

במדבר פרק יג

(כו) וילכו ויבאו אל משה ואל אהרן ואל כל עדת בני ישראל אל מדבר פארן קדשה וישיבו אותם דבר ואת כל העדה ויראום את פרי הארץ:

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(לא) והאנשים אשר עלו עמו אמרו לא נוכל לעלות אל העם כי חזק הוא ממנו:
(לב) ויוציאו דבת הארץ אשר תרו אתה אל בני ישראל לאמר הארץ אשר עברנו בה לתור אתה ארץ אכלת יושביה הוא וכל העם אשר ראינו בתוכה אנשי מדות:

Bamidbar 13:26

“They went; they came to Mosheh and Aharon and to the whole community of Bnei Yisroel, to Midbar Paran, to Kadesh; they returned to them a report (*dabar*), and to the whole community; they showed them the produce of the land . . .

13:32

They brought out the evil report (*dibbah*) of the land which they had scouted to Bnei Yisroel

“וישיבו אותם דבר” – העלים הכתוב תשובתם הרעה ואמר “דבר” סתם, שאין דרך הכתוב לכתוב מעשיהם של רשעים אלא לצד ההכרח, כמו שתמצא שלא כתב הריגת חור ביום מעשה העגל, וגם מעשה העגל אמרו בגמרא שלא נכתב אלא ללמד ישראל שאם חטא ציבור אומרים להם ‘כלך אצל ציבור’, וכמו כן במה שלפנינו העלים הדברים, עד שהוצרך לומר שישראל רצו לשוב מצרים וימרו בה’ ח”ו חל עליו לומר סיבת הדבר וגילה דבר שהוציא דבת הארץ, וטעם שהוצרך הכתוב לומר המראת ישראל הוא להודיע טעם עכבתם במדבר ארבעים שנה . . .

“They returned to them a report” – Scripture obscured their evil response and said simply “report”, because it is not the way of Scripture to write the deeds of the wicked except when compelled to do so, as you will find that it did not write about the killing of Chur on the day of the Golden Calf episode, and even the Golden Calf episode itself the Talmud says was written only to teach the Jews that if a community sins, we tell them “Go after that community” (meaning “repent, and learn from them at communal repentance will be accepted: ADK), so similarly in what is before us it obscured the matter until it became necessary to say that the Jews wished to return to Egypt and rebelled against Hashem (chas veschalilah), so it fell to Scripture to say the cause of the matter and it revealed that they brought out the evil report of the land, and the reason it needed to report the rebellion of the Jews is to inform us of the reason they were detained in the wilderness for forty years . . .

Once again in haste, and on the same theme as last week . . .

A Brisker-type distinction that I find very useful in explaining Kibbud Av vaEim is that between formal and substantive obligations. Formal obligations require actions regardless of intent or consequences, whereas substantive obligations may be more

flexible as to means but insist on the accomplishment of ends. The Rav's famous claim that the *maaseh* and *kiyyum* of *mitzvot* can be separated – e.g. that the actions of mourning, such as tearing clothing, only fulfill *aveilut* if one actually feels sad – is an attempt to break down this distinction, but I think that should be done very cautiously.

One purpose of formal obligations is to acknowledge a substantive value in cases where it is nonetheless overruled – for example, if a relative was G-d forbid so abusive that it would be unreasonable or even unhealthy to expect sadness at their passing.

The Or HaChaim above transfers this notion into the realm of literary style. He takes the position that Scripture would have preferred not to tell us *lashon hara*, but nonetheless does so *letoelet*, when doing so serves a necessary end. In this case, Scripture would have preferred not to say that the spies told *lashon hara* about the Land of Israel, but needed to do so in order to explain why the Jews wanted to return to Egypt, itself a piece of *lashon hara* that it needed to tell in order to explain why the Jews wandered in the wilderness for forty years. (He does not explain why the Torah needs to mention the wandering, or why the wandering needed to be rationalized – does narrative cohesion have moral force?)

What Scripture does, then, is to delay describing the spies' report as *dibbah* until necessary – thus their report is introduced as plain *davar*. Thus the value of not writing about evil deeds is overruled – that the spies spoke *dibbah* is not less well known because of the six verse delay in using the term – but the peculiarly vanilla introduction to the episode reminds us that Scripture would have preferred to obscure their sin.

I am not sure how convincing this explanation is – I might ask instead what motive Scripture has for generating suspense, or why Scripture requires us to discover for ourselves the evil of their initial report, or whether actually objects to anything they said before verse 32.

For this week, however, what interests me is the support of formalism. When is formalism effective in reinforcing a temporarily subordinated value, and when does it generate cynicism and hypocrisy? When does it actually undermine the subordinated value by easing the conscience of someone violating it?

A secondary question is the extent to which *lashon hara* is primarily a substantive obligation (preventing information from spreading) or a formal obligation (preventing certain forms of speech). Here again I suggest that the Chafetz Chaim sought to eliminate the distinction, and I wonder if it ought not to be preserved.

Shabbat Shalom!
Aryeh Klapper