments"—implying that [since the promulgation of these commandments,] no prophet has now the right to introduce anything new."

There are different possible identifications of the verse that Shmuel quotes in this *midrash*, but it appears that the word that must be emphasized in his statement is the word "prophet." I.e., **a prophet is not permitted to introduce anything new, but the rabbis are permitted, and are even required, to do so.** This creates a situation in which, indeed, prophets may no longer ask God for answers to halakhic questions—no *halakhab* can be introduced by prophecy, but the tools of Torah study are granted as ways of learning new *halakhot* throughout the ages.

Moshe's lifetime, the Torah existed outside of human involvement, but from now on the Torah exists fully only when it comes into contact with human beings.

The verses actually add to the story an immense potential for the democratization of knowledge—it is now available to all, within reach of every single person who seeks it. According to these sources, Moshe's death legitimises—and even brings to a requirement of—autonomous exegesis, since the Torah is no longer “in heaven.”

This description portrays no sadness or mourning over the forgetting of the *halakhot*; the creators of the *aggadah* reflect their perception of later generations as “dwarfs standing on the shoulders of giants,” rather than the alternative narrative of declining generations.

The *aggadah* then proceeds to describe the private communication between the dying Moshe and his student and successor, Yehoshua:

אמר רב יהודה אמר רב: בשעה שנפטר משה רבינו לגן עדן, אמר לו ליהושע: שאל ממני כל ספיקות שיש לך!

Rav Yehudah reported in the name of Rav: When Moshe departed [this world] for the Garden of Eden he said to Yehoshua: “Ask me concerning all the doubts you have!”

Moshe attempts to leave a world without doubt behind him, but—ironically—it is exactly this attempt which creates a space filled with doubt:

אמר לו: רבי, כלום הנחתך שעה אחת והלכתי למקום אחר? לא כך כתבת בי "ומשרתו יהושע בן נון נער לא ימיש מתוך האהל"?

He replied to him: “My Master, have I ever left you for one hour and gone elsewhere? Did you not write concerning me in the Torah: “But his servant Yehoshua the son of

Nun departed not out of the tabernacle?”

Yehoshua is insulted by Moshe's statement: He has been, indeed, the model of a devoted student, who never left his teacher's side, and so the very thought that he might have doubts and questions affronts him. In essence, Joshua says to Moshe, "I know everything that you know." It is unclear whether Joshua's tone is one of innocence, insult or conceit. But the emotional/mental reaction is not late in coming:

מיד תשש כחו של יהושע

Immediately the strength of Yehoshua weakened.

And in other versions:

מיד תשש כחו של משה

Immediately the strength of Moshe weakened.

The weakening described here (*teshishut* in Hebrew) is a very dangerous emotional situation, which is used in rabbinic *aggadot* to describe an affliction visited upon a person who injures another person, is injured by another person, or commits a terrible crime against another. Regardless of whether the injuring party was Moshe or Yehoshua, the results are identical:

ונשתכחו ממנו שלש מאות הלכות, ונולדו לו שבע מאות ספיקות, ועמדו כל ישראל להרגו.

And he [Yehoshua] forgot three hundred laws, and there arose in his mind seven hundred doubts. Then all the Israelites rose up to kill him.

The story describes a metaphysical interference with humanity, which contradicts human aspirations. While the figures of Moshe and Yehoshua in this *midrash* represent the human striving, at the moment of death, for complete congruence between what was and what will

be, the desire to identify past and future generations, metaphysical circumstances—or natural human circumstances—do not allow for this, and this aspiration is ultimately replaced by forgetfulness.

The end of this *midrash* is not simple, since God's suggestion to Yehoshua, in face of the wrath of the Israelites toward him, is a difficult one:

אמר לו הקב"ה: לומר לך אי אפשר לך וטורדן במלחמה, שנאמר "ויהי אחרי מות משה עבד ה' ויאמר ה' וגו'" (יהושע א).

The Holy Blessed One then said to him: "It is not possible to tell you. Go and occupy their attention in war, as it says: 'Now after the death of Moshe the servant of God, it came to pass that God spoke;' and it further says; 'Prepare you food,; etc. (Joshua 1)."

The quoted verse is found at the beginning of the book of Joshua:

יהושע א, א' – ט'

וַיְהִי אַחֲרֵי מוֹת מֹשֶׁה עֶבֶד ה' וַיֹּאמֶר ה' אֶל יְהוֹשֻׁעַ בֶּן נֹחַן מִשְׁרַת מֹשֶׁה לֵאמֹר: מֹשֶׁה עֶבְדִּי מֵת וְעַתָּה קוּם עֲבֹר אֶת הַיַּרְדֵּן הַזֶּה אַתָּה וְכָל הָעָם הַזֶּה אֶל הָאֶרֶץ אֲשֶׁר אֲנִי נֹתֵן לָהֶם לְבְנֵי יִשְׂרָאֵל: כָּל מְקוֹם אֲשֶׁר תֵּדְרֹךְ כֶּף רַגְלְכֶם בּוֹ לָכֶם נִתְּנוּ כָּאֲשֶׁר דִּבַּרְתִּי אֶל מֹשֶׁה: רַק חֲזֹק וְאַמֵּץ מְאֹד לְשָׁמֵר לַעֲשׂוֹת כְּכֹל הַתּוֹרָה אֲשֶׁר צִוָּה מֹשֶׁה עֶבְדִּי אֶל תִּסּוֹר מִמֶּנּוּ יָמִין וּשְׂמֹאל לְמַעַן תִּשְׁכַּח לְכָל אֲשֶׁר תִּלְוֶה:

Yehoshua 1:1-7

¹After the death of Moshe, the servant of God, God said to Yehoshua son of Nun, Moshe's attendant: ²My servant Moshe is dead. Prepare to cross the Jordan, together with all this people, into the land that I am giving to the Israelites. ³Every spot on which your foot treads I give to you, as I promises Moshe... ⁷but you must be very strong and resolute to observe faithfully all the teaching that My servant Moshe enjoined upon you. Do not deviate from it to the right or to the left, that you may be successful wherever

you go.

God reminds Yehoshua that he is a completely different person than Moshe, and that his role is also different than Moshe's was. Although Joshua is defined, time and again, as Moshe's successor, and is commanded to follow in his footsteps, he is also responsible for a completely different task—entering and conquering the land of Israel.

The commandment God gives Yehoshua, “do not deviate from it to the right or to the left,” demands special attention. The reading of a *midrash* that describes forgetfulness side-by-side with a *midrash* that includes the commandment of “do not deviate right or left” creates an amusing juxtaposition. Clearly, one can not observe the commandment not to deviate when one forgets some of the details to which this directive applies. In addition, the demand not to deviate becomes less clear when faced with new challenges and completely different circumstances than have existed in the past—such as would accompany the transition from the desert to the land of Israel.

This awareness also leads us to understand that there can be merit to forgetfulness. When one is faced with a new reality, there is a certain advantage to doubts. Only through doubt and questions can the future be something different, rather than a replication, a copy, of the world that was. Only through forgetfulness can a world with the potential of renewal exist, a world which is not static or dead, but rather relevant.

The Talmudic *aggadah* regarding Moshe's death, in fact, teaches us that there can be no continuity of tradition that does not include forgetfulness, there is no continuity without a certain measure of fragmentation. A perfect replication of past circumstances can only lead to a stagnation, and ultimately to death.