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Introduction

The Matmidot Scholars Program is an innovative Ohr Torah Stone initiative aimed at enhancing the learning, writing, and leadership skills of a carefully selected group of students. Every Monday night, the Matmidot meet a different figure who has made an impact in some significant manner. The Matmidot of 5781 had the privilege to learn and meet in a personal way with a wide variety of scholars and leaders, including Rabbi Dr. Kenneth Brander, Dr. Yael Ziegler, Rav Yosef Tzvi Rimon, Rav David Stav, Rabbanit Michelle Cohen Farber, Rabbi Josh Fass, and many more.

In addition, a key feature of the program is training this exceptional group of students to research and produce high-quality Torah articles. Each Matmida is paired with a faculty mentor who aids and guides her throughout her research and writing. A tremendous thank you goes to each of the Mentors: Rav Yitzie Blau, Rav David Brofsky, Rav Alex Israel, Rabbanit Rivky Krest, Rabbanit Rachel Leshaw, and Rabbanit Dena Rock.

The Matmidot cohort of 5781 invested an extraordinary amount of work into the essays that comprise this Journal. From solidifying their chosen topics to submitting outlines, thesis statements, and rough drafts, these young women have been on a journey all year long learning how to research, write, and edit serious Torah articles. Please enjoy and learn from the fruit of their labor.

With gratitude to Hashem,

Rabbanit Sally Mayer	Rabbanit Nomi Berman	Rabbanit Dena Rock
Rosh Midrasha	Rosh Beit Midrash	Matmidot Coordinator

Contents

FREE WILL IN JUDAISM

Bruria Spraragen

The issue of free will, how much autonomy a person has over his or her choices, is one of the most perplexing questions in both Jewish and secular philosophy and has been so throughout history. Many philosophers, psychologists, and *halachists* have pondered the issue, yet the question of free will remains unresolved. A tension exists between the belief that Hashem knows and anticipates our every action and personal autonomy, and a reconciliation of the two is complicated. Sources throughout *Tanach*, philosophy, Talmud, and Rabbinic literature give insight into this complex topic. This paper aims to present the major approaches that have been proposed throughout history and to analyze their strengths and weaknesses. The question of whether a person has free will does not have a definitive answer, but by exploring various sources and approaches, this paper will provide a deeper understanding of the issue and its possible solutions.

The question of how much free will a person has has been a long-standing debate not only as a religious matter, but in secular philosophy and psychology as well. Beginning in the fourth century BCE with Greek philosopher Aristotle (Greek, 384-322 BCE), philosophers began to offer opinions about how much autonomy a person has over his actions. Before exploring Jewish approaches to free will, it is helpful to first understand free will within the larger philosophical world. Looking at secular philosophy helps to categorize types of belief in, or against, free will, and those categories can then be applied to Jewish thinkers. Exploring secular approaches to this age-old question can also give a broader picture of the free will

conversation, which parts conform with Jewish philosophy, and where they conflict.

Over time, a range of perspectives on free will has been developed - ranging from libertarianism, the belief that people have choice over their actions, to hard determinism, the belief that external factors are the sole determinants of one's actions. Determinists believe that a person's actions are governed by biological, psychological, environmental, and/or metaphysical factors; though we do not realize it, our "decisions" are the inevitable product of outside factors in our lives without us having any real choice. Determinists argue that everything in a physical world can be traced back to its causes and people are just another physical element of a physical world.

In contrast, absolute freedom, or libertarianism, claims that each decision a person makes is his own independent choice, devoid of any outside factors. According to libertarians, people "feel" free to make their own choices, and there must be truth behind this feeling.

Some believe that free will and determinism are mutually exclusive, while others argue that the two can both exist simultaneously. The phrase "compatibilist free will" has been used to refer to Aristotle's belief that determinism is compatible with free will. In his book *Nicomachean Ethics*, Aristotle writes that each person has the ability to act or not to act, as proven by a person's ability to weigh various outcomes of a given situation, and therefore a person's actions are voluntary.[1] Since the time of Aristotle, the idea of compatibilist free will has remained a strong argument for many philosophers, regardless of where or when they lived.

[1] Timothy O'Connor and Christopher Franklin, "Free Will" in *Stanford Encyclopedia of Philosophy*, Stanford University, 21 Aug. 2018.

Many generations later, Thomas Hobbes (English, 1588-1679), known as a "classic compatibilist," claimed that since a person can choose to act in one way, but could have decided to take the alternative route, that ability to make a decision alone is proof that free will exists. Hobbes claims that freedom is, "the absence of all the impediments to action that are not contained in the nature and intrinsical quality of the agent."[2] As long as a person is capable of acting in a certain manner, claims Hobbes, he is free. For classic compatibilists, the existence of determinism does not mean that agents are deprived of the ability to do as they choose. They claim that determinism is compatible with the ability to choose otherwise.[3]

The argument for free will as a lack of physical restraints is shared by other philosophers. David Hume (Scotland, 1711-1776) writes, "This hypothetical liberty is universally allowed to belong to everyone who is not a prisoner and in chains."[4] Similarly, Voltaire (France, 1694-1778) writes, "liberty then is only and can be only the power to do what one wills."[5] For Voltaire, free will is merely the power of acting. For these philosophers, the matter of free will is almost simple - if one is not physically prevented from doing something, he has freedom of choice that can exist simultaneously with determined motives. This idea is further developed in the Principle of Alternative Possibilities (PAP), a theory later established by Harry Frankfurt in 1969, which says that an action is free and warrants moral responsibility only if the person performing it could have chosen otherwise.

[2] Thomas Hobbes, *The English Works of Thomas Hobbes of Malmesbury*, (1966).
[3] https://plato.stanford.edu/entries/compatibilism/
[4] David Hume, *A Treatise of Human Nature* (Oxford University Press, 1967).
[5] Voltaire, *Dictionnaire Philosophique* (1764).

Alternatively, “incompatibilists,” are those who think that free will and determinism cannot be reconciled and that one must choose either end of the spectrum. Incompatibilism does not take a position on whether or not free will exists; its position is simply to contradict compatibilism and argue that free will and determinism cannot coexist. This idea, articulated by modern philosopher Peter van Inwagen (America, 1942 -), argues that a determinist world is devoid of free will and vice versa.[6] Under the category of incompatibilism, libertarians and hard determinists are grouped together; extreme beliefs for or against free will lead both libertarians and hard determinists to agree that free will and determinism cannot be reconciled.

Libertarians follow a theory known as agent causation, which argues that an agent (person performing an action) is controlled by a mind which can start a chain of causality unrelated to prior events. This idea exists in contrast to event causation, the belief that no event exists without influence from previous events. Peter van Inwagen, a libertarian, takes the approach that prior decisions, personality traits, and values have no bearing on present decisions.

Determinists, the other group of incompatibilists, say that the whole world is predetermined and therefore people cannot be free. One of the most notable groups of determinists are psychologists, many of whom have proven through studies that actions are based on external factors. In the world of psychology and science, nature and nurture are at play whenever a decision is made. Life experience and studies of how the human mind works have largely taught that

[6] “Incompatibilism,” *Information Philosopher*, www.informationphilosopher.com/freedom/incompatibilism.html.

genetics, experiences, and environment greatly influence the way people act and decisions they make.

This idea is highlighted by psychologist Sigmund Freud (Austria, 1856-1939), who says that decisions are determined by the subconscious mind. Freud argues that behaviors are determined by internal mechanisms, which he supports through his ideas of the id, ego, and superego.[7] In each person, according to Freud, the id is the biological component of personality. The ego is, "that part of the id which has been modified by the direct influence of the external world."[8] Lastly, the superego controls the impulses of the id through the consciousness and ideas of the ideal self. Both the id and the superego act on the ego, and the three interact to form a personality. Under this model, a person's actions are determined by subconscious thought and are therefore not free.

Behaviorism is a branch of psychology that understands human behavior in relation to environmental stimuli. Behaviorism argues that behavior is attributed to external factors alone, not internal psychological processes.[9] According to behaviorist John B. Watson (America, 1878-1958), environment is the singular cause for behavior. Watson radically states, "Give me a dozen healthy infants, well-formed, and my own specified world to bring them up in and I'll guarantee to take any one at random and train him to become any type of specialist I might select - doctor, lawyer, artist, merchant-chief and, yes, even beggar-man and thief, regardless of his talents, penchants, tendencies, abilities, vocations, and race of his

[7] "Determinism," *Famous Psychologists, Behaviors, and Laws - JRank Articles.*

[8] Sigmund Freud, *On Metapsychology: The Theory of Psychoanalysis: Beyond the Pleasure Principle, the Ego and the Id and Other Works* (1991).

[9] George Graham, "Behaviorism," *Stanford Encyclopedia of Philosophy*, Stanford University, 2019.

ancestors."[10] According to this deterministic statement of Watson, any person can be trained into doing anything. This belief strips away a person's ability to make life choices; something or someone else can always be controlling a person's behavior. BF Skinner (America, 1904-1990), another behaviorist, argues that all behavior is influenced by reinforcement, either positive or negative. Skinner argues strongly against free will and also disregards internal influences on behavior.[11] Thus behaviorism, an accepted approach within the field of psychology, does not allow for free will.

Developmental psychologist Erik Erikson (German-American, 1902-1994) outlines the eight stages of life development as part of his theory of psychosocial development. Psychosocial development refers to how personal needs fit in with societal needs or expectations.[12] At each life stage Erikson outlines, a person can either obtain the desired outcome or not. For example, Erikson's first life stage is ages 0-18 months in which infants develop basic trust or mistrust. The desired outcome of this stage is that through stable and constant care, the infant will develop a sense of trust in others which later contributes to a sense of identity. Failure to develop that trust will result in a belief that the world is unpredictable and feelings of fear and shame. Erikson goes on to assign necessary developmental markers for every stage of the life cycle. According to Erikson's theory of development, the outcomes of each stage create irreversible character traits and feelings which influence the person's thoughts and actions. Erikson's theory

[10] John Watson, *Behaviorism*, 1930.
[11] "Determinism," *Famous Psychologists, Behaviors, and Laws - JRank Articles.*
[12] Rhona Lewis, "Erikson Stages of Psychosocial Development in Plain Language," *Healthline*, 2020.

asserts that nurture and environment play a huge role in determining a person's life and actions.

Now that we have explored categories of free will in secular philosophy and psychology and established the range of opinions, we have a framework, vocabulary, and context for evaluating the way that Jewish thinkers in particular have approached the issue of free will. Jewish philosophers have an additional constraint that their secular counterparts do not share, namely the need to be consistent with the Torah.

The *Chumash* does not provide a clear-cut position on whether or not people have free will, and even seems contradictory at times. There are *pesukim* and Biblical narratives that strongly indicate the existence of free will. Yet, there are other verses and stories that indicate the opposite, that God pulls the strings.

The creation of man itself is used as a proof for the existence of free will. Man is created in the image of God - וַיִּבְרָא אֱלֹקִים אֶת־הָאָדָם בְּצֶלֶם אֱלֹקִים בָּרָא אֹתוֹ (*Bereishit* 1:27) - and the immediate question that arises is what this statement means, and what its implications are regarding the nature of human beings. One interpretation focuses on our free will, claiming that that is the singular characteristic that marks us as God-like. Seforno claims that when the Torah states that people were created בִּדְמוּתֵנוּ (*Bereishit* 1:26), it indicates that man possesses a level of intelligence similar to that of angels, yet man acts through free choice, unlike angels who act under the constraint of Hashem.

After Creation, God places Man in *Gan Eden*, telling him he can eat fruits from all but one tree, the *Eitz Ha-da'at Tov Va-ra*. Hashem tells Adam, ... וּמֵעֵץ הַדַּעַת טוֹב וָרָע לֹא תֹאכַל מִמֶּנּוּ כִּי בְּיוֹם אֲכָלְךָ מִמֶּנּוּ מוֹת תָּמוּת - *But as for the Tree of Knowledge of Good and Bad, you must not eat of*

it; for as soon as you do, you will die (*Bereishit* 2:17). There are many different opinions as to the exact nature of this tree and how eating from it fundamentally changed Mankind. While there are many sources that address the complex topic of the *Eitz Ha-da'at*, there are two critical points which pertain to this paper: First, the very fact that the first human violated God's one command to him highlights the existence of man's free-will and his ability to choose whether or not to obey God. Second, the name of the tree, the Tree of Knowledge of Good and Evil, implies that it imparted some type of moral understanding and discernment. Thus, the first two narratives of the Torah - Creation and Man in Gan Eden - both highlight man's free will, discernment, and ability to choose.[13]

Furthermore, twice a day we recite the paragraphs of *Shema*, which talk about rewards for following the laws of Hashem and punishments for disregarding them. Hashem tells *Bnei Yisrael:*

[13] One explanation for the prohibition of eating from the *Eitz Ha-da'at* is that it is an indication of man's free choice. Ibn Ezra comments on this *pasuk* that Hashem would not have commanded Adam and Chava not to eat from the tree if he did not have the intelligence to do so; only the knowledge of good and evil was lacking before eating from the *Eitz Ha-da'at*. The Rambam in *Moreh Nevuchim* writes that before the sin there were concepts of "truth and falsehood" (objective truths), but it was not until after the sin that the concept of "good and bad" (subjectivity) was created. Before the sin, according to the Rambam, Adam and Chava had free choice to choose between things which were objectively right or wrong, but it was not until after the sin that their perception of good and bad became muddled and complicated. Another opinion is that once Adam and Chava ate from the tree, that is when their full ability to choose their actions came into effect. Sforno comments on the words טוב ורע (*Bereishit* 2:9) that "good and bad" means the ability to choose things that are physically appealing but harmful or physically unappealing but useful. Meaning, once Adam and Chava ate from the tree they were given choice over decisions outside of physical considerations.

וְהָיָה אִם־שָׁמֹעַ תִּשְׁמְעוּ אֶל־מִצְוֹתַי אֲשֶׁר אָנֹכִי מְצַוֶּה אֶתְכֶם הַיּוֹם לְאַהֲבָה אֶת־
יקוק אֱלֹהֵיכֶם וּלְעָבְדוֹ בְּכָל־לְבַבְכֶם וּבְכָל־נַפְשְׁכֶם: וְנָתַתִּי מְטַר־אַרְצְכֶם בְּעִתּוֹ...

If you obey the commandments that I give to you today, to love Hashem and obey Him with your whole heart, I will give you rain for your land in its time... (*Devarim* 11:13-14).

The whole system of reward and punishment laid out in these *pesukim* in *Devarim* are based on an assumption of free choice. The fact that God promises rewards if His commands are followed and punishments if they are not presumes that people have choice whether or not to obey Him; otherwise it would be unjust to reward or punish such behavior.

Additionally, *Devarim* 30:19 explicitly states:

הַחַיִּים וְהַמָּוֶת נָתַתִּי לְפָנֶיךָ הַבְּרָכָה וְהַקְּלָלָה וּבָחַרְתָּ בַּחַיִּים לְמַעַן תִּחְיֶה אַתָּה
וְזַרְעֶךָ:

I give before you life and death, blessing and curse, and choose life so that you and your offspring will live.

There could scarcely be a more direct pronouncement that the Torah believes in our ability to choose. The Rambam in *Shemoneh Perakim* (8:5) says that this *pasuk* shows, in no uncertain terms, that people have choice over their actions. He writes:

אמנם האמת אשר אין ספק בו שפעולות האדם כלם מסורות לו אם ירצה יעשה
ואם ירצה לא יעשה.

The truth is that there is no doubt that a person's actions are given to him; if a person wants to do something, he will, and if not, he will not.

This is why Hashem must instruct the people to *choose* life. Without that commandment, no external force will compel *Bnei Yisrael* to follow Hashem*'s* ways.

While all of the above Torah sources strongly indicate belief in free will, throughout the Torah there are also examples of Hashem*'s* hand playing a primary role in determining events. Hashem*'s* control, and foreknowledge of events, make up much of our faith as Jews, and seem to challenge the idea of free will.

In *Sefer Bereishit*, Hashem makes a covenant with Avraham known as ברית בין הבתרים. In this covenant there is reference made to the enslavement and future redemption of *Bnei Yisrael*: וְגַם אֶת־הַגּוֹי אֲשֶׁר יַעֲבֹדוּ דָּן אָנֹכִי וְאַחֲרֵי־כֵן יֵצְאוּ בִּרְכֻשׁ גָּדוֹל (*Bereishit* 15:14). This *pasuk* indicates that Hashem had predetermined that *Bnei Yisrael* would go to *Mitzrayim* and become slaves there. Despite this, in *Sefer Shemot* we see that the Egyptians are punished for their actions, seeming to indicate that God is willing to punish people even when He has predetermined their behavior.[14]

Another famous Biblical narrative that seems to challenge the idea of free will is the hardening of Pharaoh's heart:

וַאֲנִי אַקְשֶׁה אֶת־לֵב פַּרְעֹה וְהִרְבֵּיתִי אֶת־אֹתֹתַי וְאֶת־מוֹפְתַי בְּאֶרֶץ מִצְרָיִם׃

> I [Hashem] will harden the heart of Pharaoh so that I can multiply My signs and miracles in the land of Egypt (*Shemot* 7:3).

[14] Many commentators have addressed this challenge to free will. For example, Rambam explains that Hashem may have decreed the enslavement of *Bnei Yisrael*, and yet the Egyptians were punished for going beyond the decree through excessively harsh treatment of the Jewish people. Rambam continues to explain that had the Egyptians only carried out the decree of Hashem, they would have been rewarded. In this sense, the Egyptians did not have free will over the enslavement of *Bnei Yisrael;* the logistics of the enslavement and redemption were predetermined. But what they did have free will over was the way in which they acted toward the Jews. Others explain that the Egyptians did not have to be the ones to fulfill *Brit Bein Ha-betarim*'s prophecy of enslavement and torture.

This seems to be an explicit statement that God did not allow Pharaoh to make his own decision but rather forced him to refuse to free *Bnei Yisrael*.[15]

Looking at these sources, the Torah presents a confusing approach regarding free will. Do people have choice or does Hashem control our actions? On the one hand, people must have free will in order to be held accountable for whether or not they follow the commandments of Hashem, and several *pesukim* seem to attest to free will's existence. On the other hand, how can we then account for the stories of God's intervention?

Torah commentators try to find a way to reconcile the two sides of the free will dilemma. Though in the secular realm, there are thinkers who believe in the extremes of the spectrum - total free will or hard determinism, these extremes are difficult to reconcile with a Torah perspective because of the need to account for both free will and Divine providence. Thus, most Jewish thinkers come to the conclusion that there is free will but it is limited in some sense. The idea of the existence of free will with limitations is a comfortable middle ground for many Jewish thinkers, as it allows for free choice while giving room for God to be omniscient. In this regard, most Jewish thinkers belong

[15] Once again, many commentators jump to defend the existence of free will. Ibn Ezra, along with other opinions, says that Pharaoh sinned on his own, and the hardening of his heart was only to ensure that he would be punished. The Ramban provides two answers to the question of how Pharaoh was punished if his heart was hardened. The first, based on the *Midrash Rabbah,* suggests that Pharaoh had the opportunity to repent during the first five plagues. Only after Pharaoh chose not to take any of those opportunities to repent was his heart hardened. Thus, he was judged based on his previous evil actions against *Bnei Yisrael.* The second approach is that God hardened his heart in order to be able to show His glory and power through the plagues. This latter answer does seem to indicate that his free will was impaired.

somewhere in the realm of what was previously categorized as compatibilist free will. This popular philosophical mode of thinking allows for a life that is predominantly free, while enabling parts to be determined to maintain God's omniscience.

The idea of limited free will has been employed throughout Jewish history to reconcile free will with Divine providence. From around 150 BCE to 70 CE, there were three primary sects of Judaism known as the Pharisees, Sadducees, and Essenes. Each sect had different views on various topics in Judaism, and therefore practiced differently. Notably, one of their differences was each sect's approach to free will.[16] The Essenes believed in absolute fatalism, or non-existence of free will. The Sadducees believed in the opposite, absolute free will with no Divine intervention, and credited the way the world works to chance. The Pharisees decided on something in between the two - a limited free will. Historian Josephus writes, "Make everything depend on fate and on God, and teach that the doing of good is indeed chiefly the affair of man, but that fate also cooperates in every transaction."[17] He explains that the Pharisees' view allowed for both free will and Divine providence, where people have free will and at the same time everything happens under Hashem's control.[18]

The ideas of the Pharisees later became the foundation for Rabbinic Judaism, so it comes as no surprise that the idea of limited free will is also reflected in the Mishna and Gemara. *Pirkei Avot* 3:15 famously supports the position of the Pharisees by saying, הכל צפוי והרשות נתונה ובטוב העולם נדון והכל לפי רוב המעשה - *Everything is*

[16] https://www.jewishvirtuallibrary.org/jsource/Judaism/FreeWill.pdf
[17] Flavius Josephus, *The Jewish War*.
[18] "The Pharisees - Jewish Leaders in the New Testament," *Ark of the Covenant - Bible History Online.*

foreseen yet freedom of choice is granted, and the world is judged with goodness; everything is in accordance with the majority of actions. When the Mishna in *Avot* states that "everything is foreseen yet the freedom of choice is given," it seems contradictory but is in fact attempting to include both a belief in free choice and a world where Hashem is omnipotent. The Bartenura on this Mishna writes, בידו של אדם להיות טוב ורע - it is in the hands of people to decide good or bad. Similarly, the Magen Avraham explains that הכל צפוי והרשות נתונה means that Hashem decrees personality traits but people make their own moral choices. A later source in *Masechet Brachot* states הכל בידי שמים חוץ מיראת שמים - *all is in the hands of Heaven except for the fear of Heaven* (*Brachot* 33b). This statement also reflects the idea of limited free will. The Gemara in *Brachot*, by saying that all is in the hands of God except for the fear of God, is saying that God decides the way the world works, but a person's morality is in his own hands. The Ritva explains that Hashem decides many things for a person - אם יהיה עשיר או עני או ארוך או גוץ אובם או חיור או חכם או טפש - *if they will be rich or poor, tall or short, dark or pale, smart or foolish* - but He does not decide a person's fear in God.

As previously established, Jewish philosophers generally are moderate in their free will beliefs - neither believing in free will that does not allow for God's omniscience, nor believing in hard determinism. However, the Ralbag, a libertarian, is an outlier and believes that human choice is completely free and Hashem does not have knowledge of our actions. This radical approach says that Hashem has all of the general knowledge of the world, and is thus a perfect and all-knowing God, but does not know the individual actions of each person.[19] According to Ralbag, the way that the world works is

[19] Rav Assaf Bednarsh, "Free Will," *Free Will (Yeshivat Har Etzion*, 2018).

determined, as that is what Hashem controls, but the actions of a person are entirely up to him.[20] This approach solves the problem of reconciling free will with Divine providence, but does not align with generally accepted Jewish belief, and is thus not a mainstream approach.

The Rambam's view of free will is known commonly as radical free will, yet is more moderate than the Ralbag, as he argues that everyone has total free choice over his or her actions. Rambam believes, as stated in *Hilchot Teshuva* 5:1:

> רשות לכל אדם נתונה אם רצה להטות עצמו לדרך טובה ולהיות צדיק הרשות בידו, ואם רצה להטות עצמו לדרך רעה ולהיות רשע הרשות בידו
>
> The ability is given to each person that if he wants to lead himself onto a good path and to be righteous, he can do so, and if he wants to lead himself on an evil path and to be a wicked person, he can do so.

This belief in absolute free will would seem to contradict Divine knowledge, and the Rambam would seem not to align with the classic idea of limited free will. However, the Rambam allows for Divine omniscience through saying that humans cannot understand God's power over the universe, and that God's knowledge is *a priori*: perfect and unchanging. Human knowledge is *a posteriori*, based on observation and constantly changing; therefore people simply cannot comprehend how Hashem has Divine providence and yet man has free choice.[21] For the Rambam, a follower of Aristotelian tradition, an unwavering belief that man has the full ability to make choices and suffer the consequences is a crucial element to his approach. This idea presented by the Rambam works as long as one does not ask questions

[20] Rabbi Levi ben Gershom, *Milchemet Hashem* 3:4.
[21] Alhatorah.org, *Philosophy: Free Will.*

and accepts that God's role is not meant to be understood by man. However, saying that we as human beings cannot understand how God can transcend time and be all-knowing while maintaining free choice is not something many people are willing to do. In today's modern world, people have a desire to understand more about God and His role in our lives, and how His interactions with the world impact individuals on a personal level.

This question posed about the Rambam's approach, namely: How can people be free if Hashem knows our actions, is frequently asked regarding free will in general.[22] Rav Saadia Gaon, who lived in Egypt and was influenced by Mohammedan Arabs, answers this question by saying that Hashem's foreknowledge does not change the outcome of a given situation; therefore Divine providence and free will are not contradictory. A person's choice is his own; God just knows what that choice will ultimately be. Rav Saadia Gaon and the Rambam outline four proofs that free will must exist: life experience indicating choice, a system of reward and punishment based on our actions and decided by a just God, Torah commandments and language of "doing the right thing," and Talmudic statements that speak of having free will.[23] Both Rav Saadia Gaon and the Rambam believe strongly in the existence of free will, and find ways for Hashem to be omniscient in a free world.

The Rivash is similar to Rav Saadia Goan in his ideas regarding the reconciliation of free will and omniscience. Like Rav Saadia Gaon, the Rivash agrees with the Rambam that people must have free will in order to fulfill *mitzvot* and for reward and punishment to apply. To maintain the necessary free will while believing in God's unlimited

[22] https://www.jewishencyclopedia.com/articles/12953-saadia-b-joseph-sa-id-al-fayyumi#anchor12.

[23] Bednarsh, Rav Assaf, "Free Will," *Free Will* (*Yeshivat Har Etzion*, 2018).

knowledge of future human action, the Rivash comes up with a similar solution to Rav Saadia Goan; he too claims that God's foreknowledge of a given decision makes no impact on the freedom to make that choice. The Rivash argues that God's foreknowledge in fact cannot negate free will, as both are premises of the Torah, and God must merely know the choice that a person will freely make.

The Ramban is similar to other commentators in arguing that people have free will to choose between good and bad, but differs in saying that the ability to have free will is not ideal. The Ramban writes:

> רשות ביד האדם לעשות ברצונו צדיק או רשע וכל זמן התורה כן כדי שיהיה להם זכות בבחירתם בטוב ועונש ברצותם ברע. אבל לימות המשיח תהיה הבחירה בטוב להם טבע, לא יתאוה להם הלב למה שאינו ראוי ולא יחפוץ בו כלל.
>
> Each person has the ability to choose to be either righteous or evil, and can thus be rewarded or punished by Hashem. But in the days of *Mashiach*, the choice of good will be natural; the heart will not desire that which is inappropriate and will not long for it at all.[24]

In other words, according to the Ramban, in the time of *Mashiach,* people will not have free will. They will lose their evil inclination so that their decisions will be exclusively towards good. This, Ramban argues, is the ideal existence for human beings and was how *Adam Harishon* was created.

On the opposite side of the Jewish free will conversation, Rav Chasdai Crescas leans more to the determinist view. Rav Crescas believes that human actions are determined by different external factors, and therefore cannot be free. Theoretically people can have choice over their actions, but an individual is influenced by all kinds of

[24] Ramban to *Devarim* 30:6.

factors when making a decision so his actions are caused.[25] This determinist view allows completely for Divine knowledge, but presents another issue - that of a system of reward and punishment. Hashem created a system that is based on human actions, and if all actions are determined, how can such a system be just? For this reason, Rav Crescas is considered a soft determinist, as he believes that a person can be rewarded or punished for actions that are caused, rather than compelled. Actions are caused when a person has done something out of a desire to do so and therefore takes joy in the action, whereas actions that are compelled are against one's will. This differentiation between causation and compulsion enables moral responsibility as one must desire actions which are good in order to be rewarded.[26]

The discussion of the existence of free will in Judaism is further complicated by modern psychology. Judaism generally tries to advocate for the existence of free will, and even those who lean towards the determinist side create room for the existence of a fair system of reward and punishment. However, modern psychology and science argue that most of a person's choices are based on external factors. Given that modern science and philosophy lean more toward the determinist side, the question is: How can we uphold a fair system of reward and punishment? Modern Jewish thinkers attempt to address this dilemma by accepting that there are limitations that nature puts on decisions while still upholding free will.

[25] Rav Chasdai Crescas, *Ohr Hashem,* 1400.
[26] Alhatorah.org, *Philosophy: Free Will.*

Nechama Leibowitz, in her discussion of the hardened heart of Pharaoh,[27] presents many different commentators' approaches to reconciling free will with God hardening Pharaoh's heart. Among them is that of the Rambam who suggests that in general, man is given the opportunity to choose good or evil, but it can happen that a person will sin so egregiously that מונעין ממנו התשובה - he is prevented from repenting. Nechama Leibowitz raises the contradiction between this Rambam and the one cited earlier from *Hilchot Teshuva* 5:1, in which the Rambam states it as axiomatic that a person can always choose his own path. Professor Leibowitz reconciles the two Rambams by suggesting that a person has free will but once he chooses an option, his choices become more limited; the more a person chooses one path, good or bad, the harder it is to switch paths. Applying this to the case of Pharaoh, Nechama Leibowitz says that Pharaoh chose a path of evil and the more he sinned, the harder it became to repent. Thus, he really hardened his own heart through his repeated evil decisions. This approach fits well with modern psychology through Erik Erikson's theory of development: a person's behaviors are influenced by past behaviors, and a set pattern makes it harder to create a different path. Thus, ideas of determinism in psychology support Nechama Leibowitz's solution.

An interesting approach to the limitation of free will is proposed by Rav Eliyahu Dessler in his *sefer*, *Michtav Me-Eliyahu*. Rav Dessler prefaces his approach by saying, "We know that every human being has free choice in whatever situation he may be."[28] Yet, Rav Dessler does not advocate for the existence of free will in every scenario. Rather, he argues that each person has a "free will point," or *nekudat*

[27] Nechama Leibowitz, *New Studies in Shemot* (Israel: Haomanim Press, 1976) 149-160.

[28] Rav Eliyahu Dessler, *Michtav Me'Eliyahu* (1978).

habechira, at which choices are governed by free will. Anything that is not at that point of free will is out of the range of a person's free choice. Things above the point include decisions of morality which a person cannot yet comprehend or strive for, and things below the point are established behaviors that would not even be considered temptations. Each person is engaged in a constant battle with his *yetzer hara*, and a person's *bechira* point is therefore constantly changing. Every time that a person succumbs to his *yetzer hara,* his *bechira* point moves lower and more is added to the category of things that can be temptations. Conversely, any time a person overcomes his *yetzer hara,* his *bechira* point moves up, and more is moved below the threshold of temptation. This unique approach says that God rewards and punishes people based on their actions at their *bechira* point. While Rav Dessler's approach is based on the existence of free choice, he also plays on deterministic influences which limit free will for everything but a narrow sliver of a person's life at any given time. This narrow part, however, grants a person control over what is within the realm of his choice, and empowers him to enable the *yetzer tov* to dominate if he so chooses. Thus, Rav Dessler is able to reconcile modern notions of a lack of free choice with the existence of free will.

Rav Soloveitchik deals with the same contradiction between the limitation of choice as proven by nature and our belief in free will, but comes up with a different resolution. The Rav in his essay *Kol Dodi Dofek* proposes the existence of both fate and destiny that exist simultaneously. Rav Soloveitchik describes fate as, "... a purely factual existence, one link in a mechanical chain, devoid of meaning, direction, purpose, but subject to the forces of the environment into which the individual has been cast by providence."[29] Fate, according to the Rav,

[29] Rav Joseph B. Soloveitchik, *Fate and Destiny* (2000).

is living as an object that cannot make choices and is subject to nature, whereas destiny is actively controlling one's life.[30] In a world that has both fate and destiny, people can play into their fate and do what is expected of them. Or, people can fight their fate and create their destinies by making choices that go against the fate that nature has determined. Based on the idea of the Rav, life is determined until the active choice to be free is made. This differs from Rav Dessler because according to Rav Soloveitchik everything is subject to determinism, unlike Rav Dessler who only believes that some decisions are determined. Rav Soloveitchik's idea is consistent with the behaviorist model of psychology in the sense that both agree that any part of life can be subject to determinism. However, they differ when it comes to breaking the determined habits since behaviorists claim that it is not possible to be freed of what is predetermined.

As time has gone on, and ideas have progressed and modernized, the topic of free will has similarly morphed to mirror modern values. People continue to believe increasingly in prioritizing personal liberties and individual identities, and want to believe in the existence of free will. Philosopher Charles Taylor in his book, *Sources of the Self: The Making of the Modern Identity,* explains the ongoing struggle of humans to find freedom and individuality within the Western world. Oftentimes, says Taylor, one pillar of a person's morality conflicts with another, and the person has to choose which value to prioritize. This idea of balancing values can be applied to the conflict of free will and determinism. Based on societal values, one may expect more of a stress on free choice, but science argues otherwise and moves toward determinism. Each person determines which value to prioritize in his or her belief system - free choice or science.

[30] Rav Assaf Bednarsh, "Free Will (3)," *Free Will (3) (Yeshivat Har Etzion*, 2018).

The duality of maintaining personal choice while accepting the scientific consensus that leans toward determinism is a conflict for many. For Jewish thinkers, the tension between needing to accept elements of both free will and determinism has always existed, since both are attested to in the Torah. In addition, each seems necessary for different fundamental Jewish tenets, such as free will for a system of reward and punishment, and determinism for God's omniscience. This is why, as we saw, most Jewish thinkers opt for some type of limited free will approach, allowing for varying levels of both determinism and free will. In more recent years, this approach has also enabled a reconciliation of science and Jewish values. The question of how much free will a person has may never have a clear, definitive answer. By evaluating various sources, both secular and Jewish, this paper has hopefully given its readers a more comprehensive understanding of the factors that influence beliefs about free will, and better equipped them to shape their own viewpoints.

CRIME AND PUNISHMENT: A TYPE-SCENE

Elisheva Hermann

When studying *Tanach*, one can utilize a plethora of approaches and tools. For example, one can analyze the *peshat*, delve into commentaries, and/or explore *midrashim*. Seeking recurring patterns and analyzing the similarities and differences between each recurrence is another way to achieve deeper understanding of the text.

Certain patterns, or storylines, recur throughout *Tanach*. For example, couples often meet at a well,[1] and there are no fewer than

[1] Several Biblical couples meet at a well: Yitzchak (through Eliezer) and Rivka, Yaakov and Rachel, and Moshe and Tzipora. In a plain sense, these stories are very similar: following the encounter at the well, there is a marriage. However, slight changes in each of the stories shed light on the characteristics of the individuals involved. It is precisely by setting the scenes so similarly that their differences jump out. For example, Yitzchak is absent in the meeting with Rivka at the well; it is a servant of Avraham who finds him his bride. This foreshadows the fact that of the forefathers, Yitzchak is the most passive. Conversely, the story of Yaakov meeting Rachel is told from Yaakov's point of view, showing that Yaakov's story will involve a more personal connection between Yaakov and Rachel. Moreover, prior to meeting Rachel, Yaakov removes a rock from on top of the well - signifying the challenges and obstacles Yaakov will need to overcome before being able to marry Rachel, such as working for her duplicitous father for seven years, and then seven more. Lastly, Moshe meets his future wife, Tzippora at a well. Tzipora is mentioned merely as one of Yitro's seven daughters whom Moshe saves from shepherds who were harassing them. There is an emphasis on the way Moshe saves the girls - Moshe will be a savior many more times in history in his role as leader. These are just a few examples of what can be gleaned from the well type-scenes. Robert Alter analyzes them

six instances in the Bible of women struggling with infertility. Robert Alter, Professor of Hebrew and Comparative Literature at the University of California, Berkeley, categorizes these stories as type-scenes.[2] In a type-scene the reader expects the scene to unfold in the same manner each time; thus divergences from the pattern are noticeable. The reader can derive meaning and significance from those divergences, as well as from the elements that God implanted consistently in each example of the type-scene.

This paper will explore one such type-scene - that of communal sins and their punishments. We will examine four major communal sins in the Torah: the Generation of the Flood (*Dor Ha-mabul*), the destruction of Sedom, the sin of the Golden Calf (*Chet Ha-egel*), and the Sin of the Spies (*Chet Ha-meraglim*).[3] The common elements that are found in each are (i) a recounting of the communal sin, (ii) the initial reaction of Hashem which includes a Divine threat of punishment, (iii) a human intervention attempting to mitigate the Divine threat, and (iv) the actual punishment. By looking at these four episodes (*Dor Ha-mabul,* Sedom*, Chet Ha-egel,* and *Chet Ha-meraglim*) as instances of a type-scene, we can highlight the commonalities between them and appreciate their differences. This will deepen our understanding of each narrative, as well as our appreciation of larger themes that run throughout the Torah.

thoroughly in his book (see further in this paper), as did Dr. Yael Ziegler in a shiur to last year's Matmidot.

[2] Robert Alter, *The Art of Biblical Narratives*, Chapter 3: Biblical Type-Scenes and the Uses of Convention (pages 55-78).

[3] In an addendum at the end of this paper, we will also look at an example of a communal sin in *Navi* through the lens of what we have learned from the type-scenes in the Torah.

Preliminary Note: This paper does not present the communal sin type-scenes in chronological order. Rather, Chet Ha-egel will be examined first since it is the paradigmatic sin containing all elements of the type-scene. The other sins will be examined in light of Chet Ha-egel.

Sin I: *Chet Ha-egel*

We begin by exploring *Chet Ha-egel* as the model of the communal sin-punishment type-scene, containing all four central elements: the sin, Divine threat, human intervention, and actual punishment.

Element 1: The Sin

The waywardness of the nation begins in *Shemot* 32:1:

> וַיַּ֣רְא הָעָ֗ם כִּֽי־בֹשֵׁ֤שׁ מֹשֶׁה֙ לָרֶ֣דֶת מִן־הָהָ֔ר וַיִּקָּהֵ֥ל הָעָ֖ם עַל־אַהֲרֹ֑ן וַיֹּ֣אמְרוּ֩ אֵלָ֨יו קוּם ׀ עֲשֵׂה־לָ֜נוּ אֱלֹהִ֗ים אֲשֶׁ֤ר יֵֽלְכוּ֙ לְפָנֵ֔ינוּ כִּֽי־זֶ֛ה ׀ מֹשֶׁ֥ה הָאִ֖ישׁ אֲשֶׁ֣ר הֶֽעֱלָ֑נוּ מֵאֶ֣רֶץ מִצְרַ֔יִם לֹ֥א יָדַ֖עְנוּ מֶה־הָיָ֥ה לֽוֹ׃
>
> When the people saw that Moshe was so long in coming down from the mountain, the people gathered against Aaron and said to him, 'Come, make us a god who shall go before us, for that man Moses, who brought us from the land of Egypt—we do not know what has happened to him.'

While there are different approaches to understanding the precise sin of *Bnei Yisrael* in *Chet Ha-egel*, the *peshat* of the *pesukim* seems to indicate that *Bnei Yisrael* engaged in actual idol worship. This is evident from their command to Aharon: קוּם ׀ עֲשֵׂה־לָ֜נוּ אֱלֹהִ֗ים אֲשֶׁ֤ר יֵֽלְכוּ֙ לְפָנֵ֔ינוּ - *Come, make us a god*[4] *who shall go before us* (*Shemot* 32:1). Moreover, in verse 32:4, *Bnei Yisrael* proclaim: אֵ֚לֶּה אֱלֹהֶ֔יךָ יִשְׂרָאֵ֕ל אֲשֶׁ֥ר

[4] The word אֱלֹהִים in the Torah almost always means God or gods. However, other translations are plausible. See footnote 6 below for alternative approaches to the sin of *Chet Ha-egel*, one of which translates the word אֱלֹהִים to mean leader.

הֶעֱלוּךָ מֵאֶרֶץ מִצְרָיִם - *This is your god, O Israel, who brought you out of the land of Egypt!* In 32:8, *Bnei Yisrael* even bow down before the *Egel*, clearly an act of idol worship. Idolatry is in fact how Rashi[5] interprets the sin.[6]

Element 2: Divine Threat

Moshe is on *Har Sinai* when Hashem informs him of the events taking place in the camp. Following the description, God tells Moshe:

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[5] Rashi to *Shemot* 32:1, s.v. אשר ילכו לפנינו; אשר העלנו מארץ מצרים.

[6] In contrast to Rashi, the Ramban and Kuzari offer different approaches to *Bnei Yisrael*'s sin. The Ramban (*Shemot* 32:1) suggests that *Bnei Yisrael* wanted a new leader, a replacement for Moshe - not a replacement for God. (The Chizkuni agrees with this approach as well. See Chizkuni to *Shemot* 32:1, s.v. ויקהל העם.) After all, Moshe is the one who has not come down from the mountain by the appointed time. Thus, they feel they need a new leader to fill that void. When *Bnei Yisrael* gather in front of Aharon, they ask for אֱלֹהִים אֲשֶׁר יֵלְכוּ לְפָנֵינוּ - *a leader who will go in front of them* (*Shemot* 32:1). They even explicitly explain that their request is stemming from the fact that they do not know what has befallen Moshe, the man who led them out of Egypt. *Bnei Yisrael* recognize that the *Egel* does not possess Divine powers because it is exclusively a replacement for Moshe, their human leader: כי זה משה האיש אשר העלנו מארץ מצרים לא ידענו מה היה לו - for this Moshe, the man who brought us up from Egypt, we do not know what has happened to him (*Shemot* 32:1). The Kuzari (Kuzari 1:97) identifies *Bnei Yisrael*'s sin as the creation of an object that Hashem did not instruct them to make. Just as the Divine Cloud and Pillar of Fire were present on their way out of Egypt as a reminder of God's presence and protection, *Bnei Yisrael* seek a physical representation of Hashem to help them focus their worship of an incorporeal Being. *Bnei Yisrael* expect Moshe to bring down the *luchot* to serve as a physical representation of Hashem to assist with their worship of Him. When Moshe does not return, *Bnei Yisrael* decide to make their own representation. The Kuzari points out that the *Keruvim* atop the *Aron* in the Holy of Holies are not that different than the *Egel* - both are golden forms meant to aid in service of Hashem. The single - but hugely significant - difference is that Hashem commanded the fashioning of the *Keruvim* whereas He did not sanction the making of the *Egel*.

וְעַתָּה הַנִּיחָה לִי וְיִחַר אַפִּי בָהֶם וַאֲכַלֵּם וְאֶעֱשֶׂה אוֹתְךָ לְגוֹי גָּדוֹל:

> Now, let Me be, that My anger may blaze forth against them and that I may destroy them, and make of you a great nation (*Shemot* 32:10).

Hashem prefaces His threat with וְעַתָּה הַנִּיחָה לִי - *Now let Me be*. Rashi[7] comments:

> עדיין לא שמענו שהתפלל משה עליהם והוא אומר הניחה לי?! אלא כאן פתח לו פתח והודיעו שהדבר תלוי בו - שאם יתפלל עליהם, לא יכלם.

> We have not yet heard that Moshe prayed on their behalf and God is saying, "Let me be"?! Rather, here God opened for him an opening and let him know that the matter depends on him - that if he will pray for them, He will not destroy them.[8]

Immediately thereafter, Moshe begins to intercede with prayer. Perhaps these words in Hashem's reaction - וְעַתָּה הַנִּיחָה לִי - are what open the window for Moshe to pray on behalf of the nation any time they sin. It is with this critical phrase that God lets Moshe, and the rest of us, know that He invites human intercession, and that prayer has the power to influence and change His mind.

Element 3: Human Intervention

Moshe's prayer to Hashem utilizes three main arguments as to why Hashem should not destroy the entire nation. First, Hashem should not annihilate the nation He took out of Egypt. Second, it will have a negative effect on Hashem's reputation - what will the *Mitzrim* say, that Hashem took out His nation just to kill them in the desert? And lastly, Moshe recalls Hashem's *Brit* with the *Avot,* including His

[7] Rashi to *Shemot* 32:10, s.v. הַנִּיחָה לִי.

[8] The *Ohr Ha-chayim* (*Shemot* 32:1, s.v. ויקהל העם על אהרון) similarly suggests that this was God's way to hint to Moshe that he should allow God this brief moment of anger and then Moshe is invited to intercede on behalf of *Bnei Yisrael*.

promise that their offspring will inherit the Land. Through this prayer, Moshe endeavors to change Hashem's mind so that the entire nation will not be obliterated.

Element 4: Actual Punishment

Remarkably, Moshe appears to be successful, as the very next verse reads:

וַיִּנָּחֶם יקוק עַל הָרָעָה אֲשֶׁר דִּבֶּר לַעֲשׂוֹת לְעַמּוֹ׃

> And the LORD renounced the punishment He had planned to bring upon His people (*Shemot* 32:14).

The word "נחם" means to regret, to bring comfort, or to bring a change in relation to the future.[9] For instance, several times throughout Shmuel I Chapter 15, נחם is used in the context of Hashem regretting that He has crowned Shaul king. Additionally, in Yirmiyahu 18, several times נחם is used to mean that Hashem can change His mind. Based on any of the aforementioned interpretations of נחם, Moshe's prayer results in Hashem renouncing the punishment He intended to bring upon *Bnei Yisrael*. Rather than total annihilation and starting fresh from Moshe, only 3,000 Israelites are killed.

In the aftermath of *Chet Ha-egel*, Moshe again ascends *Har Sinai* in order to receive the second *luchot*. While Moshe is on top of the mountain, Hashem reveals to him the Thirteen *Midot Ha-rachamim* (Attributes of Mercy). These Attributes describe God as slow to anger, patient, and merciful. The revelation of the *Midot Ha-rachamim* grants Moshe a tool to use to attain forgiveness for the people. Indeed, Moshe uses the power of prayer successfully to mitigate the Divine threat.

[9] Rav Hirsch to *Bereishit* 5:30, s.v. נחם; Al HaTorah dictionary.

The power of prayer is wielded by Moshe in further instances of communal sin to overturn threats of total annihilation. This is next illustrated by the second communal sin we will explore, *Chet Ha-meraglim*.

Sin II: *Chet Ha-meraglim*

Element 1: The Sin

The story of *Chet Ha-meraglim* occurs in *Sefer Bamidbar*[10] and is recounted by Moshe a second time in *Sefer Devarim*. Based on the account in *Devarim*, it is the initiative of *Bnei Yisrael* to send the spies.[11] *Devarim* 1:22 states: וַתִּקְרְבוּן אֵלַי כֻּלְּכֶם וַתֹּאמְרוּ נִשְׁלְחָה אֲנָשִׁים - *Then all of you came to me and said, "Let us send men before us."* *Ohr HaChaim*[12] explains that Moshe did not desire to send spies but *Bnei Yisrael* were able to convince him otherwise. Other commentators agree that the root of the sin lay in the very demand to scout out the land. Hashem had already told *Bnei Yisrael* the land was good so there was no need to confirm this by sending in spies. *Ha'amek Davar*[13] suggests that *Bnei Yisrael*'s desire to send in spies represented a larger issue about what kind of providence *Bnei Yisrael* wanted to live with: human or Divine. Rather than trusting God when He said they would be able to conquer and inherit the Land, *Bnei Yisrael* felt the need for a human report, implying a shift toward

[10] In the account in *Bamidbar*, the *pasuk* reads: וַיְדַבֵּר יְהוָה אֶל־מֹשֶׁה לֵאמֹר שְׁלַח־לְךָ אֲנָשִׁים וְיָתֻרוּ אֶת־אֶרֶץ כְּנַעַן אֲשֶׁר־אֲנִי נֹתֵן לִבְנֵי יִשְׂרָאֵל - *God spoke to Moshe saying, "Send men to scout the land of Canaan, which I am giving to the Israelite people"* (*Bamidbar* 13:1-2) - it is God Himself who has the idea to send the spies.

[11] Rashi to *Bamidbar* 13:2, s.v. שלח לך אנשים; אשר אני נותן לבני ישראל; Bechor Shor to *Bamidbar 13:2,* s.v. שלח לך אנשים; איש אחד למטה אבותיו; כל נשיא בהם.

[12] *Ohr Ha-chayim* to *Bamidbar* 13:2.

[13] *Ha'amek Davar* to *Bamidbar* 13:2, s.v. שלח לך אנשים וגו.

human power. In both *Chet Ha-egel* and *Chet Ha-meraglim*, the request of *Bnei Yisrael* demonstrates a lack of faith and trust in Hashem. This is the root of both sins.

Element 2: Divine Threat

The Spies return from their journey in the Land and give their report, which leads to total chaos for *Bnei Yisrael*. They gather around Moshe and Aharon and claim that they would rather return to *Mitzrayim* than die going into the Land. In Hashem's reaction to Moshe, He says:

עַד־אָנָה יְנַאֲצֵנִי הָעָם הַזֶּה וְעַד־אָנָה לֹא־יַאֲמִינוּ בִּי בְּכֹל הָאֹתוֹת אֲשֶׁר עָשִׂיתִי בְּקִרְבּוֹ: אַכֶּנּוּ בַדֶּבֶר וְאוֹרִשֶׁנּוּ וְאֶעֱשֶׂה אֹתְךָ לְגוֹי־גָּדוֹל וְעָצוּם מִמֶּנּוּ:

> How long will this people spurn Me, and how long will they have no faith in Me despite all the signs that I have performed in their midst? I will strike them with pestilence and disown them, and I will make of you a nation far more numerous than they! (*Bamidbar* 14:11-12).

Hashem expresses his frustration to Moshe that He has performed so many miracles in front of *Bnei Yisrael*, yet they still reject Him. Hashem continues that He wants to strike down the entire nation and make a new, greater nation from Moshe. Here, Hashem again wishes to destroy all of *Am Yisrael* and start anew from Moshe. This is yet another similarity between *Chet Ha-meraglim* and *Chet Ha-egel*.

Element 3: Human Intervention

Following the pattern, we expect Moshe to intercede and pray on behalf of *Bnei Yisrael* that they not be obliterated. In fact, this is exactly what Moshe proceeds to do. Similar to his prayer following *Chet Ha-egel*, Moshe claims that when the *Mitzrim* hear about *Am Yisrael*'s mass death in the desert, they will say that God does not have the power to bring them into the Promised Land and thus had to

slaughter them in the desert.[14] However, unlike in his previous prayer, Moshe does not mention the *Brit* with the *Avot* as a tactic to convince Hashem to change His mind.[15] Instead, Moshe utilizes the *Midot Harachamim* that were gifted to him following *Chet Ha-egel*. However, Moshe uses an abridged version of the prayer, omitting the attributes of קל רחום, וחנון, ואמת, נוצר חסד לאלפים, וחטאה. Perhaps Moshe does not feel that he can truthfully ask Hashem to manifest all these attributes because the nation's sin was so great.[16]

Element 4: Actual Punishment

Hashem responds to Moshe's request: וַיֹּאמֶר יקוק סָלַחְתִּי כִּדְבָרֶךָ - *And the LORD said, "I pardon, as you have asked*" (*Bamidbar* 14:20). According to the Ramban, since Moshe only requested that Hashem show slowness to anger (ארך אפיים), Hashem is able to say סָלַחְתִּי כִּדְבָרֶךָ - that He has forgiven as requested, and will draw out the punishment so that they can withstand it. That entire generation will perish over forty years in the Wilderness; however, their children will survive and enter the Land. Even though this is a devastating decree, it is a blessing

[14] *Bamidbar* 14:13-16.

[15] Note that in *Shemot*, Moshe's arguments include that Hashem should not kill the nation He took out of Egypt; that it will be a *Chilul Hashem* to the other nations; and he recalls the *Brit* with the *Avot*. The reaction of the other nations appears in *Bamidbar* as well.

[16] The Ramban to 13:2, s.v. שלח לך אנשים offers an explanation for the abridgement. Moshe does not mention *Emet* because according to the *din* of *Emet, Bnei Yisrael* would be liable for death. He omits *Notzer Chesed La-alaphim* because Moshe was not praying for *Bnei Yisrael* to be forgiven on the merit of the *Avot* since the land was supposed to be given to them on the merit of the *Avot* but *Bnei Yisrael* rejected this gift. Moshe does not mention *Chata'a* because *Bnei Yisrael* sinned on purpose. He deletes *Chanun* and *Rachum*, because Moshe knows that *Hashem* would not forgive their sin permanently so Moshe just requests that *Hashem* show slowness of anger and not kill them all at once "like sheep in the wilderness."

compared to God's initial plan of utter destruction of the entire nation at once.

Comparison to *Chet Ha-egel*

While Moshe is successful in changing Hashem's mind, his prayer is different than by *Chet Ha-egel* as he does not mention the *Avot* here. In addition, some of the *Midot Ha-rachamim* that are present in *Shemot* are absent here. Fascinatingly, something else is also missing - the *shoresh* נחם indicating a changing of God's mind. It is possible that נחם is missing because the sin of the *Meraglim* demonstrated a lack of faith and a rejection of the Land that is central to *Bnei Yisrael*'s relationship with God, the essence of their *Brit* with Him. Why should Hashem now let them into this Land and downgrade their punishment after they acted with such utter lack of appreciation?[17] Moreover, נחם in *Chet Ha-egel* represents a change in Hashem*'s* mind - *Bnei Yisrael* are saved and not all killed. Regarding the *Meraglim*, it is true that *Bnei Yisrael* are saved, but ultimately the entire generation living at the time of *Chet Ha-egel* is not brought into the Land, and instead perishes in the *Midbar*.

With the backdrop of the paradigmatic sins of *Chet Ha-egel* and *Chet Ha-meraglim* in mind, let's now look back at two earlier communal sins and analyze them in light of what we have learned from *Chet Ha-egel* and *Chet Ha-meraglim*.

[17] Ramban to *Bamidbar* 13:2, s.v. שלח לך אנשים.

Sin III: Sedom

Element 1: The Sin

Bereishit 13:13 states: וְאַנְשֵׁי סְדֹם רָעִים וְחַטָּאִים לַיקֹוָק מְאֹד - *Now the inhabitants of Sedom were very wicked sinners against the LORD*. It is unclear exactly what the sin of Sedom was, but by assessing their behavior toward Lot and his guests, and examining other places in *Tanach* that reference Sedom or that share a similar story-line, we can infer an understanding of the sin.

One of these instances is Yechezkel 16:49 which states: הִנֵּה־זֶה הָיָה עֲוֹן סְדֹם אֲחוֹתֵךְ גְּאוֹן שִׂבְעַת־לֶחֶם וְשַׁלְוַת הַשְׁקֵט הָיָה לָהּ וְלִבְנוֹתֶיהָ וְיַד־עָנִי וְאֶבְיוֹן לֹא הֶחֱזִיקָה - *Only this was the sin of your sister, Sedom: arrogance! She and her daughters had plenty of bread and untroubled tranquility; yet she did not support the poor and the needy.* This *pasuk* pinpoints arrogance and lack of aid for the needy as Sedom's primary sins. This is evident in how the people of Sedom treat Lot's guests. Rather than offer hospitality, they surround Lot's house and demand that Lot send out his guests to be raped (*Bereishit* 19:5). Lot offers his daughters instead but thankfully, the angels step in and smite the Sedomites with blindness, rendering them unable to find the door.

An additional indication about the extent of Sedom's depravity is found in *Bereishit* 19:4 which states:

> טֶרֶם יִשְׁכָּבוּ וְאַנְשֵׁי הָעִיר אַנְשֵׁי סְדֹם נָסַבּוּ עַל־הַבַּיִת מִנַּעַר וְעַד־זָקֵן כָּל־הָעָם מִקָּצֶה:
>
> They had not yet lain down, when the townspeople, the men of Sedom, young and old—all the people to the last man—gathered about the house.

Rashi[18] notes that this implies that from one end of the city to the other, there was not one righteous person amongst them who did not participate in the attempted lynching of Lot's guests. The Radak[19] adds that the *pasuk* highlights that the sinful ways had spread to the entire populace - the elders were no better than the youth.

A similar episode to that of Sedom occurs at the end of *Sefer Shoftim* in *Perek* 19. In that horrifying story, the people of *Shevet Binyamin* living in Givah refuse to offer a place for a traveler and his *pilegesh* (concubine) to rest for the night. Finally, one elderly resident invites them in, but the other inhabitants of Givah surround his house and demand he release his guest to them so they might rape him. Instead, the guest sends out his *pilegesh*, whom the townspeople rape repeatedly until she is near death. The Malbim[20] proposes that although the people of Sedom and the people of Givah might appear to behave similarly, they are not in fact the same. He suggests that the people of Givah are motivated by selfishness and desire; they do not wish to share their bounty with guests and they want to satisfy their lust with the concubine. In contrast, the people of Sedom are ideological in their cruelty. The Malbim cites *midrashim* that the people of Sedom created laws that prohibited taking in the poor and that mandated torturing every guest.

Thus, although the sin of Sedom is not explicitly specified in the *pesukim*, it is abundantly clear from a close reading of the text, from the *pasuk* in Yechezkel, and from a comparison to the *Pilegesh Be-Givah* narrative, that Sedom is an ideologically depraved city whose corruption has infected the entire population.

[18] Rashi to *Bereishit* 19:4, s.v. בל העם מקצה.
[19] Radak to *Bereishit* 19:4, s.v. טרם; ועד זקן.
[20] Malbim to *Bereishit* 19:1.

Element 2: Divine Threat

The Divine threat to Sedom is unique, because before Hashem reveals His plan to Avraham, He debates whether or not He should do so. For a rare moment, we are offered a glimpse into the inner workings of God's mind, so to speak, and we are privy to an internal debate that God has within Himself as to what He should do.[21] *Bereishit* 18:17 informs us: וַיקֹוָק אָמָר הַמְכַסֶּה אֲנִי֙ מֵאַבְרָהָ֔ם אֲשֶׁ֥ר אֲנִ֖י עֹשֶֽׂה - - Hashem *says [presumably, to Himself], Shall I conceal from Avraham that which I am going to do?*[22]

[21] It is interesting to note that this is not the first time Hashem speaks to Himself or the angels before making a major decision. For example, prior to creating man, it says in *Bereishit* 1:26: וַיֹּאמֶר אֱלֹקִים נַעֲשֶׂה אָדָם בְּצַלְמֵנוּ כִּדְמוּתֵנוּ - *And God said, "Let us make man in our image, after our likeness."* The Rashbam there posits that Hashem is consulting with the angels. Then, in the story of the Flood, when Hashem decides to erase mankind, *Bereishit* 6:7 relates: וַיֹּאמֶר יקוק אֶמְחֶה אֶת הָאָדָם אֲשֶׁר בָּרָאתִי מֵעַל פְּנֵי הָאֲדָמָה מֵאָדָם עַד בְּהֵמָה עַד רֶמֶשׂ וְעַד עוֹף הַשָּׁמָיִם כִּי נִחַמְתִּי כִּי עֲשִׂיתִם - The LORD said, *I will blot out from the earth the men whom I created—men together with beasts, creeping things, and birds of the sky; for I regret that I made them*- a statement said to Himself. Likewise, when Hashem observes the generation after the Flood, we are told: וַיֹּאמֶר יקוק הֵן עַם אֶחָד וְשָׂפָה אַחַת לְכֻלָּם וְזֶה הַחִלָּם לַעֲשׂוֹת וְעַתָּה לֹא יִבָּצֵר מֵהֶם כֹּל אֲשֶׁר יָזְמוּ לַעֲשׂוֹת - *The LORD said [presumably to Himself], "If, as one people with one language for all, this is how they have begun to act, then nothing that they may propose to do will be out of their reach* (*Bereishit* 11:6). And when Hashem wishes to execute His plan, He says: הָבָה נֵרְדָה וְנָבְלָה שָׁם שְׂפָתָם אֲשֶׁר לֹא יִשְׁמְעוּ אִישׁ שְׂפַת רֵעֵהוּ - *Let us, then, go down and confound their speech there, so that they shall not understand one another's speech* (*Bereishit* 11:7). According to the Ibn Ezra (*Bereishit* 11:7), Hashem is speaking to the angels. What is unique here in our instance is that God is DEBATING what to do; He is speaking to Himself and weighing whether or not to reveal His plan to Avraham.

[22] *Parashanim* have various interpretations of this verse. The *Bechor Shor* (*Bereishit* 18:17, s.v. וה' אמר המכסה) suggests that this indicates that Hashem always reveals to his servants (*nevi'im*) what He will do. The *Bechor Shor* proves this from a *pasuk* in Amos 3:7: כִּי לֹא יַעֲשֶׂה אֲדֹנָי יֱקֹוִק דָּבָר כִּי אִם־גָּלָה סוֹדוֹ אֶל־עֲבָדָיו

It cannot be that God is actually unsure of what to do; after all, He is perfect and omniscient. Thus, it must be that He is trying to convey a message to us through His apparent indecision. Perhaps the message is that there are two opposing values or ideas competing here. The first is that God knows that Sedom is so depraved there is nothing Avraham can do to save it, so it is pointless to inform him of the pending destruction. On the other hand, Hashem is committed to the message He has conveyed through His type-scene pattern, namely that humans should have the chance to intercede with prayer and convince Him to change His intended punishment. The second message is the one that carries the day and God ultimately reveals to Avraham His plan to destroy Sedom:

> וַיֹּאמֶר יְהוָֹה זַעֲקַת סְדֹם וַעֲמֹרָה כִּי־רָבָּה וְחַטָּאתָם כִּי כָבְדָה מְאֹד. אֵרְדָה־נָּא וְאֶרְאֶה הַכְּצַעֲקָתָהּ הַבָּאָה אֵלַי עָשׂוּ | כָלָה וְאִם־לֹא אֵדָעָה:
>
> Hashem says [to Avraham],[23] "The cry of Sedom and Amora is very great and their sin is exceedingly heavy. I will go down to see. If they have acted according to the outcry that has reached Me - destruction; if not, I will take note" (*Bereishit* 18:20-21).

Element 3: Human Intervention

Avraham immediately jumps to intercede on Sedom's behalf and to implore God not to destroy Sedom. He prays on behalf of the entire

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הַנְּבִיאִים - *that Hashem will do nothing until He reveals to His servants first*. According to the Rashbam (*Bereishit* 18:17, s.v. המכסה אני מאברהם), *Hashem* was always planning to destroy Sedom; He just felt responsible to inform Avraham in advance because this land was included in the land that Hashem had promised Avraham would inherit.

[23] Rashi to *Bereishit* 18:20, s.v. וַיֹּאמֶר ה'; *Mizrachi* Ibid. s.v. ויאמר ה' אל אברהם זעקת סדום.

city of Sedom as a collective society. Avraham understands that there are many wicked people in the city but in his argument, he asks God to save them - ALL of them, the entire city, including the sinners - because it is not just to kill the righteous with the wicked. Avraham pleas:

וַיִּגַּשׁ אַבְרָהָם וַיֹּאמַר הַאַף תִּסְפֶּה צַדִּיק עִם־רָשָׁע׃
אוּלַי יֵשׁ חֲמִשִּׁים צַדִּיקִם בְּתוֹךְ הָעִיר הַאַף תִּסְפֶּה וְלֹא־תִשָּׂא לַמָּקוֹם לְמַעַן
חֲמִשִּׁים הַצַּדִּיקִם אֲשֶׁר בְּקִרְבָּהּ׃
חָלִלָה לְךָ מֵעֲשֹׂת כַּדָּבָר הַזֶּה לְהָמִית צַדִּיק עִם־רָשָׁע וְהָיָה כַצַּדִּיק כָּרָשָׁע חָלִלָה
לָּךְ הֲשֹׁפֵט כָּל־הָאָרֶץ לֹא יַעֲשֶׂה מִשְׁפָּט׃

> Avraham came forward and said, “Will You sweep away the innocent along with the guilty? What if there should be fifty innocent within the city; will You then wipe out the place and not forgive it for the sake of the innocent fifty who are in it? Far be it from You to do such a thing, to bring death upon the innocent as well as the guilty, so that innocent and guilty fare alike. Far be it from You! Shall not the Judge of all the earth deal justly?” (*Bereishit* 18:25).

Element 4: Actual Punishment

Avraham’s intercession fails and God proceeds to destroy Sedom as He had planned at the outset. Perhaps Avraham fails because Sedom was so utterly corrupt there was nothing that could possibly have saved them. Alternatively, perhaps Avraham fails in his prayer because the basis of his argument is flawed. He pleads to save the entire society of Sedom as a collective, when the root of Sedom’s problem is that they sin as a collective; their entire society is rooted in corrupt morals, beliefs, and laws. Had Avraham prayed to save only

the few righteous individuals rather than to save the entire city in their merit, could he have saved more from Sedom?[24]

On the flip-side, perhaps Avraham's prayer is not a complete failure after all. Lot and his family are saved from the destruction. Was this part of God's initial plan, even prior to Avraham's prayer, or was Lot's salvation a result of Avraham's pleas? When the angels visit Avraham, they merely say they are going to Sedom; we are not told of their mission to save Lot until after Avraham's prayer. Furthermore, in describing Lot's escape, *Bereishit* 19:29 states:

> וַיְהִי בְּשַׁחֵת אלקים אֶת־עָרֵי הַכִּכָּר וַיִּזְכֹּר אֱלֹקים אֶת־אַבְרָהָם וַיְשַׁלַּח אֶת־לוֹט מִתּוֹךְ הַהֲפֵכָה בַּהֲפֹךְ אֶת־הֶעָרִים אֲשֶׁר־יָשַׁב בָּהֶן לוֹט:
>
> Thus it was that, when God destroyed the cities of the Plain and annihilated the cities where Lot dwelt, God was mindful of Abraham and removed Lot from the midst of the upheaval.

What precisely does God remember about Avraham that leads Him to save Lot? Is it Avraham's accrued merit in general, or perhaps is it Avraham's impassioned pleas on behalf of the inhabitants of Sedom? Had Avraham not prayed, would even Lot and his family have been killed? Perhaps there was some efficacy to his prayer after all...

[24] This is a different approach than that expressed above regarding God's internal debate, regarding which we suggested that God knows there is nothing Avraham could possibly do to mitigate Sedom's punishment. In addition, the *pasuk* cited above (*Bereishit* 19:4) which describes every single person from Sedom coming to surround Lot's house implies there were not even a handful of righteous individuals to be saved. Yet, it is still a thought-provoking proposition to consider – if Avraham had made a different argument, could he possibly have been successful in saving more people?

Sin IV: *Dor Ha-mabul*

Element 1: The Sin

The final communal sin narrative that we will explore is *Dor Ha-mabul*. Prior to God's pronouncement that He is planning to destroy the world with a Flood, there is an enigmatic *pasuk* which states:

וַיִּרְאוּ בְנֵי הָאֱלֹהִים אֶת בְּנוֹת הָאָדָם כִּי טֹבֹת הֵנָּה וַיִּקְחוּ לָהֶם נָשִׁים מִכֹּל אֲשֶׁר בָּחָרוּ׃

The divine beings saw how beautiful the daughters of men were and took wives from among those that pleased them (*Bereishit* 6:2).

Rashi[25] offers two interpretations as to who these בְנֵי הָאֱלֹהִים are. First he suggests that they are the sons of princes and rulers.[26] Second, he proposes that perhaps they are angels who came as messengers from God and then intermingled inappropriately with the women. Either way, this *pasuk* seems to indicate some abuse of power.[27]

Three *pesukim* later, the Torah notes:

וַיַּרְא יקוק כִּי רַבָּה רָעַת הָאָדָם בָּאָרֶץ וְכָל יֵצֶר מַחְשְׁבֹת לִבּוֹ רַק רַע כָּל הַיּוֹם׃

The LORD saw how great was man's wickedness on earth, and how every plan devised by his mind was nothing but evil all the time (*Bereishit* 6:5).

[25] Rashi to *Bereishit* 6:2, s.v. בני האלהים.

[26] Rashi asserts that whenever the word אֱלֹהִים appears, it indicates authority, such as in *Shemot* 4:16, where God tells Moshe at the Burning Bush that Aharon will be his (Moshe's) mouthpiece and he, Moshe, will be Aharon's *elohim* (וְאַתָּה תִּהְיֶה לּוֹ לֵאלֹהִים). Similarly, God tells Moshe in *Shemot* 7:1 that He has made him (Moshe) an *elohim* to Pharaoh, clearly indicating authority, not Divinity (ראה נתתיך אלהים לפרעה).

[27] The Ramban agrees the problem is an abuse of power (see Ramban to *Bereishit* 6:2, s.v. בני האלהים).

It seems that the society of *Dor Ha-mabul* is thoroughly corrupt and sinful from abusive leadership down to each individual's daily thoughts.

Element 2: Divine Threat

The very next *pasuk* records:

> וַיִּנָּחֶם יקוק כִּי עָשָׂה אֶת הָאָדָם בָּאָרֶץ וַיִּתְעַצֵּב אֶל לִבּוֹ וַיֹּאמֶר יקוק אֶמְחֶה אֶת הָאָדָם אֲשֶׁר בָּרָאתִי מֵעַל פְּנֵי הָאֲדָמָה מֵאָדָם עַד בְּהֵמָה עַד רֶמֶשׂ וְעַד עוֹף הַשָּׁמָיִם כִּי נִחַמְתִּי כִּי עֲשִׂיתִם:
>
> Hashem regretted that He made man in the land and was upset. The LORD said, "I will blot out from the earth the men whom I created—men together with beasts, creeping things, and birds of the sky; for I regret that I made them" (*Bereishit* 6:6-7).

Although Hashem has already decided to destroy mankind in these *pesukim*, he later reveals this plan explicitly to Noach:

> וַיֹּאמֶר אֱלֹהִים לְנֹחַ קֵץ כָּל־בָּשָׂר בָּא לְפָנַי כִּי־מָלְאָה הָאָרֶץ חָמָס מִפְּנֵיהֶם וְהִנְנִי מַשְׁחִיתָם אֶת־הָאָרֶץ:
>
> God said to Noah, "I have decided to put an end to all flesh, for the earth is filled with lawlessness because of them: I am about to destroy them with the earth" (*Bereishit* 6:13).

Element 3: Human Intervention

Typically, after hearing the Divine threat, humans plead with God, endeavoring to convince Him to reduce the punishment from total annihilation to something less severe. By revealing His plan to Noach in advance, God is inviting Noach to intercede and potentially save all of mankind. Noach, however, misses his cue. He is silent; there is no direct interaction between Noach and God. In fact, Noach does not speak to God in the Flood narratives at all.

This is a striking example of why analyzing these narratives as type-scenes is so valuable. Without other similar narratives in mind, one would not necessarily expect an intervention and therefore would not take note of its absence. It is only through our awareness that in every other similar episode, the protagonist pleads with God to lessen the punishment, that Noach's silence becomes deafening and incriminating. Through the lens of the type-scene, we are able to appreciate why *Chazal* and other commentators are so critical of Noach and compare him unfavorably to Avraham[28] and Moshe.[29] Some commentators even go so far as to lay blame for the Flood at Noach's feet.[30]

The *perek* prior to the Flood, *Bereishit* 5, lists the genealogies stemming from *Adam HaRishon*. None of the names are explained except for one, Noach:

> וַיִּקְרָא אֶת שְׁמוֹ נֹחַ לֵאמֹר זֶה יְנַחֲמֵנוּ מִמַּעֲשֵׂנוּ וּמֵעִצְּבוֹן יָדֵינוּ מִן הָאֲדָמָה אֲשֶׁר אֵרָרָהּ יקוק׃
>
> He called his name Noach, saying, This one will comfort us from our work and from the toil of our hands out of the very soil which God placed under a curse (*Bereishit* 5:29).

[28] See for example the interpretations cited by Rashi to *Bereishit* 6:9, s.v. את האלקים התהלך נח and to *Bereishit* 7:7, s.v. מפני מי המבול.

[29] The *Zohar* (זוהר כרך א (בראשית) פרשת נח דף סז עמוד ב) writes that when *Hashem* told Moshe of His intentions to wipe out *Bnei Yisrael*, Moshe immediately realized that he must pray for mercy on their behalf so the rest of the world does not say that he "killed *Bnei Yisrael*, as Noach had." The *Zohar* expands on this and takes Noach to task for not pleading on the world's behalf, claiming that it is his fault they all perished.

[30] This is based on Yeshayahu 54:9, which twice refers to the Flood as "מי נח," indicating that the Flood waters were on his account.

The root "נחם" lies at the core of Noach's name, indicating it is part of his very essence.[31] Here *nachem* seems to represent the potential inherent in Noach to provide comfort in some way. By linking this usage of *nachem* to its other appearances throughout communal sin narratives, one may suggest that Noach possessed the potential to change Hashem's mind and save the world through his prayer. However, Noach does not pray; he does not actualize this potential and does not save the world.

[31] Commentators struggle to understand the exact translation of Noach's name, the meaning of its explanation, and the correlation between the two. Rashi (*Bereishit* 5:29, s.v. זה ינחמנו) holds that יְנַחֲמֵנוּ means to ease off from; until Noach the people had been working the land with their hands, and Noach created an agricultural instrument to make the ground easier to work. Rashi further adds that יְנַחֲמֵנוּ must be interpreted as such because if the root נחם is interpreted here to mean comfort, then Noach would have needed to be called מנחם, which is not his name. Similarly, Seforno (*Bereishit* 5:29, זה ינחמנו) explains that the name Noach comes from *menucha* which is to rest, so Lemech prayed that Noach would allow him to rest from his labor. Some commentators are troubled by how Lemech knew what to name Noach at birth. For example, Ibn Ezra (*Bereishit* 5:29, s.v. זה ינחמנו ממעשינו) explains that Adam, who was a *Navi*, told Lemech that his son would bring salvation to the world, and it was based on this that Lemech named Noach. Ibn Ezra also suggests that Noach was a name he received later in life after his agricultural success. Such was the case with Gideon where he received the name Yerubaal after he broke the altar of *baal*. To resolve the grammatical inconsistency between the name Noach and the word ינחמנו meant to explain it, Ibn Ezra (Ibn Ezra, *Dikduk Ha-milim, Bereishit* 5:29, s.v. נח-מגזרת ינחמנו) points out that the name Shmuel also does not grammatically match the explanation Chana gives for his name; the name does not always perfectly match its reason. Alternatively, the *Midrash Tanchuma (Bereishit* 5:29, s.v. ויקרא את שמו נח לאמר זה ינחמנו) relates that when *Hashem* cursed the ground for Adam, Adam asked when he would know that this decree would be over. *Hashem* responded: עַד שֶׁיִּוָּלֵד אָדָם מָהוּל - when a person is born already circumcised. When Noach was born circumcised, Lemech knew the decree would end and therefore gave his son a name that reflected that he was destined to comfort them from their labor and hard work.

Despite this, Hashem still does not carry out a complete annihilation of the world, but allows for continuity through Noach and his family. In the other communal sin narratives, the root "נחם" is used to indicate that Hashem has decided to reverse the punishment. In the Flood story, it is Noach himself, whose name comes from the root נחם, who finds favor in God's eyes and is saved. He and his family are the only ones who experience any kind of reversal of God's plan to wipe out humanity.

Element 4: Actual Punishment

According to the pattern of the communal sin type-scenes, following God's revelation of intended destruction, the human intercession convinces Him to change His mind and not follow through with His original plan. Here, however, there is no intercession and God destroys the world exactly as initially intended.[32] On the basis of the type-scene, the following question begs to be answered: Would God have changed His mind had Noach interceded? Is it possible that Noach's prayer could have made an impact the way that Moshe's did in the wake of *Chet Ha-egel* and *Chet Ha-meraglim*?

[32] In verse 6:13, Hashem informs Noach of His plan as follows: וַיֹּאמֶר אֱלֹהִים לְנֹחַ קֵץ כָּל־בָּשָׂר בָּא לְפָנַי כִּי־מָלְאָה הָאָרֶץ חָמָס מִפְּנֵיהֶם וְהִנְנִי מַשְׁחִיתָם אֶת־הָאָרֶץ - *The end of all flesh has come before Me because the land is full of corruption because of them; behold I am destroying the world*. 7:21-23 describes the actual devastation from the Flood: וַיִּגְוַע כָּל־בָּשָׂר הָרֹמֵשׂ עַל־הָאָרֶץ בָּעוֹף וּבַבְּהֵמָה וּבַחַיָּה וּבְכָל־הַשֶּׁרֶץ הַשֹּׁרֵץ עַל־ וְאֵשֶׁר הַיְקוּם עַל־פְּנֵי הָאֲדָמָה מֵאָדָם עַד־בְּהֵמָה עַד־רֶמֶשׂ וְעַד־עוֹף הַשָּׁמַיִם וַיִּמָּחוּ מִן־הָאָרֶץ וַיִּשָּׁאֶר אַךְ־נֹחַ וַאֲשֶׁר אִתּוֹ בַּתֵּבָה: - *And all flesh that stirred on earth perished—birds, cattle, beasts, and all the things that swarmed upon the earth, and all mankind. All in whose nostrils was the merest breath of life, all that was on dry land, died. All existence on earth was blotted out—man, cattle, creeping things, and birds of the sky; they were blotted out from the earth. Only Noah was left, and those with him in the ark.*

Addendum: Yona and the Communal Sin Type-Scene

Our analysis of the communal sin type-scene sheds new light on *Sefer Yona*. In this narrative, the people of Ninveh sin[33] and Hashem calls upon Yona to convince them to repent. In an attempt to escape Hashem's task, Yona flees. By the end of the story, the people of Ninveh do in fact change their ways, and Hashem does not punish them. However, this Divine change of heart (indicated once again by the root נחם)[34] is not because Yona prays on their behalf. On the contrary, not only does Yona fail to pray for them, he refuses to try to convince them to mend their ways and merit salvation through improved behavior. Yona understands the communal sin type-scene, so to speak, and knows that despite God's threats of imminent destruction, He can be convinced to lessen the punishment. It is this very fact that leads Yona to flee from his mission. He is committed to Truth or at least his conception of Truth. In his mind, if someone deserves to be punished, then he ought to be punished. Yona ben

[33] Interestingly, both the sin and the threatened punishment of the people of Ninveh are strongly reminiscent of those of *Dor Ha-mabul* and Sedom, respectively. When the king of Ninveh prays, he says: וְיָשֻׁבוּ אִישׁ מִדַּרְכּוֹ הָרָעָה וּמִן־ הֶחָמָס אֲשֶׁר בְּכַפֵּיהֶם - *Let everyone turn back from his evil ways and from the injustice of which he is guilty* (Yona 3:8). חָמָס is the identical word used to describe *Dor Ha-mabul*'s corruption: וַתִּשָּׁחֵת הָאָרֶץ לִפְנֵי הָאֱלֹהִים וַתִּמָּלֵא הָאָרֶץ חָמָס - *The earth became corrupt before God; the earth was filled with injustice* (*Bereishit* 6:11). Additionally, Yona's message from God for Ninveh is: עוֹד אַרְבָּעִים יוֹם וְנִינְוֵה נֶהְפָּכֶת - *In another forty days, Ninveh shall be overturned*!" (Yona 3:4). This language recalls the Torah's description of the destruction of Sedom in *Devarim* 29:22: גָּפְרִית וְמֶלַח שְׂרֻפָה כָּל־אַרְצָהּ לֹא תִזָּרַע וְלֹא תַצְמִחַ וְלֹא־יַעֲלֶה בָּהּ כָּל־עֵשֶׂב כְּמַהְפֵּכַת סְדֹם וַעֲמֹרָה אַדְמָה וּצְבוֹיִם [וּצְבוֹיִם] אֲשֶׁר הָפַךְ יְקֹוָק בְּאַפּוֹ וּבַחֲמָתוֹ: - *All its soil devastated by sulfur and salt, beyond sowing and producing, no grass growing in it, just like the upheaval of Sedom and Gomorrah, Admah and Zeboiim, which the LORD overturned in His fierce anger*.

[34] וינחם הָאֱלֹקים עַל־הָרָעָה אֲשֶׁר־דִּבֶּר לַעֲשׂוֹת־לָהֶם - *And God renounced the punishment He had planned to bring upon them, and did not carry it out* (Yona 3:10).

Amitai - Yona the son of Truth - is enraged by the possibility of repentance or prayer enabling people to get out of the punishment they deserve.[35] Yona declares this explicitly when he says:

> עַל־כֵּן קִדַּמְתִּי לִבְרֹחַ תַּרְשִׁישָׁה כִּי יָדַעְתִּי כִּי אַתָּה אֵל־חַנּוּן וְרַחוּם אֶרֶךְ אַפַּיִם וְרַב־חֶסֶד וְנִחָם עַל־הָרָעָה׃
>
> It is for this very reason that I fled to Tarshish - because I know that You are a compassionate and gracious God, slow to anger, abounding in kindness, renouncing (נחם) punishment (Yona 4:2).

It is precisely God's נחם tendency, His willingness to change His mind and lessen punishments, that infuriates Yona and leads him to flee. Yona too, like Moshe, invokes God's Thirteen Attributes, and like Moshe after *Chet Ha-meraglim*, chooses to omit some, including *Emet*, Truth. Ironically, Moshe omits it because he does not want God to be strictly, truthfully just; Yona omits *Emet* precisely because he *does* want God to be strictly truthful, and he is angry that God is not.

Concluding Thoughts

Type-scenes are a brilliant vehicle for conveying a wealth of ideas, both through the common elements found in each episode and from the ways in which they diverge from each other. In our case of communal sins and punishments, we might have expected that God as an all-powerful, all-knowing Deity, would simply witness humanity's sins and immediately smite them with their deserved punishments. The fact that in instance after instance, God first reveals to a human His intended punishment, and that in most of the instances God mitigates His intended punishment in response to that human's

[35] This is why Yona insists the sailors throw him into the sea rather than plead with them to save him as most other people would - he believes that he too ought to get his just deserts, and running away from God warrants being tossed into the sea.

intercession (often signified by the word *nachem*), reveals an extraordinary facet of God's relationship with us - that He desires and invites our prayers, and grants our prayers an enormous degree of efficacy.

Much can also be gleaned from each instance's divergence from the expected pattern. It is only through examining all the instances of communal sin in light of each other, that it jumps out that in two of our four primary examples, the punishment is significantly minimized as a result of human intercession (*Egel* and *Meraglim*), while in the other two it is not.[36] In one of those two, punishment ensues because the human's intercession is absent altogether (Noach before the Flood), and in the other because the intercession is not successful (Avraham for Sedom). This raises fascinating questions about how those two instances might have turned out differently, as well as ideas about the possible limits of prayer. Ultimately, the communal sin type-scenes highlight our responsibility to pray, and the power inherent in our prayers.

The following chart summarizes the common elements found in the four major communal sin narratives as well as where they deviate from each other:

[36] Interestingly, the two instances where the human intercession seems to fail, Sedom and the Flood, are cases where the sin is *bein adam le-chavero*. In contrast, the two successful interventions, *Chet Ha-egel* and *Chet Ha-meraglim,* are both *bein adam la-Makom.* Perhaps this indicates that when the sin is against God Himself, God is open to being convinced to mitigate the punishment. When the sin hurts others, God is less forgiving.

	Sin	Threat	Human Intervention	Punishment	"Nachem moment"
Egel	Rejection of God	Total annihilation	Moshe Prays	3000 worshipers of the *Egel* are killed	וַיִּנָּחֶם יקוק עַל הָרָעָה אֲשֶׁר דִּבֶּר לַעֲשׂוֹת לְעַמּוֹ׃
Meraglim	Lack of faith and trust in God	Total annihilation	Moshe Prays	That generation will perish but their children will enter the Land	No Nachem moment
Sedom	Communal, society-wide corruption and evil	Annihilation	Avraham prays for the collective	Annihilation except for Lot and his family	No Nachem moment
Mabul	Abuse of power / corruption	Annihilation except for Noach and his family	Silence	Annihilation except for Noach and his family	Nachem is at the root of Noach's name

HOW TRAGEDY AFFECTS *TEFILLA*

Lauren Stiefel

How did the Jewish people become who we are today? What inspired the development of practices within Judaism? The history of the Jewish people contains numerous victories, but also much suffering. During these challenging periods the Jewish people looked to express their emotions and often turned to prayer as a venue. In fact, Ramban believes that there is only a Biblical commandment to pray in times of suffering, learned from the *mitzva* of blowing the trumpets, mentioned in *Bamidbar*.[1] Praying during times of communal suffering is also emphasized in different *masechtot* in the Talmud. This paper will address how parts of the prayer service have been impacted by the Jewish experience.

While the concept of prayer, and the commandment to pray, have existed since the time of *Tanach,* certain tragedies throughout Jewish history required new developments in order to continue its practice. Making adjustments to prayer at particular times has enabled the Jewish people to maintain their connection with God. After certain tragedies in Jewish history, prayer changed, both in the way it was practiced and in what was said, in order to keep the practice of the commandment alive.

[1] "When you go to war against an enemy that attacks you in your land, you shall sound a *teru'a* (short blasts) on the trumpets. You will then be recalled before the Lord your God and will be delivered from your enemies" (*Bamidbar* 10:9).

Tefilla after the Destruction of the *Beit Ha-mikdash*

Although prayer certainly existed before the destruction of even the first *Beit Ha-mikdash*, the destruction forced the Jewish people to communicate strictly verbally with God because *korbanot* were no longer an option. However, the transition was not sudden; the idea of prayer in addition to, or instead of prayer, already existed. In his speech at the dedication of the First Temple, King Shlomo emphasized prayer rather than *korbanot*.[2] God spoke through Yeshayahu and said, "My House shall be called a house of prayer for all peoples."[3] The prophet Hoshea had said: "Take words with you and return to the Lord … Instead of bulls we will pay [the offering of] our lips."[4] In his introduction to the Koren *siddur,* Rabbi Jonathan Sacks explains that the practice of *korbanot* is the external way to express internal feelings, and because after the destruction of the Temple *korbanot* were no longer possible, prayer remained.[5] He references the adage of *Avoda She-balev,* the sacrificial service of the heart, which is the foundation of prayer. In addition to the *pesukim* describing Hashem's goal as us communicating with Him through prayer, the Gemara on *Megilla* 31b mentions that Hashem told Avraham that we would have a Temple where we could bring *korbanot*. When Avraham questions what happens when the Temple is destroyed, God answers: "I have already established for them the order of offerings, i.e. the verses of the Torah pertaining to the *halachot* of the offerings. Whenever they read those portions, I will deem it as if they have

[2] I Kings 8:12-53.
[3] Isaiah 56:7.
[4] Hoshea 14:3.
[5] The Koren *Shalem Siddur*, Page xxvii.

sacrificed an offering before Me, and I will pardon them for all of their iniquities." This *sugya* in *Megilla* demonstrates that God intended *tefilla* from the outset, and it was always the plan to transition to it after the destruction.

The destruction of both Temples drastically affected the structure and practice of *tefilla*. Before the destruction of the First Temple, the primary way of communication with God was through *korbanot*. After the destruction, the Jews required a new form of connection to God, so the already existing practice of *tefilla* developed further to fulfill the needs of the Jews at this time. Rambam states in his *Mishneh Torah*:

> When the people of Israel went into exile in the days of the wicked Nevuchadnezzar, they mingled with the Persians, Greeks and other nations. In those foreign countries, children were born to them whose language was confused. Everyone's speech was a mixture of many tongues. No one was able when he spoke to express his thoughts adequately in any one language, otherwise than incoherently, as it is said, 'And their children spoke half in the speech of Ashdod and they could not speak in the Jews' language, but according to the language of each people' (Nechemiah 13:24). Consequently, when anyone of them prayed in Hebrew, he was unable to adequately express his needs or recount the praises of God without mixing Hebrew with other languages. When Ezra realized this, he created the blessings of *Shemoneh Esrei* in their order so that the people who were not experts in speech would be able to pray the same way as others who already knew how to pray correctly.[6]

The Second Temple began as an era of hope. With the Cyrus declaration, a delegation returned to Jerusalem to rebuild the Temple. However, this was short lived, and eventually it was clear that the Second Temple would not live up to the glory of the first. One of the many factors that was different was the cessation of prophecy. In fact,

[6] *Mishneh Torah, Hilchot Tefilla* 1:4.

the end of prophecy came soon after the building of the Second Temple. *Masechet Yoma* states: In five things the first Sanctuary was superior to the second: in the ark, including its cover with the *Keruvim* atop it, the fire, the *Shekhinah*, the Holy Spirit [of Prophecy], and the *Urim Ve-tumim*.[7] Although, there were prophets after the destruction, they had limited prophecy.[8]

Rabbi Joseph Soloveitchik believed that though prayer replaced prophecy, prayer differed in that it requires the people themselves to be responsible for continuing the communication between God and the people. He stated:

> In short, prayer and prophecy are two synonymous designations of the covenantal God-man colloquy. Indeed, the prayer community was born the very instant the prophetic community expired and, when it did come into the spiritual world of the Jew of old, it did not supersede the prophetic community, but rather perpetuated it… If God had stopped calling man, they urged, let man call God.[9]

Institutionalizing prayer after the destruction created a new framework for the sacred dialogue with God.

The *Beit Ha-mikdash* served as the epicenter of communication between God and the Jewish people. After the destruction, changing the focus of Jewish spiritual connection was imperative to continuing Jewish life. Both the new way that prayer was practiced, as well as the established times for the prayers, created a method akin to the *Batei Mikdash*, but without one central place of worship. Prayer replaced physical *korbanot*. After *Birchot Ha-shachar*, many people recite the section called *korbanot*, which describes the various *korbanot*

[7] *Masechet Yoma* 21b.
[8] *Pesikta De-Rav Kahana* 13.
[9] Rabbi Joseph Soloveitchik, *The Lonely Man of Faith*, pages 57-58.

offerings completed in the *Batei Mikdash*, cementing the use of prayer as a replacement for *korbanot.*[10] The morning and afternoon prayers of *Shacharit and Mincha* reflect the *Korban Tamid,* which was brought every morning and afternoon.[11] The evening prayer, *Maariv*, corresponds to the burning of the remains of the offerings, which took place every night.[12] Rabbis placed much value on verbal prayer by referring to it as a replacement for sacrifices. They quoted *pesukim* like the one referenced earlier from Hoshea 14:3 to encourage people to accept this new form of communication.

After the *Batei Mikdash* the rabbis did not simply encourage general prayer; they pushed **communal** prayer. Davening was done in a *minyan*, a group of at least ten men, and the different structure of the synagogues after the destruction show that these synagogues were built after the destruction for the purpose of communal prayer. Before the destruction, the *kohanim* were responsible for communication between God and the people through their work in the *Beit Ha-mikdash* bringing the *korbanot*. However, after the destruction, the Rabbis stepped up as the leaders of the community by helping the Jewish people transition from *korbanot* to prayer, and therefore became the focus of Jewish communities.[13] The Rambam encourages the concept of communal prayer by saying that:

> Congregational prayer is always heard [by the Almighty]. Even if there are sinners among them, the Holy One, blessed be He, does not reject the prayer of a multitude. Hence, a person should

[10] Deracheha, *What are Korbanot and Pesukei De-zimra***.**

[11] *Peninei Halacha*, Prayer 13:1.

[12] Olami Resources, *Close Encounters of the Transcendent Kind: The Temple and the Sacrifices.*

[13] Israel Ministry of Foreign Affairs, *History: Second Temple Period - Return to Zion.*

> associate himself with the congregation, and never recite his prayers in private when he is able to pray with the congregation.[14]

Rabbi Yochanan Ben Zakai, famous for his dedication to reinvigorating Jewish practice after the destruction of the Temple, played an instrumental role in adapting Jewish prayer in a world without the Temple.[15] His encounter with Vespasion is the reason that the city of Yavneh was saved although the Second *Beit Ha-mikdash* was eventually destroyed.[16] He appealed to the Roman Emperor to save Yavneh rather than asking him to preserve the Second *Beit Ha-mikdash* because he feared that asking for the Temple would be too much to ask and he would end up with nothing. Many rabbis at his time criticized him for his arrangement with Vespasian to save Yavneh instead of trying to save the Temple. The rabbis in Yavneh played an integral role in the practice of *tefilla*. They worked to establish the laws to make prayer a more established practice after the destruction. Without Yavneh, *tefilla* would probably not be practiced the way it is today. Rabbi Yochanan Ben Zakai also established several *takanot* that helped shift the center of Jewish life from the Temple to homes and shuls, and helped the Jewish people adjust to their new life. Although Rabbi Yochanan Ben Zakai played a major role in the transition from *korbanot* to *tefilla,* even on his deathbed, Rabbi Yochanan Ben Zakai was not sure he had made the right choice to save Yavneh rather than the Temple, and was unsure if he would be punished or rewarded for his decision.[17] Although his actions were controversial at the time,

[14] Rambam *Hilchot Tefilla* 8:1.
[15] The Jewish Agency for Israel, *The Destruction of the Second Temple* - Lecture by Alick Isaacs.
[16] *Gittin* 56b.
[17] *Berachot* 28b.

Rabbi Yochanan Ben Zakai greatly altered the way that Judaism was practiced after the destruction of the *Beit Ha-mikdash.*[18]

One change in prayer that resulted from Rabbi Yochanan Ben Zakai's bold choice was the (re-)establishment of *Shemoneh Esrei*. The order of the *berachot* in *Shemoneh Esrei* was established in Yavneh after the destruction of the Second *Beit Ha-mikdash*. The Gemara in *Masechet Megilla*[19] mentions that Shimon HaPakuli arranged the eighteen blessings before Rabban Gamiel in Yavneh after the destruction of the Second Temple. If the *Anshei Knesset Ha-gedola*, who lived before the Second *Beit Ha-mikdash,* established *Shemoneh Esrei*, how could the Gemara say that Shimon HaPakuli did? The Gemara in *Megilla* 17b-18a resolves this contradiction by saying, "Indeed, the blessings of the *Amida* prayer were originally arranged by the hundred and twenty members of the Great Assembly, but over the course of time the people forgot them, and Shimon HaPakuli then arranged them again." The Gemara adds, "These nineteen blessings are a fixed number, and beyond this it is prohibited for one to declare the praises of the Holy One, Blessed be He, by adding additional blessings to the *Amida*." The *berachot* of *Shemoneh Esrei* were fixed after the destruction of the Second *Beit Ha-mikdash*, because not only were they reestablished, but they were also not allowed to be changed after that. After the *Churban*, Judaism became a heterodox religion, and the various sects interpreted prayer and Judaism in many different ways, but the rabbis attempted to unify Jewish prayer as much as possible.

[18]The Jewish Agency for Israel, The Destruction of the Second Temple - Lecture by Alick Isaacs.

[19] *Megilla* 17b.

Prayer also provided a sense of stability to the Jews after the Temple was destroyed.[20] Perhaps this is why Rabbi Yehoshua said in a *Mishna* in *Berachot* 4:5: "While praying, one must face toward the direction of the Holy Temple. One who was riding on a donkey should dismount and pray calmly. If he is unable to dismount, he should turn his face toward the direction of the Temple. If he is unable to turn his face, it is sufficient that he focuses his heart opposite the Holy of Holies." Jerusalem became a unifying feature for Jews praying all around the world.

Another *Mishna* in *Berachot* discusses mentioning the Exodus from Egypt in the prayer of *Shema.*[21] The rabbis dedicate many lines of Gemara to the discussion of the link between prayer and redemption.[22] In this discussion, they quote the *pasuk*, "That you may remember the day you went out of the land of Egypt all the days of your life."[23] The *Chachamim* teach that the addition of the word "all" to "the days of your life" means that this *pasuk* is referring to the days of *Mashiach*. Mentioning this concept of the Exodus here and in *Shema* reinforces the link between prayer and future redemption. This understanding of *Shema* helped the Jewish nation move past the destruction of the Temple. Rabbi Gamliel II believed that having fixed prayers would unify the nation after the tragedy of the destruction.[24]

While much of Jewish prayer after the destruction was focused on echoing practices in the Temple that were destroyed, certain aspects of prayer were added to give hope towards a future redemption and

[20]Three Stages in the Development of Early Rabbinic Prayer by Tzvee Zahavy (http://www.tzvee.com/Home/three-stages).
[21] Mishna *Berachot* 1:5.
[22] *Berachot* 12b.
[23] *Devarim* 16:3.
[24] *The Shemoneh Esreh in Jewish History*, Jonathan L. Friedmann.

hopefully Third Temple.[25] After the destruction of the First Temple, the Jews were separated from God, but they had prophets to comfort them and give them hope of the Second Temple. After the destruction of the Second *Beit Ha-mikdash*, the Jews were once again separated from God; however, this time they lacked prophets to offer them assurances of the future Third Temple.[26]

In Reuven Kimelman's *The Daily Amidah and the Rhetoric of Redemption,* he argues that the *Shemoneh Esrei* prayer was oriented towards redemption. *Berachot* 4-9 of the nineteen-blessing prayer discuss personal salvation, and 10-15 address communal redemption.[27] He maintains that this was a way for the Jews to continue to hope for the Third Temple and to reinforce the idea that it was imminent.

After the destruction of the Temples, the Rabbis determined that prayer would be the new form of Jewish communication with God, but there was no established prayer book.[28] In addition to creating the basic structure of prayer to resemble the times when *korbanot* were sacrificed in the *Batei Mikdash*, the Rabbis established certain prayers with guidelines about when and where to say them. The Rabbis changed *tefilla* after the destruction of the *Batei Mikdash* in 3 ways: The recitation of *Shema* twice a day, *Shemoneh Esrei*, and the public reading of the Torah.[29] The Rabbis at the time of the Talmud created

[25] *Three Stages in the Development of Early Rabbinic Prayer* by Tzvee Zahavy.

[26] The Jewish Agency for Israel, *The Destruction of the Second Temple* - Lecture by Alick Isaacs.

[27] *The Shemoneh Esreh in Jewish History* by Jonathan L. Friedmann.

[28] The first *siddur* was written by Rabbi Amram ben Sheshna HaGaon, the leader of the Talmudic Academy at Sura in Babylon in 875 C.E. However, this *siddur* was only for the use of scholars. The first *siddur* for general use was compiled in 882-942 C.E. by Rav Saadia Gaon.

[29] My Jewish Learning, *History of Jewish Prayer.*

the custom of saying *tachanun.*[30] In *Masechet Berachot* 16b, the Gemara mentions the custom of several rabbis, such as Rabbi Elazar and Rabbi Yochanan,[31] to add prayers after they had finished the formal ones. These prayers ultimately became the basis for what is now known as *Tachanun.*

Even though structured prayer provided great benefit to the Jews after the destruction, there were many challenges to creating changes, including major debates between the rabbis. The Gemara in *Berachot* describes an argument over the obligation to *daven Maariv,* which eventually led to Rabban Gamliel's expulsion from the yeshiva.[32] This heated debate along with its result was just one example of the tensions that erupted between the Rabbis as they sought to establish prayer.

There were other developments in the world of prayer. For example, prayer now offered more than just unity and stability; it signified protection against both natural dangers and dangers within society.[33] The times when the Temples were destroyed were times of danger and persecution for the Jews, so the idea of prayers for dangerous situations reflects the desire of the people to have specific prayers to keep them safe. Prayers were written for one who enters

[30] Jewish Virtual Library, *Jewish Prayers: Tachanun* - The source for Tachanun is Daniel 9:3 and I Kings 8:54, where it says that prayer is supposed to be followed by supplication. It was officially made a prayer in the fourteenth century, but several Rabbis that lived in the Talmudic era created customs of adding to the end of their prayer.

[31] Rabbi Elazar Ben Azaria and Rabbi Yochanan Ben Zakai both lived immediately after the destruction of the second *Beit Ha-mikdash.*

[32] *Berachot* 27b-28a.

[33] "Three Stages in the Development of Early Rabbinic Prayer" by Tzvee Zahavy.

and one who leaves a bathhouse, because there was a possibility of injury or death in a bathhouse:[34]

> "May it be Your will, Hashem, my God, that you will bring me in peace and you will take me out in peace. And may there not happen with me a disaster. But if a disaster will happen to me, may my death be a forgiveness for all of my sins. [However] save me from this and anything similar to it in the future."
>
> "I thank You, Hashem, my God, that you took me out in peace. So may it be Your will, Hashem my God, that I will come to my place [of residence] in peace."

There were also prayers written to protect someone walking in a place of danger if they were unable to recite a complete prayer. They should say, "Redeem, Lord, Your people, the remnant of Israel, at every transition."[35] The *Mishna* in *Berachot* 9:4 describes another situation of prayer in a place of danger, when it says, "One who enters a large city [the Gemara explains that this is in a case where entering the city is dangerous], recites two prayers: One upon his entrance, that he may enter in peace, and one upon his exit, that he may leave in peace. Ben Azzai says: He recites four prayers, two upon his entrance and two upon his exit. In addition to praying that he may enter and depart in peace, he gives thanks for the past and cries out in prayer for the future."[36]

The establishment of prayer after the destruction of both *Batei Mikdash* helped the Jews transition from physical to verbal communication with God. In addition to the physical replacement of

[34] *Tosefta Berachot* 6:22.

[35] *Mishna Berachot* 4:4.

[36] Shimon Ben Azzai lived during the beginning of the second century, so his prayers about leaving and entering a place of danger were for the post-destruction era.

conversation with God, prayer also replaced the *Batei Mikdash's* unifying and stabilizing force.

Tefilla in the Holocaust

The Holocaust, a more recent moment of Jewish tragedy, also left its mark on the world of Jewish prayer. There were two aspects of *tefilla* that were affected by the Holocaust: how *tefilla* was practiced and what was said during prayer time. Some changes in the text of prayer were temporary, while others became more permanent. These changes were a direct result of the Nazis limiting Jewish freedoms, specifically Jewish prayer.[37] They were responses to incredibly difficult times and the despair that was felt.

On March 12th, 1938, Jewish organizations and congregations were outlawed by German law.[38] Synagogues reminded the Nazis of the Jewish presence, and therefore synagogues all over Germany were destroyed by order of German officials, such as the Munich Synagogue

[37] The Nazi party rose to power in 1933, with Adolf Hitler at the helm. The Nazi Party spread the belief that the Jewish people were an inferior class and that they were destructive to the "superior" Aryan race. To root out the "disease" they believed was the Jewish people, the Nazi Party passed the Nuremberg laws in 1935. The Nuremberg laws defined "Jew" as anyone who had at least one Jewish grandparent, including Germans that did not identify as Jewish. Such people were stripped of their Reich Citizenship, preventing Jews from obtaining valid passports to flee Germany. German law heavily restricted Jewish students from going to German schools and universities. Jewish doctors and lawyers were forbidden to work, and the Nazis stripped Jewish tax consultants of their licenses. In addition to all of these other limitations on Jews at this time, the Nazi party put specific limitations on Jewish gatherings of prayer.

[38] Jewish Virtual Library, *The Holocaust: Timeline of Jewish Persecution.*

on June 9th, 1938.[39] Then, on November 9th and 10th of 1938, in an event known as Kristallnacht, SS Security Service chief Reinhard Heydrich instructed security agencies to burn all synagogues unless German lives or property were at risk. 267 shuls were destroyed by rioters across Germany and Austria, and Jewish businesses were looted and destroyed.[40]

Additionally, 91 Jews were killed, and many others were beaten. 30,000 male Jews were sent to concentration camps, but most were released from the camps a few weeks later.[41] The destruction of synagogues on Kristallnacht was a step in a series of forced limitations on Jewish prayer, as the Nazis destroyed places of gathering of prayer in addition to outlawing the practice. The Nazis' attempt to stop prayer had an effect on Jewish prayer in several ways: In the way prayer was practiced and in what was added to *tefilla*, both in the short and long term.

Despite the many challenges the Nazis created for Jewish prayer and the dangerous position it put the Jews in, the Jews continued *davening*. The Nazis desired to destroy the very foundations of Judaism during the Holocaust, among which was their ability to communicate with God. Jews in the ghettos weren't allowed to assemble, which complicated gathering for a *minyan.*[42] Forced labor severely limited individual prayers.

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[39] Jewish Virtual Library, *The Holocaust: Timeline of Jewish Persecution.*

[40] Jewish Virtual Library, *The Holocaust: Timeline of Jewish Persecution.*

[41] United States Holocaust Memorial Museum, *Kristallnacht: The November 1938 Pogroms.*

[42] Jewish Virtual Library, *Barukh She-amar.* An example of the German effect on prayer was the Prague *Baruch She-amar* Society, whose members awoke early to arrive at shul prior to the recitation of *Baruch She-amar*. The Prague *Baruch She-amar* society was active from the 16th century until World War II.

At the same time, despite the many hardships, prayer took on new meaning for many Jews throughout the Holocaust who looked toward *tefilla* as an act of defiance against the Nazis. *Tefilla* served as something holy for Jews to cling to and have faith in. Jews risked their lives to pray and took strength from the meaning they found in *tefilla*.

After Kristallnacht, communal Jewish prayer was banned but there were still people who risked praying in private. In Radun, a ghetto in Belarus, there were daily *minyanim* in private homes until a massacre on May 10, 1942.[43] The people continued praying until they physically could not. In Elie Wiesel's *Night*, he mentions that the tensions with the Germans prevented the Jews in Romania from praying also. In Romania there was not an explicit law against it, but, "People gathered in private homes: no need to provoke the Germans. Almost every rabbi's home became a house of prayer."[44]

Rabbi Kalonymus Kalman Shapira, the Piaseczno Rebbe, was in the Warsaw ghetto during the Holocaust. He gave weekly *drashot* which provided inspiration to the Jews imprisoned in the ghetto. In his 1941 *Shabbat Shuva drasha*, Rabbi Shapira said, "I thought that in troubled times such as these, on *Rosh Ha-shana* the sound and the power of our prayers would pour forth from the heart like a roaring waterfall. However, we see that both *Rosh Ha-shana* and *Shabbat Shuva* are not with the *yir'ah* [awe] and *hitlahavut* [passion and devotion] seen in times past." At this time, in the Warsaw ghetto, there was still a *minyan* and despite the danger, the Jews persisted. In addition, Rabbi Shapira challenged the Jews to pray even harder than they were

[43] Shalom Carmy, *Jewish Perspectives on the Experience of Suffering,* page 303.
[44] Elie Wiesel, *Night*, page 18.

already praying. He emphasized that prayer is supposed to be strengthened in times of suffering. [45]

A *Rosh Ha-shana machzor* was written in 1944 by Rabbi Naftali Stern in the Wolfsberg forced labor camp. He wrote it completely by memory, and led the service in the camp that year. While this *machzor* wasn't an additional *tefilla*, the writing of this *machzor* shows the value that was placed on prayer at the time of a Jewish holiday.[46]

Felix Nussbaum was a Jewish artist arrested when the Germans occupied Belgium in 1940. He escaped the detention camp and created art in hiding. It was then that he painted *The Camp Synagogue at Saint Cyprien*, his first Jewish-themed painting in years. The picture depicts a gray sky over a group of men wearing *tallitot* with one man towards the outside. On the ground there is a scattered shoe, empty tin can, and several other objects that symbolize the harsh conditions of the camp. The painting has a black cloud that covers the sun, and the men are praying. Clearly, the men in Nussbaum's detention camp still prayed. The gloom of the painting depicts the darkness and secrecy in which the Jews were forced to pray. However, they continued to *daven* despite the harsh conditions and possible repercussions.

Jews were forced to pray in secrecy in the concentration camps. Some woke up early to pray, despite the penalty of death. In Auschwitz, someone "organized"[47] a pair of *tefillin*, and people lined up at four in the morning to pray with it. They were so motivated to

[45] Yad Vashem, *Prayer in a World of Destruction.*

[46] https://www.yadvashem.org/blog/rosh-hashanah-prayers-in-a-forced-labor-camp.html

[47] Yad Vashem, *Prayer in a World of Destruction.*

use an artifact that connected them to prayer, it did not matter that they were doing it at a time not sanctioned by *halacha*.

Sinai Adler, a Holocaust survivor, found a *tefillin* for the head in the garbage the day his was confiscated on his entry into Birkenau. The observant Jews in his bunk gathered in a corner, prayed, and put on *tefillin*. Adler mentioned in his memoir that this formed a close bond between these religious Jews from different countries.

Imre Kertesz, a Holocaust survivor from Hungary, was deported to Auschwitz-Birkenau, and later to Buchenwald. He described a moment when he and the rest of the camp witnessed the hanging of a young boy.[48] Just after the hanging, Imre looked around and noticed everyone praying *Kadish*. Imre, who didn't know how to pray, was jealous of the Jews who were able to *daven* in "the language of the Jews" and to pray in a time of extreme suffering and duress. He saw that *tefilla* unified those around him in their time of suffering.

Holocaust survivor Avraham Shdeour grew up in Czechoslovakia and was deported to Auschwitz at the age of 14. In his testimony, he described the following event:[49]

> My father pulled me into a group of men who were praying, and I suddenly realized that I had forgotten how to pray, that the words of the *Shema Yisrael* had escaped me. I, who had known all the *tefillot* by heart since I was a young boy – *mincha, ma'ariv* [evening prayer], *shacharit* and also the *tefillot* of Shabbat – suddenly could not recall a word. I felt terrible. I said to my father, "I want to *daven* [pray], but I cannot, I can't remember the *tefillot*." He tried to recite them with me, and suggested that I repeat after him, but I felt I couldn't. I repeated, "Father, I want to *daven*," and he

[48] Yad Vashem, *Prayer in a World of Destruction.*
[49] Yad Vashem, *Prayer in a World of Destruction.*

> answered, "*Daven* however you can, a *tefilla* from the heart, a *tefilla* that you feel you can say…"

Prayer unites Jews from all over the world during times of suffering, a motif that is demonstrated in these testimonies from the Holocaust.

These examples of prayer during the Holocaust demonstrate the change in prayer at this time. Because the structure of prayer and individual prayers were already firmly established centuries before, the Holocaust caused more of a change in the way prayer was viewed and the function it served. As demonstrated here, prayer represented hope, unity and a sense of normalcy. In fact, Jews who weren't able to pray in times of duress felt like they were missing something, as demonstrated by the stories of Imre Kertesz and Avraham Shdeour. They wanted to have the same connection that the other Jews had.

Although the main effect of the Holocaust on *tefilla* was on the function and meaning of prayer for the Jews, there were also a few *tefillot* added to the text to reflect the challenging times.

The prayer for the welfare of the government in Germany changed during this time, because the Jews didn't want to pray for a government that was persecuting them. The custom of praying for the the surrounding government can be traced back to *Tanach* where Yirmiyahu says, "And seek the peace of the city where I have exiled you and pray for it to the Lord, for in its peace you shall have peace."[50] In *Pirkei Avot*, Rabbi Chanina says, "Pray for the integrity of the government; for were it not for the fear of its authority, a man would swallow his neighbor alive."[51]

[50] Yirmiyahu 29:7.
[51] *Pirkei Avot* 3:2.

The Jewish people have prayed for the leader of their exiled land in the past. They made sacrifices for the Roman Emperor and in Medieval times, prayers were said for the Holy Roman Emperor. The prayer was adjusted with every regime change. After the American Revolution, the Jews in America shifted their prayer from focusing on King George III to the American Republic. Jews in France prayed for both the Bourbon monarchs and Napoleon, but during the lack of government caused by the Revolution, prayed that God should "Look from Your Holy Place on our land [of France] and our people [of France]."

However, the prayer for the welfare of a government is complicated. In addition to the constant adaptation of the prayer for every new government, every community of Jews was praying that their government would defeat their enemies, consisting of territories that other Jews lived in. An 1845 version of the welfare of state prayer, published in Konigsberg, asked God to "crush nations under the king's feet." A World War One version of the prayer published by Germany's key Jewish communal organization at the time, beseeched God to "in wrath and fury destroy them… weaken their army, swallow up their designs, and bring them and their ships down to the depths of the sea." They were praying to trample their fellow Jews who lived in enemy territory.[52]

In 1935, a new German prayer book was published while the Nazis were in power. The prayer for the Welfare of the German state didn't mention the Nazi regime or Hitler. Rather than focusing on a specific party, it focused on the country in general, by saying, "Turn away from

[52] *Limmud discussion: Did the Jews of Germany pray for the welfare of Hitler and the Nazi party?* summarized by Daniel Sugarman.

the gates of our country pestilence, the sword and hunger in order that all its children can dwell in quietude and at peace…. May the sound of crime never be heard in our borders, when you eradicate war from the face of the earth…". As stated by Vivian Wineman, a former president of the Board of Deputies of *Limmud*, there was some anecdotal evidence that German Jews would mutter under their breath towards the end of the prayer, in reference to Hitler, "*Soll brochen die bein, venomar amen*" - *He should break his bones, and let us say amen*."

Not only was the Jewish community taking a risk by changing the *Tefilla* and breaking away from the Jewish tradition, they also took a risk by breaking away from the rest of Germany by not praying for Hitler himself. Hans Herda, who grew up Christian in Germany during World War II, remembers reciting a prayer to "the Fuhrer" in elementary school. By changing the *Tefilla* to specifically exclude Hitler, the Jews were placing themselves in a dangerous position, considering they were already being persecuted.[53]

The terror inflicted on the Jews during the Holocaust didn't only affect the prayer for the welfare of the German state during that time period. The effects of this change in prayer are long lasting, because Jews in both Germany and Austria do not currently recite a prayer for the welfare of the state.

Another addition to prayer at this time was the prayer for consuming *chametz*. In 1944, the Rabbis in Bergen-Belsen faced an issue before Passover. Eating *chametz* on Passover is completely prohibited, but how could they prohibit bread when their lives depended on the meager rations they received? Therefore, Rabbi Salomon Levinson composed a prayer to recite before eating *chametz*

[53] Yiddish Book Center, "We Said A Prayer For Hitler During Elementary School In Germany."

on Passover. The prayer mentions that the Jews were in "mortal danger" and wanted to "fulfill Your commandment to 'live by them' (*Vayikra* 18:5) – and not to die by them."[54] This prayer helped the Jews in Bergen- Belson connect to God when they felt they weren't able to practice the commandments of Judaism.

Holocaust survivor David Halivni grew up in Sighet.[55] He was known as an *ilui* [Talmud prodigy], and had already received *semicha* [rabbinical ordination] by the time he was deported to Auschwitz at the age of 17. He wrote the following after the Holocaust about the centrality of *tefilla*:

> You don't have a society without people who pray,
> You don't have a time when there is nobody praying,
> You don't have a place that cannot be turned into a place for prayer,
> And you don't have a person who does not embrace a secret prayer in the depths of his heart to the hidden forces that will rescue him from distress,
> To ameliorate his situation and improve his fate.
> Man is a praying being.

Rabbi Halivni expressed that *tefilla* during the Holocaust united and gave hope to the Jews at this terrible time of suffering. His words sum up the Jewish approach towards prayer during the Holocaust. During the Holocaust, it became increasingly difficult to pray to God. However, people who embodied the words of Professor Halivni viewed prayer as a vessel of hope and unity. They took it upon themselves to pray despite the danger it put them in.[56]

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[54] Yad Vashem, *Prayer in a World of Destruction.*

[55] After he survived the Holocaust, Professor Halivni became one of the leading Talmudic scholars of the 20th century.

[56] Yad Vashem, *Prayer in a World of Destruction.*

Tefilla has existed since the time of the Bible, but the text of the *tefillot* and the meaning behind them have changed throughout history. The moments in history that have caused the most significant changes in prayer are the times of suffering, times when Jews needed a stronger way of connecting with God. While the destruction of both Temples and the Holocaust occurred centuries apart, they both had very similar effects on prayer. Both events caused the meaning of *tefilla* to change. In the case of the *Churban*, *tefilla* became more critical than it was before, because it became their only method of communicating with God. During the Holocaust, *tefilla* became a way of rebelling against the Germans with strong faith in God. Prayer gave the Jews a sense of normalcy and hope during the Holocaust. In both events, prayer became a uniting force that brought the Jews together in times of suffering.

The additions and changes to prayer during both of these times are also similar. They provided guidance for the Jews in each moment of suffering to allow them to continue the practice of Judaism. The changes of prayer after the destruction of the Temple pushed Jews towards a more verbal communication with God, while the prayers created during the Holocaust encouraged the Jews to maintain their conversation with God, even though it was difficult to do so.

One important difference between changes in prayer in the two events is that most of the changes after the destruction of the Temple were long- term prayer changes, while the prayer innovations during the Holocaust were mainly short- term. There are two possible reasons for this: Many of the changes in prayer after the *Churban* were the result of the lack of *korbanot,* which still reflects our reality today. The Holocaust didn't create a long-term disruption in the style of communicating with God, and therefore Jews that wanted to pray

after the Holocaust were able to revert back to the standards they had had before the Holocaust. Additionally, the destruction of the Temple took place much earlier in the history of the development of prayer. By the time the Holocaust occurred, the main prayers had already been established, and there was no room for radical change. And yet despite this difference, the similarities remind us how Jews have been resilient throughout history, and have never forsaken their communication with God.

ROBIN HOODS OF *TANACH*

Meirav Grajower

The practice of exegesis started the moment that *Tanach* was formulated. It is reasonable to assume that each commentator is affected by his particular time period and life situation. It is for this reason that knowing the historical context and surroundings of commentators can add depth to our understanding of their interpretations. In addition, we know that many Biblical exegetes schooled in secular philosophy use that knowledge to guide the way that they understand and interpret stories in the Torah.

In this paper, I will explore how different commentators understand the topic of zealotry. I will investigate three episodes of vigilante justice in the Bible and consider what enduring lessons they had for philosophers and commentators throughout history. Zealotry is the perfect litmus test to examine the ways commentators are affected by their surroundings, as the Torah is ambiguous when reacting to the protagonist's actions in most of the stories.[1] Since the stories can be read in either a positive or negative light, it is reasonable to assume that the commentators' opinions on the episodes are colored by their preconceived notions based on their environment, historical, intellectual, and religious background. Let's go through each episode and examine the lasting implications of each one, in turn, and all three together.

Several characters in *Tanach* decide to become a "Robin Hood" of sorts in their era. Just as Robin Hood meted out justice according to

[1] Pinchas is the one exception, and yet commentators still grapple with truly justifying his actions.

his sensibilities, we have three stories in *Tanach* where the participants also find themselves operating outside the law. The stories that we will visit in this paper are:

> *Bereishit* 34: Shimon and Levi decide to murder an entire city for the act of defiling their sister;
>
> *Bamidbar* 25: Pinchas impales two people engaging in relations in order to stop a plague;
>
> *Melachim* I 18: Eliyahu is victorious in a showdown with 450 Priests of Baal, whom he then kills. He then grows increasingly frustrated with *Am Yisrael* until the point when he abandons them.

All of these stories have far-reaching moral implications about the virtue of vigilantism. Are their respective acts just? Or as a community should we condemn acts of violent justice for the greater good? Does the Torah encourage religious zealotry? This is not simply a dilemma limited to the Biblical world. If we condone actions in the Bible, does it allow modern-day zealots who engage in violence to achieve their aims to be commended? Thus, each story opens up a moral quandary. Let us see how each story is dealt with to understand the impact of the vigilante of the Bible on our modern lives.

Shimon and Levi

One of the most famous acts of vigilante justice is found in *Bereishit Perek* 34 with the episode of Shimon and Levi in Shechem. We read in *Parashat Va-yishlach* the tragic story of Dina's abduction and defilement by Shechem. The story begins with Dina, Yaakov's daughter, heading into the city to visit the daughters of the land. Hamor the Hivite's son, Shechem, is the acting prince of the city. Upon seeing Dina, he abducts and rapes her. Subsequently, he falls in love

with her and rushes to ask Yaakov and his sons for permission to marry her. When Yaakov learns that his daughter has been defiled, he decides to wait to respond until his sons come back from the field where they are tending his cattle. When they return home and learn what has befallen their sister, they become very angry. Rather than explicitly refusing Shechem's request, they create a ruse. They speak with what the Torah describes as *mirma* (literally, "deceit"), demanding that Hamor and all of the men of Shechem be circumcised for this marriage to occur. Shechem succeeds in persuading the people of his city to accept these terms, and all the men are circumcised. Three days following the circumcisions, Yaakov's sons Shimon and Levi ambush the city and slay all the men. Shimon and Levi then take Dina, loot the city, and take all of their livestock, wealth, and women as captives. When Yaakov sees what his sons have done, he is infuriated.

> וַיֹּאמֶר יַעֲקֹב אֶל שִׁמְעוֹן וְאֶל לֵוִי עֲכַרְתֶּם אֹתִי לְהַבְאִישֵׁנִי בְּיוֹשֵׁב הָאָרֶץ בַּכְּנַעֲנִי וּבַפְּרִזִּי וַאֲנִי מְתֵי מִסְפָּר וְנֶאֶסְפוּ עָלַי וְהִכּוּנִי וְנִשְׁמַדְתִּי אֲנִי וּבֵיתִי.
>
> Yaakov says, "You have brought trouble upon me, making me odious among the inhabitants of the land – the Canaani and the Perizi; since I am few in number, they will gather against me and slay me, and I and my household shall be destroyed" (*Bereishit* 34:30).

This reprimand, however, criticizes their actions as being only tactically flawed, rather than morally reprehensible. His apparent silence about the morality of their actions indicates that Yaakov may feel uncomfortable saying outright that he disapproves of their choices as their vicious actions have avenged his daughter's honor. It is only in *Bereishit Perek* 49 at the very end of his life, that Yaakov finally weighs in on the morality of the brothers' character and their actions against Shechem:

שִׁמְעוֹן וְלֵוִי אַחִים כְּלֵי חָמָס מְכֵרֹתֵיהֶם: בְּסֹדָם אַל תָּבֹא נַפְשִׁי בִּקְהָלָם אַל תֵּחַד כְּבֹדִי כִּי בְאַפָּם הָרְגוּ אִישׁ וּבִרְצֹנָם עִקְּרוּ שׁוֹר: אָרוּר אַפָּם כִּי עָז וְעֶבְרָתָם כִּי קָשָׁתָה אֲחַלְּקֵם בְּיַעֲקֹב וַאֲפִיצֵם בְּיִשְׂרָאֵל:

Shimon and Levi are brothers; instruments of cruelty are their swords. Let my soul not join their counsel, nor let my honor join their assembly, for in their anger they slew a man, and of their own will they lamed an ox. Cursed is their anger, for it was fierce, and their wrath, for it was cruel. I shall divide them amongst Yaakov and scatter them in Israel (*Bereishit* 49:5-7).

This story is not as black and white as it appears. In spite of Yaakov's disapproval, it is specifically the tribe of Levi that is later chosen to serve as Hashem's servants in the *Mishkan*. Does this provide insight into how Hashem perceived the actions of Shimon and Levi?

Commentaries vary in their evaluation of the massacre of Shechem. Rambam and Rabbi Yoseph ibn Kaspi believe Shechem and his city were deserving of death either for the original taking of Dina or for their later refusal to abide by their deal with Yaakov's sons. Conversely, Rav Hirsch claims that Shimon and Levi were not justified in their actions and should not have killed the entire city to avenge Dina's honor.

Looking more carefully at the Rambam's opinion that they were justified in killing the men of Shechem, he explains that the men of Shechem kidnapped Dina, transgressing "one of these seven commandments to be put to death by the sword."[2] The men of Shechem were deserving of death for the kidnapping, as well as for failing to establish a proper judicial system in which they would have been held accountable for the kidnapping.

[2] Rambam *Hilchot Melachim* 9:14.

Rambam's analysis of culpability may have been influenced by his historical context. Moshe ben Maimon, commonly known as Rambam, was a medieval Sephardic Jewish philosopher who became one of the most prolific and influential Torah scholars of the Middle Ages.[3] He was born in 1138 in Córdoba in the Almoravid Empire (present-day Spain). He later moved to Egypt and died in 1204. He was well-versed in secular subjects like astronomy, medicine, mathematics, and philosophy. He was particularly captivated by the Greek philosophers Aristotle and Plotinus; some would say their ideas were the central backbone that shaped his commentary. Through examining Aristotle's works, one can see his impact in Rambam's reasoning. Aristotle illustrates his views of justice in his book *Rhetoric: A Theory of Civic Discourse.*[4] He explains that "those who have done many wrongs to others or the [same] kind of wrongs [as are] being done to them; for it almost seems to be no wrong when someone is wronged in the way he himself is in the habit of wronging others" (95, 1373a). According to Aristotle's theory, Shimon and Levi's actions do not appear to be wrong because they are hurting the people of Shechem in a way commensurate with Shechem's own sin. He kidnapped Dina, taking her life away in a sense; hence Shimon and Levi saw fit to kill him and his townspeople. Additionally, Aristotle explains that "fairness, for example, seems to be just; but fairness is justice that goes beyond the written law" (99, 1374a). In areas where Hashem does not explicitly issue the death penalty, one must take action in accordance with the moral unwritten law. Evidently, Rambam views Shimon and Levi as acting in the way God would have wanted them to act. The brothers

[3] Julia Bess Frank, "Moses Maimonides: Rabbi or Medicine," *The Yale Journal of Biology and Medicine* (1981).

[4] Amaya, J. Trujillo, "Aristotle On Rhetoric A Theory of Civic Discourse," Academia.edu. (2006).

were meting out justice in an area that lacked a force to rectify the situation.

Rabbi Yosef Ibn Kaspi also believed that Shimon and Levi were justified in killing the people of Shechem.[5] He claims that the entire city participated, in some degree, in the taking of Dina, and therefore all deserved capital punishment, since that is the punishment for kidnapping. Ibn Kaspi asserts that the people of Shechem did not protest the taking of Dina, and as such were complicit in the act. He emphasizes the plural form of "טִמְּאוּ" in *pasuk* 34 as evidence that the entire city was guilty in some way of the crime.

In studying Ibn Kaspi's background one can understand better why he believes the people were deserving of death. Yosef Ibn Kaspi was a Provencal exegete, grammarian, and philosopher. He was born in Arles, France in 1280 and died in 1345 in Majorca, Spain.[6] He was a well-traveled man, having visited Arles, Tarascon, Aragon, Catalonia, Majorca, and Egypt. He stayed in Egypt for five months and returned to France to settle in the town of Tarascon. At that time the terrible attacks known as the "Pastoureaux persecution" broke out in the South of France. The Pastoureaux persecution or Shepherds' Crusade of 1320 was a popular crusading movement in France.[7] This movement was created by a fanatical Christian shepherd. He gathered a group of shepherds and bandits, and they carried out brutal massacres on hundreds of Jews in the name of a "divine mission." This "crusade" is seen as a revolt against the French monarchy. The Jews were viewed as a symbol of royal power, as they more than any other population

[5] R. Yosef Ibn Kaspi, *Bereishit* 34:27, s.v. אשר טמאו אחותם.

[6] Hannah Kasher and Moshe Kahan, "Joseph Kaspi," *Stanford Encyclopedia of Philosophy*, Stanford University, 15 Jan. 2019.

[7] *The Journal of Ecclesiastical History*, Volume 32, Issue 2, April 1981, p. 143 – 166.

relied on the personal protection of the king.[8] Commonly, the Jews were also seen as a symbol of the royal economy as well, hated by the poor and heavily taxed peasants. Only a few years previously, the Jews had been allowed to return to France, after being expelled in 1306 by King Phillip IV of France. Any debts owed to the Jews were collected by the monarchy after their expulsion, which probably also contributed to the peasant connection of the Jews with the king.

No sooner had this tragic episode ended, than the Black Plague broke out, and Jews were falsely accused of having thrown poison into the wells to wipe out the Gentile population. Although many Jews themselves died from the Plague, it served as an excuse to kill and rob the Jews of their region.[9] The young scholar, Rabbi Yosef Ibn Kaspi, also fell into the hands of these murderers, and had to choose between conversion and death. Rabbi Yosef was ready to sacrifice his life, but at the last minute he was miraculously saved. From that time on, he immersed himself even more in the study of the holy Torah. Thus, Ibn Kaspi had watched the horrors that his non-Jewish neighbors were capable of perpetrating and seemingly held a negative perception of them. He believed that like the Christians of his time, the people of Shechem were truly immoral. Given this history, it is reasonable to assume that Rabbi Yosef Ibn Kaspi felt that Shimon and Levi should take advantage of the opportunity; they had to rectify the wrongs that had been done to Dina.

In contrast, Rav Hirsch's opinion is that Shimon and Levi were not justified in their actions. They should not have killed the entire city to

[8] Charles Herbermann, ed., "Crusade of the Pastoureaux," *Catholic Encyclopedia*.

[9] Ritzmann I. Judenmord, *The Black Death as a Cause of the Massacres of Jews: A Myth of Medical History?* (1998) 17:101-30.

avenge Dina's honor.[10] He praises the brothers' motives, lauding their recognition that at times one needs to resort to the sword, especially when an enemy is taking advantage of what they perceive to be the weak and friendless. Nonetheless, Rav Hirsch claims that Shimon and Levi went too far. According to his approach, the inhabitants of the city were innocent and had not harmed Yaakov's family in any way. Furthermore, the people of Shechem had faithfully accepted the terms of the brothers' deal. Fundamentally, there was no justification for killing them for the crime of another.

As a result of Rav Hirsch's background, it is logical that he concludes that Shimon and Levi were unjustified. Rabbi Samson Raphael Hirsch was a German rabbi and the pioneer of the *Torah Im Derech Eretz* school of contemporary Orthodox Judaism. He was born in 1808 in Hamburg, Germany following the enlightenment period that was sweeping across Europe. The Enlightenment included a range of ideas centered on the pursuit of happiness and sovereignty of reason. It encouraged advanced ideals such as liberty, progress, constitutional government, and separation of church and state.[11] The non-Jews around Rav Hirsch were becoming more accepting of other cultures, thereby fostering a more positive environment for relations between the religions. Rav Hirsch grew up in a period of tolerance and an overall time of cooperation.

Rav Hirsch received an extensive Judaic and secular education as a youth. He obtained *Semicha* and then continued his studies at the University of Bonn.[12] At the age of 22, he became the Chief Rabbi of

[10] Rav Hirsch *Bereishit* 34:25-31.

[11] Dorinda Outram, *Panorama of the Enlightenment*, Getty Publications (2006), p. 29.

[12] Eliyahu Meir Klugman, *Rabbi Samson Raphael Hirsch: Architect of Judaism for the Modern World*. (Brooklyn, NY: Artscroll Mesorah, 1996).

Oldenburg. Within eight years, he had published both his "Nineteen Letters of Ben Uziel" and "Horeb," together presenting compelling intellectual explanations of Orthodoxy and a defense of its precepts and institutions.[13] In the "Nineteen Letters of Ben Uziel," Rav Hirsch makes his imaginary character remark: "How can anyone who is able to enjoy the beauties of a Virgil, a Tasso, a Shakespeare, who can follow the logical conclusions of a Leibnitz and Kant--how can such a one find pleasure in the Old Testament, so deficient in form and taste, and in the senseless writings of the Talmud?" Though this does not reflect what Rav Hirsch himself believed, but was merely a quote he assigned to a straw-man character, this was still quite an outrageous statement to write. Additionally, Rabbi Hirsch tells us that "the Talmud teaches that we have human and social obligations to all men, even to heathens and idolaters." With regards to the Christian inhabitants of Europe, he claims, "This is so with heathens and idolaters: how much more so with non-Jews who serve the God of the Bible, the Creator of Heaven and Earth. They have a claim to the benefit of all duties not only of justice but also of active human brotherly love." Through his studies at secular university and growing up in an overall liberal background, Rabbi Hirsch has an apparent appreciation and fondness of non-Jews. Thus, as a result of his predilection toward non-Jews, it is reasonable that he would believe that Shimon and Levi sinned.

Shechem violated Dina, but were Shimon and Levi justified to avenge their sister? Rambam believes they were justified because they acted in the same vein as Shechem to protect their sister, similar to the teachings of Aristotle. Rabbi Yosef Ibn Kaspi, who was kicked

[13] Rabbi Mayer Schiller, "The Forgotten Humanism of Rabbi Samson Raphael Hirsch," Webstevens.edu. 1989.

out of his home by the Christians in his region and was surrounded by angry anti-Jewish sentiment, also claims they were justified because all the inhabitants of Shechem stood by while their leader violated Dina. Rav Hirsch, who was brought up in a comfortable secular environment, does not think that the people of Shechem should be killed as a punishment, because Shimon and Levi did not have a right to take justice into their own hands.

Pinchas

Our next episode, found in *Bamidbar perek* 25, opens with the people of Israel completely deviating from the path of God. The men of *Bnei Yisrael* are having sexual relations with Moabite women and bowing to the altar of *Ba'al Peor*, the fertility god. In an enormous act of public defiance, a Jewish man brings a Midianite woman to the 'Tent of Meeting' and has sexual relations with her in front of Moshe and all of *Bnei Yisrael*. When Pinchas, the grandson of Aaron, sees this, he acts immediately:

> וְהִנֵּה אִישׁ מִבְּנֵי יִשְׂרָאֵל בָּא וַיַּקְרֵב אֶל אֶחָיו אֶת הַמִּדְיָנִית לְעֵינֵי מֹשֶׁה וּלְעֵינֵי כָּל עֲדַת בְּנֵי יִשְׂרָאֵל וְהֵמָּה בֹכִים פֶּתַח אֹהֶל מוֹעֵד: וַיַּרְא פִּינְחָס בֶּן אֶלְעָזָר בֶּן אַהֲרֹן הַכֹּהֵן וַיָּקָם מִתּוֹךְ הָעֵדָה וַיִּקַּח רֹמַח בְּיָדוֹ: וַיָּבֹא אַחַר אִישׁ יִשְׂרָאֵל אֶל הַקֻּבָּה וַיִּדְקֹר אֶת שְׁנֵיהֶם אֵת אִישׁ יִשְׂרָאֵל וְאֶת הָאִשָּׁה אֶל קֳבָתָהּ וַתֵּעָצַר הַמַּגֵּפָה מֵעַל בְּנֵי יִשְׂרָאֵל:
>
> Then an Israelite man came and brought the Midianite woman to his brethren, before the eyes of Moshe and before the eyes of the entire congregation of the Children of Israel, while they were weeping at the entrance of the Tent of Meeting. Pinchas the son of Eleazar the son of Aaron the kohen saw this, arose from the congregation, and took a spear in his hand. He went after the Israelite man into the chamber and drove [it through] both of them; the Israelite man, and the woman through her stomach, and the plague ceased from the children of Israel (*Bamidbar* 25:6-8).

God thereafter declares His approval of Pinchas's action and outlines the reward Pinchas is to receive for his zeal.

> פִּינְחָס בֶּן־אֶלְעָזָר בֶּן־אַהֲרֹן הַכֹּהֵן הֵשִׁיב אֶת־חֲמָתִי מֵעַל בְּנֵי־יִשְׂרָאֵל בְּקַנְאוֹ אֶת־קִנְאָתִי בְּתוֹכָם וְלֹא־כִלִּיתִי אֶת־בְּנֵי־יִשְׂרָאֵל בְּקִנְאָתִי: לָכֵן אֱמֹר הִנְנִי נֹתֵן לוֹ אֶת־בְּרִיתִי שָׁלוֹם: וְהָיְתָה לוֹ וּלְזַרְעוֹ אַחֲרָיו בְּרִית כְּהֻנַּת עוֹלָם תַּחַת אֲשֶׁר קִנֵּא לֵאלֹקָיו וַיְכַפֵּר עַל־בְּנֵי יִשְׂרָאֵל:
>
> Pinchas the son of Elazar, the son of Aharon the Priest, has turned my wrath away from the Children of Israel, in that he was vengeful for My sake amongst them, and I did not consume completely the Children of Israel with my vengeance. Therefore say, Behold, I give to him my covenant of peace. And he shall have it, and his descendants after him, the covenant of priesthood everlasting, because he was vengeful (קנא) for his God, and made atonement for the Children of Israel" (*Bamidbar* 25:10-13).

There is an inherent conflict when attempting to justify Pinchas's actions. On the one hand, the actions of Pinchas appear to be heroic; yet, on the other, he still murders two people without a direct command from Hashem. Ultimately, Hashem rewards Pinchas, indicating that Pinchas's deeds were right and just. If Pinchas was supposed to have performed differently in that situation then he would not have been rewarded by God. Moreover, God Himself describes the action of Pinchas as הֵשִׁיב אֶת־חֲמָתִי - turning God's wrath away from the people, and וַיְכַפֵּר עַל־בְּנֵי יִשְׂרָאֵל - achieving atonement for the Children of Israel. Twenty-four thousand members of the Children of Israel had already died in the plague that resulted from the people engaging in fornication with the daughters of Moav and Midian. One could even assert that if not for the initiative of Pinchas even more would have fallen into the depths of *avoda zara* as well as to the plague. Finally, the Torah depicts Pinchas as being בְּקַנְאוֹ אֶת־קִנְאָתִי - vengeful for his God. In a certain sense, Pinchas carries out the role of God. Pinchas notes the immorality of the people and takes swift

action to cleanse the people of their wickedness. Hence, there is no need for God to continue to consume the people with His vengeance; the ongoing plague is rendered unnecessary. In this light, Pinchas's actions are not simply heroic, they even border on the Divine. Nonetheless, Pinchas killed people in the name of God without a trial; that potentially opens the door to lawlessness and random executions all in the name of religion.

Many exegetes grapple with identifying what was laudable about Pinchas's deed, while still not glorifying extrajudicial violence. Philo of Alexandria, a Hellenistic Jewish philosopher, and Josephus, a first-century Romano-Jewish historian, both suggest that Pinchas was initiating the purging of the *Peor* worshipers with the killing of Zimri. His killing of Zimri paved the way for others to punish the rest of the offenders.[14] Abarbanel claims that Pinchas was heeding Moshe's command, and thus, he was justified in his actions.

Philo commends Pinchas for his valorous act. He applauds Pinchas for his decision to take the law into his own hands and makes no attempt to defend Pinchas's action as it is clear he was justified. He maintains that Pinchas's deed did not lead to an early end of the plague; rather the plague only ended when everyone who needed to be punished was killed.[15] Philo suggests that Pinchas's greatness lay not in saving lives but in punishing the deserving and thus cleansing the nation from its sinners. Philo supports his opinion by noting that Pinchas receives a reward. Regarding the reward, he was given both peace and a promise of perpetual priesthood for his descendants.

[14] Josephus and Philo are not traditional commentators for interpreting the Bible texts.

[15] Philo, *On the Life of Moses* I:LV.

Philo of Alexandria, a Hellenized Jew also called Judaeus Philo, is a figure that spans two cultures, the Greek and the Hebrew. In the first century B.C.E., Hebrew mythical thought began to intersect with Greek philosophical thought. Subsequently, philosophers began to develop speculative and philosophical justification for Judaism in terms of Greek philosophy.[16] Thus, Philo produced a synthesis of both traditions. He was well-read in many Greek works of literature, specifically Plato. He had a deep reverence for Plato and referred to him as "the most holy Plato" (Prob. 13). Hence, examining Plato's work is critical in understanding Philo's commentaries.

In *Euthyphro*, a novel by Plato, there is a Socratic dialogue whose events occur in the weeks prior to the trial of Socrates, between Socrates and Euthyphro. The Euthyphro dialogue ponders the nature of the relationship between God and the 'Form' of morality. Socrates asks Euthyphro, "What is Piety?" A fundamental question emerges in attempting to pinpoint the precise definition of piety: "Is an action morally good because God commands it, or does God command it because it is morally good?" After struggling to find a proper definition, Plato implies through his work that there is nothing adequate upon which to base morality. Rather, God is the sole source of morality.[17] Hence, even acts like murder can potentially be morally good if they are done for God. Philo may have thought similar to Plato that murdering in the name of God can be justified and even necessary in some cases.

[16] Marian Hillar, *Internet Encyclopedia of Philosophy*, 2006.

[17] Torrey Seland, "Establishment Violence in Philo and Luke: A Study of Non-Conformity to the Torah and Jewish Vigilante Reactions," *The Jewish Quarterly Review*, Vol. 88, No. 3/4 (Jan.- Apr., 1998), p. 372-374.

Josephus is more guarded in his evaluation compared to Philo. He believes that the magnitude of the sin must be great in order to warrant such actions being taken.[18] Though he too admires Pinchas's gallantry and ability to inspire others, Josephus doesn't mention how this act appeased Hashem or the reward given to Pinchas.

Titus Flavius Josephus, born Yosef ben Matityahu, was a first-century Romano-Jewish historian. He was born in 37 A.D. in Jerusalem. He initially fought against the Romans during the First Jewish–Roman War as head of Jewish forces in Galilee, until surrendering in 67 C.E. to Roman forces led by Vespasian after the six-week siege of Jotapata.[19] He explains how the Romans became "masters of the wars." He describes the barbaric behavior of the Romans as they went into "the lanes of the city, with their swords drawn, they slew those whom they overtook, without mercy, and set fire to the houses where the Jews were fled.'' He was trapped in a cave with forty of his companions in July 67 C.E. The Romans commanded the group to surrender, but they refused. Josephus suggested a method of collective suicide; they drew lots and killed each other, one by one.[20] Ultimately, one man and Josephus were left who surrendered to the Roman forces and became prisoners. Vespasian decided to keep Josephus as a slave and presumably interpreter. During his time as a captive to the Roman army, Josephus claimed to have experienced a divine revelation that later led to his speech predicting Vespasian would become emperor. After the prediction came true, he was released by Vespasian, who considered his gift of prophecy to be divine. In 71 C.E., Josephus went to Rome in the entourage of Titus, becoming a Roman citizen and client of the ruling Flavian dynasty (hence he is often referred to as

[18] Josephus, *Antiquities* 4:6:9-12.
[19] Joseph Telushkin, "Ancient Jewish History: The Great Revolt."
[20] Josephus, *The Jewish War*, Book 3, Chapter 8, par. 7.

Flavius Josephus). In addition to Roman citizenship, he was granted accommodation in conquered Judaea and a pension. While in Rome and under Flavian patronage, Josephus wrote all of his known works.

Josephus does not outwardly praise Pinchas for his assassination. He does not even mention Pinchas's reward. One may claim that he did not have a choice when interpreting this section of the Torah.[21] He was surrounded by Romans and thus he could not proclaim approval of Pinchas murdering someone for the mere sin of having relations with a woman from another nation. Perhaps if Josephus had commended Pinchas, it would have indicated to the Romans that he was against their culture. Even though God celebrates Pinchas for his actions, Josephus cannot praise this action fully because of Josephus's surroundings. The people around him may be wary about where his loyalties lie. If he had been on the Jewish side before, he could always switch back. Josephus is always aware of how his loyalties appear to the outsider because of his personal history.

Differing from Philo and Josephus, Abarbanel believes that Pinchas was heeding Moshe's command, and thus, he was justified in his actions. He goes so far as to say that if Pinchas had not acted, all of

[21] An alternative theory is that Josephus finds the concept of vigilantism troublesome. Feldman, in his article, "The Portrayal of Phineas by Philo, Pseudo-Philo and Josephus," 315-345, explains that Josephus was considerably uncomfortable with the character of Pinchas. His zealous actions and brutality were all too similar to those of the Zealots whom he opposed in the war against Rome. Later in Josephus's life, he switches to the Roman side and practically forgets his Jewish heritage. This may appear to be contradictory to his evident difficulty with the atrocities done by the Romans, but his commentary on Pinchas actually clarifies his emotions toward the people in his time. This fits nicely with Josephus's choice to "switch sides." He is evidently uncomfortable with vigilante justice and wants to follow the laws of the land. Therefore, he doesn't express his complete agreement with Pinchas's actions.

Israel would have been wiped out.[22] Although other leaders had similarly punished offenders, Pinchas was unique in that he killed the ringleader. Hence only his action stopped the plague. Abarbanel assumes that most of the 24,000 people killed in the plague were from the tribe of Shimon, who had acted in the wake of their leader, Zimri. Thus, it was his death that was most necessary to stop Hashem's wrath. Pinchas was awarded protection from the families of Zimri and Cozbi, and that his priestly status would not be harmed by his having committed a murderous act. Rather, it is the complete opposite - he is now promised high priesthood.

It is understandable why Abarbanel would view Pinchas's action as laudable as he was extremely against the non-Jews due to his life experience. Abarbanel was born in Lisbon, Portugal, into one of the oldest and most distinguished Iberian Jewish families.[23] At twenty years old, he wrote on the original form of the natural elements, religious questions, and prophecy. Together with his intellectual abilities, he showed a complete mastery of financial matters. This attracted the attention of King Afonso V of Portugal who employed him as treasurer. When his patron Afonso captured the city of Arzila, in Morocco, the Jewish captives faced being sold as slaves. Abarbanel contributed largely to the funds needed to free them, and personally arranged for collections throughout Portugal. After the death of Afonso, he was obliged to relinquish his office, having been accused by King John II of connivance with the Duke of Braganza. Fortunately, Abarbanel was warned and was able to save himself by a hasty flight to Castille in 1483. Thereafter, his large fortune was confiscated by royal decree. Then the Jews were banished from Spain with the

[22] Abarbanel *Bamidbar* 25:1.

[23] Norbert Samuelson, "Abravanel, Isaac," *Encyclopedia of Religion*, Encyclopedia.com. 16 Apr. 2021.

Alhambra decree. Abarbanel did everything in his power to induce the king to revoke the edict. He unsuccessfully offered the king 30,000 ducats. Ultimately, he left Spain with his fellow Jews and went to Naples where, soon after, he entered the service of the king. For a short time, he lived in peace undisturbed. Suddenly, the city was taken by the French, and Abarbanel was bereft of all his possessions.

Abarbanel had a complex relationship with non-Jews. He was constantly being accused, berated, stolen from, and forcibly kicked out of his home. Even with all of his powerful connections in the monarchy, he failed to save the Jews from persecution. Thus, it is reasonable that the Abarbanel would be deeply angered by Zimri's sin of having interrelations with a Midianite woman. Abarbanel saw all the horrors the Christians of his time had perpetrated against the Jews, and probably thought it inconceivable to live peacefully among non-Jews. Thus, Abarbanel asserts that Pinchas's action was morally justified and even lifesaving to many Jews.

Kuzbi and Zimri were publicly rebelling against Hashem in front of the entire camp of Israel. Pinchas, horrified, wanted to defend Hashem and His sanctity. Was Pinchas justified in taking the law into his own hands? Philo maintains that Pinchas was justified in his action and receives both peace and priesthood for his descendants. Through analyzing Philo's works, Philo seems to be heavily influenced by Plato. Plato implies in his works that all actions can be performed in the name of God; thus Philo can view even murder as morally right because Pinchas did it in the name of God. Josephus may have been uncomfortable fully applauding the action of Pinchas. Thus he doesn't mention Pinchas's reward and doesn't praise his murders. Abarbanel commends Pinchas for killing the Kuzbi and Zimri perhaps because he

witnessed the Christians of his time repeatedly exile him and his community.

Eliyahu

Our third episode is in *Melachim* I *Perek* 18 - Eliyahu's victory over the *Ba'al* prophets at *Har Ha-Carmel*. After suffering religious persecution by King Achav and his Queen, Izevel, Eliyahu challenges the 450 Priests of *Ba'al* to a public sacrifice competition on *Har Ha-Carmel* to prove God's dominion. At the contest, the priests call out to *Ba'al* fruitlessly all day. Eliyahu takes twelve stones representing the twelve tribes, erects an altar, and throws water over the wood. Heavenly fire descends and consumes the offering. The people proclaim, "Hashem is God!" Despite Eliyahu's evident success of bringing the people closer to God, in *Melachim* I *Perek* 19, Queen Izevel declares a price on Eliyahu's head causing him to flee the kingdom. Eliyahu is the picture of despair. As he escapes Queen Izevel, he begs Hashem to kill him. Thereafter, he turns to Hashem and complains that the Children of Israel have abandoned God's covenant.

> וַיֹּאמֶר קַנֵּא קִנֵּאתִי לַה' אֱלֹקי צְבָאוֹת כִּי עָזְבוּ בְרִיתְךָ בְּנֵי יִשְׂרָאֵל אֶת מִזְבְּחֹתֶיךָ הָרָסוּ וְאֶת נְבִיאֶיךָ הָרְגוּ בֶּחָרֶב וָאִוָּתֵר אֲנִי לְבַדִּי וַיְבַקְּשׁוּ אֶת נַפְשִׁי לְקַחְתָּהּ.
>
> He [Eliyahu] answered, "I am moved by zeal for the LORD, the God of Hosts; for the Israelites have forsaken Your covenant, torn down Your altars, and have put Your prophets to the sword. I alone am left, and they are out to take my life" (*Melachim* I 19:10).

This complaint comes out of the blue. Considering the last words said by *Bnei Yisrael* were ה' הוּא הָאֱלֹקים, one must wonder why Eliyahu is so agitated. Is there any evidence in the text that the nation has reverted to idolatry between the last chapter and this one? Regardless, what is the intent behind Eliyahu's words?

Following Eliyahu's statement, Hashem responds by saying:

> וַיֹּאמֶר צֵא וְעָמַדְתָּ בָהָר לִפְנֵי ה' וְהִנֵּה ה' עֹבֵר וְרוּחַ גְּדוֹלָה וְחָזָק מְפָרֵק הָרִים וּמְשַׁבֵּר סְלָעִים לִפְנֵי ה' לֹא בָרוּחַ ה' וְאַחַר הָרוּחַ רַעַשׁ לֹא בָרַעַשׁ ה': וְאַחַר הָרַעַשׁ אֵשׁ לֹא בָאֵשׁ ה' וְאַחַר הָאֵשׁ קוֹל דְּמָמָה דַקָּה: וַיְהִי | כִּשְׁמֹעַ אֵלִיָּהוּ וַיָּלֶט פָּנָיו בְּאַדַּרְתּוֹ וַיֵּצֵא וַיַּעֲמֹד פֶּתַח הַמְּעָרָה וְהִנֵּה אֵלָיו קוֹל וַיֹּאמֶר מַה־לְּךָ פֹּה אֵלִיָּהוּ:
>
> 'Come out,' He called, 'and stand on the mountain before the Lord.' And lo, the LORD passed by. There was a great and mighty wind, splitting mountains and shattering rocks by the power of the Lord; but the Lord was not in the wind. After the wind—an earthquake; but the Lord was not in the earthquake. After the earthquake—fire; but the Lord was not in the fire. And after the fire—a soft murmuring sound. And as Eliyahu heard, he wrapped his face in his mantle, and he went out and stood at the entrance to the cave, and behold a voice came to him and said: 'What are you doing here, Eliyahu?' (*Melachim* I 19:11-13).

This passage leaves the reader pondering many questions. What is the meaning of this revelation? What do the wind, earthquake, and fire all represent? Why is it emphasized that Hashem was not found in these forces of nature, and what is to be learned from the contrast to the "small still voice"? Finally, how does this revelation constitute a response to Eliyahu? Is Hashem agreeing or disagreeing with him?

The complete oddness of this *perek* is not over because after Hashem's revelation, He and Eliyahu have the same conversation that they had previously. Hashem repeats, "מַה לְּךָ פֹּה אֵלִיָּהוּ?" and Eliyahu responds, as before, "קַנֵּא קִנֵּאתִי". Why are the two repeating themselves? How is each response a reaction to the revelation and the message that Hashem was trying to express through it? What is the place for zealotry here? In response to Eliyahu's declaration of zealotry, Hashem conveys a triple directive to Eliyahu: that he should anoint Chazael as king over Aram, Yehu as king in Israel, and Elisha to be the next prophet. He adds that, together, these three will annihilate

Israel, leaving alive just the righteous remnant which had not worshiped idolatry. How do these commands relate to the earlier discussion between Eliyahu and Hashem? Do they provide an explanation for the revelation, or are they a separate response to Eliyahu's complaint?

Malbim believes Hashem chastised Eliyahu for his overly harsh and accusatory attitude towards the Children of Israel. Malbim states that Eliyahu's flight was prompted not just by his fear of Izevel, but by a desire to abandon the nation whom he had failed to bring to a lasting recognition of Hashem.[24] Though the verses themselves do not state that the people had reverted to idolatry, Eliyahu's words כִּי עָזְבוּ בְרִיתְךָ בְּנֵי יִשְׂרָאֵל - *for the Israelites have forsaken Your covenant,* might suggest that Eliyahu's demonstration on *Har Ha-Carmel* produced only a short-lived recognition of God, and the people once again abandoned the Covenant. Eliyahu's trek up *Har Ha-Carmel* and self-imposed isolation thus resulted from his giving up hope of ever changing the people. Hashem then asks, "מַה לְּךָ פֹּה אֵלִיָּהוּ?" - *What are you doing here, Eliyahu?* Malbim views the question as a critique of the prophet and his forsaking of the nation. Hashem asks Eliyahu why he is in the Wilderness (פֹּה) rather than among the people, as he should be teaching and chastising them, not wandering off alone. Eliyahu answers, "קַנֵּא קִנֵּאתִי לַה" - *I am moved by zeal*.

Rambam posits Eliyahu is expressing his desire to resign from his work as a prophet. He is unable to continue to chastise *Bnei Yisrael*. Hashem tries to teach Eliyahu that the role of the prophet should not be solely to prosecute, but also to defend. He should not wish for the nation's destruction, but rather for their repentance and salvation. Thus, He tells Eliyahu that He is not found in the destructive forces of

[24] Malbim *Melachim* I 19:3.

wind, earthquake, and fire, but in the soft still voice, symbolic of love and compassion. Malbim views the appointment of Elisha as Hashem's acceptance of Eliyahu's resignation. Since Eliyahu had asked to die and cease prophesying, Hashem replaced him with a new prophet.

Malbim (Meir Leibush ben Yehiel Michel Wisser) was a rabbi, master of Hebrew grammar, and Bible commentator. He was born on March 7, 1809 in Volochysk, Volhynia, in the Russian Empire. In the post-emancipation world where Jews were allowed more freedom to leave their protective bubbles, Malbim feared for the authenticity and continuity of Judaism. He defended the traditional style of Orthodox Judaism, which demanded strict adherence to Jewish law and tradition. Malbim firmly held that we should not deviate from the rules outlined by Hashem. As Chief Rabbi of Bucharest, Romania, he had numerous disagreements with the upper class and educated Jews there, some of them Austrian citizens. They wanted to introduce changes in the spirit of modern European life into the life of the local Jewry, like the adjustments made in some Reform congregations.[25] He dismissed suggestions to edit the *siddur*, give up beards, or make other variations in observance. Thus, his view on Eliyahu's actions aligns with his ruling within his own community. He demanded a strict adherence to Jewish law and tradition; hence Eliyahu was rightful in being harsh with the people. *Bnei Yisrael* were straying from the path of God. Malbim may believe that it is not inherently wrong to have strict standards when it comes to the Jewish people. Nevertheless, Eliyahu should not have used this method of rebuking as his only way of accessing the people. The people must be both rebuked and reassured. Malbim also maintains that Eliyahu should not have quit his

[25] David Berger, "Malbim's Secular Knowledge and His Relationship to the Spirit of the Haskalah," *Cultures in Collision and Conversation* (Boston, USA: Academic Studies Press, 2018) p. 167-189.

position. Eliyahu requested to not only leave his position as prophet, but also to be killed. He chooses to stop working with the people and for their redemption. Thus, out of all the commentators, Malbim would most understand the difficult position Eliyahu is in. He would relate to Eliyahu's immense desire for the people to obey Hashem's commandments. Yet Malbim still denounces the way in which Eliyahu approaches the situation. As the leader of a community himself, the idea of abandoning one's congregants because they are being difficult is abhorrent to the Malbim.

Radak perceives the revelation at Chorev as a reward for Eliyahu's sanctification of Hashem's name on *Har Ha-Carmel* and his bringing the Children of Israel back to Divine worship.[26] Radak reads Eliyahu's response, קַנֵּא קִנֵּאתִי לַה - *I am moved by zeal* - not as a cry against the Children of Israel, but as a tirade against Izevel and her idolatrous prophets who had caused Israel to go astray. As for the wind, earthquake, and fire, Radak does not explain the individual significance of each of the natural phenomena, nor of the contrast to the "small, still voice." He simply proposes that together they were a show of honor to the prophet. It is possible that the strong forces of nature served to foreshadow Hashem's approach, like a trumpet announcing the arrival of a king. The second time Hashem asks: מַה לְּךָ פֹּה אֵלִיָּהוּ? - *What are you doing here, Eliyahu*? Hashem does not suffice with a revelation, but asks the prophet to request something of Him. The question מַה לְּךָ פֹּה אֵלִיָּהוּ is not accusatory in tone, but a straightforward question meaning: "What is it that you would like?'' Eliyahu replies קַנֵּא קִנֵּאתִי לַה' meaning, that he desires vengeance. Lastly, Hashem says הַנִּמְלָט מֵחֶרֶב חֲזָאֵל יָמִית יֵהוּא - appointing Chazael, Yehu, and Elisha to represent His concession to Eliyahu's request.

[26] Radak *Melakhim* I 19:7-21.

Through Hashem's new prophets, there will be vengeance to all those who worshiped *Ba'al*. Hashem's revelation shows His expression of approval of Eliyahu's deeds.

Radak's interpretation of this scene differs strongly from that of other commentators, as he resolutely praises Eliyahu's actions. This may stem from his rocky background with non-Jews. Radak, Rav David Kimchi, was born in Narbonne, France in 1160. After the twelfth century, the Jews in Europe suffered mistreatment by their Christian authorities and fellow townspeople.[27] The Jews were subjected to physical pressures including forced baptism, forced participation in religious disputations with official Christian participants, and obligatory attendance at conversionist sermons.[28] Gradually the Church suppressed all social and economic contact with the Jews, including Jewish money lending at interest. The Jews were stigmatized as heretics and seducers of good Christians to heresy. The Church demonized the Jews and thereby prepared the way for accusations of ritual murder and desecration of the Host. The secular authorities, i.e. the king and nobility, also tightened their control over the Jews after the 1100's. The physical and legal security of the Jews was impaired and their occupational and professional opportunities were curtailed. At the same time, they were exploited by the rulers as useful objects of taxation who, by way of lending money to the Christians at a high rate of interest, could provide considerable revenues for the king and nobility, without the Christian population realizing that the King was behind it. This change of attitude to the Jews was prevailing all over Europe, with varying locations hampering or hastening this

[27] "David Kimchi," Jewish Virtual Library.

[28] Hanne Trautner-Kromann, "Jewish Polemics Against Christianity and the Christians in Northern and Southern France from 1100 to 1300," 1986th ser. Print.

development. Both in the Northern and Southern parts of France, the attitude toward Jews worsened as the areas came under the sovereignty of the crown. Ergo, it is no surprise that Radak has an angry sentiment toward non-Jews considering the way his Jewish community was treated at his time. Radak maintains that the Christians are reckoned as idol-worshippers, and that they threaten and insult the Jews. Thus, it makes sense that Radak, out of all the exegetes that interpret this story, would show complete approval of Eliyahu's actions.

Eliyahu remained a steadfast zealot for the sake of Hashem. Is that the ideal? Is that what Hashem wants? The commentaries vary on their approach to this issue. Malbim believes that Eliyahu was excessively harsh on *Bnei Yisrael* and should not have resigned from his position as leader. As the head of his own community, Malbim was vexed by Eliyahu's decision to simply give up on his people. Radak states that Eliyahu did not sin; rather Hashem rewards him for all of his previous actions. Radak would be pleased with Eliyahu fighting idolaters as he was abused by the Christians of France.

Conclusion

Each one of the three episodes presents a case in which there is a crime committed, and the hero exacts justice from the perpetrator. Were they justified in acting without Hashem commanding them? Therein lies the question. Some commentators claim that the zealots were wrong in their actions. These commentators were able to see redemptive qualities in the non-Jews around them and believed killing them without a trial or Hashem commanding them to do so was wrong. In contrast, many other commentators justify their actions. The commentators who were persecuted in their time were predisposed to accepting the zealous actions of the characters of

Tanach. They understood the hardship imposed by being surrounded by other nations and probably felt anger toward the non-Jewish nations in *Tanach*. Even though vigilante justice is outside of the law, these commentators probably felt there was no recourse for them in the systems they were part of. Therefore, they justified the actions of each zealot fighting the antagonists of the respective episodes. The Torah gave the commentators a voice to express their feelings of helplessness.

Finally, does religious zealotry have a place in the 21st century? Two political scientists, H. Jon Rosenbaum and Peter C. Sederberg claim there are three types of vigilantism: Revolutionary Violence, Vigilante Violence, and Reactionary Violence.[29] Revolutionary violence is when one is trying to leave the authority of a group that is currently controlling them. Vigilante Violence is aimed at maintaining the existing socio-political order. Reactionary Violence is in essence vengeance of one group against the wrongs committed by another group.

The three types of zealotry presented in this paper can be categorized under these forms of vigilantism. Shimon and Levi's actions can be categorized as Reactionary Violence, as some commentators see their behavior as vengeful recompense for the people of Shechem.[30] Alternatively, other commentaries are of the opinion that the city of Shechem did not have a proper legal system, such that the brothers were obligated to act as the messengers of justice in their society. This approach sees their act as one of Vigilante

[29] H. Jon Rosenbaum and Peter C. Sederberg, "Vigilantism: An Analysis of Establishment Violence," *Comparative Politics*, Jul. 1974, Vol. 6 No. 4, p. 541-570.

[30] This may be the reason Yaakov rebukes his sons for their execution.

Violence. According to this view, they were not acting out of anger; rather they were ensuring justice in an immoral city.

Pinchas can be viewed as committing Vigilante Violence in order to ensure the purity of *Bnei Yisrael* and guarantee they won't assimilate with other nations. Eliyahu also committed Vigilante Violence in order to ensure *Bnei Yisrael* wouldn't be led astray by the false *nevi'ei Ba'al.* Commentaries really only fault Eliyahu for abandoning the nation when he got frustrated with them.

Unlike our situations in *Tanach*, in modern day times, there appears to only be Reactionary Violence. For example, Baruch Goldstein, an American-born Israeli physician, perpetrated the 1994 Cave of the Patriarchs massacre in the city of Hebron, in which he shot and killed 29 Muslim worshipers inside the Ibrahimi Mosque. Another example is Yaakov Teitel who was convicted of the murders of a Palestinian taxi driver and a West Bank shepherd in 1997. They may have claimed, and even genuinely believed, that they were acting in a way similar to Pinchas and the other zealots in the Torah. However, in actuality, their acts did not help ensure justice. On the contrary – they murdered innocent people who did not have any connection to the evils they were trying to eradicate. Their victims were neither the leaders nor the perpetrators of the acts that so inflamed these modern-day *Kana'im.* In addition, we have laws in place to rectify crimes or injustices in society, so there is no need nor justification for people to take the law into their own hands. If people would begin to disobey the law completely, our society would fall into chaos. Therefore, as a community, we must condemn acts of modern-day zealotry.

THE TORAH – BOTH OF AND TRANSCENDING TIME

Mia Parry

This paper is an exposition of the political and social ingenuity propagated by the Torah through a comparison to other Near Eastern texts and religions. The Torah, both echoing and distinguishing itself from parallel ancient texts, reveals the subtle nuances that exist between Judaism and other religions and cultures. By examining the greater context of the societal values and cultures in which it was transmitted, the radical ideological shifts that the Torah wished to impart are uncovered. By doing so, rather than viewing the Torah as reflecting the norms of an ancient age, we can discover the political teachings of the Torah's theory of government as well as economic structures.

This paper will first discuss and explore the legitimacy of examining the Torah through a New Historical lens, with a study of both medieval as well as modern perspectives. Next, this paper will analyze several major events within the Biblical narrative, such as covenants and revelations as well as legal codes, all of which contain stark similarities to other cultures and thereby serve to crystallize the revolutionary political thought of the Bible. Moreover, through this process, this paper also aims to examine a number of other questions that emerge concerning the nature of objective morality in the Torah, the idea of separatism, and ultimately to uncover what has enabled the Torah to stand the test of time and remain relevant throughout the ages in contrast to its contemporary narratives.

The Legitimacy of This Reading

In recent history, one of the most up-and-coming ways of reading pieces of literature is that of New Historicism. This theory, which is based on the literary criticism of Stephen Greenblatt and influenced by the philosophy of Michel Foucault, sees any piece of literature as being both a product and productive of the period in which it was composed. Thus, New Historical critics examine the wider historical context of a text, analyzing both how a given text reflects the culture from which it was born, in addition to how it served to affect and instruct its culture. While applying this technique to most pieces of literature uncovers a richer interpretation of the text, many express reservations and discomfort in attempting to apply such a technique to Biblical study. This stems from an apparent theological paradox. One of the fundamental beliefs of Jewish thought is the notion of the universality of the Torah, namely, that the Five Books of Moses are eternally valid and relevant in each generation. Yet, a New Historical Reading of the Torah, with an exploration of the surrounding Near Eastern landscape, appears to be an acquiescence to the greater relevance of the Torah to its particular time of revelation, thereby possibly negating part of its applicability in the modern age.

Notwithstanding such a perception, a more thorough examination of both medieval and modern Biblical scholars can lead to a revised conclusion. According to many of these commentators, one is not only encouraged to read the Torah within its historical context, but even more so, one *must* read the Torah in such a way as this is a sacred endeavor that enables the uncovering of deep truths of Judaism.

The Ralbag

The Ralbag (Gersonides, 1288-1344), a medieval French Jewish philosopher, Talmudist, mathematician and physician, provides such an approach in his commentary to the Torah. The Ralbag stresses the importance of understanding the Torah within its Ancient Near Eastern context, as this assists in understanding the Torah's medium of transmission. This is because he understands the Torah as being written corresponding to the literary conventions of its time.

Such a worldview emerges from the Ralbag's commentary on the seemingly superfluous repetition of the construction of the *Mishkan* in *Parshiyot Va-yakhel* and *Pekudei* when this information was already given (almost verbatim) in *Parshiyot Teruma* and *Tetzaveh*. The Ralbag addresses this redundancy, claiming that it might have been sufficient to simply say that "Betzalel fashioned the Tabernacle as Hashem had commanded him to." In answer, he posits that:

> Perhaps we may say that it was the convention of the time of the giving of the Torah to fashion literature in this way and the prophet expresses himself through the convention of the times.[1]

The crucial element of the Ralbag's comment here is his acknowledgement that the Torah's style and language reflect that of its surrounding culture in the Ancient Near East. He acknowledges that despite the message of God being universal, humans are temporal and hence hear messages through a medium, and this medium cannot be the same throughout history. By doing so, one is forced to understand the Torah's mode of communication not as acquiescence to its culture but as an inherent element of the Torah's production.

[1] Ralbag Exodus 35:1.

Rambam

Similarly, the Rambam (Maimonides, 1138–1204) believes the Torah should be interpreted in light of its context. This can be seen in his famous explanation for animal sacrifice found in his *Guide for the Perplexed*. Here the Rambam explains animal sacrifice as a type of concession on the part of God to humanity's tendency to be affected by the cultures around them. The only form of worship that existed in the Ancient Near East was the worship of idols which often took the form of animal sacrifice. Thus the Jewish practice of *korbanot*, in a way, resembled that of the surrounding cultures, and may even have been based on it. The Rambam explains many of the statutes (*chukim*) surrounding animal sacrifice as a reaction to the cultures around the Israelites:

> …if we knew all the particulars of the Sabean worship and were informed of all the details of these doctrines, we would clearly see the reason and wisdom of every detail in the sacrificial service, in the laws governing things that are unclean, and in other laws, the object of which I am unable to state.[2]

Hence, the Rambam held that many subjects in the Torah could only properly be appreciated after a thorough examination of the surrounding cultures.

Even more so, in light of some of the Rambam's other work, the Torah's tendency to mimic concepts of the Near East is viewed with intentionality rather than apologetics. This is evident from his discussion of the nation's development in Chapter 32 of the *Guide for the Perplexed*. The Rambam claims that:

> It is, namely, impossible to go suddenly from one extreme to the other; it is therefore according to the nature of man impossible for

[2] Maimonides, *Guide for the Perplexed*, III:49.

> him suddenly to discontinue everything to which he has been accustomed.[3]

Rambam continues to explain that complete and thorough change can never be sudden, but rather has to emerge out of a developmental process. Therefore, when imparting laws to *Bnei Yisrael*, Hashem accounted for a growth period and hence instituted change incrementally, with the laws concerning animal sacrifice being one of many examples.

By doing so, an added layer to Rambam's outlook is revealed. He does not view this as an exploration into the rationale of a *mitzva* nor an apologetic succumbing to other nations. Rather, he sees examining the Torah within its context as an appreciation of the leadership style of Hashem, thereby revealing aspects of the nature of God.

Rav Kook

Rabbi Abraham Isaac HaKohen Kook (1865-1935), one of the fathers of religious Zionism and the first Ashkenazi Chief Rabbi of Israel, is renowned for harmonizing the religious and the secular. Hence, characteristically he has much to say about reconciling the apparent contradiction between the eternal truth of the Torah and its seeming greater applicability to a particular generation. In his writing, *Le-nevuchei Ha-dor,* he expresses such a worldview:

> Many things that are found in the Torah, be they commandments or narrative accounts, are surely also to be found in similar forms in the writings of earlier great and righteous figures of the Gentile world. The great Divine light that extends to the prophecy of our master Moses clarified and purified these elements, separating out those traces of impurity and error. All that has merit from these practices and accounts are gathered by the Divine

[3] Maimonides, *Guide for the Perplexed*, III:32.

> desire and retained to be performed and recounted. Israel has no need to take the credit of having introduced monotheism to the world… the discovery in our time of the epigraphic archives of the civilizations of the Ancient Near East and the parallels found between them and various aspects of the Torah should add light and rejoicing to all who truly seek out God.[4]

Hence, according to Rav Kook, the parallels that exist between the Torah and the Ancient Near East are to be expected and speak to the fact that, according to him, morality exists outside the realm of Judaism. Hence, the Torah's job was to filter and refine the existing truths of the time. Elsewhere[5] he justifies this notion through the firm belief in the natural inclination and goodness of human hearts that will enable non-Jewish law codes to also cultivate justice and morality. As Rabbi Chaim Navon explains:

> Rabbi Kook resolves the tension between Divine revelation and its historical context by asserting that the historical context also has religious value; and according to a deeper understanding of the view of Rabbi Kook, history also gives expression to a certain type of Divine revelation.

Hence, it is clear that examining the Torah in light of its contemporary Near Eastern culture provides us with a multifaceted appreciation of the text. On a surface level, it allows for us to fathom the significance of a vast array of *mitzvot* whose greater significance would have largely been lost. More significantly, through this process, deep truths about God Himself are revealed, as we are better able to understand the process by which God chooses to communicate with human beings.

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[4] Rabbi Abraham Isaac HaKohen Kook, *Le-nevuchei Ha-dor* (Tel Aviv: Yediot Aharonot, 2014) p. 167.

[5] Rabbi Avraham Yitzchak Kook, *Eder Ha-yakar*, p. 42.

The Covenantal Relationship

The first area that this essay will address is the concept of the covenantal relationship. This refers to the agreement of mutual responsibility that exists between *Bnei Yisrael* and their God which is reaffirmed three times in the Torah, with *Brit Mila* (Covenant of Circumcision), *Brit Bein Ha-betarim* (Covenant between the Parts) and *Brit Sinai* (Covenant of Sinai). Each of these respective confirmations was crucial in establishing the covenantal tie that exists between *Bnei Yisrael* and Hashem. What is this relationship? How does it compare with Near Eastern parallels? And what makes it so radical?

The covenantal relationship can loosely be defined as the agreement that was reached between Hashem and the Jewish People throughout the five books of the Torah. This relationship is deep and complex and binds both parties in a contractual mutual obligation. As Max Weber explains, the covenant acts "as a bonding agent among members of the Israelite community."[6] This relationship is the cornerstone for religious practice that transforms each execution of a commandment into a ratification of an ancient treaty. By doing so, this agreement is not merely contractual but also encompasses an acknowledgement of the deep-rooted, historical ties between human and God. Thereby, from a theological standpoint, the religious implications of the covenantal relationship are far-reaching and are revolutionary in and of themselves.

Yet, archaeological evidence reveals that the Torah is not the inventor or custodian of the notion of a covenant. While the original source for the concept of a treaty is still unknown, there is evidence of non-Semitic peoples such as the Hittites using the word '*risku'*

[6] Mays and Nicholson, 1988.

meaning covenant and '*mamitu*' meaning oath, suggesting that the idea of a treaty might originate from the civilizations that existed between the Euphrates and Tigris Rivers. The two earliest preserved treaties ("Stele of the Vultures" - 2500 BCE and the Treaty of Naram-Sin from 2280 BCE) emerge from this region.[7] Regardless of the specific origins of the notion of a covenant, these findings on the surface seem to pose a difficulty, since we would like to believe that the very essence of Jewish practice is something uniquely Jewish, and not something merely copied from our neighbors.

Ironically, an answer to such a complex question can only be elucidated by a thorough comparison between the specific form of the Israelite treaty in contrast to its Near Eastern counterparts. While the bulk of the materials might appear to echo one another, the potent differences that exist between the distinct treaties reveal deep truths that the Torah wishes to convey. Hence, our understanding of the Israelite treaty can be thoroughly deepened and enriched by comparing it to its contemporaries.

Near Eastern Parallels

As mentioned earlier, in recent times there have been a plethora of archaeological investigations that have led to a deepened understanding of treaties throughout the Mesopotamian area. Ancient Near Eastern treaties can be broadly categorized into two primary groups. The first is where the two contracting parties enter on equal terms and thereby the covenant is equally beneficial and non-coercive. The second type is when the initiative for the agreement comes from an unquestionably superior party so that the resultant treaty regulates a suzerain-vassal relationship.

[7] Walton, 2010.

Rabbi Dr. Joshua Berman[8] as well as George E. Mendenhall,[9] who have both written extensively about Ancient Near Eastern treaties and their parallels within the Israelite tradition, identify the Israelite Treaty as being comparable to the Hittite Vassal Treaties (i.e., treaty type 2). This type of treaty can be defined as one where the contracting parties do not enter the treaty on equal footing, but rather with one party superior to the other. In such a case the sovereign state has supremacy over the inferior one, which in turn still retains its own ruler or government yet cannot be a completely independent power. Though the primary purpose of such a treaty was to establish mutual support between the two parties, it was a unilateral agreement where the stipulations only existed upon the vassal. Researcher Victor Korosec[10] in his extensive study identified five major elements of such treaties: A historical prologue, stipulations of the treaty, provision for deposit in the temple and periodic public reading, witnesses to the treaty, and blessings and curses.

Each of these elements can be readily identified in the Biblical narrative. For instance, the entirety of *Bereishit* and *Shemot*, which largely detail narratives of the Israelite nation, constitute the historical basis for the treaty. Moreover, the stipulations are detailed throughout the Torah, and the blessings and curses are outlined in *Ki Tisa* and *Ki Tavo*, such as:

אָרוּר מַקֵּלֶה אָבִיו וְאִמּוֹ וְאָמַר כָּל־הָעָם אָמֵן׃

> Cursed be he who insults his father or mother, and all the people shall say, Amen.[11]

[8] Berman, 2006.
[9] Mendenhall, 1954.
[10] Peet and Korosec, 1932.
[11] Deuteronomy 27:16.

The provision for public reading (as will be discussed later) is a foundational component of Jewish practice, as can be noted from the commandments of public recitation at holiday pilgrimages to the Temple. For example, in *Parashat Va-yeilech*[12] the concept of *Hakhel* is introduced, which is the *mitzva* to gather all of *Bnei Yisrael* every seven years on the holiday of *Sukkot* to hear the reading of the Torah. The witnesses to the treaty are less obvious, but either the people themselves could constitute witnesses, or alternatively, the language of the text indicates that the Heavens and the Earth constitute witnesses to the event.[13]

Divergences of the Torah

While in many ways the Israelite treaty does parallel that of an ancient Hittite treaty, particular nuances still exist which enable greater insight to be reached.

As was explained in the introduction, the Torah's tendency to resemble other Near Eastern texts is not an act of imitation. Rather, it speaks to the medium of transmission of the Torah, in that it is expressed in a mode by which the Biblical Jews would have been able to appreciate. While the idea of a covenant is not something unique or revolutionary to Judaism, the radical innovation lies in the Torah's transforming this preexisting concept into something Divine. As explained prior, the form of the Biblical treaty is that of a suzerain treaty that typically took place between a superior and vassal king. The Torah applies this concept to a treaty between the Jewish people and their God. By doing so, the Torah attempts to concretize the unique relationship that exists, in a way that would have been familiar to the people of the time. The Torah achieves this through

[12] Deuteronomy 31:9-13.
[13] Deuteronomy 32:1.

transforming and elevating each of the primary aspects of the treaty, namely the superior king, the inferior king, and the relationship that exists between them, as will be explained in the next sections.

Superior King

By paralleling the Israelite treaty to that of a Hittite vassal treaty, The Torah alters our perception of God. The entire premise of a vassal treaty is that the inferior king subjects himself to the control of the superior king in response to a great kindness or help done for him and his people. Berman critically notes that out of the vast array of known suzerain treaties, only one documents a situation of forced subjugation, thereby indicating that this was typically a consensual agreement. The superior king in this situation is not a coercive ruler. Rather, this is a benevolent patron who has thus far shown kindness and will continue to show such kindness to his people. This is exemplified by the historical prologue element of the vassal treaty. This section details the reasons why the subordinate king is choosing to submit to the dominion of the sovereign king. As Korosec explains, this description amounts to "the vassal [being] obligated to perpetual gratitude toward the great king because of the benevolence, consideration, and favor which he has already received."[14] The overwhelming conclusion thus is that the ruler, and in the Israelite case, God, is kind and generous.

The significance of this is realized when contrasted to the typical Near Eastern perception of their gods. In these cultures, there is a significant gap between human and God. No direct link exists, and any communication whatsoever is filtered by an intermediary. More significantly, any such relationship does not imply love or affection,

[14] Peet and Korosec, 1932.

but rather is primarily motivated by fear. Hence, for the type of relationship represented by a vassal treaty to exist between adherents and their God would have been implausible and outrageous. Thus, through the Israelite God's basing the entirety of His relationship with the Jewish people on a vassal treaty, He makes a significant statement about the nature of His relationship with His people. God, while still being superior and definitively the senior party, is seen to be also amiable and compassionate. Hence, the connection between God and the Jewish People is transformed to one not entirely motivated by fear, but significantly, sustained by love.

Vassal King

Berman notes in his paper a fundamental, yet subtle, distinction that exists between the Biblical treaty and its Hittite counterparts. In a typical Hittite treaty, each of the contracting parties is an individual, namely a superior and inferior king. However, in the Biblical narrative, the identities of these individuals are rather ambiguous. While it is clear that God constitutes the superior king, the subordinate king's identity is more nuanced. Whereas Moshe certainly does embody the role of leader of the Israelite people, he certainly is not characterized as the 'king' with the Israelites being his 'subjects.' Rather Moshe repeatedly acts as a representative and intermediary between Israel and Hashem; the treaty exists between God and the people. Furthermore, through the specific language choices of the Torah, it is clear that this is not a treaty entered into by the Jewish People as a group, but rather individuals as representatives of the collective. Most commandments are not written in the collective pronoun אתם (you, plural), but rather in the individual אתה (you, singular).

The theological implications of this are monumental. The Sinai Treaty is unique in that it allowed the members of the Israelite nation

to perceive God as entering into a contract on the individual level with each participant of the Jewish faith. By doing so, not only is the nation of Israel elevated to the status of a vassal king but each and every participant is transformed into a leader and holy individual. When the covenant at Sinai is placed in context this becomes even more extraordinary. The Israelites at the time of Revelation are a slave population that have just emerged from hundreds of years of servitude. In this period of subjugation and hardship, their low social status was the very detail that defined their existence and lot in life. What better way to exemplify the transition to free people than to turn a nation of slaves into a nation of kings - מַמְלֶכֶת כֹּהֲנִים וְגוֹי קָדוֹשׁ - *a kingdom of priests and a holy nation*.[15]

Relationship

Finally, the use of a vassal treaty as a model for the connection that exists between the Israelite people and their God is monumental in terms of its elevation of the relationship that exists between the two parties. It achieves this by both revolutionizing traditional covenantal approaches, and by ensuring respect is not transmitted unilaterally, as will be explained below.

Louis E. Newman,[16] in his analysis of the effects of the covenantal relationship on Jewish ethics, distinguishes between two methods by which one can analyze a Biblical covenant. The first is a legalistic contractual model exhibited in Exodus 19:5-6. This type of relationship consists of an exchange of bargained promises - God vows to grant the people certain benefits contingent on their proper conduct. This is essentially a mutually beneficial contract entered into freely by each party entirely of their own accord. The theological

[15] Exodus 19:6.
[16] Newman, 1991.

implications of this regarding autonomy are far-reaching. *Bnei Yisrael* knowingly, fully accept the obligations and privileges pertaining to the relationship. This, therefore, seems to assume that their moral duties arise out of free will, and hence implies that they are autonomous human beings.[17]

The second way in which one could view the relationship is based on *Devarim* 4:35-40. This covenantal relationship does not entirely resemble a conventional contract, but rather uses a preexisting relationship as a moral imperative for law-keeping. As Newman explains:

> The Israelites are morally indebted to God for redeeming them from slavery. Doing God's will, then, is a way, perhaps the only adequate way, for the Israelites to demonstrate their gratitude.[18]

Thereby, a different understanding is reached as this relationship assumes an intimate, rather than contractual connection. Under this facet of the covenant, *Bnei Yisrael* and God are intricately intertwined in a relationship of fondness and admiration. Though this does encompass levels of obligation, these elements of requirement arise out of affection and reverence. As Berman notes, "The degree to which the Bible envisions a direct relationship between the individual Israelite and the Almighty is unparalleled in the Ancient Near East."[19]

Newman presents these perceptions of the covenantal relationship as diametric opposites and mutually exclusive due to the vast divergences in theological implications. Yet, in light of the vassal treaty structure, one can reach a level of harmony between the two, since

[17] For more on the topic of free will, see Bruria Spraragen's excellent article, "Free Will in Judaism" earlier in this volume.
[18] Newman, 1991.
[19] Berman, 2009.

the Hittite treaty is essentially a conglomeration of these two notions. As explained earlier, both the historical prologue section, as well as stipulations of the treaty and the curses and blessings sections, are all fundamental structural elements of a typical vassal treaty. The very purpose of a vassal treaty is for an inferior king to autonomously obligate himself to a superior king owing to a prior kindness bestowed upon the former by the latter. In the context of the Near East, autonomy does not contradict gratitude, but rather, they work together to strengthen each other. Hence, the Israelite treaty possesses the capability to be both a legalistic treaty emerging from free will, as well as an expression of intimacy.

The vassal treaty model also ensures that respect is not transmitted unilaterally. A monumental theological implication of this treaty form is that it essentially places *Bnei Yisrael* upon a relative pedestal, and by doing so enables honor to be a commodity passed on in both directions. Saul Olyuan[20] in his study of the anthropology of honor treaty-making in the Near East identifies the primary relationships enumerated within Near Eastern cultures (child to parent, young to elderly, slave to master) and notes that the common denominator is that in all of these relationships, there is a vast power differential; honor is bestowed unilaterally from the inferior figure to the superior one. However, he mentions that in political treaty-making honor is a commodity bestowed in both directions. He cites numerous examples testifying to this fact, such as a letter[21] sent to Pharaoh by a vassal in which the vassal complains that he has received less honor from Pharaoh.[22] Additionally, in a Hittite treaty involving a subordinate

[20] Olyan, 1996.
[21] Found in the El Amarna correspondence.
[22] Knudtzon, 1914.

king named Sunashshura of Kizzuwatna the mutual display of honor can be noted from the provision that:

> Sunashshura must come before His Majesty and look upon the face of His Majesty. As soon as he comes before His Majesty, the noblemen of His Majesty [will rise] from their seats. No one will remain seated above him."[23]

While throughout the Near East, the common metaphor used to depict the Divine-human encounter is typically one in which respect is deployed unilaterally, the Torah seeks to do something different. In conjunction with the commonplace metaphors, the Torah adopts the metaphor of Late Bronze Age treaty-making. This represents a radical shift in a worldview in which honor is reciprocally bestowed between sovereign and subordinate. Hence, the implication, according to Berman, is that "God honors man, even as man honors God."[24]

In addition, the notion that in the Jewish covenant, respect is not propagated unilaterally is underscored through the Covenant of the Parts (*Brit Bein Ha-betarim*, *Bereishit* 15:7-18). Avraham questions how he is to "know that [he] is to possess [the land]."[25] In response, God instructs him to take several animals, divide them into two, and place the pieces of the animals parallel to one another. This seemingly bizarre ceremony has perplexed Jewish thinkers for generations. Yet, when examined in light of Near Eastern cultural practices, new insight can be gained.

While the idea of dividing animals in two, in light of modern sensibilities, may seem cruel and grotesque, the concept of 'cutting a covenant' is widely attested in the Ancient Near East, particularly in

[23] Ibid.
[24] Berman, 2006.
[25] Genesis 15:8.

Greek and Hittite cultures. In these ancient traditions, the severing of an animal was used to seal a treaty in which the potentially offending vassal is compared to the slaughtered animal.

Examples of such[26] include the treaty of Alalakh, where Abban “placed himself under oath” and "had cut the neck of a sheep,” saying, “If I take back that which I gave thee!” Similarly, it was a Hittite rite that after defeat, troops would walk through "a man, a goat, a puppy and a little pig; they place half on this side and half on that side, and in front, they make a gate of ... wood and stretch a ... over it, and in front of the gate they light fires on this side and on that, and the troops walk right through and when they come to the river they sprinkle water.”[27]

What can we learn from these resemblances between the Covenant Between the Parts and ancient rites? How is the Israelite covenant distinct from its neighbors?

The answer lies in a deeper analysis of this type of treaty. In contrast to the Sinai Covenant, which was an obligatory treaty, the Covenant Between the Parts is categorized as a promissory treaty. In a promissory treaty, the more powerful party unconditionally promises something or obligates himself to the less powerful party, as opposed to a mutual obligation seen in the former treaty type. While this may seem like a minor detail, when applied to the specifics of the Covenant Between the Parts the results are astounding, as it brings about a role reversal. In this customary ritual, the contracting party who passes through the middle does so as a symbolic gesture of accepting the obligations of the treaty, as well as invoking upon himself the fate of the animals if the pact is violated. Hence, in light of our current understanding of the Biblical covenant, one would expect

[26] Fensham, 1964.
[27] Wiseman, 1958.

the corresponding party to be Avraham (on behalf of *Bnei Yisrael*), as a symbol of compliance. However, this is not what occurs. While Avraham is the one instructed to cut the animals and place them in the correct places, it is **God** (symbolized by smoke and flames) who passes through the middle, not Avraham, hence inverting our initial perception of roles within the treaty. While in *Brit Sinai*, *Bnei Yisrael* accept the majority of the obligation, here, it is God who adopts this role, whereby Avraham is promised everything in exchange for virtually nothing.

> בַּיּוֹם הַהוּא כָּרַת ה' אֶת־אַבְרָם בְּרִית לֵאמֹר לְזַרְעֲךָ נָתַתִּי אֶת־הָאָרֶץ הַזֹּאת
> מִנְּהַר מִצְרַיִם עַד־הַנָּהָר הַגָּדֹל נְהַר־פְּרָת:
>
> On that day the LORD made a covenant with Abram, saying, "To your offspring, I assign this land, from the river of Egypt to the great river, the river Euphrates."[28]

This is critical to the understanding of the covenantal relationship as a whole. While *Brit Sinai* on a surface level appears inequitable and coercive, it is crucial to remember that it does not exist in a vacuum. The other side of *Brit Sinai* is *Brit Bein Ha-betarim*, a covenant in which God chooses to obligate Himself to His people. In this covenant, God chooses to lessen Himself for the sake of a sacred oath, hence completely revolutionizing any known relationship between a Deity and His people.

The Laws

Through examining the specifics and structure of laws prescribed in the Torah, in contrast to the plethora of legal codes that existed in

[28] Genesis (15:18).

the Ancient Near East, significant political ingenuities of Judaism can be discovered.

Near Eastern Parallels

Throughout the Ancient Near East, particularly concentrated in the Mesopotamian region, we find a wealth of legal codes that serve as a comparison to the Biblical legal code.

While the Torah throughout contains laws dictating all aspects of human life, the laws (as opposed to the narrative sections) are primarily situated in three distinct sections of the Torah, categorized by Biblical scholars as the "Book of the Covenant" found in Exodus 21:1-23:19, the "Holiness Code" found in Leviticus 17-26, and finally, the legal section which appears in Deuteronomy 12-28.

Archaeological evidence has uncovered a plethora of cuneiform legal codes from the three major cultures of Mesopotamia, namely Sumeria, Babylon, and Assyria. The earliest findings include the laws of Ur Nammu, the founder of the Sumerian Third dynasty. While the original document is yet to be discovered, copies that were inscribed onto clay tablets have been uncovered. Other codes include the laws of Eshuna, an Amorite city-state east of the middle Tigris, whose laws survived on two tablets found at Tell Harmal on the outskirts of Baghdad. Additional codes discovered include the Lipit Ishtar, as well as Old Hittite and Neo-Babylonian lists. However, the most comprehensive and best-preserved cuneiform law collection is that of Hammurabi, the great empire-builder of Babylon. These laws are inscribed on a black diorite stele about eight feet high that stood in the temple of Esagila in Babylon.

Upon initial examination, the points of comparison between the Biblical law codes and their contemporaries are uncanny, particularly

in terms of structure. These codes formulate laws in the casuistic formulation; that is, they present a unique, actual case about which legal consequences are decided. Moreover, various areas of law are common to both the Mesopotamian and Biblical collections, including but not limited to: prohibitions against dishonest business dealings, false testimony, murder or rape, as well as laws dealing with adultery, illegal entry or theft and personal injury. Even more so, in a variety of cases, the details of particular laws parallel one another. For example, when discussing the details of battery, the same collection of injured parts is enumerated, namely eye, tooth, hand and leg. Moreover, the Biblical code, as well as the code of Hammurabi and the Middle Assyrian Laws, bring the unusual case of striking a pregnant woman in a brawl as an example of personal liability.[29]

Divergences of the Torah

Now that the similarities between the Biblical law code and its contemporary counterparts have been established, the subtle yet stark distinctions can be revealed, allowing a deeper understanding of Judaism to be uncovered. This paper will discuss three major innovations that emerge from this comparison: the Torah's opposition to religious coercion, the morality of the law, and the democratic propagation of the law.

Opposition to Religious Coercion

Professor Nachum Sarna in his book Exploring Exodus,[30] based on the writing of Rev. J.H. Boecker, powerfully claims that the law codes discovered from Mesopotamian cultures cannot be considered legal

[29] See Exodus (21:22-4), Code of Hammurabi (209-214), and the Middle Assyrian Laws (50-53).

[30] (Sarna, 2011)

'codes.' He explains that the definition of a 'law code' implies a comprehensive attempt to produce a systematic compilation of authoritative law, and he posits that no conclusive evidence exists that the Mesopotamian collections attempt to do so. He supports this through pointing out a distinct element of the prologues to many Near Eastern laws. Many law bodies of ancient Mesopotamia were preceded by a prologue that set out the purpose for creating such a body of law as well as giving historical context for the laws. However, Sarna explains how a significant stipulation is often missing from these prologues, namely that they never enumerate the status of the forthcoming laws. The prologue never declares that the preceding laws are null and void and never obligates the judges or magistrate to rule per the new laws being dictated. His claim is also built upon the vast gaps in writing about certain significant areas of laws that exist. For instance, in the laws of the city of Eshuna, there is no mention of partnership, adoption, or inheritance. The most telling example is the Hammurabi code since it is the most well preserved. Despite its extensive nature, curiously, there is little mention of murder or criminal law in general. The laws regarding attempted murder are not enumerated and only one law exists which deals with an actual murder - an obscure case of a wife who arranges to have her husband killed for the sake of a lover- (S153) and one additional case of a false charge of murder (S1).

Furthermore, numerous laws only dictate strangely specific cases, omitting the general one. For instance, laws concerning arson and looting are absent, yet the punishment for looting a burning house while trying to extinguish the fire is (S25). Similarly, several laws deal with specific cases of marriages, and elsewhere it is taught that a written contract is required for marriage (S128), and that the groom pays a marriage price to his prospective father-in-law (S159), yet the

everyday proceedings for marriage are missing. Hence, one is forced to conclude that if an individual were relying solely on the written code, they would simply be incapable of living everyday life. While it is possible to claim that this disparity can be accredited to missing portions of these texts, this claim is less valid in the case of the Hammurabi Code which is largely well preserved.

This is supported by a further inconsistency that exists between the written law and the applied law. A large corpus of both private and court documents detailing the actual way in which the laws were applied pertain to many areas of law that appear absent from the code. Moreover, frequently legal decisions given do not conform with what the code prescribes and none of these records ever cites or refers to the collection of laws by name or by any other manner. The logical conclusion that emerges from this vast array of inconsistencies is that there existed in the Ancient Near East a large body of unwritten, customary law which treated day-to-day life, while the written law largely dealt with exceptions and amendments to such law.

While this explanation clarifies the peculiarities that exist throughout the codes, it creates additional questions regarding the codes themselves, which now seem superfluous. If these collections of law do not exist to regulate law and order, what function do they possess?

One can find an answer by examining a fundamental difference that exists between Ancient Near Eastern cultures and Judaism. In other Mesopotamian cultures, the king and the gods are equated; the king is the earthly representative of the gods and is thereby an extension of them. Hence, legal codes were not written for the people, but rather, first and foremost for the gods - “The incentive for the royal collections came less from the field of jurisprudence than from the

realm of religion."[31] Fundamentally, the law compilations that existed in the Ancient Near East were not for the sake of the people nor the betterment of society. Rather, their very existence was a type of offering to the gods - a pledge of allegiance and service. Thereby, the law itself in the Ancient Near East was seized upon as a vehicle through which to propagate religious dogma and devotion, rather than a comprehensive method to better society as a whole.

Through this new understanding, the radical shift promoted by the Torah is illuminated. While Mesopotamian cultures constructed legal works for the exclusive purpose of encouraging adherence to the gods, the Torah set out to do something completely different. While the Torah certainly advocates loyalty to God, its fundamental goal is to create a better world. The Torah is not a fringe collection of random exceptions but a comprehensive law code, hence significantly distinguishing itself from its contemporaries.

The Moral Aspect of the Law

Dr. Moshe Greenberg in his essay, "Some Postulates on Jewish Criminal Law,"[32] explores the similarities and differences that exist between Jewish Law and its Near Eastern parallels. According to him, a fundamental divergence stems from the source of each respective law. In the Ancient Near East, law, which was the embodiment of cosmic truths, was overseen by the god of justice, Shamash. However, Shamash, who was the curator of law, was not the author of such law codes. Rather, his role was to inspire the king with these truths so that the king would establish justice in the earthly realm, via writing law

[31] Ibid.
[32] Greenberg, 1995.

codes. Hence, despite the source of law being divine and above the early realm, it was drafted by the mortal king.

Biblical law symbolizes an immense divergence from this through the fact that God, according to Greenberg is "not merely the custodian of justice or the dispenser of 'truth' to man; He is the fountainhead of the law, and the law is a statement of His will."[33] In Judaism, God is the author of justice. The theological implications of this revelation are immense. It enables each law to exist within a religious context and moral imperative. This means that the observance of laws is not merely to ensure the safety of society but entails within it the promise of well-being and prosperity. It is not just indicative of an upstanding citizen, but rather of a righteous individual. As Greenberg explains, "The effect of this Divine authorship of law is to make crimes sins, a violation of the will of God."[34]

This notion is compounded by a distinction that can be made between the different types of legislation that can be found throughout the Bible. From *Shemot* 21:2-22:16, we see more typical law which falls under the scope of the coercive power of the state and falls within the jurisdiction of the law courts, such as, murder and theft. However, the second part of the section (*Shemot* 22:17-23:19) consists of miscellaneous social, ethical, moral and religious prescriptions that suggest an authoritative tone, such as "You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt."[35] In contrast to the former category, the enforcement of this bulk of laws is largely left to the individual conscience rather than any political institution. This is critical when contrasted to other Near

[33] Ibid.
[34] Ibid.
[35] Exodus 22:20.

Eastern law bodies which exclusively deal with secular law, leaving ethical and religious matters outside the realm of legal matters.

In the Torah, this type of distinction is impossible. In the Torah, notions of religious and secular are so heavily intertwined that they become indistinguishable. As Nachum Sarna explains, "The Torah treats life holistically. The law is a single, organic whole which cannot be reduced to discrete elements."[36] The theological implications of this are immense not only because it transforms criminal actions into religious disobedience, as Greenberg explained, but also introduces the notion that all aspects of life, even mundane ones, contain elements of spirituality. By doing so, the place of religion within everyday life is significantly expanded and a deep truth of Judaism is revealed. In Judaism, the physical and spiritual worlds are not discrete but intertwined. Each physical act is not merely an execution of worldly desires but a sacred endeavor. Judaism does not shy away from the material, but rather, tries to imbue physicality with Divinity.

Propagation of the Law

A subtle yet significant difference that exists between the Near Eastern laws and Biblical laws is in their application to different groups of people. The Torah, strikingly, distinguishes in terms of obligation but not application. That is, the Torah differentiates between certain groups of people when prescribing *mitzvot* (e.g., *Kohanim*'s obligation in Temple service, men's obligation in *Brit Mila*) however, each given law is applied uniformly to all people, as will be explained.

This is certainly not the case with regards to the Hammurabi code. A characteristic feature of the system is its threefold social stratification. For example, in the Hammurabi code, citizens are typed

[36] Sarna, 2011.

as either *awilum*, *mashkenum* or *wardum*, all distinct social classes. The law is not applied uniformly, but rather differs based on a person's respective social class. This idea of graduated penalties can be noted in the case of striking a pregnant woman in the Hammurabi Code. If one strikes a pregnant woman of the *awilum* (upper class) causing her to miscarry, he is obligated to pay 10 *shekels* worth of silver, compared to if the victim is from the *mushkenum* (commoner class), in which case he is only obligated to pay five *shekels* of silver. In Judaism (with the exception of a slave, which will be discussed at length subsequently), the notion of the law applying differently to individuals based on their social status is unheard of.

More significantly, within Judaism, the laws are not only applied equally but also propagated equally. That is, in contrast to its contemporaries, the Torah goes out of its way to ensure that all of the people, regardless of literacy or role, are aware of all the laws that govern their life.

In the era of modern literacy, the idea of knowledge of texts might be perceived as self-evident; in the Ancient Near East this was certainly not the case. While religious texts did exist, various skills were necessary, both to compose and read, and these were highly restricted, limited to only a trained scribal class that worked in service of the king. The form of writing was cuneiform in Mesopotamia and hieroglyphics in Egypt. Both consist of highly complicated systems of symbols, and hence the capability to understand them was limited only to those specifically trained.

The Torah is radically different. While, similar to their neighbors, the literacy level amongst the Israelites was probably relatively low, the sacred text was still accessible to them. Despite individuals' inability to read, they were certainly able to be read to, which is exactly

what occurred. As a way of safeguarding the revelation at Sinai, where Moshe read the laws to the people, the people are commanded to gather regularly at the Temple for public readings of the Torah.[37]

This value of egalitarian access to literature has arguably become a cornerstone for modern Rabbinic Jewish practice, with a strong tradition of open knowledge. However, in context, the ramification of public recitation of laws is yet even more significant. In essence, the very fact that all of the people are aware of the Torah is emblematic of the political agenda of equality that the Torah is proposing. A foundational element of the concept of the Rule of Law, a democratic principle deemed necessary for any functioning system of government, is that the people are aware of the law. For the people to be able to fully keep the law, they are required to understand what is being expected of them. According to modern legal theory, this also limits the potential of corruption to the law as it means that the law is applied more equally to all the people. Hence, the fact that an elemental principle of Jewish thought is the democratic propagation of law, speaks to the egalitarian values of the Torah itself.

Specific Laws

As seen above, the overall legal structure of Jewish law expresses an innovative divergence from contemporary Near Eastern law codes. However, one can only fully appreciate the significance of such after a thorough investigation of certain specific laws which stand to typify the egalitarian priority of Jewish law.

After analysis of a variety of specific laws, it can be seen that the Torah achieves its democratic agenda by first and foremost

[37] Berman, 2020.

recognizing the inherent value in each and every human being. This is the backdrop against which everything else in the Torah is expressed.

Allocation of Punishments

A potent example that showcases the extent to which Jewish law deviates from its contemporaries is with regards to punishments for crimes. In any given society, the specific crimes that warrant certain punishments, particularly that of capital punishment, become emblematic of what is perceived as abhorrent by a particular group of people. As Nachum Sarna claims, "The death penalty faithfully reflects conceptions of what threatens the social structure of society."[38] Hence, where each respective society chooses to impose the death penalty is telling as to the values that stand behind the society as a whole. Such analysis reveals the radical shift that the Torah wishes to present in terms of the utmost value for human life and the democratic propagation of law.

In Near Eastern law codes, the common denominator of cases that render the death penalty is that they involve property offences. In the Hammurabi Code Section 22, capital punishment is decreed upon someone caught in the act of robbery. Similarly, under Section 25, a person who loots a house during a fire is to be executed on the spot by being thrown into the fire. [39] Sections 7 and 9 call for execution for the receiving of stolen goods. The Eshuna code has similar penalties, with Section 12 detailing that a thief caught in the field of a *mushkenum* (an intermediate social group in ancient Babylon) will be put to death. In the Hittite Code, Section 126 decrees that a thief who steals a bronze spear from the gate of the palace is to be executed. We

[38] Sarna, 2011.
[39] Good, 1967.

see similar areas such as breach of contract and false exchange also warranting capital punishment.[40]

The Torah, on the other hand, appears to be the complete antithesis to its contemporary Mesopotamian laws. Whereas those ancient law codes decree the death penalty for property crimes, the Torah appears to be lenient in such cases, with no property offence ever warranting capital punishment. However, it is uncharacteristically harsh with regards to homicide.[41] While the Torah's approach has been considered primitive (as will be discussed in the *Lex Talion* section), it stands in direct contrast to its contemporaries as a vehicle through which to make a mission statement about the superiority and value that should be placed on human life as opposed to property.

This is stated explicitly in *Shemot* 21:11: מַכֵּה אִישׁ וָמֵת מוֹת יוּמָת - *He who fatally strikes a man shall be put to death.*

According to the Torah, life is sacred and hence the only comparable compensation for life is life itself. This notion is supported through the Torah's prohibition against taking a ransom payment for murderer. In *Bamidbar* 35:31 it states:

וְלֹא־תִקְחוּ כֹּפֶר לְנֶפֶשׁ רֹצֵחַ אֲשֶׁר־הוּא רָשָׁע לָמוּת כִּי־מוֹת יוּמָת׃

> You may not accept a ransom for the life of a murderer who is guilty of a capital crime; he must be put to death.

According to the Torah, money is incomparable to the value of human life, and the notion of equating the two is an insult to the very

[40] Ibid.

[41] It is also important to note that the Torah does not only decree the death penalty for homicide, but also for other offences such as the violation of Shabbat and the worship of other gods. This too comes to educate about the Torah's societal values, regarding both murder and desecration of God as equally abominable sins.

life that was lost. Whereas other Near Eastern law codes might be preoccupied with the monetary compensation for loss of life, the Torah makes a powerful statement that nothing - no amount of money - is able to compensate for life itself.

This distinction is exemplified through the case of the goring of an ox. This is an important case since the almost identical case occurs in Biblical law (*Shemot* 21:28-32), the laws of Eshuna (S54-55) and the Hammurabi code (S250-252). All three codes deal with a case involving an ox that is a notoriously habitual gorer, and yet, its owner has been negligent and failed to take proper precautions, allowing the ox to gore a person to death. The Mesopotamian laws are solely concerned with economic affairs, i.e., the compensation that must be paid to the family; the penalties are strictly monetary. The Torah treats the case differently and considers this a capital offence in which both the ox and its owner are condemned to death (albeit the latter has the option to pay a ransom). While this punishment may appear archaic and rather cruel, it speaks to the differing values that lay at the center of the respective societies. Greenberg explains this correlation:

> The unparalleled leniency of Biblical law in dealing with property offences must be combined with its severity in the cases of homicide, just as the leniency of non-Biblical law in dealing with homicide must be taken in conjunction with its severity in dealing with property offences. The significance of the laws then emerges with full clarity: in Biblical law life and property are incommensurable; taking of life cannot be made up for by any amount of property, nor can any property offence be considered as amounting to the value of a life… Thus the divergences between the Biblical and Near Eastern laws of homicide appear not as varying stages of progress or lag along a single line of evolution, but as reflections of differing underlying principles.[42]

[42] (Greenberg, 1995)

Slavery

Throughout the Ancient Near East, slavery was a widespread phenomenon. Domestic slaves were an essential part of economic life in ancient Mesopotamia, and Judaism, too, recognizes the concept of slavery. However, various nuances exist that differentiate the cultures and hence showcase Judaism's unique social ingenuities. Thus, slavery in Judaism serves to exemplify the notion of adopting and elevating preexisting concepts in the Ancient Near East, and using them as a vehicle through which to impart ideological principles.

It is important to note that within Judaism two entirely different systems of slavery exist, that of the *Eved Ivri* and of the *Eved Kena'ani*. The system of *Eved Ivri* is almost unanimously regarded as a humane and moral system, differentiating itself from its contemporaries. This is because this system uniquely specifies for the voluntary emancipation of slaves at the end of every seven years, as well as the mandatory freedom every 50 years. In contrast, the system of *Eved Kena'ani* is more difficult to explain. A non-Jewish slave is sold for his entire lifetime and possesses much more limited rights. This paper will discuss both systems and explain how one imparts radical innovations.

Eved Ivri

By examining the system of Jewish slavery, one can conclude that the Torah does not see slavery as a perpetual state of being, but rather a temporary, rehabilitative stage. This can be seen from both the mechanism for enslavement as well as the process of regaining freedom.

The Torah specifies that if a debtor is unable to pay his debts, he can give himself in bondage to his creditor.[43] The Torah also delineates that if a thief is unable to make restitution, he is able to be sold into slavery to pay off what he owes. While this process is not entirely unfamiliar amongst ancient Mesopotamian cultures, Judaism revolutionizes the concept through the release of slaves. Under Jewish law, slaves serve for six years and must be freed in the seventh.[44] If the slave refuses to go free and wishes to stay with his master, then the master pierces his ear by a doorpost as a symbol of the prolonged slavery. However, in the Jubilee year (once every 50 years) the slave is set free regardless. Moreover, in the case of a slave sold to pay off a debt, this freedom automatically cancels their debts. This notion of freeing slaves after a period of time was revolutionary in its context and embodies a radical new outlook on the way to view slavery. Judaism sees slavery as a means by which to achieve an end. It sees slavery as a way by which those struggling in society have an out, a period that allows them to recenter themselves, and regain their financial and social independence. Judaism sees slavery as a period, not as a lifetime. By doing so the Torah does something remarkable. It takes a concept that was widespread throughout its contemporary culture, a concept that the Biblical Jews would have been well-versed in, yet, it elevates it into something incredible.

Eved Kena'ani

As explained earlier, an *Eved Kena'ani* is a non-Jewish slave owned by a Jew and is subject to a different system of enslavement than his Jewish counterpart. An *Eved Kena'ani* had to become a partial member of the Jewish People, through circumcision and immersion in a *mikveh*

[43] Leviticus 25:39.
[44] Exodus 21:2, Deuteronomy 15:12.

(ritual bath). A non-Jewish male slave is obligated in the same commandments as a Jewish woman, that is non-time-dependent positive commandments as well as all negative commandments.[45] However, despite some degree of obligation in *mitzvot,* the *Eved Kena'ani* in ways is treated like chattel. He is passed as inheritance from father to son, and in most circumstances, it is forbidden to free him. Moreover, whereas regarding the Jewish slave, various provisions exist to protect him from harsh working conditions, the non-Jewish slave does not possess such luxuries. A Jewish slave-master is permitted to work his *Eved Kena'ani* with '*avodat parech,*' literally abusive work practices. Hence, this form of slavery more closely resembles the slavery that was widespread across the Ancient Near East, and forces one to question why Judaism allows and even perpetuates such a system.

Even this system reflects Judaism's innovative, compassionate ideas compared to those of her surrounding cultures. The Torah contains various laws protecting slaves, which are virtually unheard of in the Ancient Near East. For example, *Shemot* 21:20 clearly specifies that if a slave is beaten to death by his master, then the master is the culpable party. Moreover, the Torah includes the unparalleled provision that a slave automatically gains his freedom if he loses an eye or tooth at the hands of his master. This ensures that Jewish masters would not physically abuse their slaves, and that should there be a deviant master who did in fact abuse his slaves, those slaves would gain their emancipation and not be subject to his abuse any longer.

However, much more significant than provisions protecting slaves from abuse is the Torah's inclusion of slaves within *mitzvot*. The

[45] *Chagiga* 4a.

obligation of an *Eved Kena'ani* in certain commandments does more than just protect them; it acknowledges their humanity and grants them basic dignity.[46] As explained earlier, a non-Jewish slave is obligated in the same commandments as a woman. In addition, the Torah also explicitly obligates them in a number of commandments that reflect values of the Torah. A non-Jewish slave is explicitly obligated in circumcision,[47] observing Shabbat[48] as well as holidays,[49] specifically Pesach,[50] including bringing a sacrifice. While these provisions may seem arbitrary, in reality, each and every one works to reinforce the humanity of the slave.

Circumcision

Circumcision is a physical expression of the covenant and is thereby emblematic of the inalienable bond that exists between the Jewish people and their God. It is a symbol of mutual obligation and devotion, and hence, the significance of circumcising a slave is that it reinforces the humanity of the slave. What is hugely significant is that an *Eved Kena'ani* is not a Jew and yet is obligated in this same ratification of the covenant. Hence, one can view this as elevating an *Eved Kena'ani* to being an honorary member of the Jewish People. Slaves, particularly non-Jewish slaves, are especially vulnerable to abuse and ostracization; hence, the Torah goes out of its way to counteract this. While circumcision does not explicitly protect a slave from mistreatment, in a way, it offers the greatest form of safeguarding by

[46] In fact, the majority position (the *Rabbanan*) on *Bava Kama* 88a grant *Avadim Kena'anim* the status of "brotherhood" (אחוה) because אחיו הוא במצוות – *he is our brother in commandments.*

[47] Genesis 17:12-13.

[48] Exodus 20:10, 23:12; Deuteronomy 5:14–15.

[49] Deuteronomy 16:11–14, 12:18.

[50] Exodus 12:44.

bringing a non-Jewish slave into the Jewish people on some level. By doing so, the Torah recognizes the paramount humanity of a non-Jewish slave to a degree that was non-existent in the Ancient Near East.

Shabbat

The keeping of Shabbat possesses deep significance as it is emblematic of the egalitarian agenda of the Torah. This can be seen when contrasted to the Ancient Near East. The idea of the number seven can be seen in a variety of Near Eastern cultures, such as the dedication of the temple E-ninnu ('The House of Fifty') by the Sumerian Gudea for the god Ningirsu that lasted seven days, as well as the Atrahasis epic which mentions a seven-day magical rite for pregnant women in confinement. However, the idea of a week and a periodic day of rest is completely unparalleled in their literature.

While this may appear to be an arbitrary detail, the notion of Shabbat is much more than a new unit of measurement. Shabbat in its essentials represents the gift of time freedom. Shabbat is 25 hours when every individual not only has the option but is required to cease work and is thereby given back time. This is hugely significant for slaves. Slaves traditionally have no control over their day; their time and what they do with it is out of their control and in the possession of someone else. Hence, Shabbat, as Berman explains, "temporarily bridges the gap between the haves and have-nots… time itself is used as an instrument of equality."[51]

[51] Berman, 2009.

What stands behind the vast majority of the Torah's laws pertaining to slavery is the acknowledgement of the value of every human being. While slaves might be in a state of servitude, the Torah acknowledges that first and foremost they are human beings, and each human being deserves dignity. While slaves according to the vast majority of Mesopotamian cultures did possess some limited rights, fundamentally they were perceived of as a piece of movable property, stripped of identification and dignity. In contrast, the Torah goes out of its way to reiterate the inherent value of a slave through reframing the very notion of slavery.

Lex Talionis

In *Shemot* 21:22-25 the Torah specifies one of the most highly divisive laws within the entirety of the Bible:

וְכִי־יִנָּצוּ אֲנָשִׁים וְנָגְפוּ אִשָּׁה הָרָה וְיָצְאוּ יְלָדֶיהָ וְלֹא יִהְיֶה אָסוֹן עָנוֹשׁ יֵעָנֵשׁ כַּאֲשֶׁר יָשִׁית עָלָיו בַּעַל הָאִשָּׁה וְנָתַן בִּפְלִלִים:
וְאִם־אָסוֹן יִהְיֶה וְנָתַתָּה נֶפֶשׁ תַּחַת נָפֶשׁ:
עַיִן תַּחַת עַיִן שֵׁן תַּחַת שֵׁן יָד תַּחַת יָד רֶגֶל תַּחַת רָגֶל:
כְּוִיָּה תַּחַת כְּוִיָּה פֶּצַע תַּחַת פָּצַע חַבּוּרָה תַּחַת חַבּוּרָה:

When men fight, and one of them pushes a pregnant woman and a miscarriage results, but no other damage ensues, the one responsible shall be fined according as the woman's husband may exact from him, the payment to be based on reckoning. But if another damage ensues, the penalty shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise.

This clause of the Torah, colloquially known as 'an eye for an eye' or *lex talionis*, has been critiqued by many as cruel, regressive and archaic. Yet, when this stipulation is compared and contrasted to its Near Eastern counterparts, we see that this in fact posits a radical and innovative shift in the way we think about law and people themselves.

Near Eastern Parallels

In the vast majority of ancient cultures in the Near East, monetary compensation was the most common restitution for acts of violence. As stipulated in the compendium of Ur-Nammu, "If a man, in the course of the scuffle, smashed the limb of another man with a club, he shall pay one *mina* of silver. If someone severed the nose of another man with a copper knife, he must pay two-thirds of a *mina* of silver." In the laws of Eshuna, it delineates, "If a man bites the one of another man and severs it, he shall pay one *mina* of silver. [For] an eye [he shall pay one *mina* of silver; [for] a tooth one-half *mina*; [for] an ear one-half *mina*; [for] a slap in the face ten *shekel* of silver. If a man severs a[nother] man's finger he shall pay two-thirds of a *mina* of silver…" The Hittite laws have a similar provision: "If anyone blinds a free man or knocks out his teeth, they would formerly give one *mina* of silver, now he shall give twenty *shekels* of silver and pledge his estate as security."

However, in contrast to such, the Hammurabi code comes along and has an almost entirely tit-for-tat system of retribution, stipulating that:

> If a seignior has destroyed the eye of a member of the aristocracy, they shall destroy his eye. If he has broken a[nother] seignior's bone, they shall break his bone. If a seignior has knocked out a tooth of a seignior of his own rank, they shall knock out his tooth."

While on the surface this seems barbaric, a multitude of anthropologists find that the notion of 'an eye for an eye' that the Hammurabi code puts forward is actually a revolutionary step forward in the development of justice.

In his book *Exploring Exodus,* Nahum Sarna discusses such a notion at length. He explains that in primitive societies, the assault of one individual by another was deemed a private matter and hence was

settled domestically between the parties involved.[52] While this was the common practice for many centuries, as more systematic codes of law began to emerge throughout the Ancient Near East, this was reformed through these law codes stipulating monetary equivalences for acts of violence. While through the eyes of our modern sensibilities, these laws advocating for monetary compensation seem to fit with our perception of justice, they in fact allowed for a vast amount of inequality owing to the immense social stratification that dominated the era. These acted as further protection for the wealthier class in dominating the lower classes, as monetary compensation did not constitute a deterrent for those with money. Moreover, significantly, these law codes still left violent acts a matter of private affair to be handled by individuals (albeit monitored by systematic equivalences ordained by a governing body) which has far-reaching implications.

Hence, with this historic backdrop, the innovation of the Hammurabi code can be appreciated. It becomes clear that the code provided two primary innovations. It fundamentally transformed something that once was a matter of private law into public law. In addition, it introduced the notion of exact equivalence injustice. The *lex talionis* provision was not simply a small legal change, but rather a larger value statement. Its significance is that it turned something that was once a mere civil proceeding into a bona fide crime against society. It proclaimed that violence in its very being is a destructive force of society and consequently warrants supervision by an administrative body. As Sarna eloquently puts it:

> Hammurabi's new law spoke to the realization that violence in interpersonal relationships undermines the order and stability of

[52] Sarna, 2011.

> society, and that, as a consequence, the state assumes an obligation to promote domestic tranquility to protect the public and to preserve the security of its citizens.[53]

The second primary innovation of the *lex talionis* clause is that it effectively invented a new legal principle of exact justice. As David VanDrunen in his defense of the principle of *lex talionis* as an expression of natural law explains, "*Lex talionis* attempts to define retribution or compensation that is perfectly proportional to the harm caused."[54] This was revolutionary, and in a way is the backdrop against which all modern legal systems are founded. It specifies a principle so fundamental it becomes obvious - that the nature and degree of punishment be exactly proportional to that of the injury inflicted. As explicated by Michael Coogan, the purpose of *lex talionis* was "to prevent people from taking the law into their own hands and exacting disproportionate vengeance for offenses committed against them."[55]

Divergences of the Torah

Hence, it is clear that the principle of *lex talionis* arguably was a legal ingenuity of its time. However, as history testifies, this was an innovation of the Hammurabi Code, and not necessarily a Biblical initiative. Hence, the question persists regarding Biblical innovation.

One potential answer is explained by Rav Amnon Bazak in his commentary on the philosophy of Rav Kook. He believes that the Torah does incorporate systems of justice that existed among other nations pre-dating the Torah, and that this poses no theological difficulty. "If these other ancient laws indeed represent a valid articulation of justice which those societies had arrived at of their own

[53] Sarna, 2011.
[54] VanDrunen, 2008.
[55] Coogan and Chapman, 2009.

accord, there is no reason why the Torah should seek to change them or to ignore them."[56]

Notwithstanding such a worldview, an alternative answer can be reached from an analysis of the oral law. In *Bava Kama*, the beginning of the 8th chapter[57] discusses the concept of 'an eye for an eye.' The Mishna at the start of this page delineates the five forms of damages that a person is liable to pay if he causes injury to another person – the value of the injury, pain, medical bills, time off work, and embarrassment. The Gemara begins by asking a seemingly obvious question: Why is the Mishna discussing monetary restitution for injury when the Torah clearly states that the punishment should be 'an eye for an eye'? The Gemara proceeds to answer its question by means of saying that an 'eye for an eye' should never be interpreted literally, but rather should always be about the pecuniary compensation for such a crime. The Gemara then proceeds to present numerous derivations to prove that this interpretation is correct, ranging from literary parallels between sections in the Torah to the use of logic through bringing an extreme case. Despite the Gemara accepting many of these corroborations, it continues to bring more and more proofs verifying the monetary interpretation of 'an eye for an eye.'

While the Gemara is renowned for being thorough in its analysis, in this case, it brings nine separate proofs, which appears to be excessive. Hence, the only logical conclusion that can be drawn from this extensive discussion is that amongst the oral tradition, there existed from Biblical times a clear tradition that 'an eye for an eye' was not to be interpreted literally. The fact that so many proofs exist is emblematic of the oral tradition going out of its way to clearly

[56] Bazak, 2014.
[57] *Bava Kama* 83b-84a.

demonstrate that this law should not be and never was interpreted literally. Hence, one is forced to ask oneself: If 'an eye for an eye' was never meant to be interpreted literally in practice, why does the Torah express it this way to begin with? Why wouldn't God write clearly and plainly what He means - that one only ever pays monetary restitution for bodily injury?

The answer to this rests in the prior discussion of the Hammurabi code. The Torah introduces the concept of *lex talionis* for the same reasons that the Hammurabi code chose to do so, that is, to act as a value statement. By formulating the punishment for injury as 'an eye for an eye,' the Torah expresses that first and foremost, Judaism sees violence as an act that threatens the very fabric of a functioning society and hence should be dealt with in the public sphere. Second, expressing it this way reinforces the supreme value the Torah places on human life and limb. This value is so paramount that when one individual injures another, the only suitable way for recompense is by giving up that same life or limb. The Torah recognizes that no amount of money could ever possibly substitute for a human life or even appendage; no one should ever entertain the idea that the Torah believes that monetary restitution can wipe the slate clean and make up for what was taken. The only truly deserving and fitting punishment is an 'eye for an eye' - that the punishment should exactly fit the crime. However, unlike the Hammurabi code, the Torah is not barbaric. It would never dream of actually enacting these principles in practice. Thus, the oral law informs us that though the Torah expresses the punishment in the language of 'an eye for an eye' to convey that that is what the perpetrator deserves, the actual punishment in practice is the more humane financial penalty. By doing so, the Torah in a way gets the 'best of both worlds,' allowing for both morality and justice to preside.

Conclusion

This paper has shown that the Torah is both of and transcends its time. It is of its time in that it adopts its contextual literary conventions as a medium through which to appeal to its original audience. But more significantly, it transcends its time through its unique political and social innovations that only fully emerge through this analysis and comparison. The Torah is truly ahead of its time. It creates a system in which each individual adherent is valued and elevated; a system which proposes an unparalleled direct relationship between God and humans; a system that is egalitarian in nature and cares for all members of the population, regardless of wealth or social status. In this way, the Torah is relevant not only to its Biblical audience, but also to all people of all times and places, enabling it to truly transcend time.

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EXAMINING LEADERSHIP THROUGH THE FRAMEWORK OF *KOHELET*

Miri Granik

"Leadership demands two kinds of courage: the strength to take a risk, and the humility to admit when a risk fails,"[1] writes Rabbi Jonathan Sacks zt"l in his book about the Torah perspective on leadership, *Lessons in Leadership*. He emphasizes the tightrope that any good leader must walk in order to achieve success both as a strong commander and as an *eved* Hashem. Rabbi Joseph B. Soloveichik perfectly captures this balance in his phrase "Majesty and Humility," the title of his revolutionary article about the dialectic of humanity.[2] Leadership requires the majesty to take risks, act creatively, and command respect. Leadership simultaneously demands the humility to recognize one's limitations and subservience to God.

אֵין אָדָם שַׁלִּיט בָּרוּחַ...עֵת אֲשֶׁר שָׁלַט הָאָדָם בְּאָדָם (קהלת ח:ח-ט)

No one has authority over the wind...at times people have authority over people (*Kohelet* 8:8-9)

Tanach is full of leaders who exemplify the balance of confident leadership with *yirat shamayim*, each in his or her own unique way. One way to explore this leadership dialectic throughout *Tanach* is through the Jewish people's continuous cycle of exile and return to the Land of Israel. Heroes such as Avraham, Yosef, Moshe, and David lead

[1]Rabbi Jonathan Sacks, *Lessons in Leadership*, p. 128.
[2] Rabbi Joseph B. Soloveichik, "Majesty and Humility," *Tradition*, Spring 1978.

the Jewish people through *galut* and *geula*, from slavery to freedom, constantly focused on the ultimate goal of a sovereign nation serving God in *Eretz Yisrael*. All of these leaders strive to use their unique strengths to do the right thing for the Jewish people in every circumstance. In this paper, we will suggest that each Jewish leader must balance various leadership modes differently, depending on whether they are in *Eretz Yisrael* or *Chutz La-aretz*.

Megillat Kohelet introduces these two types of leadership as part of a dialogue about different worldviews. One understanding of *Kohelet*[3] divides the *megilla* into four distinct voices or personalities, each expressing different ideals.[4] The personalities are the *Nehentan* (hedonist), the *Amal* (laborer), the *Yarei Elokim* (God-fearer) and the *Chacham* (philosopher). Being a *Yarei Elokim* means fully recognizing that everything comes from God and dedicating one's life to serving Him. Every successful Jewish leader possesses qualities of all four personalities, but y*irat shamayim* must be the basis and driving factor of their leadership. Role models of Jewish leadership in *Tanach* combine their *yirat shamayim* with other values to further the Jewish

[3]Commentators have suggested many ways to resolve the explicit contradictions that are found in the text of *Megillat Kohelet*. An example of a textual contradiction:

Kohelet 7:2- "It is better to go to a house of mourning than to a house of feasting; for that is the end of every man, and a living one should take it to heart." This *pasuk* condemns rejoicing.

Kohelet 8:15- "I therefore praised enjoyment. For the only good a man can have under the sun is to eat and drink and enjoy himself. That much can accompany him, in exchange for his wealth, through the days of life that God has granted him under the sun." This *pasuk* praises rejoicing.

[4]Based on the introduction of the Meiri to *Megillat Kohelet* and developed by Rav Yaakov Medan, Rosh Yeshiva of Yeshivat Har Etzion. This approach was taught to me by Rabbi Eli Weissman at Yeshiva University High School for Girls in New York.

community. For example, a *Nehentan* responds to humanity's lack of control over the future by enjoying life to its fullest. Hedonism as an extreme is detrimental to the Jewish community and is even manifest in many of the enemies of the Jewish people, often used as an ideological backing for oppressive regimes and pagan worship. The Torah, however, does emphasize enjoying and appreciating the material world, and a leader with this mindset can enhance the community.

Chochma (which we will define as pragmatic leadership) and *amelut* (which we will define as innovative labor) are essential for any productive society, but we will argue that pragmatism is more necessary and prevalent in *galut*, while innovative labor comes to the surface more in *Eretz Yisrael*. In the diaspora's secular or polytheistic societies, Jewish leaders are faced with challenges to the faith and safety of their communities. They must respond to these problems with pragmatic solutions and political savvy.[5] Conversely, In *Eretz Yisrael*, leaders face challenges such as fighting wars, settling and working the land, and building the *Beit Ha-mikdash.* These leaders come up with innovative and creative ways to build a *Torah V'Avoda* society.

סוֹף דָּבָר הַכֹּל נִשְׁמָע אֶת־הָאֱלֹהִים יְרָא וְאֶת־מִצְוֹתָיו שְׁמֹר...

The sum of the matter, when all is said and done: Revere God and observe His commandments... (*Kohelet* 12:13)

Before we can go into detail about these differences between *Amal* and *Chacham* leadership, it is important to first understand what it means to serve God through leadership in a general sense -

[5] *Lessons in Leadership*, Rabbi Jonathan Sacks, Foreword by Ronald Heifetz, p xv.

exemplifying the *Yarei Elokim* element that must be present for all leaders.

King David is the Jewish leader who displays God-fearing leadership most carefully and heroically. David, a brilliant political leader and military strategist, is extraordinarily successful on his own, yet he unfailingly attributes all of his victories to God, living by *Kohelet*'s closing instruction to "revere God and observe His commandments" (*Kohelet* 12:13). David's legacy paints an unquestionable portrait of Jewish statesmanship that is twofold: a leader must be both pragmatic and faithful, courageous and humble. A leader must be ambitious and creative while also recognizing that the future is in the hands of the Creator.

David's combination of courage and humility is best seen in his encounter with Goliath, long before he becomes king. David is a young shepherd, far from a warrior, when the Philistines wage war against Israel. During one fateful battle, the Philistine champion Goliath challenges Israel to choose one brave warrior to fight against him. This is no small task for two reasons: Goliath is a heavily armed giant, and he has wagered the price of slavery for the losing side. David later volunteers to fight Goliath himself and emerges victorious, but even before that, he demonstrates both his bravery and his loyalty to God. While the warriors of Israel quickly become terrified of Goliath, David's response is uniquely bold. "Who is that uncircumcised Philistine that he dares defy the ranks of the living God?" he demands (*Shmuel* I 17:26). When he finally stands up to Goliath, the young shepherd is simultaneously courageous enough to fight and humble enough to recognize that his fate depends on God: "The God who saved me from lion and bear will also save me from that Philistine" (*Shmuel* I 17:37).

David's unique balance of humility and valiance is emphasized not only by his own words, but also by the stark contrast between him and Goliath. Malcolm Gladwell, in his book about the strength of underdogs,[6] elegantly describes the imagery of the story:

> You see the giant and the shepherd in the Valley of Elah and your eye is drawn to the man with sword and shield and the glittering armor. But so much of what is beautiful and valuable in the world comes from the shepherd, who has more strength and purpose than we ever imagine (Gladwell, *David and Goliath)*.[7]

Because of David's apparent inferiority to Goliath, his boldness to fight the giant can almost appear as an expression of hubris. In fact, one's intuitive response to David is almost identical to David's own response to Goliath's challenge ("Who is that uncircumcised Philistine that he dares defy the ranks of the living God?"): Who is this inexperienced shepherd who dares to fight the mighty warrior Goliath? David's courage, however, stems not from his ego but from his unwavering faith in God and commitment to the continuity of the Jewish people.

Rabbi Sacks highlights the "humility to admit when a risk fails,"[8] but Jewish leadership also demands the humility to recognize that even victories are attributed to God. A Gladwellian mind may be inclined to attribute David's victory exclusively to the unconventional strength that an underdog possesses. Torah scholars, and indeed David himself, would credit God above all else. That is not to say that a Torah perspective wouldn't appreciate David's military brilliance, but his victory is remarkable not because of the feat of the underdog, but in

[6] Titled for this historic event.

[7] Malcolm Gladwell, *David and Goliath: Underdogs, Misfits, and the Art of Battling Giants*, p. 346.

[8] Rabbi Jonathan Sacks, *Lessons in Leadership,* p. 128.

David's recognition of Providence. Just before slinging a fatal blow to Goliath using just one stone, David passionately declares his loyalty to God and his faith that He will bring victory to the Jews:

> וְאָנֹכִי בָּא־אֵלֶיךָ בְּשֵׁם ה' צְבָאוֹת אֱ־לֹהֵי מַעַרְכוֹת יִשְׂרָאֵל אֲשֶׁר חֵרַפְתָּ: הַיּוֹם הַזֶּה יְסַגֶּרְךָ ה'בְּיָדִי... וְיֵדְעוּ כָּל־הָאָרֶץ כִּי יֵשׁ אֱ־לֹהִים לְיִשְׂרָאֵל:וְיֵדְעוּ כָּל־הַקָּהָל הַזֶּה כִּי־לֹא בְחֶרֶב וּבַחֲנִית יְהוֹשִׁיעַ ה' כִּי לַה' הַמִּלְחָמָה וְנָתַן אֶתְכֶם בְּיָדֵנוּ׃
>
> I come against you in the name of the Lord of Hosts, the God of the ranks of Israel, whom you have defied. This very day God will deliver you into my hands… And this whole assembly shall know that God can give victory without sword or spear. For the battle is God's, and He will deliver you into our hands (*Shmuel* I 17:45-47).

In a recent lecture on *Jewish Political Greatness* through the Tikvah Fund,[9] Rabbi Meir Soloveichik speaks of the dialectic that is King David's leadership model. Rabbi Soloveichik comments on the popular phrase, "*David melech Yisrael chai vekayam*," (David, King of Israel, is alive and present), focusing on two words: "*melech*" and "*kayam.*" This expression, which originated from the Talmud, crowns David as the immortal King of Israel. What is it about David that over two thousand years after his last descendent sat on the throne, he retains the honor of "*Melech*" and the promise of his enduring legacy? The answer, Rabbi Soloveichik suggests, lies in David's unique combination of brilliant statesmanship and steadfast faith in God. The title "*Melech*" categorizes David with only two other Biblical figures who are similarly referred to with titles appended to their names: Avraham *Avinu* and Moshe *Rabbeinu*. These three characters are models for different aspects of Jewish faith. Avraham is the father of the Jewish people, tasked with spreading monotheism, passing on his faith to his children, establishing Israel as the homeland of his descendants, and

[9] Rabbi Dr. Meir Soloveichik, *Jewish Political Greatness: 10 Studies in Statesmanship*, *King David: The Perfect Political Personality,* The Tikvah Center.

participating in a covenant with God to ensure the continuity of the nation. Moshe is the teacher. His role is transitioning the Jews from slavery to *amelut* (labor, but for a higher purpose), and teaching them Torah. David is the king, the ideal Jewish statesman. He is the model of political and military excellence with the goal of *amelut*. David *Ha-melech*'s legacy has endured throughout the Diaspora with children singing his name because of his message that when faced with a decision, a leader must act artfully and simultaneously recognize the hand of God in every circumstance.

King David's most impressive political and spiritual success is establishing Jerusalem as the capital of his kingdom. He has dreams of building a beautiful Temple in the center of the nation dedicated to serving God. He is not able to accomplish this in his lifetime, but he builds the foundations for his son to carry out his dream. David recognizes the importance of the spiritual center of the nation to also be the political center, setting the tone for a religiously focused kingdom. By overcoming military and political obstacles to establish Jerusalem as the capital, he secures *Malchut Yisrael* as a political and spiritual powerhouse.

דִּבְרֵי֙ קֹהֶ֣לֶת בֶּן־דָּוִ֔ד מֶ֖לֶךְ בִּירוּשָׁלָֽם׃

The words of *Kohelet* son of David, king in Jerusalem (*Kohelet* 1:1)

King David passes his leadership ideals down to his heir Shlomo, who, like his father, reigns with a backdrop of *yirat shamayim*. Shlomo even fulfills David's dream of building the magnificent Temple in Jerusalem. Based on his father's legacy and his own thirst for

wisdom,[10] King Shlomo has a unique vision for the *malchut* and leadership in general. Among many masterpieces, he writes *Megillat Kohelet*, the inspiration for this study on leadership. *Kohelet* is a comprehensive study on the meaning of life and the purpose of society. The book opens with the declaration that everything is futile, followed by life's biggest question:

> דִּבְרֵי קֹהֶלֶת בֶּן־דָּוִד מֶלֶךְ בִּירוּשָׁלָם: הֲבֶל הֲבָלִים אָמַר קֹהֶלֶת הֲבֶל הֲבָלִים הַכֹּל הָבֶל: מַה־יִּתְרוֹן לָאָדָם בְּכָל־עֲמָלוֹ שֶׁיַּעֲמֹל תַּחַת הַשָּׁמֶשׁ:
>
> The words of *Kohelet*h son of David, king in Jerusalem. "Utter futility," said *Kohelet*. "Utter futility! All is futile! What real value is there for a man in all the gains he makes beneath the sun?" (*Kohelet* 1:1-3)

The manner in which Shlomo addresses this question throughout *Megillat Kohelet* can be used as a lens through which to better understand Jewish leadership. We have established through our study of David that *yirat shamayim* is the foundation. What about the other three personalities of *Nehentan, Amal,* and *Chacham* - how do they figure into the attributes of a Jewish leader?

The *Nehentan* follows the hedonistic belief that since humans have no control over the future, we should simply enjoy the world.[11] From

[10] *Kohelet* 1:13- וְנָתַתִּי אֶת־לִבִּי לִדְרוֹשׁ וְלָתוּר בֶּחָכְמָה עַל כָּל־אֲשֶׁר נַעֲשָׂה תַּחַת הַשָּׁמָיִם - *I set my mind to study and to probe with wisdom all that happens under the sun*.

[11] The Oxford English Dictionary defines hedonism as "the ethical theory that pleasure (in the sense of the satisfaction of desires) is the highest good and proper aim of human life". Merriam-webster.com adds historic and modern context to the word: "When hedonism first appeared in English in the middle of the 19th century, it referred to the doctrines of certain schools of philosophy in ancient Greece (such as the Epicureans and Cyrenaics), who held that happiness or pleasure constituted the chief goal in life. As used today, the word frequently carries a judgmental tinge. If someone is described as living a life of hedonism, the implication is that he or she derives happiness from debauchery rather than,

a religious perspective, one could understand that to mean that God made the world for our benefit. While it is possible for the Jewish community to have a *Nehentan* leader who is focused on spreading joy and appreciation for God's world, this type of leadership is less relevant to our discussion because when taken to the extreme, it is the antithesis of Judaism. Unlike the Torah, which emphasizes selfless action and helping the underprivileged of society (among many other values), hedonism encourages self-indulgence, which often comes at the expense of others.[12] It is important for the Jewish community to have elements of *simcha* and *hakarat hatov* to God for the physical world, but it is clear from *Kohelet* that we are meant to beware of this type of leadership.

In the dialogue of *Kohelet*, the *Amal* and the *Chacham* both make strong arguments against the *Nehentan*. The *Amal* argues for laboring for the greater good and working towards a better future. The first *Amal* statement in *Kohelet* advocates for the oppressed:

> וְשַׁבְתִּי אֲנִי וָאֶרְאֶה אֶת־כָּל־הָעֲשֻׁקִים אֲשֶׁר נַעֲשִׂים תַּחַת הַשָּׁמֶשׁ וְהִנֵּה דִמְעַת הָעֲשֻׁקִים וְאֵין לָהֶם מְנַחֵם:
>
> I further observed all the oppression that goes on under the sun: the tears of the oppressed, with none to comfort them; and the power of their oppressors, with none to comfort them (*Kohelet* 4:1).

The *Amal*'s response to hedonism is that the point of life can't be to enjoy oneself, because that would be unfair to those who don't have the privilege to practice a *Nehentan* lifestyle. In addition, it is futile to work for oneself because he or she will always be jealous of

say, spending quality time with family or forming meaningful relationships at work. Hedonism comes from the Greek hēdonē ('pleasure')."

[12] Where there is an upper-class master who has the privilege of leisure, there is always a lower-class worker attending to his needs.

others and never be satisfied. It is more fulfilling to work for others.[13] A society focused on *amelut* would want a leader who understands the needs of the people and cares for the oppressed:

> טֽוֹב ׀ יֶ֣לֶד מִסְכֵּ֗ן וְחָכָם֙ מִמֶּ֣לֶךְ זָקֵ֔ן וּכְסִ֖יל אֲשֶׁ֣ר לֹא־יָדַ֑ע לְהִזָּהֵ֖ר עֽוֹד: כִּֽי־מִבֵּ֥ית הָסוּרִ֖ים יָצָ֣א לְמָלְךָ֑ כִּ֣י גַם בְּמַלְכוּתֹ֔ו נוֹלַ֖ד רָֽשׁ:
>
> Better a poor but wise youth than an old but foolish king who no longer has the sense to heed warnings. For the former can emerge from a dungeon to become king; while the latter, even if born to kingship, can become a pauper (*Kohelet* 4:13-14).

The *Chacham* also opposes the *Nehentan,* but for different reasons than the *Amal.* The *Chacham* is wise and pragmatic and will work to get ahead in society. Unlike the *Nehentan*, he believes that humans have some level of control over their future. He values learning from experiences and hard times in order to become wiser and therefore more successful.[14]

The *megilla* concludes that fearing God and observing the *mitzvot* is the ideal way to live and lead, but aspects of the other three personalities are also valuable. The combination of *yirat Elokim* with other leadership qualities is what makes a great Jewish leader. A leader who combines fearing God with *amelut* finds creative ways to advance the Jewish community, do *chessed*, and bring the people closer to Hashem. A Torah-focused *Chacham* uses logic and political savvy to protect the Jewish community against opposing forces and ideologies.

In *galut*, the Jewish community is faced with ongoing challenges to its safety, spirituality, and continuity. Governments, radical individuals, secular culture, and opposing religions are a constant

[13] *Kohelet* 4:4-12.
[14] *Kohelet* 7.

threat. Jewish leaders must act with *chochma* - wisdom, logic, savvy- to ensure the continuity of the community. The main focus in *galut* is survival, and to do that, leaders must rise to prominence in secular society to gain respect and influence for their community. In *Eretz Yisrael* on the other hand, at least in times of peace and sovereignty, there is no immediate threat to the community's existence. This means that leaders can focus more on society-building and creating a better future. Since *geula* is the ideal for the Jewish people, *amelut* in *Eretz Yisrael* combined with *yirat shamayim* is the ideal balance of characteristics for a Jewish leader.

שֹׁמֵר רוּחַ לֹא יִזְרָע וְרֹאֶה בֶּעָבִים לֹא יִקְצוֹר׃

If one watches the wind, he will never sow; and if one observes the clouds, he will never reap (*Kohelet* 11:4).

It is clear that a Jewish leader needs to be a *Chacham* in *Chutz La-aretz* in order to survive and thrive in secular or pagan society, but why is *amelut* a staple of leadership in *Eretz Yisrael*? The Land of Israel is less conducive to hedonism than other places the Jewish people have encountered throughout history, especially Egypt. Israel depends on the rain, and therefore on God, unlike Egypt which depends on the Nile.[15] In Egypt, farmers could sit back and enjoy life while the Nile watered their fields, promoting a hedonist lifestyle. God took us out of

[15] *Devarim* 11:10-14 - "For the land that you are about to enter and possess is not like the land of Egypt from which you have come. There the grain you sowed had to be watered by your own labors, like a vegetable garden; but the land you are about to cross into and possess, a land of hills and valleys, soaks up its water from the rains of heaven. It is a land which Hashem your God looks after, on which *Hashem* your God always keeps His eye, from year's beginning to year's end. If, then, you obey the commandments that I enjoin upon you this day, loving Hashem your God and serving Him with all your heart and soul, I will grant the rain for your land in season, the early rain and the late."

Egypt, away from the Nile, through the *Midbar* (where we depended on him for manna) to Israel. He took us to a land where we need to pray for rain and work the land in order to survive. In Israel, "If one watches the wind, he will never sow; and if one observes the clouds, he will never reap" (*Kohelet* 11:4). This dependent lifestyle encourages *amelut*. We need to find creative ways to settle and work the land and to build an agricultural society focused on *amelut*. We cannot sit back and indulge in materialism and pagan worship that get us nowhere. That is not to say that we can't appreciate the beauty of our homeland and enjoy the fruits of our labor, but we do so out of *hakarat hatov* and *amelut*, rather than hedonism.[16] It is also important to note that our reliance on God in *Eretz Yisrael* does not eliminate the possibility of materialism and, in the extreme, sin. This lifestyle,[17] however, is much more conducive to living a life of Torah values than life in Egypt and similar societies.

In addition to reliance on the rain, the system of *Shemita* and *Yovel*[18] sets up an agricultural society in *Eretz Yisrael* that promotes *amelut* and *yirat shamayim.* The *Amal* in the fourth chapter of *Megillat Kohelet* compassionately stands up for the lower class and argues that

[16] We also show our humility and subservience to God by giving up our produce: *Teruma* and *Maaser, Korbanot, Shemita* and *Yovel*, etc.

[17] Agricultural society, sovereignty and peace in Israel, observant Jewish population, *Beit Ha-mikdash*, etc.

[18] Rabbi Alan Haber, *The Kosher Consumer's Guide to* Shemita*, p 8*- "*Shemita* is based on the fundamental truth that we do not own the Land of Israel - Hashem himself does. This point is made crystal-clear in the Torah, at the end of the section dealing with *Shemita*: 'The land shall not be sold in perpetuity, because the land is Mine' (*Vayikra* 25:23). Because of that, all agricultural land is made ownerless during *Shemita*. Nevertheless, Hashem allows us to eat the produce of the *Shemita* year (*Vayikra* 25:6)."

the *Nehentan*'s ideology exclusively benefits those who can afford to simply enjoy their lives.

> וְשַׁבְתִּי אֲנִי וָאֶרְאֶה אֶת־כָּל־הָעֲשֻׁקִים אֲשֶׁר נַעֲשִׂים תַּחַת הַשָּׁמֶשׁ וְהִנֵּה דִּמְעַת הָעֲשֻׁקִים וְאֵין לָהֶם מְנַחֵם:
>
> I further observed all the oppression that goes on under the sun: the tears of the oppressed, with none to comfort them; and the power of their oppressors with none to comfort them (*Kohelet* 4:1).

A way to oppose hedonistic ideologies is to build a society that gives everyone an equal opportunity to be successful and live a meaningful life. By making farmers relinquish their land once every seven years, *Shemita* equalizes everyone. This provides for the poor and allows everyone to take a year to get back on their feet. In addition, all debts are forgiven in the *Shemita* year, further limiting financial inequalities. Aside from equalizing everyone which discourages hedonism, *Shemita* is a reminder that the land belongs to God, promoting humility and *yirat shamayim.* Because of *Shemita*, Israel is an *Amal* society for six years of agricultural work, followed by a sabbatical year that refocuses the nation on *yirat shamayim* and *chessed*. *Shemita* is the best way to build a society that balances the "Majesty and Humility" dialectic. Rav Sacks writes on *Parashat Behar*, the Torah portion that introduces *Shemita* and *Yovel*, that this system is extremely sensitive to the long-term needs of the Jewish people:

> [Moshe] predicts that over the course of time, precisely as they succeed, the Israelites will be at risk of losing their '*asabiyyah*,' or social cohesion and solidarity as a group. To prevent this, he sets forth a way of life built on covenant, memory, collective responsibility, justice, welfare, and social inclusion - still, to this

> day, the most powerful formula ever devised for a strong civil society.[19]

As highlighted by *Megillat Kohelet*, an *Amal* society needs to be constantly looking towards the future in order to always be progressing and building. In Israel, the seven-year period of *Shemita* and fifty-year period of *Yovel* require leaders who not only are committed to *Torah u'Mitzvot,* but who can also think long-term and envision a better future.

בַּבֹּקֶר֙ זְרַ֣ע אֶת־זַרְעֶ֔ךָ וְלָעֶ֖רֶב אַל־תַּנַּ֣ח יָדֶ֑ךָ כִּ֣י אֵינְךָ֤ יוֹדֵ֙עַ֙ אֵ֣י זֶ֔ה יִכְשָׁ֖ר...

Sow your seed in the morning, and don't hold back your hand in the evening, since you don't know which is going to succeed…. (*Kohelet* 11:6).

As the first settler of the Land of Israel, Avraham *Avinu* adapts to the differences between *Eretz Yisrael* and *Chutz La-aretz* while maintaining a strong relationship with God. As the father of *Am Yisrael*, Avraham is clearly a *Yarei Elokim*. Every leadership decision he makes, whether an act of *chochma* or *amelut*, is for the purpose of serving God. He is unwaveringly faithful and does everything God asks of him without question. He is even willing to sacrifice his beloved son Yitzchak, simply because God asks him to do so.[20] Avraham is so dedicated to following in God's ways that he leaves his birthplace for a new land to spread his theological beliefs and plant the seeds for his descendants.

When Avraham is called to action in the beginning of *Parashat Lech Lecha*, he proves his combined *amelut* and *yirat shamayim* when he is willing to leave his birthplace to go to הָאָ֖רֶץ אֲשֶׁ֥ר אַרְאֶֽךָּ - *the land which*

[19] Rabbi Jonathan Sacks, *Lessons in Leadership,* p. 171.
[20] *Bereishit* 22.

Hashem will show him - Eretz Yisrael. He travels to the Land, pitches his tent, builds an altar, and serves God. His actions are selfless and reflect long-term thinking, as he doesn't receive any immediate benefit from fulfilling God's command. Throughout Avraham's life, he consistently invests in *amelut* when in *Eretz Yisrael.* He establishes the land as the home of his family, God's chosen nation, by digging wells, building altars, acquiring *Me'arat Ha-machpela* as a family *kever*, inviting guests, and participating in a covenant with God which promises the Land of Israel to Avraham's descendants.

Avraham initiates a cycle of the Jewish people's *aliyah* and *yerida* from the Land of Israel that continues to this day, and he sets a precedent by adapting his leadership to fit the needs of each society he comes across. Soon after Avraham's journey to the Land of Israel, he is forced to go to Egypt due to a famine. Although this decision is a *yerida*, a move away from *Eretz Yisrael*, it is a similar action to Avraham's initial move to Israel and represents an *Amal* response to a famine. Avraham sees that the Land of Israel is not providing for his family at this time and recognizes that he is unable to build a future and serve God properly during a famine. By going to Egypt, he is securing the future of his family, while always planning to return to Israel to fulfill his "*Lech Lecha*" mission.

In contrast to Avraham's active *amelut* while in the Land of Israel, when he is forced to leave the land, he shifts to a more *Chacham* approach to leadership. In Egypt, Avraham's decisions are still focused on serving God but are responses to immediate threats rather than long-term productivity. Just before he enters Egypt, Avraham wisely recognizes the dangers of a foreign land and immediately takes precautions to protect his family:

וַיְהִי֙ כַּאֲשֶׁ֣ר הִקְרִ֔יב לָב֖וֹא מִצְרָ֑יְמָה וַיֹּ֨אמֶר֙ אֶל־שָׂרַ֣י אִשְׁתּ֔וֹ הִנֵּה־נָ֥א יָדַ֖עְתִּי כִּֽי־אִשָּׁ֥ה יְפַת־מַרְאֶ֖ה אָ֥תְּ: וְהָיָ֗ה כִּֽי־יִרְא֤וּ אֹתָךְ֙ הַמִּצְרִ֔ים וְאָמְר֖וּ אִשְׁתּ֣וֹ זֹ֑את וְהָרְג֥וּ אֹתִ֖י וְאֹתָ֥ךְ יְחַיּֽוּ: אִמְרִי־נָ֣א אֲחֹ֔תִי אָ֖תְּ לְמַ֣עַן֙ יִֽיטַב־לִ֣י בַעֲבוּרֵ֔ךְ וְחָיְתָ֥ה נַפְשִׁ֖י בִּגְלָלֵֽךְ׃

As he was about to enter Egypt, he said to his wife Sarai, “I know what a beautiful woman you are. If the Egyptians see you, and think, ‘She is his wife,’ they will kill me and let you live. Please say that you are my sister, that it may go well with me because of you, and that I may remain alive thanks to you” (Bereishit 12:11-13).

Avraham’s prediction is correct, and Sarai is taken to Pharaoh's palace; however, since he is successful in tricking Pharaoh, Avraham’s life is spared. Because of this, Avraham rises to prominence in Egypt and gains a lot of wealth:

וַיְהִ֗י כְּבֹא֙ אַבְרָ֣ם מִצְרַ֔יְמָה וַיִּרְא֥וּ הַמִּצְרִ֖ים אֶת־הָאִשָּׁ֣ה כִּֽי־יָפָ֣ה הִ֑וא מְאֹֽד: וַיִּרְא֣וּ אֹתָהּ֮ שָׂרֵ֣י פַרְעֹה֒ וַיְהַֽלְל֣וּ אֹתָ֔הּ אֶל־פַּרְעֹ֑ה וַתֻּקַּ֥ח הָאִשָּׁ֖ה בֵּ֥ית פַּרְעֹֽה: וּלְאַבְרָ֥ם הֵיטִ֖יב בַּעֲבוּרָ֑הּ וַיְהִי־לֹ֤ו צֹאן־וּבָקָר֙ וַחֲמֹרִ֔ים וַעֲבָדִ֥ים וּשְׁפָח֖וֹת וַאֲתֹנֹ֥ת וּגְמַלִּֽים: וְאַבְרָ֗ם כָּבֵד֙ מְאֹ֔ד בַּמִּקְנֶ֖ה בַּכֶּ֥סֶף וּבַזָּהָֽב׃

When Avram entered Egypt, the Egyptians saw how very beautiful the woman was. Pharaoh’s courtiers saw her and praised her to Pharaoh, and the woman was taken into Pharaoh’s palace. And because of her, it went well with Avram; he acquired sheep, oxen, donkeys, male and female slaves, she-donkeys, and camels (*Bereishit* 12:14-16).

This episode illustrates that while Avraham is an *Amal* in *Eretz Yisrael,* he begins to act with more *chochma* when he goes to Egypt. Avraham recognizes that in Egypt he will encounter hedonism and oppression that will challenge both his values and the physical safety of his family. He uses *chochma* to combat these challenges and become successful so that he can protect his family. After the famine, he returns to Israel with newfound wealth and power - וְאַבְרָם כָּבֵד מְאֹד בַּמִּקְנֶה בַּכֶּסֶף וּבַזָּהָב - that he uses to further his *amelut.*

Avraham's encounter with Egypt is the beginning of a pattern of the Jewish people's combating oppression in *Chutz La-aretz*. The Ramban writes that this story foreshadows *Am Yisrael's* future period of slavery followed by *yetziat Mitzrayim*. Avraham's descendants will also go to Egypt temporarily because of a famine. The Egyptians will also be cruel to them, and Hashem will send plagues until the Jews are taken out with riches.[21] The oppression the Jews face in Egypt echoes the *Amal*'s defense of the "*ashukim*" (oppressed) against the selfish *Nehentan* in *Megillat Kohelet.* It is clear that negative events happen to the Jews when we go to Egypt, and we are supposed to stay away from it at all costs. There is even a law that forbids kings from having too many horses, lest they go back to Egypt to procure more, because "you must not go back that way again."[22]

The story that immediately follows Avraham's return to Israel from Egypt highlights Avraham's transition from *chochma* back to *amelut* and his continuous *yirat shamayim.* This shift shows that his leadership style is intrinsically tied to the land that he is in. Avraham returns from

[21] Ramban, *Bereishit* 12:10 s.v. ויהי רעב בארץ.
"Now Abraham went down to Egypt on account of the famine to dwell there in order to keep himself alive in the days of the drought, but the Egyptians oppressed him for no reason...The Holy One, blessed be He, avenged their cause with great plagues, and brought him forth from there *with cattle, with silver, and with gold*, *Genesis 13:2.* and Pharaoh even commanded his men to escort them from the land...He thereby alluded to Abraham that his children would go down to Egypt on account of the famine to dwell there in the land, and the Egyptians would do them evil…"

[22] *Devarim* 17:16-
רַק֩ לֹא־יַרְבֶּה־לּ֨וֹ סוּסִ֜ים וְלֹא־יָשִׁ֣יב אֶת־הָעָ֗ם מִצְרַ֙יְמָה֙ לְמַ֣עַן הַרְבּ֔וֹת סּ֖וּס וה' אָמַ֣ר לָכֶ֑ם לֹ֥א תֹסִ֛פוּן לָשׁ֥וּב בַּדֶּ֖רֶךְ הַזֶּ֥ה עֽוֹד׃
Moreover, he shall not keep many horses or send people back to Egypt to add to his horses, since God has warned you, 'You must not go back that way again.'

Egypt extremely wealthy and powerful, yet the first thing he does upon his return is an act of *yirat shamayim*:

> וְאַבְרָם כָּבֵד מְאֹד בַּמִּקְנֶה בַּכֶּסֶף וּבַזָּהָב: וַיֵּלֶךְ לְמַסָּעָיו מִנֶּגֶב וְעַד־בֵּית־אֵל עַד־ הַמָּקוֹם אֲשֶׁר־הָיָה שָׁם אהלה [אָהֳלוֹ] בַּתְּחִלָּה בֵּין בֵּית־אֵל וּבֵין הָעָי: אֶל־מְקוֹם הַמִּזְבֵּחַ אֲשֶׁר־עָשָׂה שָׁם בָּרִאשֹׁנָה וַיִּקְרָא שָׁם אַבְרָם בְּשֵׁם ה' :
>
> Now Avram was very rich in cattle, silver, and gold. And he proceeded by stages from the Negeb as far as Bethel, to the place where his tent had been formerly, between Bethel and Ai, the site of the altar that he had built there at first; and there Avram invoked God by name (*Bereishit* 13:2-4).

Avraham's c*hochma* was put to use in Egypt for the sake of survival and success, but he recognizes that nevertheless, he is still subservient to God. By returning to the altar that he had first built upon his arrival in the Promised Land and calling out in God's name there, Avraham shows that the pragmatism that he used to rise to prominence in Egypt was simply a tactic for success in a hedonist society during a famine, in no way diminishing his *Yarei Elokim* beliefs. Avraham's return to the altar that he built also establishes the Land of Israel as his homeland and the place to which he will always return. He could have stayed in Egypt and continued to accumulate power and success, which would have been the *Chacham* thing to do,[23] but that would be abandoning

[23] Avraham has an *Amal* response to famine: A temporary trip to Egypt out of necessity, always intending to return to Israel. He takes on *Chacham* characteristics for the sake of survival, but doesn't get wrapped up in his success and wealth. Contrarily, Yosef has a wholly *Chacham* response to famine (*Bereishit* 42) - he uses his skills as a dream interpreter to predict the famine and comes up with a pragmatic solution, which catapults him to the top of Egyptian society (a lifelong position that would lead to his descendants' remaining in Egypt for two hundred years).

his long-term *Amal* and *Yarei Elokim* goal: building a nation to serve God, work the land, and settle *Eretz Yisrael.*[24]

Avraham's most significant act of leadership is his participation in *Brit Bein Ha-betarim*, a covenant with God that the Land of Israel will belong to his descendants. This event solidifies Avraham's role as "*Avinu*," the father of the Jewish People, because it shows how his faith in God, his *Amal* leadership, and his connection to the Land of Israel are all interconnected:

> וַיֹּאמֶר לְאַבְרָם יָדֹעַ תֵּדַע כִּי־גֵר | יִהְיֶה זַרְעֲךָ בְּאֶרֶץ לֹא לָהֶם וַעֲבָדוּם וְעִנּוּ אֹתָם
> אַרְבַּע מֵאוֹת שָׁנָה: וְגַם אֶת־הַגּוֹי אֲשֶׁר יַעֲבֹדוּ דָּן אָנֹכִי וְאַחֲרֵי־כֵן יֵצְאוּ בִּרְכֻשׁ גָּדוֹל:
> וְאַתָּה תָּבוֹא אֶל־אֲבֹתֶיךָ בְּשָׁלוֹם תִּקָּבֵר בְּשֵׂיבָה טוֹבָה: וְדוֹר רְבִיעִי יָשׁוּבוּ הֵנָּה כִּי
> לֹא־שָׁלֵם עֲוֹן הָאֱמֹרִי עַד־הֵנָּה: וַיְהִי הַשֶּׁמֶשׁ בָּאָה וַעֲלָטָה הָיָה וְהִנֵּה תַנּוּר עָשָׁן
> וְלַפִּיד אֵשׁ אֲשֶׁר עָבַר בֵּין הַגְּזָרִים הָאֵלֶּה: בַּיּוֹם הַהוּא כָּרַת יְהוָה אֶת־אַבְרָם בְּרִית
> לֵאמֹר לְזַרְעֲךָ נָתַתִּי אֶת־הָאָרֶץ הַזֹּאת מִנְּהַר מִצְרַיִם עַד־הַנָּהָר הַגָּדֹל נְהַר־פְּרָת:
> אֶת־הַקֵּינִי וְאֶת־הַקְּנִזִּי וְאֶת הַקַּדְמֹנִי: וְאֶת־הַחִתִּי וְאֶת־הַפְּרִזִּי וְאֶת־הָרְפָאִים: וְאֶת־
> הָאֱמֹרִי וְאֶת־הַכְּנַעֲנִי וְאֶת־הַגִּרְגָּשִׁי וְאֶת־הַיְבוּסִי:

> And He said to Avram, "Know well that your offspring shall be strangers in a land not theirs, and they shall be enslaved and oppressed for four hundred years; but I will execute judgment on the nation they shall serve, and in the end they shall go free with great wealth. As for you, You shall go to your fathers in peace; You shall be buried at a ripe old age. And they shall return here in the

[24] It is interesting to note that immediately following Avraham's return to the altar, the Torah tells us the story of the clash between the shepherds of Avraham and Lot (*Bereishit* 13:7-12). While Avraham was a visionary when it came to *Eretz Yisrael*, his nephew Lot was not as patient. Rashi on *Bereishit* 13:7 writes that Avraham's and Lot's shepherds were fighting because Lot's shepherds grazed their cattle in other people's fields. They thought that since Avraham was promised the land by God but had no sons, Lot was entitled to the land. They were wrong because the Canaanites still lived there and so Avraham was not entitled to the land. God's promise was for Avraham's descendants, far in the future, but Lot wanted immediate benefit from the land. Lot's desire for immediate gratification shows his *Nehentan* personality, which is further emphasized by his move to Sedom, a hedonist society.

> fourth generation, for the iniquity of the Amorites is not yet complete." When the sun set and it was very dark, there appeared a smoking oven, and a flaming torch which passed between those pieces. On that day God made a covenant with Avram, saying, "To your offspring I assign this land, from the river of Egypt to the great river, the river Euphrates" (*Bereishit* 15:13-18).

Avraham participates in this covenant with God for future generations, even though he will never benefit from it and there will be a lot of suffering along the way. He is a visionary and looks far into the future to answer the *Amal*'s driving question in *Megillat Kohelet*: ולמי אני עמל? - *For whom am I working?*[25]

"Sow your seed in the morning, and don't hold back your hand in the evening, since you don't know which is going to succeed" (*Kohelet* 11:6). By participating in a covenant with God, Avraham was "sowing his seed" to grow in the future so that his descendants could benefit from the fruit. This was an act of extreme *emuna* and loyalty to God. Avraham was not the leader to take the Jews out of Egypt, give them the Torah, or bring them into *Eretz Yisrael*, yet he was fulfilled by the knowledge that he planted the seed for a nation focused on serving God and *amelut.* Avraham's *amelut* and visionary leadership is echoed thousands of years later in his descendent David, who planted the seeds for the *Beit Ha-mikdash* even though he never saw it built.

סוף דבר

Avraham is the perfect example of a Jewish leader who is steadfast in his faith in God and adapts his leadership to fit the needs of each time and place. He is a hardworking, visionary *Amal* in Israel and a practical, perceptive *Chacham* in Egypt. While Avraham is the paradigm of an *Amal* in *Eretz Yisrael* and a *Chacham* in *Chutz La-aretz*,

[25] *Kohelet* 4:8.

David *Hamelech* is the paradigm of a *Yarei Elokim* leader in general, as we saw earlier in the paper.

It is ideal for the Jewish people to be sovereign in our own holy land, away from opposing values and challenges to our safety. This way, we can freely practice lives of Torah *u'mitzvot* and actualize our values. A leader of this ideal Jewish society must be an *Amal*- a visionary who is attuned to the needs of the people and is willing to invest much effort to meet those needs.

Unfortunately, the Jewish people were in exile for two thousand years and were not able to achieve this ideal society. Just like Avraham (and later Yosef) in Egypt, we had to act with *chochma* when faced with problems that arose in a society where we were the religious minority. Finally, we have returned to our Land for the first time in two thousand years. Jews in Israel and around the world still face many challenges and require both *Amal* and *Chacham* leaders, but we now have the freedom to begin creating an ideal Torah society through *amelut* and *yirat shamayim*.

Most importantly, wherever we are in the world, every member of the Jewish people (whether we consider ourselves leaders or not), has a responsibility to uphold his or her *yirat shamayim* and spiritual connection with *Am Yisrael* and the Land of Israel. By living *Torah u'mitzvot* lives, we will ensure the continuity of the Jewish people and the eventual *geula* and rebuilding of the *Beit Ha-mikdash*, so that we can serve God in the ideal way. Everyone is a leader in some way and has influence over the people around us. We can use this influence to encourage positive Torah values and pray for the return of all of the Jewish people to *Eretz Yisrael bimhera be-yameinu.*

AVODA ZARA THROUGH THE LENS OF THE JEWISH-HINDU ENCOUNTER

Rebecca Babitz

Idolatry is forbidden in the Torah; it is listed in the Ten Commandments, is repeatedly emphasized as a trap that the people of Israel should not fall into when settling the Land of Israel, and it is one of the three *mitzvot* that one must give up one's life for rather than transgress. When asked to give an example of idol-worshippers in the twenty-first century, many people immediately think of Hinduism - a 4000-year-old religion whose one billion followers mostly live in India. It is easy for a Westerner to see a temple with statues (icons) and assume that the devotees believe the idol has divine power and are worshipping the idol itself.

Hinduism has often been viewed by leading halachic authorities[1] as a form of *Avoda Zara* (idolatry). However, once members of different faiths, such as Rabbi Yona Metzger[2] (Jewish) and Swami Dayananda

[1] See Rav Yosef Shalom Elyashiv (zt"l) and Rav Nissim Karelitz (zt"l) on the "Sheitel Crisis" in 2004.

[2] Along with other prominent rabbis such as Rabbi Shlomo Amar, Rabbi She'ar Yashuv Cohen, Rabbi David Rosen, Rabbi Professor Daniel Sperber, Rabbi Ratzon Arussi, Rabbi David Brodman, Rabbi Mordechai Piron, Rabbi Dr. Nathan Lopez Cardozo, Rabbi David Bigman, Rabbi Yechiel Wasserman, Rabbi Dov Maimon, Rabbi Yosef Azran, and Rabbi Yosef Gliksberg. The Second Jewish-Hindu Leadership Summit held in Jerusalem, February 17-20, 2008, http://www.millenniumpeacesummit.org/2nd_Hindu-Jewish_Leadership_Summit_Declaration.pdf, pp 57-61.

Saraswati[3] (Hindu) began to speak and clarify their religious dogma, their perspectives shifted.

The first "Religion One on One" Hindu-Jewish Leadership Summit was held in New Delhi, India, in February 2007. The purpose of this initial meeting was to find common ground in culture and religious philosophy, while also acknowledging the differences between the two ancient traditions. After the success of the first summit, a second one was held in Jerusalem a year later. The Jerusalem meeting concluded with a landmark declaration that "Hindus worship 'one Supreme Being' and are not really idolatrous."[4]

As a result of this meeting, the Chief Rabbinate of Israel, along with the World Council of Religious Leaders and the Hindu Dharma Acharya Sabha,[5] after thoroughly examining Hindu practices and beliefs, declared that Hindus should not be considered idol-worshippers, as they follow a monotheistic faith.[6]

In this paper, I would like to explore the Biblical and post-Biblical background of *Avoda Zara* - define the term, see where it fits in relation to the Jewish-Hindu encounter, and relate to the practical ramifications and applications as a Jew living today.

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[3] (1930-2015); a renowned teacher of Advaita Vedanta and founder of the Hindu Dharma Acharya Sabha.

[4] Swami Dayananda Saraswati (New Indian Express, 9 March 2008).

[5] The Hindu Dharma Acharya Sabha (HDAS) "is a Hindu umbrella group consisting of swamis from several different traditions that represents one of the first attempts at providing a representative body for Hindu religious interests. It strives to be the representative body for all Hindus, with regards to religious matters, in a tradition that historically has had no hierarchy or central leadership to guide and unite practitioners."

[6] The Second Jewish-Hindu Leadership Summit held in Jerusalem, February 17-20, 2008, http://www.millenniumpeacesummit.org/2nd_Hindu-Jewish_Leadership_Summit_Declaration.pdf

Avoda Zara in Biblical and Post-Biblical Times

The Rambam writes:

בִּימֵי אֱנוֹשׁ טָעוּ בְּנֵי הָאָדָם טָעוּת גְּדוֹל וְנִבְעֲרָה עֵצַת חַכְמֵי אוֹתוֹ הַדּוֹר וְאֱנוֹשׁ עַצְמוֹ מִן הַטּוֹעִים הָיָה. וְזֹו הָיְתָה טָעוּתָם. אָמְרוּ הוֹאִיל וְהָאֱלֹקִים בָּרָא כּוֹכָבִים אֵלּוּ וְגַלְגַּלִּים לְהַנְהִיג אֶת הָעוֹלָם וּנְתָנָם בַּמָּרוֹם וְחָלַק לָהֶם כָּבוֹד וְהֵם שַׁמָּשִׁים הַמְשַׁמְּשִׁים לְפָנָיו רְאוּיִין הֵם לְשַׁבְּחָם וּלְפָאֲרָם וְלַחֲלֹק לָהֶם כָּבוֹד. וְזֶהוּ רְצוֹן הָאֵל בָּרוּךְ הוּא לְגַדֵּל וּלְכַבֵּד מִי שֶׁגִּדְּלוֹ וְכִבְּדוֹ. כְּמוֹ שֶׁהַמֶּלֶךְ רוֹצֶה לְכַבֵּד הָעוֹמְדִים לְפָנָיו וְזֶהוּ כְּבוֹדוֹ שֶׁל מֶלֶךְ. כֵּיוָן שֶׁעָלָה דָּבָר זֶה עַל לִבָּם הִתְחִילוּ לִבְנוֹת לַכּוֹכָבִים הֵיכָלוֹת וּלְהַקְרִיב לָהֶן קָרְבָּנוֹת וּלְשַׁבְּחָם וּלְפָאֲרָם בִּדְבָרִים וּלְהִשְׁתַּחֲווֹת לְמוּלָם כְּדֵי לְהַשִּׂיג רְצוֹן הַבּוֹרֵא בְּדַעְתָּם הָרָעָה. וְזֶה הָיָה עִקַּר עֲבוֹדַת כּוֹכָבִים.

In the days of Enosh, the sons of man erred exceedingly, the advice of the wise man of that generation was nullified, and even Enosh himself was among the victims of that folly. Their mistake was this: Seeing, said they, that God created these stars and planets to rule the world, that He placed them high above to share honors with them, for they are ministers who render service in his presence, it is proper that they be praised and glorified and honored, this is the will of God, to exalt and honor him whom He exalted and honored, even as a king desires to honor those who stand in his presence, for such is the honor of the king. As soon as this matter was rooted in their heart, they commenced to erect temples in honor of the stars, to offer sacrifices to them, to praise and glorify them in words, and bow down to them in order to reach the will of God by this evil idea. This was the groundwork for the worship of stars (*Hilchot Avoda Zara* 1:1).

The Rambam describes how people began viewing natural phenomena, such as stars, as intermediaries between themselves and God. Unfortunately, they eventually worshipped the stars themselves, forgetting that the stars were just a go-between, a means to connect to the true Creator.

Almost twenty generations later, Avraham (re)discovered Hashem as the Master of the Universe, and decided to spread this belief. This mission was passed down to his son Yitzchak, and then to Yaakov and

his children. Only in the days of Yaakov do we see the struggle to stop the influence of *Avoda Zara*.[7]

We see the Jewish people continue to struggle tremendously with *Avoda Zara* throughout the Bible. For example, just forty days after reaffirming their faith in Hashem at *Matan Torah*, *B'nei Yisrael* build and worship the Golden Calf.[8] After entering the land of Israel, *Sefer Shoftim* relates the nation's cycles of idol-worship, punishment, rescue, and return to idol-worship. *Sefer Melachim*[9] is riddled with *Bnei Yisrael's* falls to temptation, such as in the times of Achav[10] and Menashe.[11] Large portions of Yeshayahu,[12] Yirmiyahu,[13] and Yechezkel[14] are dedicated to warning *B'nei Yisrael* of the consequences of not repenting from their idolatrous ways. A prophecy that captures the essence of the rebuke is recorded in Yirmiyahu 44:

כֹּה־אָמַר ה' צְבָאוֹת אֱ-לֹהֵי יִשְׂרָאֵל אַתֶּם רְאִיתֶם אֵת כָּל־הָרָעָה אֲשֶׁר הֵבֵאתִי עַל־
יְרוּשָׁלַם וְעַל כָּל־עָרֵי יְהוּדָה וְהִנָּם חָרְבָה הַיּוֹם הַזֶּה וְאֵין בָּהֶם יוֹשֵׁב: מִפְּנֵי רָעָתָם
אֲשֶׁר עָשׂוּ לְהַכְעִסֵנִי לָלֶכֶת לְקַטֵּר לַעֲבֹד לֵאלֹהִים אֲחֵרִים אֲשֶׁר לֹא יְדָעُום הֵמָּה
אַתֶּם וַאֲבֹתֵיכֶם: וָאֶשְׁלַח אֲלֵיכֶם אֶת־כָּל־עַבָדַי הַנְּבִיאִים הַשְׁכֵּים וְשָׁלֹחַ לֵאמֹר אַל־
נָא תַעֲשׂוּ אֶת דְּבַר־הַתּוֹעֵבָה הַזֹּאת אֲשֶׁר שָׂנֵאתִי: וְלֹא שָׁמְעוּ וְלֹא־הִטּוּ אֶת־אָזְנָם
לָשׁוּב מֵרָעָתָם לְבִלְתִּי קַטֵּר לֵאלֹהִים אֲחֵרִים: וַתִּתַּךְ חֲמָתִי וְאַפִּי וַתִּבְעַר בְּעָרֵי
יְהוּדָה וּבְחֻצוֹת יְרוּשָׁלַם וַתִּהְיֶינָה לְחָרְבָּה לִשְׁמָמָה כַּיּוֹם הַזֶּה:

Thus said the LORD of Hosts, the God of Israel: You have seen all the disaster that I brought on Jerusalem and on all the towns of Judah. They are a ruin today, and no one inhabits them; on account of the wicked things they did to vex Me, going to make offerings in

[7] Genesis 35:2.
[8] Exodus 32:1-6.
[9] Melachim I 12:28,14:23; Melachim II 1:1, 8:18, 16:2-4, 17:1-19, 22:14-17.
[10] Melachim I 16:28-33.
[11] Melachim II 21:1-9.
[12] Yeshayahu 29, 31, 36, 40, 41, 44, 45, 48, 57, 65.
[13] Yirmiyahu 2, 3, 5, 7, 8, 9, 10, 11, 13, 14, 17, 18, 19, 22, 25, 44, 48, 51.
[14] Yechezkel 6, 8, 9, 14, 16, 20, 21, 22, 23, 30, 33, 44.

> worship of other gods which they had not known—neither they nor you nor your fathers. Yet I persistently sent to you all My servants the prophets, to say, "I beg you not to do this abominable thing which I hate." But they would not listen or give ear, to turn back from their wickedness and not make offerings to other gods. So My fierce anger was poured out, and it blazed against the towns of Judah and the streets of Jerusalem. And they became a desolate ruin, as they still are today (*Yirmiyahu* 44:2-6).

Although *Bnei Yisrael* are warned time and again by all the above prophets and leaders, they do not cease their idolatrous practices, and the First Temple is destroyed by Nevuchnetzar and the Babylonians. The Gemara (*Yoma* 9b) attributes the destruction to the idol worship in *Eretz Yisrael*, *Yerushalayim*, and the *Mikdash* itself.

The Jews are forced into exile in Babylonia for seventy years before they are allowed to return to Eretz Yisrael to rebuild the Second Temple under the leadership of Ezra and Nechemia. The era of prophecy comes to an end at this time, as does the Biblical period; the building of *Bayit Sheni* is the last historical event described in *Tanach*.

Intriguingly, the lure of *Avoda Zara* seems to weaken at this point. Though the First Temple Period is rife with prophets railing against the people's idolatrous ways, the central problems during the Second Temple Period seem to be internal fighting, sectarianism, and baseless hatred within the nation.[15]

Perhaps to explain this historical development, the Gemara (*Yoma* 69b) records the following *midrashic* interpretation of Nechemia 9:4: *Bnei Yisrael* blame their *yetzer hara* (inclination) for *Avoda Zara* for the destruction of the first *Beit Ha-mikdash* and express their willingness to give up the reward (prophecy) in exchange for removing the

[15] *Yoma* 9b.

temptation. The Gemara relates that Hashem responds to their prayers by sending a note with the word *Emet* - Truth - written on it, indicating to *B'nei Yisrael* that Hashem has accepted their prayers and has removed the temptation.

Fascinatingly, historians recognize that there was, in fact, a global shift away from paganism in many parts of the world at this time. Scholars refer to this period, 900 - 200 BCE, as the Axial Age. The German philosopher Karl Jaspers coined this term as a way to refer to the era when ancient civilizations underwent a spiritual revolution. Since the world's population was growing and so were the chances of war and suffering, people needed an all-encompassing universal God who would protect them no matter wherever they went. Instead of God being dependent on location and tribe, location and tribes became dependent on God.[16]

Despite the fact that there was a universal shift away from paganism around the time of the Second Temple, idolatry did not disappear from the world entirely. Interestingly, Rabbi Dovid Kimchi (1160-1235), known as the *Radak*, writes in his commentary on *Yeshayahu* 2:18:

> אף על פי שהאלילים כבר פסקו מרוב האומות היום עוד יש בקצה המזרח עובדי אלילים ועוד יחשבו גם הם עכו"ם שהם משתחוים ועובדים לצלם, ואז בימות המשיח כל האלילים יכרתו עד גמירא.
>
> Even though [worship of] idols has already stopped in most of the nations, today there still is in the edge of the East (i.e. India), those who we would consider *Aku"m* (*ovedei kochavim u'mazalot*, idol worshippers) but in the days of *Mashiach* we will be rid of even these idols.

[16] *The Axial Age: 5 Fast Facts* by Matt Stefon for Encyclopedia Britannica.

As we will see later, other Medieval rabbinic figures such as Rabbi Yehuda HaLevi and Rabbi Menachem HaMeiri shared this belief of the Indian people as primitive and exotic.

Is this in fact true? What exactly did and do these "people at the edge of the East" believe? Should it be classified as *halachic Avoda Zara*?

The Definition of *Avoda Zara* and Far Eastern Religions

What exactly *is Avoda Zara*? In the Ten Commandments, Hashem tells *Bnei Yisrael*:

> לא יהיה לך אלוהים אחרים על פני : לא תעשה לך פסל וכל תמונה אשר בשמים ממעל ואשר בארץ מתחת ואשר במים מתחת לארץ :לא תשתחוה להם ולא תעבדם כי אנכי ד' א-לוהיך א-ל קנא פקד עון אבות על בנים על שלשים ועל רבעים לשנאי:
>
> You shall have no other gods besides Me. You shall not make an idol or any images from what is in the heavens above or is on the earth below or in the waters below the earth. Do not bow down to them and do not worship them for I am Hashem your God, an impassioned God, putting the guilt of fathers on sons, third, and fourth generations of those who reject Me (Exodus 20:3-5).

The Talmud adds that it is prohibited to make idols of the sun, moon, planets, stars, constellations, and ministering angels.[17]

These *pesukim* serve as the Rambam's source for four out of the first six negative commandments he lists:

> מצוה ראשונה ממצוות לא תעשה, שלא לעלות במחשבה שיש שם אלוה זולתי ה', שנאמר "לא יהיה לך אלוהים אחרים על פני" (שמות כ:ב).[18]

[17] *Rosh Ha-shana* 24b, *Avoda Zara* 43b.
[18] *Mishneh Torah*, Negative *Mitzvot* 1.

שלא לעשות פסל, לא יעשה בידו ולא יעשו לו אחרים, שנאמר "לא תעשה לך פסל" (שמות כ:ג).[19]

שלא להשתחוות לעבודה זרה, ואף על פי שאין דרך עבודתה בהשתחוויה, שנאמר "לא תשתחווה להם" (שמות כ:ד; דברים ה:ח).[20]

שלא לעבוד עבודה זרה בדברים שדרכה להיעבד בהם, שנאמר "ולא תעבדם" (שמות כ:ד).[21]

The first of the negative precepts is not to entertain the idea that there is any god but the Eternal, as it is said, "Thou shalt have no other gods before Me" (Ex. 20:3).

Not to make a graven image; neither to make it oneself nor to have it made by others, as it is said, "Thou shalt not make unto thee any graven image" (Ex. 20:4).

Not to bow down to an idol, even if that be not its mode of worship, as it is said, "Thou shalt not bow down to them" (Ex. 20:5).

Not to worship an idol in the way in which it is usually worshipped, as it is said, "And thou shalt not serve them" (Ex. 20:5).

Additionally, the Rambam writes that it is prohibited to worship any creature, angel, planet, star, natural element or anything that comes from it.[22]

Sefer Ha-chinuch, a 13th century work by an unknown author, defines *Avoda Zara* as "anything that is worshipped besides Hashem," and cites the *pasuk* above as proof.[23] The *Sefer Mitzvot Gadol* adds another prohibition: believing in other gods alongside believing in

[19] Ibid. 2.
[20] Ibid. 5.
[21] Ibid. 6.
[22] *Mishneh Torah*, Foreign Worship and Customs of the Nations 2:1.
[23] *Sefer Ha-chinuch*, *Mitzva* 28:1.

Hashem.[24] This concept, known as *shituf*, plays a primary role in the discussion of whether Christianity is *Avoda Zara.*[25]

With the above definitions of *halachic Avoda Zara* in mind, let's examine Far Eastern religions, and determine whether they seem to be bona fide examples of modern-day *Avoda Zara*.

There are at least four major Far Eastern religions: Taoism, Buddhism, Confucianism, and Hinduism. These four religions are often categorized as "Far East" (Taoism, Confucianism) and "Dharmic" (Hinduism, Buddhism).[26] We will focus on Hinduism, and specifically the Advaita Vedanta[27] school of thought. Advaita means "nonduel" and Vedanta means "the end of the *Vedas."*[28] Advaita Vedanta philosophy can be described as "monism" or even "panentheism."[29] Sagarika Dutt, a professor and senior lecturer at Nottingham Trent University in England, writes in her book, *India in a Globalized World:*

> *Vedanta* philosophy seeks a reconciliation of all seeming differences and conflicts in Hindu scripture through the monistic principle of *Brahman* (the Supreme Being). The greatest *Vedanta* teacher was Shankara (780-820 C.E.), a South Indian Brahmin.[30] According to him, the world was an illusion (known as *maya*) and the only reality was *Brahman*, whose name was also *Atman* (soul).[31]

[24] *Sefer Mitzvot Gadol*, Negative Commandments, *Remazim* 1.
[25] See *Tosafot*, *Sanhedrin* 63b, s.v. אסור לאדם שיעשה שותפות
[26] www.religious-information.com
[27] One of the six orthodox Hindu schools of thought, the others being *Samkhya, Yoga, Nyaya, Vaisheshika,* and *Mimamsa*.
[28] The ancient Hindu scriptures.
[29] *The Jewish Encounter with Hinduism* p. 45.
[30] The highest caste in India - its members were mainly priests or teachers.
[31] Sagarika Dutt, *India in a Globalized World,* p. 21.

Advaita Vedanta is one of the classical six streams of Hinduism, and it focuses on the belief that everything is Brahman[32]- a part of the immanent, transcendent, infinite, and omnipresent being. A way to symbolize Brahman in the physical world is to have a *murthi*[33] which can be an image[34] carved from wood or stone, or another visual aid. These are the figures seen in temples and homes. The Hindu American Foundation explains:

> To Hindus, a *murti* is a powerful visual tool used for contemplating the nature of, as well as communicating with God. It is also believed to be charged with the presence of God; thus Hindus may offer their prayers and devotion to a *murti*. While Hindus understand God to be present in a *murti*, they do not consider God to be limited to the *murti*.[35]

Rabbinic Encounters with Eastern Religions

Now that we have a rudimentary understanding of some mainstream Hindu beliefs, let us explore what Rabbis throughout the centuries have written about Hinduism. One such Rabbi is Rabbi Yehuda Halevi (1075-1141), a Spanish physician best known for his philosophical work, *The Kuzari*. Halevi's book tells of a dialogue between a rabbi and a pagan king, with the rabbi showing the king why Judaism is the true religion. In his book *Judaism and World Religions*, Rabbi Dr. Alan Brill,[36] writes that: "Halevi chooses Indian culture and the existence of a King of India as an example of something that we

[32] *The Concept of Advaita Vedanta* (Jayaram V. for hinduwebsite.com).

[33] *Misconceptions About Hinduism*: Kishor S Trivedi (IIT Gandhinagar Talk 2014).

[34] I am purposely very careful not to call it an idol, as that is a misrepresentation of what this figure actually is.

[35] Hindu American Foundation: *Hindu Concepts About God.*

[36] The Cooperman/Ross Endowed Chair for Jewish-Christian Studies at Seton Hall University, an internationally recognized expert in the field of interreligious studies, and author of multiple books on this topic.

only know by reliable witnesses due to India's remoteness, but also because of the great mysterious wisdom that was traditionally attributed to the Indian sages."[37] Nevertheless, in the Kuzari we see that he describes the people of India as "a dissolute, unreliable people, and arouse the indignation of the followers of religions through their talk, while they anger them with their idols, talismans, and witchcraft."[38]

In the Muslim world where Rabbi Yehuda HaLevi lived, the Islamic leaders did acknowledge that there was some wisdom among the Indian people but there was nothing Divine or Godly about it or derived from it.[39] Therefore, HaLevi's conclusions about India are quite understandable.

About a hundred years later, across the Spanish border, in Provence, lived Rabbi Menachem Ha-Meiri (1249-1315). He is well known for his commentary on the Talmud titled *Beit Ha-bechira*. He also wrote a commentary on *Mishlei* in which he uses an Indian fable to illustrate a lesson. Dr. Brill explains, "Meiri uses the tales to make his own points about the need to serve God in everything that we do. He removes the foreign elements and adds Bible verses in order to give the tales a Jewish feel.[40]"

However, neither Rabbi Yehuda HaLevi nor Meiri went to India to explore. The first Rabbinic figure to make the journey was Menashe ben Israel (1604-1657), a Portugese kabbalist. In his book, *Nishmat Chaim*, he records his experiences and observations, and compares the rituals he saw and ideas he heard to Kabbalistic concepts he knew.

[37] *Judaism and World Religions* p. 205.
[38] *Sefer Kuzari*, Essay One, paragraph 61.
[39] *Judaism and World Religions,* p. 206.
[40] Ibid. p. 207.

For example, he writes that the people of India are descendants of Avraham Avinu. In *Bereishit*[41] we read that Avraham takes another wife, Keturah (said to be Hagar by the Midrash[42]) and has six additional sons. At the end of his life, he gives "gifts" to these sons before sending them away to the East. It is not clear what exactly these "gifts" are, but Menashe ben Israel writes:

> Behold, you may see there the Abrahamites, who are today called Brahmans; they are the sons of Abraham our Patriarch and they were the first in India to spread this faith… And they spoke the truth, for from the seed of Abraham this ideology was created anew. From there, the new belief spread all over India, as is evident from the writings of that period.[43]

Professor Brill relates that most scholars postulate that Menashe ben Israel is referring to Arabia, but he also cites Rabbi Aryeh Kaplan's dissenting opinion. Rabbi Kaplan (1934-1983) authored many books aimed at rendering esoteric Kabbalistic concepts accessible to the ordinary Jew. Professor Brill comments that Rabbi Kaplan "popularized Menashe ben Israel's understanding of the Zohar as applying not to Arabia, but to Eastern religions in general."[44] He goes on to say that Rabbi Kaplan "winks and nods"[45] to the fact that there already are many spiritual practices in Judaism, such as meditation, that we do not need to learn from India. Brill notes that this is comforting to *Ba'alei Teshuva* who took a detour through India on their way back to Judaism.

[41] Gen 25:1.
[42] Ibid. Rashi, *Bereishit Rabbah* 61:4.
[43] *Nishmat Chayim* 4:21.
[44] *Judaism and World Religions,* 210.
[45] Ibid.

The next Rabbinic figure who wrote an in-depth *sefer* about his experiences in India, about two hundred years after Menashe ben Israel, was Rabbi Yaakov Sapir. Rabbi Sapir was born in Lithuania in 1822 and moved to Tzfat when he was ten years old, along with his parents. After their deaths, he moved to Jerusalem and lived in the community established by students of the Vilna Gaon. At the time, it was very unusual and even looked down upon to leave Yerushalayim, let alone *Eretz Yisrael*.

In the introduction to his *sefer*, *Even Sapir*, he writes:

> The lands I wandered and explored for four years and nine months and wrote down in a book as a remembrance. The condition and appearance of our brothers and our people, ethical, religious, and political, and the passing events and their origins from the past until today, accompanied with stories and matters of Torah and investigations and direct comments, and inscriptions on ancient gravestones and comments on them, and holy songs and petitions and wondrous acts, something suitable for every person. Done through the purity of our holy tongue, may many wander about in them and delight in their goodness. I hope that the multitude of his words will be pleasing to the multitude of his brothers, and for your salvation I hope to God.

Professor Richard G. Marks, in an article titled *Hinduism, Torah, and Travel: Jacob Sapir in India,* points out that Sapir was writing for a *halacha*-observing audience and relates his findings to Torah concepts. He writes:

> Sapir brought Biblical and Rabbinic words, carrying familiar categories and judgments, into his descriptions of Hindu religious life: Hinduism was *Avoda Zara*, and Hindu gods were *elilim* and *gilulim*. To Sapir, Hindu religious images looked like the Babylonian and Greek idolatry he remembered from Jewish books.

Yaakov Sapir was the first Jewish Rabbinic figure from the West to fully travel India and record what he saw. Marks summarizes Sapir's

impact: "...encounter with Hinduism, and he never sought to break through his own position as a foreign outsider, but he was sometimes moved by an outsider's open-eyed curiosity, the willingness to imagine the way non-Jews experienced holiness, and the urge to report foreign scenes and religions to people at home." Sapir's praise of the Jews he met in India reinforces the fact that he believed the host religion was *Avoda Zara*.

R. Sapir writes:

> רבים מיושבי הארץ נפרדים באמונתיהם, דתיהם, ודיעותיהם ועבודת אלילים תועבותיהם...
> בכל בית יש ע"ז... ובכל בוקר קודם כל מעשה עבודה אכילה ושתיה נותנים לפניהן תרומה מהאוכל -וזה תקרובת ע"ז...
>
> Many of the inhabitants of the land are different in their beliefs, religion, opinions, and worshipping of their abominable idols…
> In every house there is *Avoda Zara*… and every morning before any action of work, eating and drinking, they give [to the idol] an offering of the food - and this is *Tikrovet Avoda Zara* (translation mine).

Tikrovet Avoda Zara is a Talmudic term used to refer to an offering or a sacrifice made to an idol. [46]

Modern Perceptions of Hinduism

In light of R. Sapir's observations regarding Hinduism, how is it that some contemporary scholars and Rabbis claim it is not *Avoda Zara*?

Rabbi Dr. Alon Goshen-Gottstein suggests a fascinating idea to explain why the Rabbis in the Middle Ages might have been much quicker to label Hinduism *Avoda Zara* than to label Christianity or Islam so. He points out that all Jewish interaction with Hinduism and Hindus

[46] See *Avoda Zara 50a.*

was "undertaken by travelers." Jewish explorers, like Yaakov Sapir, were just that - travelers who were free to return to their homeland whenever they wanted. "Most Jewish attitudes to other religions developed during the Middle Ages and were articulated under the framework of common living and often under the pressures - financial and otherwise, such common living brings with it." Goshen-Gottstein postulates that for a Jew living under the rule of, and dealing with, Muslims or Christians on a daily basis in 12th century Spain (Rabbi Yehuda HaLevi), 17th century Portugal (Rabbi Menashe ben Israel) or 19th century Belarus (Rabbi Yaakov Sapir), there was no real escape. They had no choice but to interact with their Christian and Muslim neighbors and business associates, and so the halachic authorities of their day addressed the issue and came up with guidelines for how to live and stay a Jew in "a land not theirs."[47] In contrast, there was no such need for *halachic* authorities in the past to seriously grapple with the question of how to interact with Hindus. Although there were (and are) Jewish communities in India, they were few and far between. In addition, "the prevailing attitude was one of recognition of multiple spiritual paths and their validity."[48] Goshen-Gottstein says that for the Jews of India, their host country's religion was practically a non-issue, and there was a sense of "live and let live," meaning that the Jews and Hindus would each worship in their own way and neither would bother each other. "Rather than highlight the idolatry, strangeness, and otherness of their Hindu neighbors, Indian Jews seem to have reciprocated the acceptance and tolerance they enjoyed through an attitude of respect."[49]

[47] Gen. 15:13
[48] *The Jewish-Hindu Encounter*, p. 29
[49] Ibid.

In any case, in modern times, it has become much more common for Jews and Hindus to interact, due to the multitudes of Israelis who travel to India each year, and those who are introduced to Hindu modes of thought through meditation and mindfulness. Therefore, Rabbis have been called upon to address the issue and ascertain whether modern Hinduism is in fact *Avoda Zara* in the eyes of *halacha.* As stated at the outset of this paper, the Israeli Chief Rabbinate declared in 2008 at the culmination of the Second Jewish-Hindu Leadership Summit that Hinduism should no longer be considered *Avoda Zara*.

What considerations could have led to this landmark decision?

Rabbi Reuven Chaim Klein, in his book *God versus Gods: Judaism in the Age of Idolatry* writes:

> Some see the Axial Age as the observable outcome of the idolatrous inclination's abolition. In other words, the Talmud refers not to the actual abolition of the inclination towards idolatry, per se, but to a conceptual paradigm shift in which religion globally began to change from a pagan set of superstitions to a more philosophically informed belief system. This explains how the Talmud could say that the idolatrous inclination was eliminated at the beginning of the Second Temple Era, even though both Western (e.g., Greek and Roman) and Eastern (e.g., Hindu and Buddhist) civilizations clearly continued to worship pagan deities. The Talmud never meant that they stopped *worshipping* idolatry, only that idolaters began to develop more sophisticated theosophies to justify their pagan behavior.[50]

In other words, Rabbi Klein is suggesting a novel interpretation of the *midrash* cited above about God removing the evil inclination for idol worship at the beginning of the Second Temple Period. According to Rabbi Klein, the events described in that *midrash* are what led to

[50] p. 264

the Axial Age, when there was a world-wide shift away from outright paganism. Rabbi Klein posits that religions such as Hinduism continued to practice in the same way as they always had, such that they still *appeared* to be idolatrous. But the ideological underpinnings of those practices shifted so that the beliefs behind those practices were no longer pagan.

> דאמר רבי חייא בר אבא אמר רבי יוחנן, נכרים שבחוצה לארץ לאו עובדי עבודת כוכבים הן, אלא מנהג אבותיהן בידיהן.
>
> Rabbi Chiya bar Abba says that Rabbi Yochanan says that non-Jews outside of Eretz Yisrael are not idol worshippers, rather, they just follow the traditions of their fathers (*Chullin* 13b).

This Gemara implies that idol worshippers no longer practice out of sincere faith in graven images; rather, they are simply continuing the traditions practiced by their ancestors. Similarly, Rav Tzaddok Ha-kohen of Lublin (1823-1900), a leader in the Peshischa and Kotzk Chassidic dynasties, says that this could be interpreted to mean that they have no religious conviction at all, and are simply parroting their ancestors' behavior for tradition's sake. Alternatively, Rav Tzaddok concludes from it that contemporary idol worshippers do possess deep religious beliefs - beliefs not that different from our own - but they express those beliefs through the same practices their forefathers once did, even though their beliefs are now radically different than their ancestors' once were, and they no longer ascribe any divinity to their figurines.

Along similar lines, Rabbi She'ar Yashuv Cohen (1927-2016), the former Chief Rabbi of Haifa, known for his interfaith work, writes:

> We know that there are differences between our approaches, but the values we can share and benefit from each other, because I do not think we should try to say that there is basically no difference, there is a difference and we should try to respect the differences…

> I must say that I was surprised to learn that behind the many names of gods you find in India, there is one Supreme God."[51]

In other words, Rabbi Cohen too is expressing the idea that though Hindus may use many names of gods and may appear to believe in multiple deities, they are fundamentally monotheistic with the belief in just one Supreme God.

Conclusion

Ultimately, we have seen that there are possible justifications for no longer labelling the Advaita Vedanta branch of Hinduism as *Avoda Zara*, and that the Israeli Chief Rabbinate has declared that they no longer do so.[52]

What are the takeaway messages for us? Is it wrong to look to Hinduism for spiritual guidance or inspiration? In Professor Brill's new book, *Rabbi on the Ganges,* he writes:

> Knowing the best in other religions creates a desire to emulate and learn from the higher aspirations. The wisdom can push me to think of the possible …We are not compelled to affirm other traditions but neither does faith require us to think that what we already have is all that we can know.[53]

Due to this new understanding that Hinduism is not necessarily as forbidden as once thought, there has been an explosion of Jews using Hindu-inspired methods as a means of connecting to Hashem.[54] Of

[51] Alon Goshen-Gottstein, *The Jewish Encounter with Hinduism*, p.180.

[52] The Chief Rabbinate (according to the 2008 summit) does not consider any form of Hinduism as Avoda Zara, but this paper has been limited to this Hindu denomination.

[53] Chapter one – my thanks to Dr. Brill for sending me a copy of his manuscript for this book.

[54] e.g. mindfulness and meditation.

course, we are forbidden to use images in the way that they do,[55] but through the channels permitted to us, people can reach new spiritual heights.

As Jews living in Eretz Yisrael, we are in the perfect place to tap into this new avenue and utilize it for *avodat* Hashem. Rabbi Yakov Nagen writes:

> The Land of Israel is at the crossroads of East and West, a geographical-historical fact that carries profound spiritual implications. Judaism contains ideas that are generally identified with Eastern religions, along with ideas that underpin Western thinking. Judaism's grand spiritual message is, to my mind, the synthesis of these disparate elements, an outlook that unifies "being" and "doing."[56]

We live in a generation that is so thirsty for spirituality and connection with Hashem that people travel thousands of miles away to embrace a different tradition in order to feel that connection. But, now that this tradition is not as taboo, we can find ways to integrate parts of it into our observance of *mitzvot* and worship of Hashem so as to find deep meaning, fulfillment, and spirituality within our own rich, venerated Judaism.

[55] Idols and even something that can be interpreted as an idol are definitely forbidden and a form of *Avoda Zara*. See Rambam above.

[56] Rabbi Yakov Nagen, *Be, Become, Bless* (translated from the Hebrew *LeHitorer L'Yom Chadash)* p. 2.

DAVID'S LIFE IN *TEHILLIM*

Rivkah Wyner

The beloved Book of *Tehillim* is traditionally attributed to King David. Although there are other authors of some *perakim* of *tehillim*, King David is the central figure of the book and the main contributor to *Sefer Tehillim*.[1] Several *tehillim*, particularly many of those in the 50's, have specific historical references in their opening verses, such as: "…a *maskil* by David when the Zifites came and said to Shaul: David is hiding among us…" (54:1-2).[2] Although most *mizmorim* (individual psalms) have an introduction, it is important to explore the interplay between these historically placed *tehillim* and their backdrop, i.e., where they appear in the narrative section of the *Tanach*. The context for King David is predominantly found in *Shmuel Alef* and *Bet*. The *tehillim* of King David that correspond with specific events in his life, and the narratives of those events as recorded in the books of Shmuel, complement one another to reveal a profound connection between King David's emotions and his actions.

Historical *Mizmorim*

There are 12 *tehillim* with superscripts that connote an event in King David's life. A majority are concentrated between *Mizmor* 51 and *Mizmor* 63, and most of those happen around a specific period of David's life - when he is running away from Shaul. Rabbi Allen Schwartz

[1] *Bava Batra* 14b.

[2] All English translations are by Gaya Aranoff Bernstein in the Steinsaltz edition of *Tehillim*.

notes[3] that there is no *mizmor* specifically associated with the story of David defeating Goliath, which is because David does not start writing *tehillim* until he reaches a point in his life when there is significant struggle, i.e. when Shaul wants to kill him.

Composition of These *Mizmorim*:

Dr. Yael Ziegler[4] suggests three possibilities for how King David's life is connected to these *tehillim* with historical superscripts:

The *tehillim* could have been written by David in the moment cited in the *mizmor*.

David might have written all of the *tehillim* beforehand and he chose the specific *mizmor* to sing or recite during the particular moment to which it refers.

Or, the *tehillim* could have been connected to the event in David's life by a later source.

Regardless of which of these possibilities is correct, one is prompted to ask: What is the connection between the *mizmor* and the event? If King David wrote the *mizmor* in the moment, why did he choose the words that he wrote? If King David chose a pre-existing *mizmor* to sing, what about that *mizmor* stuck out to him in that moment that led him to select it? And if a later source connected the *mizmor* with a specific event in King David's life, what about the *mizmor* qualified it to be associated with this event? All three

[3] In a shiur at Yeshiva University: https://www.yutorah.org/lectures/lecture.cfm/831766/rabbi-allen-schwartz/shmuel-alef-2015-09-relationship-between-tehillim-and-sefer-shmuel/

[4] In a shiur given for the Pardes Institute: https://elmad.pardes.org/2017/05/psalms-series-with-dr-yael-ziegler-part-1-findinGodavid-in-the-psalms/

approaches require an analysis of the links between the *tehillim* and the incidents associated with them. This paper will utilize the first approach of Dr. Yael Zeigler throughout its analysis, while recognizing that the conclusions drawn could be applied to the other approaches as well. The first approach permits an analysis of David's inner voice shining through as these events transpired, rather than seeing his *tehillim* as second-hand emotions. What matters for this paper is less about *how* the *tehillim* and the Shmuel *perakim* are linked, but rather what can be learned from the existing connection.

This paper will present an in-depth analysis of three specific *tehillim* with a historical superscript: *Mizmor* 3, *Mizmor* 34, and *Mizmor* 51. The three selected are from different periods of David's life in order to show the consistent applicability of the method that will be utilized. The three periods covered will be: David running away from Shaul, the aftermath of David's affair with Batsheva, and David running away from his son, Avshalom.

Fleeing from Shaul: *Mizmor* 34

Mizmor 34 is well-known in its own right, as it is part of the Shabbat and Yom Tov *pesukei de-zimra*, and since it includes many famous verses that are found in other parts of Jewish tradition. The opening verse is frequently overlooked:

לְדָוִד בְּשַׁנּוֹתָו אֶת־טַעְמוֹ לִפְנֵי אֲבִימֶלֶךְ וַיְגָרְשֵׁהוּ וַיֵּלַךְ׃

> By David, when he feigned madness before Avimelech, who drove him away; and he left.

In Shmuel I Chapter 21, this indeed occurs. After seeking help from the priest Achimelech, David continues his flight from Shaul and comes to King Achish of Gath. When King Achish recognizes who he is, David becomes afraid and pretends to be insane. Upon seeing David's

madness, King Achish kicks him out of the house. Thus, David's life is saved. An immediate contradiction arises - Shmuel I Chapter 21 talks about King Achish while *Mizmor* 34 refers to Avimelech. Rashi resolves this contradiction by explaining that Avimelech is just the generic name for Philistine kings (like Pharaoh for Egypt), while Achish is the King's specific name. Dr. Avigail Rock[5] suggests that Avimelech is purposefully used in the *mizmor* to invoke the sound of the name of Achimelech, the key figure of the previous story. (Later analysis in the section will explain the significance of this connection.)

Mizmor 34 is rich in content. It starts with praise for Hashem - אֲבָרְכָה אֶת־יְקֹוָק בְּכָל־עֵת - *I will bless Hashem at all times* (34:2). It shifts to exalting Hashem for His saving powers - וּמִכָּל־מְגוּרוֹתַי הִצִּילָנִי - *He delivered me from all the things I dreaded* (34:5), which specifically refers to David's narrow escape from Avimelech. David then instructs "Hashem's holy ones'' (34:10) to "fear Hashem'' (ibid.) to "do good" (34:15). The final section of the *mizmor* describes Hashem protecting the righteous - עֵינֵי יקוק אֶל־צַדִּיקִים - *The eyes of Hashem are on the righteous* (34:16) and destroying wickedness - פְּנֵי יקוק בְּעֹשֵׂי רָע - *The face of Hashem turns against evildoers* (34:17).

There are several linguistic and contextual connections between *Mizmor* 34 and Shmuel I 21:

[5] In a shiur for *HaTanakh*. https://www.hatanakh.com/en/lessons/*mizmor*-34s-significance-kinGodavids-life

Shmuel I 21	***Mizmor* 34**
וַיִּרָא מְאֹד מִפְּנֵי אָכִישׁ He was very afraid before Achish (21:13)	וּפְנֵיהֶם אַל־יֶחְפָּרוּ And their faces will never be ashamed (34:6)
וַיְשַׁנּוֹ אֶת־טַעְמוֹ And he feigned madness (21:14)	לְדָוִד בְּשַׁנּוֹתָו אֶת־טַעְמוֹ By David, when he feigned madness (34:1) טַעֲמוּ וּרְאוּ כִּי־טוֹב יְקֹוָק Taste and see that Hashem is good (34:9)
בְּעֵינֵיהֶם In their eyes (21:14)	הִבִּיטוּ אֵלָיו Those who look to Him (34:6)
וַיִּתְהֹלֵל בְּיָדָם And he acted crazy in their hands (21:14)	בַּיקֹוָק תִּתְהַלֵּל נַפְשִׁי I will have glory in Hashem (34:3)
וַיֵּלֶךְ דָּוִד מִשָּׁם David left from there (22:1)	וַיְגָרְשֵׁהוּ וַיֵּלַךְ Who drove him away and he left (34:1)

In the opening *pasuk* of the *mizmor*, it states that Avimelech "drives him away" and David leaves, while in Shmuel I 22 it only says that David leaves. The *mizmor* is completing the story by filling in a detail. It makes the most sense for this *mizmor* to have been recited after David leaves, since he would be reflecting on what has just occurred.

Elevated Madness - the verb *Hallel*:

There is an interesting phrase in Shmuel in the verse that depicts David feigning madness. It says: וַיִּתְהֹלֵל בְּיָדָם which can be translated literally as "he acted crazy in their hands." The word *hollelut* has several definitions, one being to act crazy, the other being a form of praise.[6] On the surface, these are opposite definitions of the same word. This root is also used to mean praising Hashem in *Mizmor* 34:3, which indicates that this is not a mere coincidence but a deliberate play on words. In both contexts, *hallel* indicates shouting;[7] in Shmuel it is to shout for madness, while in the *mizmor*, it is to shout for joy. The *mizmor* illustrates an elevated form of *hallel*. One can act completely crazy in a negative sense, but one can also elevate that madness into praising Hashem with pure joy and ecstasy. David's exaltation of Hashem is a holier manifestation of the madness he feigns to escape King Achish.

An Alphabetical Acrostic:

Rabbi Adin Steinsaltz in his commentary on *Tehillim* notes that this *mizmor* demonstrates rationality in contrast to David's feigned madness. The *mizmor* is written in an alphabetical acrostic. Steinsaltz suggests that this shows that David is in his right mind and capable of clearly ordered thinking.

Turning to Hashem with Prayer:

The main focus of the *mizmor* is praising Hashem for deliverance from troubles. The *mizmor* also illuminates the fact that David turns to

[6] מילון העברית המקראית, מנחם–צבי קדרי (217)
http://www.ericlevy.com/revel/bdb/bdb/5/he-Index.html
[7] Ericlevy.com

Hashem for assistance, and his prayer is heard. For example, verse 5 states:

דָּרַשְׁתִּי אֶת־יְקֹוָק וְעָנֵנִי וּמִכָּל־מְגוּרוֹתַי הִצִּילָנִי׃

I sought Hashem, and He answered me; He delivered me from all the things I dreaded.

Similarly, verse 7 speaks of a poor man (referring to David) crying out to Hashem, to whom Hashem responds and saves from all his troubles. In the verses of Shmuel, Hashem is totally absent. The heavy emphasis of seeking God in the *mizmor* shows that David's feigning madness is not just a stroke of genius, but an answer to a prayer. The *mizmor* also records David's thanks-giving to Hashem, an essential part of prayer. God is present in David's life, which is the very thing that enables his salvation.

A *Maskil*:

Mizmor 34 also has many verses of instruction. Verse 10 advises to fear Hashem, because those who fear Him lack nothing. Furthermore, verses 14 and 15 teach:

נְצֹר לְשׁוֹנְךָ מֵרָע וְשִׂפְתֶיךָ מִדַּבֵּר מִרְמָה׃ סוּר מֵרָע וַעֲשֵׂה־טוֹב בַּקֵּשׁ שָׁלוֹם וְרָדְפֵהוּ׃

Guard your tongue from evil and your lips from deceit. Turn away from evil and do good; seek peace and pursue it.

At first glance, it seems ironic that David is warning against deceit when he himself just escaped by pretending to be something he is not. Dr. Avigail Rock teaches that these verses actually show that David has learned a lesson. In the previous story, David is not truthful with the priest Achimelech; he hides the full truth to manipulate Achimelech into helping him. Then, when he has to be entirely false to save himself from King Achish, he realizes that deceit should only be used in

extremely dire circumstances, while in general, one should strive to be as honest as possible.

This latter instruction to "turn away from evil, do good," highlights the *mizmor's* frequent contrasts between Hashem protecting the righteous and Him forsaking evildoers. It is clear that David is speaking out against those who unrightfully seek his life (such as King Shaul and King Achish), while also explaining that his own actions are in an effort to "seek peace and pursue it." If one just looks at Shmuel, it is not clear what David's intentions are, but if one also look at this *mizmor*, one can see that David is on a righteous mission. Additionally, the last *pasuk* of the alphabetical *mizmor* does not start with the last letter of the alphabet but with a *peh*. Dr. Abraham Cohen comments that if the *mizmor* had ended with the previous verse, which does start with the last letter of the alphabet, it would have ended on a note against evildoers, as verse 22 states:

תְּמוֹתֵת רָשָׁע רָעָה וְשֹׂנְאֵי צַדִּיק יֶאְשָׁמוּ׃

> Evil causes the death of the wicked, and those who hate the righteous will be condemned.

Therefore, verse 23 is added to juxtapose the fate of evildoers with a final reassuring note to those who confide in Hashem:

פּוֹדֶה יְקֹוָק נֶפֶשׁ עֲבָדָיו וְלֹא יֶאְשְׁמוּ כָּל־הַחֹסִים בּוֹ׃

> Hashem redeems the souls of His servants, and none are condemned who take refuge in Him.

Mizmor 34 has an extra verse tacked onto the acrostic in order to end with a final and deliberate contrast between those who do evil and those who "do good, seek peace and pursue it."

***Bitachon*:**

Rabbi Immanuel Bernstein, in his book *Aggadah: Sages, Stories and Secrets*, has a beautiful interpretation of this *mizmor* in relation to its context in Shmuel. As previously seen in verse 5, David is saved because he beseeches Hashem. But according to Shmuel, he is saved because he feigns madness. He takes a course of action that ensures his survival. Rabbi Immanuel Bernstein teaches that these two approaches illustrate the tricky balance between *bitachon* (trust in Hashem) and *hishtadlut* (action): one must invest necessary measures while also trusting that Hashem will bring success to these efforts. *Mizmor* 34 highlights that David is not simply acting alone but with Hashem.

A Series of Miracles:

Ultimately, *Mizmor* 34 truly demonstrates that this event in David's life is contrived of many miracles. The *Me-am Lo'ez* teaches that the first miracle is that Hashem helps David think of an effective, quick-thinking strategy to bluff madness. The second miracle is that the king drives him away instead of killing him. The former illustrates the balance between *hishtadlut* and *bitachon*, but the latter miracle is completely in Hashem's hands. There is even a third miracle: it says that David walks away - וַיֵּלֶךְ (Shmuel I 22:1) - after being driven out; he gets out so safely that he can walk out the front door! He comes to King Achish because he is fleeing - וַיִּבְרַח (Shmuel I 21:11) - from Shaul, but he simply walks out after this near-death experience.

Conclusion:

Without *Mizmor* 34 to supplement this relatively short story included in Shmuel I 21, one would only see David in one of his many narrow escapes for his life. By comparing these two *perakim*, however,

it is clear that this is actually a very meaningful event with many lessons to teach. The *pesukim* in Shmuel only show what literally happens and what actions David takes. By emphasizing Hashem's guiding role in the story and David's life, *Mizmor* 34 deepens David's actions by depicting his instinct to pray to Hashem for help and to thank Him for his salvation, his ability to learn from what happened to him in order instruct others, and his deep trust in Hashem and recognition of all the miracles He performs.

More Flights from Shaul:

Tehillim's ability to give us insight into the emotions that David is experiencing during events described in Shmuel can also be seen in other *mizmorim* which describe David fleeing from Shaul. For example, *Mizmor* 52 refers to the incident of Doeg the Edomite, who informs Shaul that Achimelech housed David, and then Doeg proceeds to kill Achimelech and his entire household (Shmuel I Chapter 22). Interestingly, Chazal portrays Doeg as a Torah scholar who does not live out Torah or its morals. When putting this idea into the context of the *mizmor*, one can more clearly understand what is the *maskil,* the instruction,[8] of the *mizmor* that David is presenting. Rabbi Dr. Tzvi Hersh Weinreb, in his commentary on *Tehillim*, suggests that it is a lesson directed to people with special talents and intelligence: Just because they have knowledge, it does not mean they are not prone to moral degradation. When David hears of the incident of Doeg, David has little to no reaction. In fact, he takes responsibility - אָנֹכִי סַבֹּתִי בְּכָל־ נֶפֶשׁ - *I am to blame for all the deaths* (Shmuel I 22:22), juxtaposing Doeg's evil with morality. The *perek* in Shmuel shows David living out what he preaches, which is moral responsibility and trust in Hashem, because when one trusts in his *own* strengths and *not* in Hashem, what

[8] The opening phrase of this *mizmor* is מַשְׂכִּיל לְדָוִד - *a maskil of David* (52:1).

is preventing him from evil? The *mizmor* deepens the story by providing David's full response to Doeg's evil, which is not only to act morally but to preach and be committed to morals too.

Another example is *Mizmor* 56, which describes David fleeing to Gath to get protection from the Philistines (Shmuel I Chapter 27). Dr. Yael Ziegler points out that the *mizmor* talks about fear and trust in God - יוֹם אִירָא אֲנִי אֵלֶיךָ אֶבְטָח - *On a day when I am afraid, I put my trust in You, [Hashem]* (56:4), while the *perek* in Shmuel does not. David's emotions are suppressed in the *perek* but unleashed in the *mizmor*. The *mizmor* highlights that even though David's decisions and actions are what literally save him, it is actually Hashem protecting him and granting him success. Even though David seems to be totally in control in the *perek*, in truth, he recognizes his dependence on Hashem for he is truly afraid for his life, which only Hashem can save. As previously stated, *Mizmor* 56 is part of the series in *Sefer Tehillim* that discusses David fleeing from Shaul, and this *mizmor* in particular emphasizes the crucial connection between David's emotional journey and the physical one it accompanies.

Fleeing from Sin: *Mizmor* 51

Once Shaul dies and David's kingship is secured, King David goes through a comparatively easy period in his life. He rises to the throne, establishes a royal family with wives and children, expands his kingdom, and Hashem is on his side. What could possibly go wrong? This all changes when he commits adultery with Batsheva and orchestrates the death of her husband, Uriah, on the battlefield. His prophet Natan is charged with telling King David of his sins and punishments. This is the backdrop of *Mizmor* 51, the first episode of deep struggle in King David's life since his numerous flights from Shaul. This highlights the theory that the *tehillim* with specified historical

contexts are all set in moments of struggle. There are many *tehillim* about success, but those do not contain references to specific victories of King David that are described in the Books of Shmuel. The *mizmorim* connected with David's most intense challenges reveal insights into the nature of struggle and how it impacts one's relationship with Hashem. This is certainly the case with the episode of David and Batsheva.

In Shmuel II Chapter 12, Natan chastises David for his sin and lists his punishments: the sword will never depart from David's house, evil will arise in his household, another man will sleep with all of David's wives and it will be known to the public (12:10-12). Upon hearing this, David immediately repents - חָטָאתִי לַיקוָק - *I stand guilty before God* (12:13). Natan's response is fascinating. He first says that Hashem has forgiven David and he will not die, and then he adds another punishment: that the child about to be born to David through Batsheva will die (12:13-14). These *pesukim* are quite confusing. David's immediate confession earns him forgiveness, so why is that forgiveness followed by another punishment? Analysis of the corresponding *mizmor* helps answer this question.

Mizmor 51 takes place after Natan confronts David about his sin with Batsheva. The theme of the *mizmor* is *teshuva*. David is asking for forgiveness from Hashem for his sins, articulating repentance with greater pathos than what appears in Shmuel. The verses speak for themselves (51:3-7):

> חָנֵּנִי אֱלֹקים כְּחַסְדֶּךָ כְּרֹב רַחֲמֶיךָ מְחֵה פְשָׁעָי: הרבה [הֶרֶב] כַּבְּסֵנִי מֵעֲוֹנִי וּמֵחַטָּאתִי טַהֲרֵנִי: כִּי־פְשָׁעַי אֲנִי אֵדָע וְחַטָּאתִי נֶגְדִּי תָמִיד: לְךָ לְבַדְּךָ ו חָטָאתִי וְהָרַע בְּעֵינֶיךָ עָשִׂיתִי לְמַעַן תִּצְדַּק בְּדָבְרֶךָ תִּזְכֶּה בְשָׁפְטֶךָ: הֵן־בְּעָוֹן חוֹלָלְתִּי וּבְחֵטְא יֶחֱמַתְנִי אִמִּי:
>
> Be gracious to me, God, as befits your kindness; in the greatness of Your mercy, blot out my transgressions. Thoroughly wash my

> iniquity from me; purify my sin. For I know my transgressions; my sin is always before me. Against You alone I have sinned. I have done that which is evil in Your eyes, so You are just in Your words and right in Your verdict. I was formed in iniquity; in sin my mother conceived me.

The rest of the *mizmor* rings a similar tune as David continues to grievously express his desire to return from sin.

***Mizmor* Placement:**

There are two possibilities as to when this *mizmor* could have been written or said. In the Masoretic text of Shmuel, there is a physical space in the text after David confesses that he has sinned in verse 13 (following the words חָטָאתִי לַיקוָק. The Vilna Gaon suggests that the empty space shows that David wants to say more but does not find himself capable. Hence, *Mizmor* 51 could be placed in this space, providing more depth to David's plea for forgiveness, thus making him more worthy of the forgiveness that he does in fact receive in the second half of verse 13. Alternatively, this *mizmor* could be placed *after* David is forgiven and after he hears of the additional punishment. If this is the case, the *mizmor* is not asking for forgiveness, since he has already received that, but atonement. Rabbeinu Yona comments that even after being granted forgiveness, the penitent must pray for the continuance of forgiveness, Divine assistance in repenting, and to be restored to God's favor.[9]

Sinning Against Hashem:

On a *peshat* level, the former placement seems correct. However, when looking more deeply into the nature of David's sins and punishments, the latter placement makes more sense. The initial set

[9] Rabbeinu Yona, *Gates of Repentance*.

of punishments listed are all *midah keneged midah* (measure for measure). Because David puts Uriah to the sword, the sword will never depart from David's house. Since David sleeps with a man's wife, another man will sleep with his wives. These punishments help David to atone on an individual level. By accepting these punishments, he merits forgiveness for committing adultery with Batsheva and getting Uriah killed. But the process of *teshuva* is not complete. The reason given in verse 14 for David's final punishment is quite strange:

אֶ֣פֶס כִּֽי־נִאַ֣ץ נִאַצְתָּ֗ אֶת־אֹיְבֵי֙ יקוק בַּדָּבָ֣ר הַזֶּ֔ה גַּ֗ם הַבֵּ֛ן הַיִּלּ֥וֹד לְךָ֖ מ֥וֹת יָמֽוּת׃

> However, since you have spurned the enemies of the LORD by this deed, even the child about to be born to you shall die.

Radak interprets spurning Hashem's enemies to mean causing the enemies of Hashem to blaspheme. In other words, David's sins are not only abhorrent in and of themselves, but are also a *chilul Hashem* (a desecration of God's name). This explains the verse in *Mizmor* 51 in which David says, "against **You** [Hashem] alone I have sinned" (51:5). This is not true! Did he not also sin against Uriah!? This verse makes sense though if this *mizmor* is placed *after* David has already been forgiven for his sin against Uriah but *before* he has been forgiven for his sin against Hashem. David disgraced Hashem's honor by committing his sin, so he needs to repent for this as well.

The punishment for David's *chilul Hashem* is the death of his unborn son, because if this child would live, it would only give the enemies of God another reason to scorn Him.[10] When they see David break two cardinal sins of the Torah, they mock the legitimacy of Hashem's law. How much more so would they scorn Hashem if they see the product of his sin survive, potentially to become king one day?

[10] In conversation with Rav Yoni Rosensweig of Midreshet Lindenbaum.

David's initial *midah keneged midah* punishments atone for his sins on an individual level, which is why when he accepts these punishments he is forgiven. But David still needs to repent for his sin in terms of the bigger picture and the effects of his sin on the world as a whole. Thus, when he says, "I will teach Your ways to transgressors, so that sinners may return to You" (51:15), he is referring to making amends for his *chilul Hashem* with a promise to make a *kiddush Hashem* (sanctification of God's name).

In Shmuel II Chapter 12, David first recognizes his sin on a personal level and then has to face the larger scale consequences. Even though he has been forgiven, he is still distraught. He desperately prays and fasts for the boy to live. But once the boy dies, David is calm. This is because his passionate prayers are actually the text of *Mizmor* 51, a desperate plea for forgiveness. Once this punishment comes about and the child dies, David knows that Hashem has also forgiven him for the sin he committed against Hashem Himself, and so he is calm and accepting.

Returning to Hashem:

In this *mizmor*, David longs for atonement on an emotional level, not just a technical one. The process of *teshuva* in Shmuel is based on accepting punishment. *Mizmor* 51 shows that full *teshuva* requires more than that. Even if David is fully punished and forgiven, he still has fractured his relationship with Hashem. David fears that this sin will destroy their relationship completely. This is why his plea in *Mizmor* 51 for repentance is so desperate, because he is praying to maintain his relationship with God. Verses 13-14 clearly demonstrate this:

אַל־תַּשְׁלִיכֵנִי מִלְּפָנֶיךָ וְרוּחַ קָדְשְׁךָ אַל־תִּקַּח מִמֶּנִּי: הָשִׁיבָה לִּי שְׂשׂוֹן יִשְׁעֶךָ וְרוּחַ נְדִיבָה תִסְמְכֵנִי:

> Do not cast me out of Your presence, and do not take Your holy spirit from me. Restore the joy of Your salvation to me; sustain me with a vigorous spirit.

The story in Shmuel ends with the words, "and Hashem loved him" (12:24). Their relationship has been restored.

What *Mizmor* 51 teaches in relation to the story itself is that *teshuva* is a twofold process. One needs both physical and emotional atonement. Punishments may atone for the sins themselves, but one needs to also undergo an internal process of growth. As David himself expresses in 51:19 - זִבְחֵי אֱלֹוקִים רּוחַ נִשְׁבָּרָה - *Sacrifices to God are a broken spirit*, indicating that the ultimate sacrifice for one's sins is not a sin-offering but a sincerely crushed heart. When one sins, he distances himself from Hashem. Often one sins *because* they are distant from Hashem.[11] Either way, part of the *teshuva* process is rebuilding that relationship. This is the case with King David. If he merely accepted his punishments for his sins, he would have been forgiven, but his relationship with Hashem would have remained impaired. David's longing to mend their relationship is evident in *Mizmor* 51. By turning to Hashem and sincerely praying to Him, David is bringing Hashem back into his consciousness. He is undergoing the emotional element of *teshuva*, and thus he is truly forgiven.

Fleeing from Avshalom: *Mizmor* 3

Mizmor 3 details King David's emotional journey throughout the final flight of his life, the most heartbreaking one, that of fleeing from his beloved son, Avshalom. The story itself occurs over the course of

[11] Rav Lichtenstein in his essay, "*Teshuva*: Repentance and Return" in *By His Light*, discusses "the sin of *shikhecha* (forgetting), of distance, of dissociation" (p.175) and expresses the idea that being far from Hashem is a sin in and of itself.

several *perakim* in Shmuel II, starting in Chapter 15 and concluding in Chapter 18. Immediately after the Batsheva episode, chaos ensues within David's household, culminating in Avshalom's disgraceful mutiny.

The *mizmor* starts out with a cry of anguish - רַבִּיּם אֹמְרִים לְנַפְשִׁי אֵין יְשׁוּעָתָה לּוֹ בֵּאלֹקִים סֶלָה - *Many say of me: There is no salvation for him in God, Sela* (3:3). The middle verses demonstrate David turning to Hashem and then feeling reassured by Him - לְֹא־אִירָא מֵרִבְבוֹת עָם אֲשֶׁר סָבִיב שָׁתוּ עָלָי - *I shall have no fear of the myriads that surround me and oppose me* (3:7). It ends with another cry for help - קוּמָה יְקֹוָק ׀ הוֹשִׁיעֵנִי אֱלֹקָי - *Arise Hashem; save me, my God* (3:8) - and a final assurance in Hashem's saving powers - לַיקֹוָק הַיְשׁוּעָה - *Salvation belongs to Hashem* (3:9). *Mizmor* 3 reflects David's inner state throughout the Avshalom episode, with an emphasis on David's hope for salvation.

Shifting with *Sela*:

This *mizmor* is the first to use the word *sela.* Radak understands that *sela* signals a raising of the voice (*tehillim* were traditionally sung in the *Beit Ha-mikdash*) to demonstrate a change in the *mizmor*. Rabbi Dr. Tzvi Hersh Weinreb notes that each *sela* corresponds to a shift in King David's mood. *Mizmor* 3 starts with desperation. After the first *sela*, there is a movement toward deep trust in Hashem. The second *sela* shifts toward a calm serenity in Hashem's salvation. The *mizmor* ends with a *sela* signifying triumph, which is further displayed in the following *mizmor*.[12] *Mizmor* 3 demonstrates various alterations in David's emotions and how he switches from desperation to trust. Unpacking these emotional shifts can aid one's understanding of what

[12] Rabbi Dr. Tzvi Hersh Weinreb in his commentary in Koren *Tehillim*.

transpires during the physical journey that David undertakes in Shmuel.

As previously stated, *Mizmor* 3 starts with anguish:

יְקֹוָק מָה־רַבּוּ צָרָי רַבִּים קָמִים עָלָי׃

> Hashem, how numerous are my tormentors: many rise up against me (3:2).

These numerous tormentors refer to the people of Israel who support Avshalom. When David hears of this, he and his men flee Jerusalem (15:13-14). The *Midrash Tehillim* teaches that these followers of Avshalom do not believe that Hashem supports David anymore, believing that Hashem has abandoned David in the wake of the Batsheva sin. There are also those who believe that David's rule has genuinely ended.

Reconnecting with Hashem:

A significant turning point occurs in Shmuel 15:30 when David ascends the Mountain of Olives:

וְדָוִד עֹלֶה בְּמַעֲלֵה הַזֵּיתִים עֹלֶה ו ובוֹכֶה וְרֹאשׁ לוֹ חָפוּי וְהוּא הֹלֵךְ יָחֵף וְכָל־הָעָם אֲשֶׁר־אִתּוֹ חָפוּ אִישׁ רֹאשׁוֹ וְעָלוּ עָלֹה וּבָכֹה׃

> David meanwhile went up the slope of the [Mount of] Olives, weeping as he went; his head was covered and he walked barefoot. And all the people who were with him covered their heads and wept as they went up.

There are parallels to this event in *Mizmor* 3:4-5:

וְאַתָּה יְקֹוָק מָגֵן בַּעֲדִי כְּבוֹדִי וּמֵרִים רֹאשִׁי׃ קוֹלִי אֶל־יְהוָה אֶקְרָא וַיַּעֲנֵנִי מֵהַר קָדְשׁוֹ סֶלָה׃

> But You, Hashem, protect me. You are my glory; You lift my head. I cried aloud to Hashem and He answered me from His holy mountain. Sela.

These verses show the first shift in David after the first *sela* in the *mizmor*. They demonstrate the shift from desperation to trust, and this switch corresponds to the specific event of ascending the mountain. David going up the mountain (15:30) parallels Hashem lifting David's head - וּמֵרִים רֹאשִׁי (3:4) atop the holy mountain.

David goes up the mountain in misery, and he needs Hashem's help; he also doubts if Hashem is really on his side. David is unsure if Hashem plans for him to lose his throne or not. But he comes down the mountain with utmost *bitachon*. After reconnecting to Hashem, he understands that this is all part of Hashem's plan and Hashem is still with him. This ascension leads to clarity and protection. Abarbanel even suggests that this is where David composes *Mizmor* 3.

Responding to Adversity:

In Shmuel II Chapter 16, David's re-found trust is put to the test. Shimi Ben Gera, a supporter of Shaul, throws stones and insults at King David. After this attack, David's servant asks him why he allowed that to happen. David's response is surprising. He says in verse 10:

כִּי [כֻּה] יְקַלֵּל וְכִי [כִּי] יְקוָק אָמַר לוֹ קַלֵּל אֶת־דָּוִד וּמִי יֹאמַר מַדּוּעַ עָשִׂיתָה כֵּן׃

He is abusing [me] only because the LORD told him to abuse David; and who is to say, 'Why did You do that?'

Furthermore, David says in verse 12:

אוּלַי יִרְאֶה יְקוָק בְּעֵינִי [בעוני] וְהֵשִׁיב יְהוָה לִי טוֹבָה תַּחַת קִלְלָתוֹ הַיּוֹם הַזֶּה׃

Perhaps the LORD will look upon my punishment and recompense me for the abuse [Shimi] has uttered today.

Then he and his men continue on their way while Shimi continues to hurl insults and stones. When they arrive at the Jordan river, David goes to sleep. This is reflected in the *Mizmor* in *pasuk* 6: אֲנִי שָׁכַבְתִּי - *I*

lay down, following the second *sela*. At this point of the story, when David goes to sleep, he feels Hashem sustaining him.

Faith in Hashem:

Despite Shimi's insults and stones, David's faith remains steadfast. He accepts Hashem's plan, understanding that all of this suffering is part of that plan. He even sees this as punishment for the sake of atonement. Avshalom's mutiny is a twofold punishment: the unrest in David's household is retribution for what he did with Batsheva, and the attempted mutiny is a reprimand for David taking Shaul's throne, which Shimi ben Gera accuses him of stealing unjustly. In this incident, King David's humility and faith in Hashem shine through. When Shimi tests David's humility by delegitimizing his kingship, David remains calm because he is confident in Hashem's plan.

The penultimate verse of the *mizmor* includes a short prayer to Hashem (3:8):

קוּמָה יְקֹוָק | הוֹשִׁיעֵנִי אֱלֹקַי כִּי־הִכִּיתָ אֶת־כָּל־אוֹיְבַי לֶחִי שִׁנֵּי רְשָׁעִים שִׁבַּרְתָּ׃

Arise, Hashem! Save me, my God. For You have smitten my enemies on the cheek; You have broken the teeth of the wicked.

David recalls past times in which Hashem helped him prevail against his enemies to support his plea to be saved this final time. Ultimately, Avshalom is killed and David's throne is secured. The final verse refers to this victory (3:9):

לַיקֹוָק הַיְשׁוּעָה עַל־עַמְּךָ בִרְכָתֶךָ סֶּלָה׃

Salvation belongs to Hashem; Your blessing is on Your people! *Sela.*

Not only is David still king, but "your people" in this verse indicates that now *Am Yisrael* is reunited in supporting King David.

David's Shifting Emotions:

The *perakim* in Shmuel clarify the specific events the *mizmor* refers to, but the *mizmor* reveals the emotional journey that accompanied those events. In the story, David seems to be calm and serene throughout; the reader does not sense fear or insecurity except when he goes up to cry on the mountain. The *mizmor*, however, reveals David's vacillation between desperation and trust. David is actually terrified in the beginning, unsure if he will remain king or even remain alive. But he is mostly scared that Hashem has left him. Just as Hashem was once with Shaul and then left him to support David, so could Hashem leave David to support his son Avshalom. Once David reconnects with Hashem, he realizes that Hashem has not abandoned him but is only testing him. David comes to recognize that suffering is part of Hashem's plan. This is why David can seem so calm in the face of such a calamity, because he knows that it is his struggles that bring him the ultimate salvation. Turning to Hashem in his moments of desperation is what enables David to experience the growth that is part of Hashem's plan. That growth results in David's deepened humility, complete atonement, and a profound sense that Hashem is in control.

Concluding Analysis

King David is undeniably a complex character. As *Moed Katan* 16b teaches, sometimes he is as "hard and strong as a tree," while at other times, he is as "soft as a worm."[13] Rabbanit Nomi Berman of Midreshet

[13] *Moed Katan* 16b:
כְּשֶׁהָיָה יוֹשֵׁב וְעוֹסֵק בַּתּוֹרָה הָיָה מְעַדֵּן עַצְמוֹ כְּתוֹלַעַת וּבְשָׁעָה שֶׁיּוֹצֵא לַמִּלְחָמָה הָיָה מַקְשֶׁה עַצְמוֹ כְּעֵץ - *When David would sit and occupy himself with Torah, he would make himself soft as a worm, and when he would go out to war, he would make himself hard and strong as a tree*.

Lindenbaum pointed out that he has an Esav-like side and a Yaakov-like side. On the one hand, he is a militaristic king who fights many battles. He could easily be described as an *ish sadeh,* a man of the field, the term used to depict Esav in *Bereishit* 25:27. The *Midrash HaGadol* notes that David and Esav are the only two characters in *Tanach* who are described as *admoni* (possessing a reddish complexion).[14] On the other hand, David possesses Yaakov-like qualities. He is a simple shepherd boy, and a musician. He also fits the description of Yaakov as an אִישׁ תָּם יוֹשֵׁב אֹהָלִים - *an innocent man who sits in tents*.[15] This dialectic within David appears throughout his life. As a young boy, he spends his time in the palace playing the lyre for King Shaul, but he also defeats Goliath. As an adult, David is a militaristic, strong, and courageous king, but he is also a poet, the author of *Tehillim*. In the books of Shmuel, the Esav-like David is apparent. He is depicted as a king of action. But in the Book of *Tehillim*, King David's Yaakov-like side is manifest as he reveals his emotions, spirit, soul, and strong connection to Hashem.

By comparing the correlated *perakim* between Shmuel and *Tehillim*, both the ones analyzed in this paper (*Mizmor* 34, *Mizmor* 51, and *Mizmor* 3) and the ones not included, one can appreciate the value of understanding both sides of King David. Investigating both the physical and the emotional elements of David's character reveals the depth of this influential figure. While fleeing from Shaul, David is more than just a scared young man trying to save his life with clever, tactical ploys. By looking at *Tehillim*, and specifically at *Mizmor* 34, one can see that he is also guided by Hashem, he learns from his mistakes, and is able to recognize miracles and be grateful for them. In his sin with

[14] *Bereishit* 25:25 and Shmuel I 16:12.
[15] *Bereishit* 25:27.

Batsheva, David is more than an impulsive king who makes a mistake and is forgiven. *Mizmor* 51 reveals that he is also a struggling human being, desperately trying to bridge the gap in his relationship with Hashem through his internal process of *teshuva*. And in fleeing from Avshalom, David is more than a tough king going through just another one of many battles in his life. *Mizmor* 3 demonstrates that he is also a father trying to overcome his fears by deepening his trust in Hashem.

There is much more to be learned from David than merely the actions he took, though in and of themselves they are brilliant and inspirational. One also needs to learn from the emotions that accompanied these actions. By comparing corresponding chapters between Shmuel and *Tehillim*, greater truths can be uncovered. This paper has provided a few examples in which this is evident, which highlights how much room there is for further investigation into David's life and character. Looking at David exclusively through the lens of Shmuel is a half-picture; it is only by also examining his *tehillim* that his story is complete.

HOW SHOULD WE TEACH?

Tari Sztokman

Reading *sugyot* on education through the lens of modern educational philosophies

The commandment in *Devarim* 11:19 of ולמדתם אותם את בניכם - *you shall teach your children* - is a cornerstone Jewish value. The pursuit of in-depth learning is not only greatly encouraged, but also an important part of Jewish communal life. The centrality of the Jewish school, the *Beit Midrash*, and youth movements in Jewish communities around the world creates a culture where all aspects of Jewish life revolve around probing and analyzing.

In this article, we will be analyzing two *sugyot* regarding education in the Gemara, the first on *daf* 21a in *Bava Batra*, and the second in *Avoda Zara daf* 19. First we will examine the beginnings of the Jewish school system recorded in *Bava Batra.* The Gemara in *Avoda Zara* will then be analyzed through the lenses of three modern pedagogical approaches to education.

The Development of Schools

The importance we place on education finds its roots in Talmudic times. In the Gemara in *Bava Batra* 21a, Rav Yehuda in the name of Rav recounts the beginnings of the first school system in Israel:

דְּאָמַר רַב יְהוּדָה אָמַר רַב בְּרַם זָכוּר אוֹתוֹ הָאִישׁ לַטּוֹב וְיהוֹשֻׁעַ בֶּן גַּמְלָא שְׁמוֹ שֶׁאִלְמָלֵא הוּא נִשְׁתַּכַּח תּוֹרָה מִיִּשְׂרָאֵל שֶׁבְּתְחִלָּה מִי שֶׁיֵּשׁ לוֹ אָב מְלַמְּדוֹ תּוֹרָה מִי שֶׁאֵין לוֹ אָב לֹא הָיָה לָמֵד תּוֹרָה מַאי דְּרוּשׁ וְלִמַּדְתֶּם אֹתָם וְלִמַּדְתֶּם אַתֶּם.

הִתְקִינוּ שֶׁיְּהוּ מוֹשִׁיבִין מְלַמְּדֵי תִּינוֹקוֹת בִּירוּשָׁלַיִם מַאי דִּרוּשׁ כִּי מִצִּיּוֹן תֵּצֵא תוֹרָה וַעֲדַיִין מִי שֶׁיֵּשׁ לוֹ אָב הָיָה מַעֲלוֹ וּמְלַמְּדוֹ מִי שֶׁאֵין לוֹ אָב לֹא הָיָה עוֹלֶה וְלָמֵד הִתְקִינוּ שֶׁיְּהוּ מוֹשִׁיבִין בְּכָל פֶּלֶךְ וּפֶלֶךְ.

Rav Yehuda says that Rav says: Truly, that man is remembered for the good, and his name is Yehoshua ben Gamla. If not for him the Torah would have been forgotten from the Jewish people. Initially, whoever had a father would have his father teach him Torah, and whoever did not have a father would not learn Torah at all. The Gemara explains: What verse did they interpret homiletically that allowed them to conduct themselves in this manner? They interpreted the verse that states: "And you shall teach them [*otam*] to your sons" (Deuteronomy 11:19) to mean: And you yourselves [*atem*] shall teach, i.e. you fathers shall teach your sons.

When the Sages saw that not everyone was capable of teaching their children and Torah study was declining, they instituted an ordinance that teachers of children should be established in Jerusalem. The Gemara explains: What verse did they interpret homiletically that enabled them to do this? They interpreted the verse: "For Torah emerges from Zion" (Isaiah 2:3). But still, whoever had a father, his father ascended with him to Jerusalem and had him taught, but whoever did not have a father, he did not ascend and learn. Therefore, the Sages instituted an ordinance that teachers of children should be established in each and every region [*pelekh*].[1]

Rav Yehuda warmly commends Rabbi Yehoshua Ben Gamla's creation of the first Jewish public school. He asks his *beit midrash* to "remember that man for good… because without him Torah would have been forgotten from Israel." This illustrates that Rav perceives education as something of the utmost importance, without which the Jewish tradition could not survive. It is critical to note that Rabbi Yehoshua Ben Gamla, the *Kohen Gadol*, created this enactment in 64

[1] All the translations of the Gemara are from Sefaria.

C.E., six years prior to the destruction of the Second Temple, a time fraught with political instability that also threatened the future of Judaism. It is in this way that we can perceive a duality in threats, one on a political level, and one on a spiritual one. Rabbi Yehoshua Ben Gamla was unable to stop the political instability, yet due to him the tradition was able to survive, further emphasizing the importance in education as a method of spiritual survival.

The Gemara continues by bringing an *Agada* on the evolution of Jewish education. It begins with the familial commandment of ולמדתם אותם את בניכם - *you shall teach your children*,[2] implying that all education was transmitted from parent to child. The Gemara continues by criticizing this method of education, arguing that with such a system, a parentless child would be left illiterate, a phenomenon that would have been common in this period of unrest. Rabbi Yehoshua Ben Gamla wished to address this urgent issue, and therefore created schools in Jerusalem, an early form of public education. However, the Gemara realizes that simply creating schools in the capital city does not solve the issue. Parentless children would still not have access to an education as they did not have the means to travel to the school. Rabbi Yehushua Ben Gamla, therefore, decrees that for every "*pelech u'pelech*" (region) there should be a teacher.

This *sugya* provides an insight into the centrality of education in Judaism, showing that it is not only the center of ritual and communal life, but that it is something far more foundational to Judaism. The Gemara*'s* claim that without universal education, Torah, and thus our entire tradition, would be "forgotten," shows that learning is not only

[2] *Devarim* 11:19.

the way Judaism is transmitted from generation to generation, but also informs our practice, and, more importantly, is a cornerstone practice in its own right.

The conclusion of this *sugya* not only broadcasts the tradition's value of education, but also an early form of universal education that cares deeply about the accessibility of learning for every child.

The Three Different Approaches

This section will explore the crossover between three different modern pedagogical approaches and the educational views expressed in one particular *sugya*, *Avoda Zara* 19. The first modern educational approach is Emile Durkheim's Socialization approach, which claims that education is the way in which society prepares its youngest members to not only function within society, but to contribute to it and flourish within it in a meaningful manner. Robert Hutchin's Liberal Arts approach will also be examined. He claims that education's aim is to become intellectually proficient, and thereby enter into "the great conversation" that involves knowledgeable minds. As such, Hutchins focuses on the texts used in education, claiming that a set list of texts and knowledge is required to be considered intellectual. Conversely, Carl Rodgers utilizes a humanist approach to education, according to which he places the child above both the texts and society, claiming that children should learn in accordance with their passions and values, rather than a set curriculum. This paper endeavors to prove that the Gemara presents a nuanced approach to education that does not fit within the constraints of a single philosophy.

Emile Durkheim's Socialization Approach

Emile Durkheim (1858-1917) is considered the father of French Sociology. Durkheim argues that in its essence, education is the way in

which society prepares its youngest members to partake in, conform with, and flourish within society. As such, pedagogy taught through this lens focuses on the community or society in which the school is based, which can be aligned with the Gemara in *Bava Batra*'s insistence on a school "*be-chol pelech u'pelech"* – in each and every region. This perhaps serves not only the practical purposes mentioned in the Gemara, where students were unable to attend the school in Jerusalem due to distance, but also hints to a deeper educational philosophy that different communities require different forms of education.

Practically speaking, the Socialization Approach focuses on the relationship between the individual and their community. This approach's educational aims are to produce adults who have internalized the community's values, to create individuals who identify deeply, strongly and passionately with their community, and to develop empowered and inspired individuals who will contribute to their community and ensure its continuity. As such, this philosophy focuses on imparting and transmitting communal values, culture, and history.[3] The following sections of the Gemara best illustrate this approach:

> אמר להו רב חסדא לרבנן בעינא דאימא לכו מלתא ומסתפינא דשבקיתו לי ואזליתו כל הלומד תורה מרב אחד אינו רואה סימן ברכה לעולם שבקוהו ואזול קמיה דרבא אמר להו הני מילי סברא אבל גמרא מרב אחד עדיף כי היכי דלא ליפלוג לישני על פלגי מים.
>
> Rav Ḥisda said to the Sages who were studying with him: I wish to say something to you, but I am afraid that then you will leave me and go. What did he wish to tell them? He wanted to say that anyone who learns Torah from one teacher alone never sees a sign of blessing. When the students heard this, they did in fact leave

[3] *Emile Durkheim's Theory of Education*, G Somayaji

him and went to learn from Rava. Rav Ḥisda said to them: That matter applies only with regard to reasoning, i.e. in order to come up with sophisticated reasoning, it is necessary to hear many different opinions. But with regard to the oral tradition itself, it is preferable to learn from one teacher so that he will not become confused by the different versions of the same statements he hears from each teacher, as he will have no clear authoritative version from one source. The Gemara continues discussing the verse cited above: "By streams [*palgei*] of water" (Psalms 1:3).

אמר רבי אבא אמר רב הונא אמר רב מאי דכתי ב (משלי ז: כו) כי רבים חללים הפילה זה תלמיד שלא הגיע להוראה ומורה ועצומים כל הרוגיה זה תלמיד שהגיע להוראה ואינו מורה ועד כמה עד מ' שנין.

Rabbi Abba says in the name of Rav Huna who says in the name of Rav: What is the meaning of that which is written: "For she has cast down [*hippila*] many wounded and a mighty host are all her slain"? (Proverbs 7:26). This is referring to a student who has not yet reached the level where he can render legal decisions, but nevertheless he already issues decisions. He is like a fetus that emerged from the womb before its time, as the word *hippila* also means to miscarry. "And a mighty host are all her slain" - this is referring to a student who has reached the level where he can render legal decisions, referred to here as "a mighty host," but he does not issue decisions, and by refraining from teaching what he knows, prevents the masses from learning Torah properly. And until when is a scholar considered too immature to render legal decisions? He is considered immature until the age of forty years.

The Gemara in *Avoda Zara* opens by recounting a story of Rav Chisda, who is about to impart some information to his students. He begins by expressing his fear that in telling his students about the value of learning from multiple teachers, they may leave in search of a different teacher. His fears are then realized, and his students abandon him to go learn from Rava. Rava then makes an *okimta* (narrows the statement by making the claim more particularistic) on Rav Chisda's assertion, claiming that he was right in cases referring to

reasoning; however, with regards to practice, it is best to listen to one teacher in order to eliminate confusion.

When viewing this part of the Gemara through the lens of the Socialization Approach, Rav Chisda is teaching his students the importance of learning from the world outside the community. Rava, however, clarifies that this is only with regards to impractical knowledge. Rava in many ways creates an *okimta* on the Socialization approach, claiming that in culture and practice, students should be taught according to their particular community. However, when it comes to education for the sake of the intellect, the teacher should seek to educate beyond the bounds of the community. In many ways we see this today, where Ashkenazi Jews will generally not follow Sefardi *psak*, and vice versa as they come from different communities with varying practice. However, when it comes to learning Torah, both communities will learn texts and interpretations from the other.

It is noteworthy that Rava's *okimta* is created in order to limit confusion in practice. This suggests that he views the limiting of opinions as a *bedieved*, that in a perfect world, learning about the ways other communities' practice would be preferable. This then also suggests that Rava believes that educating with the focus of the Socialization approach, that is on the microcosm of the small community, is not ideal.

Rabbi Abba cites a *pasuk* from *Mishlei* 7:26: כי רבים חללים הפילה ועצומים כל הרוגיה - *For many of those she has struck dead, and numerous are her victims*. The Gemara addresses the tautology in the *pasuk*, where the two clauses contain seemingly identical meanings, and interprets it in reference to education.

The Gemara expounds the first clause of the *pasuk*, כי רבים חללים הפילה - *for many of those she struck dead*, to mean someone who is

teaching, or making *halachic* decisions before he has learned enough. The Gemara then expounds on the second half of the verse, *and numerous are her victims*, comparing it to someone who is able to teach or render *halachic* decisions, but doesn't. The Gemara then asks: When can we assume that someone is ready? The answer provided is at age forty. This section of the Gemara illustrates the Talmud's view of the purpose of education, where *hora'ah* (*halachic* decision-making) is the pinnacle and ideal. This can be seen as an expression of the Socialization approach to education, in which individuals are encouraged to share their education with the community.

Robert Hutchins's Liberal Arts Approach

Robert Hutchins (1899-1977) developed his Liberal Arts Approach to education largely as a response to vocationalism, which viewed education merely as a means to prepare for a career. Hutchins, however, disapproved of this view of education, arguing that education in its highest and purest form is not a means to an end, but an end in itself. He believed that the goal of education is to create intellectual students who are able to partake in "the Great Conversation," a set list of subjects which he believed all informed minds should be able to discuss. "The Great Conversation" includes philosophy, history, literature, art, music, science, mathematics, social sciences, and much more.

Hutchins created a canon of what he believed must be read in order to become a learned person, and published this in a series of books called *The Great Conversation*. This canon has been critiqued by many, mostly due to the fact that it focuses solely on Western topics and writers, and shows very little diversity in authors, greatly favoring the White Male. Furthermore, Hutchins's Liberal Arts approach may create, or compound, an elitism in education, not only in the choice of

study, but also in who may reach this intellectual ideal. Hutchins's approach encourages full time study, something which is only possible for the wealthy.[4]

Despite the issues in Hutchins's choice of canon, we see here an important view of education according to which texts reign supreme, and the learner and the community are subservient to the texts. Our Gemara discusses its own canon of Jewish texts:

> א"ר תנחום בר חנילאי לעולם ישלש אדם שנותיו שליש במקרא שליש במשנה שליש בתלמוד
>
> Rabbi Tanchum bar Chanilai says: Since the root *peh*, *lamed*, *gimmel* can also refer to dividing, the verse is interpreted as follows: A person should always divide his years into thirds, as follows: One third for Bible, one third for Mishna and one third for Talmud.

The Gemara explains that a student should spend a third of his time studying Torah, *Mikra* – referring to *Mishna*, and *Talmud* - referring to discussions in the *Beit Midrash*. It is interesting to note that the Gemara, unlike Hutchins, places such a large value on the individual learner's ideas that it includes debate and discussion as part of the Jewish "Great Conversation."

When reading the Gemara*'s* view on which texts should be studied, it is interesting to consider what would be part of a modern Jewish "Great Conversation list." Which texts of *Tanach*, Gemara, *Halacha, Parshanut*, Philosophy, and/or History ought to be on such a list? It's thought provoking to consider what such a list might look like, and whether there could ever be a list agreed-upon by all Jews.

[4] *The Philosohy of Education of Robert Maynard Hutchins,* Joseph F Small

Carl Rogers's Humanist Approach

Carl Rogers was a philosopher who created the Humanist approach to education. This approach is best understood as prioritizing the student's interest, intent on fostering the natural curiosity in children so that they are able to flourish into independent learners. This approach views the teacher as a 'facilitator,' someone who encourages students to explore areas of interest that ultimately results in their ability to learn and think independently.[5] This approach is best encapsulated in the following section of the Gemara*,* which places emphasis on the student's interests and a sense of ownership over his or her learning:

"כי אם בתורת ה' חפצו" - א"ר אין אדם לומד תורה אלא ממקום שלבו חפץ.
...אמר רבא בתחילה נקראת על שמו של הקב"ה ולבסוף נקראת על שמו שנאמר "בתורת ה' חפצו ובתורתו יהגה יומם ולילה."
"But his delight is in the Torah of the Lord" (Psalms 1:2). Rabbi Yehuda HaNasi says: A person can learn Torah only from a place that his heart desires, as it is stated: *But his delight is in the Torah of the Lord*, i.e. his delight is in the part of the Torah that he wishes to study.
… And Rava also says, with regard to this verse: Initially the Torah is called by the name of the Holy One, Blessed be He, but ultimately it is called by the name of the one who studies it. As it is first stated: "His delight is in the Torah of the Lord," and in the continuation of the verse it states: "And in his Torah they meditate day and night."

אמר רבא לעולם ליגריס איניש ואע"ג דמשכח ואע"ג דלא ידע מאי קאמר שנאמר (תהלים קיט:ב) "גרסה נפשי לתאבה" - גרסה בתיב ולא כתיב טחנה.

And Rava says with regard to Torah study: A person should always study [*ligris*] and review even though he may afterward forget, and even though he does not understand what it is saying, as it is stated with regard to the study of Torah: "My soul breaks [*garesa*]

[5] *Carl Rogers and the Humanistic Approach to Education,* C H Patterson.

> for the longing that it has for Your ordinances at all times" (Psalms 119:20). It is written "breaks," and it is not written "grinds," demonstrating that the soul is satisfied with breaking apart material, on a basic level, even if it does not have the opportunity to grind and analyze it in greater depth.

The humanist approach is encapsulated in Rava's statement, "A person can learn Torah only from a place in the Torah that their heart desires," meaning, one should learn parts of Torah that interest him. Our Gemara continues by bringing proof from a *pasuk* in *Tehillim*: אם בתורת ה' חפצו ובתורתו יהגה יומם ולילה. The Gemara dually uses this as proof for Rava's earlier claim, and as a way of expounding on the *pasuk*.

The Gemara interprets this *pasuk* as meaning: "In the beginning, the Torah [or the learning] is in *Hakadosh Baruch Hu*'s name, and in the end it's in the name of the student." This statement is based on the fact that the first half of the verse refers to תורת ה' – God's Torah, while the second half calls it תורתו – his own Torah. Thus the Gemara reaches its conclusion that in the end the student acquires the Torah as his own.

When reading the Gemara through the lens of the Humanist approach, this statement encapsulates the aim of education -- for students to reach a state of autonomy and ownership of their learning.

The Gemara then continues with another statement from Rava. He brings a scenario of a student who despite all his efforts, is unable to retain the information he has learned or who does not understand it in the first place. He compares this to the *pasuk* from *Tehillim* 119:20, which states: גרסה נפשי לתאבה – *my soul breaks for the longing it has for Your ordinances,* where the word גרסה (breaks) is used, rather than טחנה (grinding). Through this cryptic metaphor, Rava hints that all

learning is valuable, regardless of how much a person understands or retains.

This, however, could also be interpreted to mean that a person who cannot retain knowledge is still able to gain from the experience of learning, training his mind in *how* to learn rather than *what* to learn. At first glance, this interpretation aligns with the Humanist approach, according to which education is about learning how to learn rather than what to learn. However, when looked at closer, it is clear that the Gemara does not agree with the Humanist approach. In the Humanist approach, there is an implicit ideal that views education as a means of learning to learn, where the actual knowledge acquired is of little importance. The Gemara would disagree with this, claiming that being able to retain the information is critical, though not the only valuable aspect of learning. It is in this way that the Gemara expresses its ideal of the accumulation of knowledge, while also recognizing, supporting, and encouraging those who are having difficulty understanding or remembering what they have learned.

The *Sugya* in *Avoda Zara's* View on Education

There are some tensions within the *sugya* about the way to educate. One of the more prominent clashes is between Rabbi Tanchum Bar Chilalai's statement that prescribes certain texts to be studied, and Rabbi Yehuda Hanasi's declaration that Torah must be studied based on enjoyability. While on a surface level, these two statements appear to contradict, they can be synthesized together quite harmoniously. Rabbi Tanchum Bar Chilalai's statement, while being prescriptive, is still quite vague, explaining that one should divide their study time into thirds, learning Torah, Mishna, and engaging in their own analysis. Here, rather than prescribing specific texts, he names larger categories, allowing for Rabbi Yehuda Hanasi's

statement to coexist within it. When synthesizing these two views, Rabbi Tanchum Bar Chilalai's statement serves as an *okimta* for Rabbi Yehuda Hanasi's assertion, teaching us that an individual should choose what s/he learns, but ensure that s/he learns texts from each category. For example, a person can choose which part of *Tanach* he or she wishes to study; however, a third of the study time ought to be dedicated to *Tanach.*

What is most interesting about this Gemara is that not one single educational approach is favored; all three are championed at different points. While this does create clashes like the aforementioned, it also creates a nuanced perspective on education. The Gemara views education as a rich tapestry weaving together multiple values and purposes. Text, community, and the individual's needs must reach a happy equilibrium in order to create the perfect educational system.