

Dear Chavraya,

Written and received, words that hurt and words that heal, flowing through time as part of one conversation, joining generations, challenging. It is the relationship of Written Torah and Oral Torah, the place of their nexus providing a context of relationship between people and people, and people and God. The Written Torah, *Torah She'bichtav*, is the word of God, whether one understands it to emanate directly from the Holy One or as flowing through the minds and hearts of divinely inspired human authors. The Written Torah as the Five Books of Moses is complete as lovingly transmitted through the ages. The Oral Torah, *Torah She'b'al Peh*, literally the Torah of the mouth, is the word of human beings engaged with the text of the Written Torah. Open-ended, the Oral Torah is an ever-unfolding conversation through the generations. By tradition, the Written Torah begins at Mount Sinai, God's gift to the Jewish people through Moses, our teacher. In one of the most radically bold acts of the rabbis, the Oral Torah is also rooted at Sinai, its flow beginning concurrently with the Written Torah. So the rabbis empowered human engagement with the Written Torah, setting forth a dynamic and dialectic by which we learn to probe deeply, eschewing fundamentalism, learning to lovingly debate and challenge, learning the way with dignity of speaking truth to power.

Written Torah and Oral Torah are two parts of one whole, inseparable from each other in the way of Jewish life and learning if we are to fully engage with the *Torat Chayyim/the Torah of Life*. In a boldly trenchant analogy, Rabbi Samson Raphael Hirsch (19th century Germany) compares the Written Torah to the notes of a lecture, while Oral Torah represents the fullness of the lecture itself in all of its richness and varied texture (Commentary to Par. Mishpatim, Ex. 21:2). The "notes" are enough to awaken awareness, to jog the memory only if one was at the "lecture," only if one immerses in the living waters of Oral Torah, reading Written Torah and Oral Torah as one, concurrently, as given at Sinai. In regard to the harsh passages of Torah, to remain stuck in places of violence, or to slam the holy book shut in our pain, or, God forbid, if we accept such brutality as the intent of Torah, then we are not hearing the fullness of the lecture, its voice at times stern, at times pleading. Representing human engagement with God and with people, the Oral Torah is a model for human response and responsibility. Learning how to respond to textual violence becomes a metaphor and training ground for responding to violence in the world.

Encountering the harsh passages of Torah, we cringe, we cry, we scream out, speaking our tearful truth to power, be it the power of God, or of people who would simply read, or rationalize, or, worst of all, callously justify and say that is the tradition. There is such a passage in this week's Torah portion, *Parashat Shoftim* (Deut. 16:18-21:9). It is a parsha whose violence is framed by teachings of nonviolence, as though to warn away from the ways of violence, as though to contain the harsh passages, to underscore that these do not represent the way of Torah. Torah becomes a context of struggle, of seeking the way. Near the beginning, the Torah offers its classic challenge, *tzedek tzedek tirdof/justice, justice shall you pursue* (Deut. 16:20). Just before the place of the portion's greatest burst of violence is a series of military deferments, as though to say no to the sword and to those who would wield it, no, no a thousand times no, even God crying

out. Immediately after the place of violence, framing and containing the harsh passage, is the mitzvah to spare fruit trees in times of war. Particularly in Chassidic teaching, the tree to be spared is seen to represent the ultimate tree, the human being, *ki ha'adam etz ha'sadeh/for the human is the tree of the field* (Deut. 20:19).

And then we come to the harsh passage (Deut. 20:16-18), its words so hard to read, to share, to speak, chanting them in shul in a mournful undertone. In regard to the Canaanite nations who dwell in the land we are about to enter, the Torah says, *lo t'chayeh kol n'shammah/you shall not allow a soul to remain alive....* We bravely step into the breach, ready to confront the violence, to speak truth to power in the way that we have learned to do from Torah itself. If we do not have the courage to confront violence in Torah, how shall we have the courage to confront violence in the world around us? So we are meant to learn and to transcend.

In the way of Oral Torah we bring teachings to bear that counter the violence, that offer another way, that set up a dynamic that is meant to teach us the way that heeds the Torah's own call in this very same parsha, *justice, justice shall you pursue*. I am drawn in this parsha particularly to the teaching of Rabbi Ya'akov Tzvi Mecklenberg, chief rabbi of Koenigsburg in the mid to later 19th century. In the name of his commentary, the name by which he is known, we find ourselves in that nexus of Written and Oral Torah, the place of our empowerment. Known as the *K'tav V'ha'kabbalah/the Written and the Received*, referring to the Written and the Oral Torah, Rabbi Ya'akov Tzvi seeks through his commentary to show the essential link between these two facets of Torah. So he empowers us to engage with all that is painful in the Written Torah, seeing the importance of our own place in the ever-unfolding tradition. This is exactly the nature of our own learning. It is exactly what calls us to engage with and challenge the harsh passages, drawing from the pained wrestlings of others who came before. Oral Torah is Torah. It is all one Torah with which and through which we engage with life in all of its facets.

In a commentary of overwhelming moral power, staggering in its challenge to the Written Torah and to most other commentators, himself speaking truth to power, the Ha'k'tav V'ha'kabbalah affirms the process of bringing Oral Torah, including our own voices, to challenge the Written Torah. In regard to the harsh passage of our parsha, as usually translated, *you shall not allow a soul to remain alive*, he virtually screams out at the cruelty and then proceeds to show how it cannot possibly be as it would appear, that the Torah, that God, God forbid, would call for the extermination of innocents, *d'nireh k'ach'zari'ut g'dolah lish'foch dam naf'shot n'ki'yim/so it appears as great cruelty to spill the blood of innocent souls*. He reviews the common views that rationalize the slaughter, offering implicit critique to commentators who would appear to simply shrug. He then goes on to offer his own view. He suggests that *t'chayeh/to allow to live* has a technical meaning, referring to sustaining a life, in this case enemy captives in order to enslave them. He brings various examples to show how this is the meaning. The negative formulation, as *lo t'chayeh/you shall not allow to live* is

not meant to suggest that we shouldn't sustain captives, but that we should not sustain them for the sake of enslaving them. He then says boldly that instead of either killing them or enslaving them, the verse teaches that we should simply allow them to flee and to settle wherever they like, even in the land of Israel.

Rabbi Ya'akov Tzvi then draws together his commentary with great power and conviction, saying that even if you don't agree with his interpretation, you must acknowledge that the verse is not about killing innocents, *you are bound to acknowledge/al kor'cha'cha tzarich l'hodot/that the intent in it (the verse) is not to kill all of the people who are found in the city without distinction/bilti havchanah...* He speaks powerfully about citizens -- men, women, and children -- who cry out for peace, but they have no power in the face of their own soldiers. He sees the innocents as *m'vakshei ha'shalom/seekers of peace*, an amazing phrase by which to describe one's presumed enemies.

Empowered in our own wrestling with Torah as *Torat Chayyim/the Torah of life*, drawn to confront and transcend violence in the text, so we are meant to in life. The approach of the Ha'ketav V'hakabbalah points to the importance of Oral Torah as the key to drawing out a stream of nonviolence that flows through Torah. Oral Torah represents our human struggle with challenges presented by the written word of Torah and in life itself. At times, the Oral Torah fills in blanks and offers the way by which to fulfill a cryptically framed *mitzvah*, and at times it offers moral direction and a call to question and wrestle with the written word. So Torah becomes a "laboratory," a context, in which we are meant to struggle with all realms of life. Oral Torah represents the human will to engage with all of our being, learning to challenge and redirect all that would undermine the beauty of creation and the holiness of life, learning to challenge with all of our heart, and with all of our soul, and with all of our might. Learning to speak truth to power, we learn to lovingly engage with each other and with God in the nexus of the written and the received.

Shabbat shalom,
Rabbi Victor