



מי מריבה The Waters of Contention

הָמָּה מֵי מְרִיבָה אֲשֶׁר רָבוּ בְנֵי יִשְׂרָאֵל אֶת ה' וַיִּקְדַּשׁ בָּם.

These were the waters of contention over which the Children of Israel contended with G-d - yet He was sanctified by them. (Bamidbar 20,13)

■ The Severe Punishment

The more we delve into the sin of Moshe Rabbeinu and his brother Aharon HaCohen in Parashat Chukat, the more difficult it seems to be to understand why they were punished so severely.

The facts are straightforward (Bamidbar 20,7-11): G-d told Moshe to speak to the boulder and thereby extract water for the nation – and instead, with apparent anger at the people for complaining, Moshe struck the boulder, after which the sorely-needed water gushed out.

Even if we consult all the commentaries and their different explanations about what exactly happened there and what Moshe's sin actually was, we will still find it difficult to understand why Hashem used such harsh terms to describe it. For instance, in Parashat Chukat, G-d says that the sin was no less than a lack of faith:

יַעַן לֹא הֵאֱמַנְתֶּם בִּי...

You did not believe in Me... (Bamidbar 20,12)

And at the end of the Book of D'varim, the sin is described similarly gravely, as a breach of trust against G-d and a failure to sanctify His Name:

עַל אֲשֶׁר מְעַלְתֶּם בִּי בְּתוֹךְ בְּנֵי יִשְׂרָאֵל
 עַל אֲשֶׁר לֹא קִדְשַׁתֶּם אוֹתִי בְּתוֹךְ בְּנֵי יִשְׂרָאֵל.
*... for having broken My trust amongst
 the Children of Israel... for not having sanctified Me amongst
 the Children of Israel.* (D'varim 32,51)

Furthermore: It was Moshe who struck the boulder, and not Aharon; why, then, was Aharon included in the punishment? As we read in several places in the Torah, including here in Chukat:

לָכֵן לֹא תָבִיאוּ אֶת הַקֶּהֱל הַזֶּה אֶל הָאָרֶץ אֲשֶׁר נָתַתִּי לָהֶם.
*... therefore you [plural] will not bring this congregation into
 the Land I have given them.* (Bamidbar 20,12)

In addition, what connection is there between the failure to sanctify G-d's Name and the ban on entering the Land of Israel? Where is the famous Divine trait of *midah k'neged midah*, fitting the punishment to the crime?

Another difficulty: Moshe Rabbeinu himself says he was banned from entering the Land not because of the water and the boulder, but because of the Sin of the Spies! In his parting speech to Bnei Yisrael, as recounted in the beginning of D'varim, Moshe says G-d vowed that *"None of those people of that evil generation [of the Sin of the Spies] would see the good Land..."* Moshe then added that *"with me, too, Hashem became angry because of you, saying, 'You too will not enter.'" (D'varim 1,35-37)*

Interestingly, in this same speech, Moshe shows how the Israelites well deserved their punishment for the Sin of the Spies, the worst sin of their 40 years in the desert. This was certainly a case of the punishment fitting the crime: They said, *"If only we had died in Egypt or in the desert"* (Bamidbar 14,2) – and Hashem responded, *"In this desert, your corpses shall fall"* (verse 29).

Similarly, they said, *"Our wives and children shall be as spoils"* (verse 3) – and G-d responded, *"As for your infants, of whom you said that they will be as spoils - yes, you will have what to worry about regarding them, although in the end, I will bring them [to the Land]."* (verse 31)

We understand the severity of the Sin of the Spies and the suitability of its punishment – but how is it that Moshe includes himself in the decree? This contradicts that which was emphasized so strongly above, that Moshe was not to enter the Land because he hit the boulder for water!

And a final question: Why was Moshe punished for the story of the scouts at all? Did he do anything wrong? Could it be that he was punished only for his “ministerial responsibility” for the nation’s sins?

■ The Second Chance

Let us return to the Sin of the Spies and compare the response of Moshe and Aharon to that of the two scouts who remained loyal, Yehoshua and Calev. When the nation heard the spies’ negative report and cried about being given such a seemingly problematic land, Moshe and Aharon appeared to be at a loss:

וַיִּפֹּל מֹשֶׁה וְאַהֲרֹן עַל פְּנֵיהֶם לִפְנֵי כָּל קְהַל עֵדֶת בְּנֵי יִשְׂרָאֵל.
*Moshe and Aharon fell on their faces before
 the entire congregation of Israel.* (Bamidbar 14,5)

They did not meet the challenge bravely, and did not attempt to strengthen Israel’s resolve and will vis-à-vis Eretz Yisrael. Calev and Yehoshua, on the other hand, faced the nation with strength. They rent their garments and declared: *“Do not rebel against G-d! Do not fear the peoples of the land... G-d is with us, do not fear them.” And the people threatened to stone them.* (verses 7-10)

Calev and Yehoshua stood up to the nation with great courage and fortitude, sanctifying G-d’s Name at these difficult and critical moments. Moshe and Aharon did not. Assuming, based on G-d’s reaction later, that this was a sin, why does Hashem not accuse them *here* of failing to sanctify G-d’s Name? Why does He wait until the incident of hitting the rock, nearly 40 years later, to accuse them of this?

The answer is that G-d wished to give them a second chance to sanctify His name. Towards the end of the 40 years of wandering, the people complained about the lack of water:

וְלֹא הָיָה מַיִם לְעֵדָה... וַיִּרְבּוּ הָעָם עִם מֹשֶׁה וַיֹּאמְרוּ לְאַהֲרֹן
 וְלוֹ גֹּעֲנוּ בְּגֹעַ אַחֲיֵינוּ לִפְנֵי ה'!
*There was no water for the people...
 They argued with Moshe, saying,
 “Had we only died with our brethren before G-d.”* (Bamidbar 20,2-3)

This was Moshe and Aharon’s great chance to stand bravely before the people and restore their trust in G-d. But instead, what did they do?

וַיָּבֹאוּ מֹשֶׁה וְאַהֲרֹן מִפְּנֵי הַקָּהָל אֶל פֶּתַח אֹהֶל מוֹעֵד וַיִּפְּלוּ עַל פְּנֵיהֶם ...
*Moshe and Aharon left them, and went to the entrance
of the Tent of Meeting, and fell on their faces...* (verse 6)

It could have been expected that, at these critical moments, Moshe and Aharon would strengthen the people with trust in G-d. Instead, everything that transpired during the Sin of the Spies repeats itself here: The nation gathering together to complain, the accusations against Moshe and Aharon, their refuge in the Tent of Meeting, and their falling on their faces in despair.

In the end, despite all, G-d brings about a miracle, and water comes gushing out of the boulder – but G-d does not forget Moshe and Aharon. He reminds them of what happened decades earlier when, then too, they mis-responded to the nation's acceptance of the spies' negative report. The finger is pointed at their behavior at Mei Merivah, when Moshe hit the rock, but the accusation clearly also includes their approach during the Sin of the Spies:

יֵעַן לֹא הֵאֱמַנְתֶּם בִּי לְהַקְדִּישֵׁנִי לְעֵינֵי בְנֵי יִשְׂרָאֵל,
לָכֵן לֹא תָבִיאוּ אֶת הַקָּהָל הַזֶּה אֶל הָאָרֶץ אֲשֶׁר נָתַתִּי לָהֶם.
*For you did not believe in Me, to sanctify Me before Israel,
therefore you will not bring this congregation into the Land
that I have given them.* (Bamidbar 20,12)

In this sin, Aharon was a complete partner with Moshe, and was punished accordingly. And Moshe was also right in placing some of the responsibility on Israel, given their threatening stance:

גַּם בִּי הִתְאַנַּף ה' בְּגִלְלַתְכֶם לֵאמֹר, גַּם אֶתָּה לֹא תָבִיא שָׁמָּה.
*G-d was also angry with me because of you, saying,
“You, too, will not go there.”* (D'varim 1,37)

■ First Hints

Taking a retroactive look at the story of the Spies, we can detect some hints along the way regarding the “suspended sentence” handed down to Moshe and Aharon. When Hashem informs Moshe of the decree that he will not enter the Holy Land, He does so in two different ways. The first time, Hashem says that no one other than Calev ben Yefuneh will enter the Land: *My servant Calev, because he showed a different spirit and followed Me, he will be the only one that I will bring into the Land...* (Bamidbar 14,24)

Yehoshua bin Nun is not mentioned – unlike the second time G-d tells Moshe of the decree, just a few verses later: *You will not come to the Land that I [vowed] to have you dwell there, except for Calev ben Yefuneh and Yehoshua bin Nun* (verse 30). Why was Yehoshua's name mentioned only the second time?

A straightforward reading of the Torah indicates that Calev courageously intervened to offset the negative message of his fellow scouts on two different occasions, while Yehoshua did so only once. The first time, Calev stood alone:

וַיְהִי כִּלְבָב אֶת הָעָם אֶל מֹשֶׁה וַיֹּאמֶר עֲלֵה נַעֲלֶה וְיִרְשְׁנוּ אֶתְּהָ בִּי יְכוֹל נוֹכַל לָהּ.

Calev quieted the nation... and said, "We can surely go up and take possession of it, for we can indeed overcome it." (13,30)

For this bold step, G-d rewarded Calev and his descendants with the everlasting inheritance of the city of Hebron in Eretz Yisrael:

וַעֲבַדִּי כְּלָב עֲקֵב הַיְתֵה רוּחַ אַחֲרַת עֲמוֹ וַיִּמְלֵא אַחֲרָי, וְהִבִּיאֲתִיו אֶל הָאָרֶץ אֲשֶׁר בָּא שָׁמָּה וְזָרְעוּ יוֹרְשֶׁנָּה.

But My servant Calev, as he had a different spirit and he fulfilled My [wishes], I will bring him to the land to which he came, and his descendants will inherit it. (14,24)

But the next time Calev intervened, he did so together with Yehoshua – and G-d promised that both of them would survive the desert and enter the Land. Thus, Calev received his own exclusive reward first, for having intervened alone, but later, both of them received the Divine promise, for having stood up together to the nation and the other spies.

Delving deeper into the matter, we find that Hashem is sending a direct hint to Moshe: When Yehoshua's name was left out the first time, this could have led us to think the following: Just as Yehoshua's name was left off, and yet we know that he was to enter the Land, so too, Moshe and Aharon might possibly enter the Land even though they were omitted from the list of exceptions.

However, after the second time, when Yehoshua's name *was* mentioned together with Calev, but without Moshe and Aharon, the latter two should have begun to think: "The list of those who will enter the Land is taking final shape – and we're not on it!" They should have realized that their

previous sin had earned them a “suspended sentence,” followed by one final chance to enter the Land, and that only if they pass the final test would they be permitted to enter the Holy Land.¹

Moshe himself understood this delicate hint only after he struck the rock at Mei Merivah – and he included it in his final speech to the nation. He began just as Hashem did, mentioning only Calev ben Yefuneh at first (D'varim 1,34-36): *“G-d became angered and vowed that none of those people... would see the good Land... except for Calev ben Yefuneh...”*

But after listing Calev as the only exception, he immediately adds: *“With me, too, Hashem became angry because of you, saying, ‘You too will not enter! Yehoshua bin Nun standing before you – he will enter.”* Moshe juxtaposes Yehoshua’s entry to the Land with his own lack of entry. We see that Moshe has understood the Divine hint. By mentioning Yehoshua as the second person to be allowed to enter Eretz Yisrael, he realizes that he and his brother Aharon will *not* merit it. The decree originated with their reaction to the Sin of the Spies, but was “suspended” for 40 years, until the incident at Mei Merivah.

■ The Strange Fire

Is there another such case in which Hashem waits to impose a punishment until the same sin is “re-awoken” and perpetrated a second time?

The answer is yes. When Moshe Rabbeinu was late in coming down from Mt. Sinai, the impatient nation crowded around Aharon HaCohen and demanded that he fashion something concrete (such as a golden calf), to serve as a substitute for Moshe. Aharon was unable to withstand the people’s pressure, and he produced the infamous calf idol. Later, Moshe told us what was transpiring at that time in the Heavenly Court: *“Hashem became very angry at Aharon to destroy him, and I prayed also for Aharon at that time.”* (D'varim 9,20)

It would seem that after Moshe’s prayer, Aharon was saved, but in truth, his punishment was merely suspended – until his two sons Nadav and Avihu went into the Tent of Meeting with unauthorized incense:

1. see *“The Spies’ Failure”* on Parashat Sh’lach above.

וַיִּקְחוּ בְנֵי אֶהֱרֹן נָדָב וַאֲבִיהוּא אִישׁ מִחֶתְתּוֹ וַיִּתְּנוּ בָהֶן אֵשׁ וַיִּשְׂמוּ עָלֶיהָ
קִטְרֹת וַיִּקְרְבוּ לִפְנֵי ה' אֵשׁ זָרָה אֲשֶׁר לֹא צִוָּה אֹתָם.

*Nadav and Avihu, sons of Aharon,
took their pans and placed within them fire and incense,
and they brought before G-d a strange fire that
He did not command them.* (Vayikra 10,1)

This “strange fire,” *esh zarah*, was reminiscent of *avodah zarah* of the sin of the Golden Calf. Both were similar sins of foreign, undesirable worship – and the punishment that had earlier been suspended was now activated: “A fire came out before G-d and consumed Nadav and Avihu.” (verse 2)

We see that their death was a punishment for Aharon from the following Medrash:

“Prayer accomplishes half.” From where do we learn this? From Aharon HaCohen, upon whom a decree of destruction was decreed, as we saw: *Hashem became angry at Aharon and wished to destroy him* (D’varim 9,20). R. Yehoshua of Sakhnin said: “Destruction” means death to one’s sons – but after Moshe prayed for Aharon, half the decree was annulled, and [only] two of Aharon’s four sons died. (Medrash Vayikra Rabba 10,5, end of passage)

■ Visiting the Fathers’ Sins upon the Sons

Let us expand our discussion of the deaths of Aharon’s sons, and seek to understand in general the ways of G-d’s justice as best we can. Are children punished for their parents’ sins, or not? On the one hand, the Torah states the following principle more than once:

... פֶּקֶד עֲוֹן אָבוֹת עַל בְּנֵים וְעַל בְּנֵי בְנֵים עַל שְׁלֹשִׁים וְעַל רִבְעִים.

*He visits the fathers’ sins on the sons and grandsons,
for three and four generations.* (Sh’mot 34,7)

On the other hand, the Torah also states the opposite:

לֹא יוּמָתוּ אָבוֹת עַל בְּנֵים וּבְנֵים לֹא יוּמָתוּ עַל אָבוֹת, אִישׁ בְּחַטָּאוֹ יוּמָתוֹ.

*Fathers will not be killed for their sons’ sins,
and neither will sons be killed for their fathers’ sins;
each person is liable for his own sins alone.* (D’varim 24,16)

The Gemara in B'rachot (page 7a) notes the contradiction, and resolves it as follows: If the sons continue in their fathers' ways, they will be punished for both their own sins and those of their fathers. But if they do not follow their fathers' sinful paths, they will be liable for their own sins alone.

This resolves the contradiction, but it still leaves us with a moral difficulty: Why should anyone ever be punished for anything other than his own sins?

The question becomes even stronger when we consider that people are not necessarily created equal. Everyone starts out with different life circumstances. One whose parents do not teach him right from wrong, and is born into a sinful environment, obviously has low moral standards built-in to his character, with limited freedom to choose to do good. On the other hand, one born into a family of righteous people absorbs the concepts of right and good into his very essence with his mother's milk. It would therefore not be just to punish everyone equally for the same sin. One who is born into an environment of sin should be punished *less* severely than a sinner whose parents were righteous!

The Torah therefore comes and teaches as follows:

Consider one whose parents never showed him a good example, yet he attempted on his own to do good: If he sometimes fails, his punishment should take into account the fact that his parents were sinners and provided a bad example. This is the manifestation of "not being punished for the father's sins" – i.e., for the sins he perpetrated under his father's negative influence.

On the other hand, if one learns from his parents' bad example and commits similar crimes, we do *not* say, "it wasn't your fault because you had a bad example." His father's sins are not "subtracted" from the punishment, and the son will receive the full punishment, without any extra consideration.

In short: If he continues the sinful ways of his parents, *G-d will visit his father's sins upon the son*, in the sense that he will receive no extra consideration. But if he paves his own path of goodness, then punishment for whatever sins he commits will take into account his negative upbringing; *sons will not be killed for their fathers' sins*.

Either way, sons are not punished for fathers' sins, but only for their own. At worst, those who follow their parents' evil path will be punished precisely in accordance with what they did, with no extra consideration for their negative upbringing.

When Nadav and Avihu were punished, the influence of the Golden Calf made by Aharon under pressure from the people was not taken into account; they were punished to the fullest extent. Why? Because their sin began even before the Golden Calf, as we read:

וַיַּעַל מֹשֶׁה וְאַהֲרֹן נָדָב וַאֲבִיהוּא וְשִׁבְעִים מִזְקְנֵי יִשְׂרָאֵל.
 וַיִּרְאוּ אֶת אֱלֹהֵי יִשְׂרָאֵל...
 וְאֵל אֲצִילֵי בְנֵי יִשְׂרָאֵל לֹא שָׁלַח יָדוֹ וַיַּחֲזוּ אֶת הָאֱלֹהִים וַיֹּאכְלוּ וַיִּשְׁתּוּ.
*Moses and Aharon, Nadav and Avihu,
 and seventy of the elders of Israel ascended.
 They perceived the G-d of Israel...
 and upon the nobles of Israel He did not lay His hand,
 and they perceived G-d, and they ate and drank.* (Sh'mot 24,9-11)

Rashi explains that Nadav and Avihu were not punished in this incident – *He did not lay his hand* upon them, even though they were deserving of such for this “strange and foreign” levity in full view of Hashem. (Their mistake was in thinking that this was similar to the eating of holy sacrificial meat, which is permitted wherever the Tabernacle of Shilo can be seen.) However, once they sinned a second time, they were punished in full force.

■ Seeing the Land from the Other Side

Let us return to G-d’s refusal to allow Moshe to enter the Land. He pleaded with G-d to partially revoke the punishment:

וְאֶתְחַנּוּ אֵל ה'... אֶעֱבְרָה נָא וְאֶרְאֶה אֶת הָאָרֶץ הַטּוֹבָה אֲשֶׁר בְּעֵבֶר הַיַּרְדֵּן...
*I implored G-d at that time, saying... “Allow me to pass and see
 the good land on the other side of the Jordan...”* (D'varim 3,23-25)

At first glance, it appears that Moshe Rabbeinu is simply expressing his great yearning for the Land of Israel: “If I can’t enter, then at least please let me see it!” But in truth, there is more to it than that. Moshe is essentially saying: “Is it fair to give me the same punishment as the spies who sinned and caused others to sin? Is it just that I be treated the same way as the nation that cried and complained and said they would rather return to Egypt? Is it fair to punish me this way, when my sin was only in not standing firmly against those who truly sinned?”

Hashem answers: “You are right. My decree was, *All those who spurn Me shall not see [the Land]* (Bamidbar 14,23). Of course I would not include you among those who *spurn Me*, for I have said that you are *trusted throughout*

My house (12,7). Therefore you will certainly see the land – but only *from across; you will not enter* (D'varim 32,52).”

And in fact, the Torah concludes with Hashem giving Moshe a personal, aerial tour of the Land of Israel:

... וַיִּרְאֶהוּ ה' אֶת כָּל הָאָרֶץ אֶת הַגִּלְעָד עַד דָּן...
וַיֹּאמֶר ה' אֵלָיו זֹאת הָאָרֶץ אֲשֶׁר נִשְׁבַּעְתִּי לְאַבְרָהָם לְיִצְחָק וְלַיַּעֲקֹב לֵאמֹר
לְזָרְעָךָ אֶתְנַנְנָהּ; הִרְאִיתִיךָ בְּעֵינַיִךָ וְשָׂמָה לֹא תַעֲבֹר.

*He showed him the entire Land,
from the Gilad to Dan... and G-d said to him:
“This is the Land I vowed to give to Avraham,
Yitzchak and Yaakov;
I have showed it to you with your eyes,
but you will not go there.”* (D'varim 34,1-4)

