

Eruvim and tshuva – Shabbat Tshuva 5770
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in honor of the Eruv's first five years.

There are 2 or three human-led executions in the Torah after Sinai, and one of them is for carrying, and it is distinct from the other ones. Pinchas killed Zimri and Kosbi, but Kids (of Israel) don't try this one at home: it wasn't part of any justice system - more like a Torah version of Dirty Harry. Another possible execution was the blasphemer (Vayikra, 34: 16), but it's not clear the blasphemer was actually executed because the text doesn't say he was actually executed, as is the case with the execution for carrying. Also, while Hashem does say a blasphemer should be put to death, He also continues speaking of the consequences for other averot, so it's possible His statement is more of a general principle. In our focal execution for carrying on Shabbat without an eruv the language is unequivocal. From Bamidbar, Parshat Shelach, 15: 32-36:

32: And when the children of Israel were in the desert, they found a man gathering sticks on the Sabbath day.

33: And those who found him gathering sticks brought him to Moses and Aaron, and to all the congregation.

34: And they put him under guard, because it was not understood what should be done to him.

35: And the L-RD said unto Moses: 'The man shall certainly be put to death; all the congregation shall stone him with stones outside of the camp.'

36: And all the congregation brought him outside the camp, and stoned him with stones, and he died, as the L-RD commanded Moses.¹

Why should this mitzvah - of all mitzvoth - be singled out with capital punishment? Part of the answer lies in the context, and part in the nature of the mitzvah (and transgression) itself. This story takes place within the sixth aliya of parshat Shelach, following this order of topics:

1. Gd admonishes us to keep the mitzvoth but if you transgress through error (shogeg) then there's tshuva.
2. But if you transgress willfully (mazid) then you will be cut off.
3. Then there's our story.
4. Then the mitzvah of tzizit.

So first I'll present some of the mforshim's explanations of this text, and then tie it to the rest of this context.

I. The text

- From the text it can be gleaned out that this was Shabbat #2 in the desert after Matan Torah. Chazal say that if we had kept just three Sabbaths in a row we would have merited the Moshiach. Thus we learn that good behavior must be consistent and definitive, not occasional.
- "metzi-u" (They found) that is, they were looking specifically for something. Moshe had appointed *shomrim* in the camp after the incident of people gathering excess mannah. Before you could say it was just that the people didn't quite get the concept of Hashem providing for all needs because of the greatness of miracle, but now it might be a more problematic behavior. Perush Leora: Sometimes it's not good to go off looking for people who might be doing a spiritual wrong. You just might find them.
- "*B'yom shabba'* (on the Sabbath day). This phrase comes at the end of the pasook. If Shabbat had been first in the man's mind, he wouldn't have transgressed. Thus he was able to rationalize his decision to violate the commandment.

¹ My translation. Click here for the Hebrew text: <http://www.mechon-mamre.org/c/ct/c0415.htm>.

- “ve’yakrivu” is translated as ‘And they brought him to’ but literally ‘they made him close’ First they approached him and said, “say don’t you know you can’t do that on Shabbat?” Only after did he not stop did they haul him in.
- “purash” Understood, reach a decision, be known. But also remove, separate (R. Hirsch). They knew it was a problem (a social problem) but they didn’t know which execution was appropriate in this case.
- “veyomer Hashem” G-d clarifies what He means. “Out of the camp” means that execution shouldn’t be too close to judges...it shouldn’t be one of the first things judges consider when they think of punishment.
- “kal ha’eida” (the entire community). The impact of a public transgression – *b’kfar hesia*, or doing an averah willfully in front of other people – has a negative impact on those who witness the averah, but the text also speaks of a shared responsibility. Also, seeing the outcome helps restore a spiritual equilibrium.

But so far these perushim are much more about punishment than tshuva and redemption.

II. Zelophehad

It turns out Zelophehad is the man gathering sticks. The daughters say their father died ‘bamidbar’ (in *the* wilderness) and here they are ‘bamidbar’. It’s not like we didn’t know we already were in bamidbar, hence its presence as a clue.

Even though the Torah had just told us that a willful transgression is ‘cut off’, Zelophehad seems to be purposely doing this transgression. Yet in the end he is not cut off, rather, he’s immortalized through his daughters’ revolutionary and deeply meaningful endeavor to justice. As Rabbi Akiva explains: the Torah provides us a hint of the transgressor rather than explicitly identifying the shamed person. But how could it be that someone could make such a transgression and have these righteous daughters? Was he that different? No, apparently Zelophehad was motivated to show Klal Yisrael that a transgressor can do *tshuva*. But we have just learned the exception: when you say you will transgress knowing that you will just do *tshuva* later on. And that was his mistake: He willfully transgressed thinking he could show how forgiving Hashem was, but didn’t consider the willful versus the shogeg. So he got immortality based on the mistake but capital punishment for the mazid. Rabbi Akiva identified him to acknowledge his good intentions.

III. Carrying

But now this explanation seems like *tshuva* gone bad, and what is so bad about carrying anyhow?

Sabbath observance is based on 39 *malachot*. Thirty-eight of these *malachot* are about altering the physical world. By observing Shabbat, one acknowledges that G-d has mastery over the physical world. But carrying is different: one may relocate something, but the object isn’t changed. A hankie carried is still a the same hankie. Rabbi Hirsch explains: carrying from private to public is by its nature an interpersonal event, so this mitzvah demonstrates that not only does G-d have mastery over our physical world, it’s also over our social world, and the latter is paramount.

Rabbi Yair Silverman (former rabbi of Congregation Beth Israel) used to use a Yirmiyahu quote [17:19-27] to talk about carrying. I never understood why he used that one instead of a quote from Torah, but now I see that it’s much easier to explain (unlike stoning). To paraphrase the text: if you refrain from carrying your burdens into Jerusalem you’ll be able to celebrate the goodness through offerings, but if you do carry, then Gd will burn

Jerusalem. Rabbi Frand comments on this text.² Carrying is about social relationships. The sum of all social interactions is history. Thus if you keep in mind that Hashem has mastery over all social relationships (you refrain from carrying) then G-d will be part of your history and Jerusalem will be a holy city. But if you don't, then Jerusalem gets destroyed because it can't survive without Jews' acceptance of Torah. We acknowledge Gd's mastery over the world and creation by 38 malachot (Kiddush: zecher l'maaseh breisheet') but our personal and collective redemption from Egypt (zecher l'yitziyat mitzrayim) by not carrying. Violating the first 38 malachot are mitzvot bein adam l'makom and HaShem gives us Yom Kippur for that. But violation of social laws are harder to fix. That's why before Yom Kippur we ask our friends, family members and neighbors for forgiveness. Note that in the parsha the text about not being forgiven for the mazid averot is being cut off. Sometimes something said or done can so negatively affect a relationship that there's no repairing it. Gd will forgive you for accidentally flipping on the bathroom light. Forgiveness from others is left to free will. Sometimes this forgiveness is impossible in our lifetimes, so that the only way to atone is through death. As Lyle Lovett sings:

“So who says he'll forgive you...
God does
But I don't
God will
But I won't
And that's the difference
Between God and me”³

Not carrying is an acknowledgement that having Gd in our personal and collective history is critical. And why does the mitzvah of tzizit follow? It bookends and reinforces the point. “So that you shall remember and do all of My mitzvoth” Why? Because “I'm G-d” which He then qualifies: “... who brought you out of Egypt” I'm the G-d of your social relationships, of your history.

And so may we be able to do tshuva for all of the mitzvoth, seek forgiveness from others and help others do better where we can through respectful tochacha⁴, so that we will be able to have G-d in our history and rebuild Yerushalayim bimheira b'yamenu.

² <http://www.torah.org/learning/ravfrand/5757/vayakhel.html>

³ Lyle Lovett, “God Will”, 2001, from *Lyle Lovett, Anthology Volume I*.

⁴ With thanks to Rabbi Yonatan Cohen for explaining how tochacha used correctly is for building social relationships and bonds.