



Parashat Vayelekh ends on a singularly depressing note. Hashem tells Mosheh, who agrees wholeheartedly, that whatever religious consistency the Jews are currently displaying (and the Torah certainly does not present a uniformly flattering picture in that regard) will collapse at some point in the future, which will of course lead inevitably to Divine punishment.

The problem is that Divine punishment might well exacerbate Jewish rebelliousness and estrangement rather than evoking repentance and rehabilitation. The Jews might well conclude either that G-d was not powerful enough to correct them, or that He did not really love them, or that He punished arbitrarily. The solution offered is to establish in the Jewish consciousness a text that predicts their suffering and explains it theologically. There is some ambiguity as to whether the text is the entire Torah or rather the poem which comprises most of Parashat Haazinu. One possibility is that the poem is intended as a theological summary of the Torah as a whole.

It is interesting, therefore, to note that the poem has a dominant term for G-d, and furthermore that that metaphor appears nowhere else in Torah (it does show up often in Psalms and Isaiah.) The metaphor is *tsur*, which appears in 32:4, 15, 18, 30, 31 (twice), and 37, with possible echoes in 10, 13, 27, 41 and 43. The commentators offer two definitions for *tsur*: rock and form (or the One who forms).

Our focus will be 32:4, which is the opening of the substance of the poem.

The *tsur*, perfect (*tamim*) is His work, for all his ways are *mishpat*;  
a consistent/faithful (*emunah*) G-d, and there is no crookedness/distortion (*ein avel*);  
He is *tzaddik* and straight (*yashar*).

I suggest that *tsur* should be taken as a term capable of encompassing all the adjectives in the verse: *tamim*, *mishpat*, *emunah*, *ein avel*, *tzaddik*, and *yashar*. However, each of those adjectives is itself difficult to translate, and some of them have traditional valences that make them seem to contradict one another. *Yashar*, for example, is often taken to mean going beyond the letter of the law, whereas *mishpat*, *emunah*, and *tzaddik* can all be taken as referring to strict justice. Furthermore, the Divine ways are generally interpreted elsewhere as referring to His mercifulness and kindness; how can it be said that all of them are *mishpat*?

Various commentaries, accordingly, use this verse as an occasion to develop theories of the proper relationship between justice and mercy. As it happens, my wife and I have long disputed whether mercy should be seen as an essentially arbitrary suspension of justice or rather as a consistently lax administration of justice. I have space here for only one attempt to clarify the issue, that of the B'er Yosef (thanks to Mike and Daniella Rader for donating this book to the Hillel library).

B'er Yosef suggests that people are judged in two stages - first for their character, and then for their deeds. (He notes Rambam's claim that one must repent for having poor character as well as for performing evil deeds.) People's deeds are judged in accordance with their character, in other words as they judge others' deeds; merciful people are judged mercifully, forgiving people are forgiven more easily, and obsessive tit-for-tat people are judged accordingly. In this system, the same deed, performed with the same intent, can yield different judgments when performed by different people, and nonetheless the system is consistent rather than arbitrary, and justice and mercy are compatible.

One might argue, against B'er Yosef, that for character to be judged first, and thus determine the standard by which deeds are judged, rather than for character and deeds to be judged holistically, is itself arbitrary. This reminds me of an old argument I had with my dear friend Nachum Felman as to whether a person who claims to believe absolutely, but have doubts about the truth of his absolute belief (to lack metabelief), is contradicting himself.

Bivrahah leshanah tovah umetukah,

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