

Ohr Torah Stone
Midreshet Lindenbaum

Matmidot
Scholars
Torah Journal
5783

Introduction

We are incredibly proud to present this year's Matmidot Journal, the product of a year-long process of learning, research, and reflection by the 5783 Matmidot Scholars cohort at Midreshet Lindenbaum. The Matmidot Scholars Program is an innovative initiative aimed at enhancing the learning, writing, and leadership skills of an exceptional group of students. Each Monday night, the Matmidot meet a different figure who has made a significant impact. This year's Matmidot had the privilege to learn and meet personally with a wide variety of scholars and leaders, including Rabbi Dr. Kenneth Brander, Rabbanit Michelle Cohen Farber, Rabbi Dr. Joshua Berman, Rabbanit Shani Taragin, Rav David Stav, Dr. Yael Ziegler, and many more.

In addition, a key feature of the program is training this talented 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. The articles that comprise this Journal would not have been possible without the wisdom, guidance, editing, and encouragement of:

Rav Yitzchak Blau – Mentor of Ada Perlman

Rav David Brofsky – Mentor of Yaffa Klausner

Dr. Nava Finkelman – Mentor of Brooke Kohl and Chavi Major

Rav Alex Israel – Mentor of Reyna Perelis

Rabbanit Rivky Krest – Mentor of Shoshana Stadlan

Rabbanit Rachel Weber Leshaw – Mentor of Gabriela Yohananoff

Rabbanit Dena Rock – Mentor of Aviva Klahr and Hadassah Reich

Additionally, an enormous thank you goes to Rivkah Moriah, whose superb editing skills and generosity of spirit were invaluable in bringing this Journal to completion.

With gratitude to Hashem,

Rabbanit Sally Mayer
Rosh Midrasha

Rabbanit Nomi Berman
Rosh Beit Midrash

Rabbanit Dena Rock
Matmidot Coordinator

Contents

THE JEWISH PEOPLE ON THE WORLD STAGE: AN EXPLORATION OF OHR LE-GOYIM.....	7
<i>Ada Perlman</i>	
AN EXPLORATION OF CHANOCH: A PERSONAL JOURNEY	25
<i>Aviva Klahr</i>	
STICKS AND STONES: LEARNING LESSONS FROM A SINNER	43
<i>Brooke Kohl</i>	
KIDS IN CONFLICT: THE EFFECTS OF FAVORITISM ON SIBLINGS IN TANACH	68
<i>Chavi Major</i>	
WAS THE TORAH GIFTED TO OR FORCED UPON <i>BNEI YISRAEL?</i>	91
<i>Gabriela Yohananoff</i>	
NOT A LAUGHING MATTER: UNDERSTANDING צחוק IN THE TORAH	113
<i>Hadassah Reich</i>	
AREI MIKLAT: THE TORAH'S JUSTICE-BASED REHAB CENTER.....	148
<i>Reyna Perelis</i>	
JEW AS JOCKS? SPORTS IN <i>HALACHA</i>	164
<i>Shoshana Stadlan</i>	
OH BABY! SURROGACY IN <i>HALACHA</i>	185
<i>Yaffa Klausner</i>	
MONDAY NIGHT MATMIDOT MEMORIES.....	202
<i>Daniella Moadab</i>	

The Jewish People on the World Stage: An Exploration of *Ohr Le-Goyim* Ada Perlman

Since the founding of the State of Israel in 1948, the global Jewish community has been faced with a new opportunity to represent ourselves to the world, yet also novel questions: How do we present ourselves and what is our obligation to the world at large?

The answer might come in the idea of being an *Ohr Le-goyim*, a light unto the nations. This paper will explore the origins of the idea *Ohr Le-goyim* as well as what this concept entails. I will then argue that though Jews can serve as an *Ohr Le-goyim* as private citizens serving as individual lights within a non-Jewish state or government, *Ohr Le-goyim* can only be truly manifested through the mechanism of a Jewish state. Moving from abstract analysis to a concrete example, I will then analyze the story of *Megillat Esther* through the lens of determining whether Esther and Mordechai served as ideal examples of *Orot Le-goyim* through their involvement in a foreign government.¹

The phrase *Ohr Le-goyim* is mentioned twice in *Tanach*, both times in *Sefer Yeshayahu*. Yeshayahu prophesied during the reigns of at least four kings of the Kingdom of Yehuda in the second half of the eighth century BCE: Uzziyahu (769-733), Yotam (758-743 as regent), Achaz (743-733 as regent; 733-727), and Chizkiyahu (727-

Ada was mentored by Rav Yitzchak Blau.

¹ It is important to note that two other characters in *Tanach*, Yosef and Daniel, also participate in foreign governments similar to Esther and Mordechai. I chose to solely analyze *Megillat Esther* because of the lively debate surrounding when it actually took place (see p. 15) and this debate's role in how I analyze the story.

698). It appears that his prophecies also continue into the reign of the next king, Menashe.² Many of his prophecies center around hope and consolation in the wake of tragedy. TheIsraelBible.com writes:

More important to Yeshayahu, however, is his attempt to change the people's focus from politics to morality. While they are engaged in political intrigue, the people perform their ritual obligations almost robotically, without passion, and they fail to maintain a just and moral society. Indeed, other prophets among Yeshayahu's contemporaries (Micha, Hoshea, and Amos) also rail against these failures. Their message is clear: If the people can improve their personal lives, live in justice and peace with each other and serve Hashem with sincerity, then the political turmoil will disappear.

This idea is reflected in the specific writings in which the phrase *Ohr Le-goyim* is mentioned where the people are reminded of the covenants they made with God. These reminders evoke a sense that the Jewish people must be guided by morals, something that Yeshayahu emphasizes.

The very first time the phrase *Ohr (Le-)Goyim* appears in *Tanach* is in Yeshayahu 42:6, where Hashem describes the Jewish people and states:

אֲנִי ה' קְרָאתִיךָ בְצַדִּיק וְאֶחְזֶק בְּיָמֶיךָ וְאֶצְרֶךָ וְאֶתֶּנֶּךָ לְבְרִית עִם לְאוֹר גּוֹיִם:

I the LORD, in My grace,³ have summoned you, and I have grasped you by the hand. I created you, and appointed you a covenant people, a light of nations.

Hashem reminds the nation of the covenant immediately prior to introducing the concept of *Ohr Le-goyim*, so that God's first explicit mention of the phrase *Ohr Le-goyim* is linked to our being a Covenantal Nation. Furthermore, this idea of *Ohr Le-goyim* is

² <https://theisraelbible.com/bible/isaiah/>

³ Though Sefaria translates *tzedek* as grace, righteousness seems more accurate.

mentioned again a few chapters later, in Yeshayahu 49:6, when Hashem says he will make us an *Ohr (Le-)goyim*:

וַיֹּאמֶר נִקְלָל מֵהַיּוֹתֵךְ לִי עֹבֵד לְהַקִּים אֶת־שִׁבְטֵי יַעֲקֹב (וּנְצִירִי) וּנְצִירִי יִשְׂרָאֵל
לְהַשִּׁיב וּנְתִתִּיךְ לְאֹר גּוֹיִם לְהִיּוֹת יְשׁוּעָתִי עַד־קֶצֶה הָאָרֶץ:

For He has said: “It is too little that you should be My servant in that I raise up the tribes of Jacob and restore the survivors of Israel. I will also make you a light of nations, that My salvation may reach the ends of the earth.”

This provides a more concrete definition of what constitutes being an *Ohr Le-goyim*: Being a nation that will bring “God’s salvation to the ends of the Earth.” Since the goal of *Ohr Le-goyim* is so global, it can best be accomplished by a nation on an international stage. Therefore, I will identify *Ohr Le-goyim* in this paper as being a nation that leads by example and acts as a positive role model to the rest of the world.

God adds further insight into the covenant He has made⁴ with Avraham in *Sefer Bereishit* chapter 18 verse 19:

כִּי יִדְעֹתָיו לְמַעַן אֲשֶׁר יַצִּיחַ אֶת־בְּנָיו וְאֶת־בְּיֹתָיו אַחֲרָיו וְשִׁמְרוּ דְרָךְ ה' לַעֲשׂוֹת
צְדָקָה וּמִשְׁפָּט לְמַעַן הֵבִיא ה' עַל־אַבְרָהָם אֶת אֲשֶׁר־דִּבֶּר עִלָּיו:

For I have singled him out, that he may instruct his children and his posterity to keep the way of ה' by doing what is just and right, in order that ה' may bring about for Avraham what has been promised him.

The words *tzedek* and *mishpat* imply that there is a moral sense to this covenant.⁵ Avraham has a future-oriented duty to fulfill which will span across generations. Seforno writes:

⁴ Chapter 18 elaborates on the overall goals of the earlier covenants God made with Avraham in Chapters 15 and 17.

⁵ The words *tzedek* and *mishpat* appear 30 times together throughout all of *Tanach*.

<https://mg.alhatorah.org/Concordance/6664>

וכל זה אמר האל יתברך לעשות למען אשר יצוה אברהם לבניו בראותו גודל חסדיו גם לרשעים ומשפטיו נגד הבלתי שבים ישמרו לעשות צדקה ומשפט:

God did all of the foregoing in order that Avraham would instruct his sons to emulate the ways of God having personal experience of God's great love for mankind, seeing how His love extended even to the wicked.

Seforno is further pushing this narrative that Avraham's covenant with God is contingent on his offspring acting accordingly. Even before the Jewish people are given the Torah, there is an expectation that they will behave morally and will bring these morals to the rest of the world. Further on, in *Shemot* 19:6, the Israelites are introduced to the idea of them being a **ממלכת כהנים וגוי קדוש** - *a kingdom of priests and a holy nation*.

Ramban⁶ comments here that **ממלכת כהנים** should be interpreted as **ממלכת משרתי** - a kingdom of My servants, that the Jewish people will be liaisons for God's message, serving God through the morals and values that God will give us later on in the Torah. Now that the Torah has established the idea of the Jewish people being God's representatives by modeling **צדקה ומשפט**, it introduces that the vehicle through which to fulfill this role is by observing the Torah's laws as Moshe states in *Devarim*:

ראה | למדתי אתכם חקים ומשפטים כאשר צונו ה' אלקי לעשות לך בקרב הארץ אשר אתם באים שמה לרשתה: ושמרתם ועשיתם כי הוא חקמתכם ובינתכם לעיני העמים אשר ישמעו את כל החקים האלה ואמרו רק עם חכם ונבון הגוי הגדול הזה:

See, I have imparted to you laws and rules, as my God 'ה has commanded me, for you to abide by in the land that you are about to enter and occupy. Observe them faithfully, for that will be proof of your wisdom and discernment to other peoples, who on hearing of all these laws will say, "Surely, that great nation is a wise and discerning people."

⁶ Ramban *Shemot* 19:6 s.v. "Va-atem"

From a simple reading of these *pesukim*, we can infer that one of the reasons for these laws is not only for the Israelites to create a moral and just society for themselves, but also for other nations to look at them and revere them for the society that they have created. Rabbi Menachem Leibtag⁷ writes:

These *pesukim* inform us that the *Chukim & Mishpatim* section of *Sefer Devarim* will contain *mitzvot* that *Bnei Yisrael* must keep in order to achieve this divine goal - to become an '*ohr le-goyim*' - a shining light for all nations. This requires the establishment of national institutions to mold its unique character. These institutions are to facilitate not only the spiritual growth of each individual citizen, but also the creation of a 'model nation' that will bring God's Name to all mankind.

Using Rabbi Leibtag's reading of Moshe's statement, it seems that having a Jewish nation which behaves according to *tzedek* and *mishpat* makes the other nations emulate this behavior. Though the phrase *Ohr Le-goyim* is not explicitly mentioned here in *Devarim*, later on in *Tanach*, God mentions this phrase to the prophet Yeshayahu, which I referenced at the beginning of this paper. In sum, from the initial covenant with Avraham to the laws that God gives *Bnei Yisrael*, it is clear that one of the missions of the Jewish people is to establish a nation that will be a model for the other nations of the world.

Rabbi Jonathan Sacks presents another modern-day view of *Ohr Le-goyim*. In his article, "In the Eyes of the Nations,"⁸ Rabbi Sacks writes that:

The book of *Devarim* is the great text of covenantal politics - the idea of a nation linked together in an explicit bond, a foundational text or constitution of mutual responsibility. It is a highly distinctive form of politics. Unlike the politics of power,

⁷ Rabbi Menachem Leibtag, "Shoftim: Long Live the King," *Rabbi Menachem Leibtag on Parsha*, on outorah.org. <https://outorah.org/p/37719/>

⁸ <https://mizrachi.org/hamizrachi/in-the-eyes-of-the-nations/>

it is predicated on the equal dignity and freedom of all its citizens. It involves a narrative – the story of the origins of the people and how they came to join together in collective enterprise to pursue the common good.

It is his opinion that nations other than the Jewish people will also be inspired to establish this idea of a covenant in which the people will pursue morality. He argues that the United States is a modern example of this idea of covenantal politics:

From the beginning, its founders saw themselves as the children of Israel of their day, escaping from Egypt (=England) and a cruel Pharaoh (England's kings), across the Red Sea (=the Atlantic) to what George Washington called 'the almost promised land.'"⁹

Rabbi Sacks points out that even philosopher Alexis de Toqueville suggested that religion in America "takes no direct part in the government of society, but it must be regarded as the first of their political institutions."¹⁰

Beyond Jewish thought, Christianity has also adopted the concept of *Ohr Le-goyim*. Christians have interpreted this verse in Yeshayahu to be about Jesus being a guiding light for the world with his teachings as well as spreading Christianity. In the Acts of the Apostles,¹¹ Paul the Apostle connects the verse from Yeshayahu to Jesus being the Messiah. The verse has also been related to Jesus' identification of himself with the light of the world in John's Gospel, saying, "I am the light of the world. Whoever follows me will not walk in darkness, but will have the light of life."¹² Furthermore, this idea has been used in modern Christian contexts, such as when former president Donald Trump referred to the United States as a

⁹ <https://mizrachi.org/hamizrachi/in-the-eyes-of-the-nations/>

¹⁰ Toqueville, Chapter 17, *Democracy In America*.

¹¹ Acts of the Apostles 13:47 and 26:23.

¹² John 8:12.

"light to all nations" at the Christian National Prayer Breakfast.¹³ Clearly, this idea shows up in many contexts, yet Jews interpret it as spreading Jewish values and morals in a broad sense.

In contrast to Rabbi Leibtag and Rabbi Sacks who focus on serving as an *Ohr Le-goyim* specifically on the national level, Rav Samson Refael Hirsch¹⁴ emphasizes our responsibility to be an *Ohr Le-goyim* as individuals.¹⁵ He writes:

If, however, in the midst of a world which worships wealth and lust, Israel were to live a tranquil life of righteousness and love; if, while everywhere else the generation of man is sinking into the depth of sensuality and immorality, Israel's sons and daughters should bloom forth in the splendor of youth, purity and innocence, ah, what a powerful instrument for good Israel could be! If...every Jew would be a mutely eloquent example and teacher of universal righteousness and universal love; if thus the dispersed of Israel were to show themselves everywhere on earth as the glorious priests of God and pure humanity; if only we were, or would become that which we should be, if only our lives were a perfect reflection of our Law - what a mighty force we would constitute for steering mankind to the final goal of all human education! This would affect man-kind more quietly, but much more forcefully and profoundly than ever our tragic record of suffering.

This vision of Rav Hirsch is uplifting and inspiring, encouraging each one of us to be a role model in our own private lives and to serve as an "eloquent example and teacher of universal righteousness and universal love." Certainly, we should in fact, all strive for this. And for the 2000 years in which we were in exile, this was the pinnacle of what we could aspire to. With the modern state

¹³ <https://web.archive.org/web/20201229144321/https://twitter.com/realDonaldTrump/status/961693860916289536>

¹⁴ Hirsch, *The Nineteen Letters*, 65.

¹⁵ Though there were early nationalist movements in the 19th century, Rav Hirsch probably could not even fathom a national state for Jews.

of Israel, however, we have suddenly been gifted an enormous opportunity to impact the world on a grander scale than anything imaginable for the last 2000 years.

Religious Zionists have, in fact, brought new meaning to the verse from Yeshayahu. Prime Minister David Ben-Gurion declared that:

History did not pamper us with power, wealth, large lands, or great numbers. But history gave us a rare moral and intellectual quality that confers on us the privilege and the responsibility of being a light to the nations.¹⁶

For Rabbi Yehuda Amital,¹⁷ the meaning of *Ohr Le-goyim* is clearly linked to a moral Jewish state. In discussing the beginning of the state of Israel, he wrote:

Unlike the Charedim, we will not undermine the importance or legitimacy of the State; but our love for our country must not blind us from criticizing its shortcomings. We remain very, very far from the ideal Jewish State, and we must therefore do whatever we can to bring about its realization...If we want to hasten the ultimate redemption, we must work harder to ensure moral values on both the individual and communal levels. Closing the social gaps, concern for the vulnerable elements of society, fighting poverty, respectful treatment of the non-Jews in Israel - all these measures will bring us closer to the day for which we long.

Using Rabbi Amital's definition of Religious Zionism, bettering society must be part of the Jewish state. Bettering society is not a given for any state, but striving to create a society that is more just and upright is an ideal which can be accomplished by the Jewish people only within a Jewish state.

¹⁶ Ministry of Defense Publications, 1980, 35.

¹⁷ <https://torah.etzion.org.il/en/religious-significance-state-israel>

Although there are alternate interpretations, such as that of Rav Hirsch, I find the perspective of Rabbi Leibtag and other Religious Zionists compelling - that a true manifestation of *Ohr Le-goyim* on a global level can only occur within a Jewish state.

Because it is set in the diaspora, *Megillat Esther* provides an illuminating case study for why a true manifestation of *Ohr Le-goyim* can only be realized within a Jewish state. This may depend on a debate among rabbis about when the events of the *Megilla* took place. According to Rabbi Tzvi Sinensky, “conventional rabbinic chronology” places the Purim story before the Second Temple was built, yet, according to modern scholarly consensus, Purim did not take place until around fifty years *after* the Second Temple was constructed.¹⁸ According to Rabbis Yoel Bin-Nun and Menachem Leibtag, this difference in timing could completely change our reading of the *Megilla* as not only a story that occurred while the Jews were in exile, but as a story in which the Jews of Persia *chose to remain in exile* rather than return to a rebuilt Jerusalem. Rabbis Bin-Nun and Leibtag even suggest that the *Megilla* could be interpreted as a satire of the Jews who remained in Persia rather than return to Jerusalem.¹⁹ This reading can provide a lens into how Jewish political power can serve as a manifestation of *Ohr Le-goyim*: Jews can be an *Ohr Le-goyim* in foreign governments but only at a steep price.

There are two ways to understand the progression of events that culminate in Esther becoming queen. *Megillat Esther* 2:8 explicitly states “**וּתְלַקַּח אֶסְתֵּר אֶל בֵּית הַמֶּלֶךְ**” – that Esther *was taken* to the palace,

¹⁸ See Rabbi Tzvi Sinensky’s presentation of both sides of this debate in his article, “The Kings of Persia and the Missing Years,” <https://etzion.org.il/en/tanakh/ketuvim/sefer-ezra/kings-persia-and-missing-years>

¹⁹ <https://etzion.org.il/en/tanakh/ketuvim/sefer-ezra/kings-persia-and-missing-years>

seemingly against her will. But who did the taking? Most assume it was Achashveirosh's officers who were mentioned just five *pesukim* earlier in verse 3 as having been appointed by Achashveirosh to gather all the virgins. According to this reading, Esther is taken completely unwillingly, against what both she and Mordechai desire. Both she and Mordechai are horrified and devastated by this turn of events of Esther being taken to a non-Jewish king's harem.

I would like to suggest an alternative reading. Perhaps Mordechai is the subject of ותלקח - he is the one who takes Esther to Achashveirosh's palace. Supporting this read is the fact that the same verb, לקח, is used in the previous verse to describe Mordechai taking Esther as his daughter after the death of her parents.²⁰ This indicates that Mordechai feels proprietary toward Esther; he feels it is his role to "take" her and direct where she goes and what she does. According to this interpretation, rather than Mordechai being a horrified bystander who helplessly watches as Esther is taken by the king's officers to the palace, he is the one who actively brings her to the palace himself and orchestrates her becoming queen.

Why would Mordechai do such a thing? A fascinating comment by the Ralbag²¹ contains a possible answer. Esther 2:10 states:

לאהגידה אסתור אתעמה ואתמולדתה כי מרדכי צנה עליה אשר לאתגיד:

Esther did not tell her nation or her birthplace because Mordechai commanded her that she should not tell.

Why does Mordechai instruct Esther to hide her Jewish identity? One might think that it is because he is trying to save her from anti-Semitism. However, there is no reason to suspect that

²⁰ אסתור ב:ז – ובמות אביה ואמה לקחה מרדכי לו לבת (Interestingly, *Megilla* 13a suggests that לקח here means that Mordechai took Esther as a wife.)

²¹ Rabbi Levi ben Gershom, also known as Gersonides (1288-1344), was a Medieval French Jewish philosopher, Talmudist, mathematician, physician, and astronomer.

Achashveirosh would kill her or endanger her for being Jewish; Haman's evil decree is still five years in the future. If anything, knowing that she is Jewish would be distasteful to Achashveirosh and would make him release her from the palace to go back home!

The Ralbag suggests an alternative explanation:

כי מרדכי צוה עליה אשר לא תגיד – ידמה כי מרדכי ראה שהיא תהיה מלכה תחת ושתי ולפי שעל ידה יתכן שיגיע טוב לישראל צוה עליה שלא תגיד מאיזה עם היא כדי שלא יעזבנה המלך בעבור ראותו שהיא מעם שפל שהוא גולה בין האומות.

Because Mordechai commanded her that she should not tell – It seems that Mordechai saw that she would be queen in place of Vashti, and because through her it was possible that good would come to Israel, he commanded her not to tell from which nation she came so that the king would not leave her because of seeing that she is from a lowly nation that is in exile among the nations.

According to the Ralbag, the reason Mordechai instructs Esther to hide her Jewish identity is to make it more likely for Achashveirosh to choose her as his queen; surely the king would not choose a wife from a lowly, exiled nation. In other words, according to the Ralbag, Mordechai *wants* Esther to become queen, and he posits that Mordechai's motivation is that he realizes that if she can obtain this powerful role, she will be in a position to be able to help *Am Yisrael*.²²

This interpretation believes that in order to get Esther into a position in which she will be able to help the Jewish people, Mordechai instructs her to go so far as to hide her Jewish identity and even change her name from Hadassah to Esther.

Since Esther must hide her Judaism in order to gain political power, can she really be an *Ohr Le-goyim* even when she attains this

²² He does not suggest that Mordechai hoped she would *save* Am Yisrael, since at the point at which she becomes queen, there is not yet any reason to suspect that *Am Yisrael* would be threatened with annihilation five years later.

power? Her people survive yet at a very high cost for Esther, both in her personal life - she must spend the rest of her life married to Achashveirosh - and in her religious life - she must hide her Judaism for a prolonged period of time and presumably violate many *mitzvot*.

Throughout *Masechet Megilla*, Chazal voice opposing *midrashim* regarding Esther's Jewish identity. On the one hand, they go as far as to say that she observed *hilchot nidda* (the laws of Family Purity, such as going to the *mikva*) while in Achashveirosh's palace.²³ Yet on the other hand, they suggest that she was so assimilated and well-liked that to every man she appeared like a member of his own nation.²⁴

I believe the latter *midrash* fits better with the simple reading of the *Megilla*: Esther had to hide her identity, which must have meant giving up those *mitzvot* she couldn't keep in secret, in order to attain the power she eventually holds by the end of the story. It's important to bear in mind that at the point when Esther chooses to make this compromise, the Jews are not yet in a dire situation. Haman has not yet made his decree to wipe out the Jews so Esther does not know that her people will need saving; she only knows that being queen might enable her to help them in some general ways. Is this compromise of her core identity and marriage to a non-Jewish king really worth it, especially since it is only to help those members of the nation who have already chosen not to return to Israel?

Professor Yonatan Grossman suggests that the exile of the Jews of Persia and Esther's Jewish identity (or lack thereof) are inextricably linked in the *Megilla*. He writes:

²³ *Megilla* 13b.

²⁴ *Megilla* 13a.

Esther, in this context, represents a mirror image of the situation of the Jewish nation as a whole. At the beginning of the story they hide their Jewish identity, participating in the feasts of the Persian king ("For all the people who were in Shushan, the capital" - 1:5)²⁵ and even going by Persian names (Mordechai, Esther)...In this context, the narrative emphasizes the hiding of Esther's Jewish identity not because of its reason or purpose, but rather as the point of departure for a narrative in which the issue of Jewish identity in exile is one of the key themes to be explored throughout the text.

Using this framework to view Esther's hidden Jewish identity suggests that the Jewish people of Persia, including Esther, are fairly comfortable with their assimilated status as they participate in royal feasts²⁶ and even sleep with non-Jewish kings. Even Haman is aware of the rampant assimilation of the Jews of Persia. When attempting to convince Achashveirosh to allow all the Jews in his kingdom to be killed, he opens his argument by highlighting that the Jews are scattered throughout Achashveirosh's kingdom:

וַיֹּאמֶר הַמֶּלֶךְ לְמֶלֶךְ אַחַשְׁוֵירוֹשׁ יֵשְׁנֵנו עַם־אֶחָד מִפְּזָר וּמִפְּרֹד בֵּין הָעַמִּים בְּכָל מְדִינֹת
מְלִכּוֹתָא...
מְלִכּוֹתָא...

Haman then said to King Achashveirosh, "There is a certain people, scattered and dispersed among the other peoples in all the provinces of your realm..."

By using the phrase **מִפְּזָר וּמִפְּרֹד**, Haman implies that since the people are scattered and dispersed, rather than concentrated in their own land, they are weak and vulnerable. Perhaps it takes until it is

²⁵ Grossman also notes the context at the beginning is Persian and not Jewish. There are several literary parallels between the Persian palace and the Temple in Jerusalem. Some of the items mentioned (תכלת וארגמן) have resonance. In the introduction of Mordechai, the word גלות appears four times. All this suggests that the author wants you to notice what is missing in exile.

²⁶ Chazal even say that the party was celebrating that 70 years had passed and yet the Jews had not returned to Israel, even though Yirmiyahu had prophesized that the exile would last 70 years (*Megilla* 12a).

a matter of life and death for the Jews to realize their mistake for not returning to a rebuilt Israel.

By the end of the *Megilla*, Mordechai is in a position of political power instead of Haman, which adds to the “*ve-nahafoch hu*” theme of the *Megilla*. The last verse of the *Megilla* reads:

כִּי מֵרִדְכֵי הַיְהוּדִי מְשֻׁנָּה לְמַלְךְ אַחַשְׁוֵירוֹשׁ וְגָדוֹל לַיהוּדִים וְרָצוּי לְרַב אַחֲיוֹ זָרַשׁ
טוֹב לַעֲמּוֹ וְדָבָר שְׁלֹם לְכָל־זֵרְעוֹ:

For Mordechai the Jew ranked second to King Achashveirosh and was highly regarded by the Jews and liked by most of his brethren; he sought the good of his people and interceded for the welfare of all his kindred.

Though the *Megilla* seems to be ending on a high note, this verse contains some thinly veiled criticism. Rashi, citing *Masechet Megilla* 16b, writes:

“רצוי לרב אחיו.” ולא לכל אחיו. מלמד שפּרְשׁוּ מִמְּנוּ מִקְצַת סְנֵה־דָרִין, לְפִי
שְׁנַעֲשָׂה קָרוֹב לְמַלְכוּת וְהָיָה בְּטַל מִתְלַמּוּדוֹ:

“Liked by most of his brethren.” But not by all his brethren. This teaches us that part of the Sanhedrin separated from him because he became close to the monarchy and neglected his Torah learning.

The Gemara in *Masechet Megilla* 16b adds an additional proof that Mordechai was demoted rather than celebrated for prioritizing his political role over his Torah learning, even though he used his role to save lives:

אָמַר רַב יוֹסֵף: גָּדוֹל תְּלַמּוּד תּוֹרָה יוֹתֵר מִהַצֵּלַת נַפְשׁוֹת, דְּמַעֲיָקְרָא חֲשִׁיב לֵיה
לְמֵרְדֵּכֵי בְּתֵר אַרְבָּעָה, וְלְבַסּוֹף בְּתֵר חֲמִשָּׁה. מַעֲיָקְרָא כְּתִיב: “אֲשֶׁר בָּאוּ עִם
זְרוּבָבֶל יִשׁוּעַ נְחֵמְיָה שְׂרָיָה רַעְלֵיָה מֵרִדְכֵי בְּלָשׁוֹן, וְלְבַסּוֹף כְּתִיב: “הַבָּאִים עִם
זְרוּבָבֶל יִשׁוּעַ נְחֵמְיָה עֲזָרְיָה רַעְמִיָה נְחֵמְיָה מֵרִדְכֵי בְּלָשׁוֹן.”

Rav Yosef said: Studying Torah is greater than saving lives, as initially, when listing the Jewish leaders who came to *Eretz Yisrael*, Mordechai was mentioned after four other people, but at the end he was listed after five. This is taken to indicate that his involvement in governmental affairs instead of in Torah study lowered his stature one notch. The Gemara proves this: At first

it is written: "Who came with Zerubbabel: Jeshua, Nehemiah, Seraiah, Reelaiah, Mordechai Bilshan" (Ezra 2:2); but in the end, in a later list, it is written: "Who came with Zerubbabel: Jeshua, Nehemiah, Azariah, Raamiah, Nahmani, Mordechai Bilshan" (Nehemiah 7:7).

According to this Gemara, Mordechai was censured for becoming involved in politics instead of devoting time to Torah study and serving on the Sanhedrin. Although his being involved in politics played a critical role in saving the Jewish people, his status was lowered. This highlights that in order to save the people, Mordechai had to sacrifice important parts of his Jewish identity such as being a learned scholar and a respected member of the Sanhedrin. This again begs the question: At what cost do Esther and Mordechai attain their power, and are they using it to be an *Ohr Le-goyim*?

We are raised to believe that the *Megilla* has a triumphant ending with Haman receiving his just deserves and the Jewish people celebrating their salvation. However, a closer look reveals that it is an unsatisfactory ending: the *Megilla* does not end with a return to Zion, but rather a description of Mordechai attaining political power. As reflected in the Gemara above, not everyone approves of Mordechai's political involvement in the Persian government and he is even demoted by the Sanhedrin. The *Megilla* is perhaps suggesting that Mordechai and Esther are not the ideal role models to follow because the price they pay is too high. They are participating in a foreign government that just tried to kill them! This could add to the satire: after this whole story of Jewish victory over a foreign government, the Jews of Persia (and most importantly their leaders) still don't return to a Jewish state and even become more enmeshed in that very government!²⁷ As shown in

²⁷ A modern-day equivalent would have been if the Jews of Europe had survived the Holocaust just to become members of Hitler's government!

Mordechai's example, the people survive but they don't seem to get the message: they remain in exile and even worse, they participate in the tyrannical government that had just tried to destroy them.

In order to be an *Ohr Le-goyim*, one must be able to be involved in politics but not at the cost of losing one's moral compass. Esther and Mordechai are generally held up as shining examples of Jews operating in a foreign court. Yet, all they aspire to is saving the Jews from destruction – it is merely a preventative goal, not a proactive one. They never even dream of using their position to serve as role models or to teach the world how to set up a moral society. The most they can hope for as Jews in a foreign court is warding off disaster, not the grand, majestic vision of serving as an *Ohr Le-goyim*. That can only be the dream and vision of a Jewish State.

With a Jewish state we acquire the potential to serve as a light unto the nations on an entirely different level. In his book, *The Zionist*, Ian Pear writes:

An individual might do the exact same things a nation might do, but an individual who gives 10% of his funds away would never be able to match the collective power of the wealthiest nations.²⁸

Though an individual can certainly be involved in foreign politics (both in Mordechai's case and in the modern age), the impact of the Jewish people in a state of our own far exceeds what any lone Jewish individual abroad could ever dream of achieving. Not only does a collective have more impact, there is a wider playing field. A country has to deal with economic policy, military ethics, welfare, and more. Where the Jewish person is a small candle on his own, the Jewish state is a lighthouse, radiating Jewish ideals on an international stage.

²⁸ Pear, *The Zionist* (CreateSpace Independent Publishing Platform, 2011) 94.

Thus far, I do not believe that our state has achieved “lighthouse” status yet. We still have much work to do in order to become an exemplary *Ohr Le-goyim*. With current debates surrounding the Israeli legal system and the morally questionable ways in which the government treats Palestinians, Israel is far from being the model *Ohr Le-goyim* that we should be, but this does not mean that we cannot or should not continuously strive to come ever closer to this ideal. Finally having a state after 2000 years of exile offers us the extraordinary opportunity to present ourselves on the world stage. It is a heavy responsibility but also a privilege that we must take upon ourselves seriously. We are still striving towards the ideal of being a light unto the nations, and it is up to all of us in the 21st century to make this a reality. As Rabbi Tarfon states in *Pirkei Avot* 2:16:

לא עליך המלאכה לגמר ולא אתה בן חורין לבטל ממנה

It is not your duty to finish the work, but neither are you at liberty to neglect it.

With the state of Israel being 75 years young, it is our duty to try to make it the place it should be – an exceptional *Ohr Le-goyim* modeling justice and morality for all the world.

An Exploration of Chanoch: A Personal Journey

Aviva Klahr¹

I have always been fascinated by the book of *Bereishit*, probably because I assign so much significance to beginnings. Intentional firsts are models, they set the stage. And so when I reopen *Bereishit* each year, and gaze at the familiar words, I am excited but also somewhat mystified, begging the words and stories to explain themselves to me: *What are you doing here? What are you trying to tell me?* It is a precious feeling experienced by many who love to delve into Torah and ponder its mysteries. Each narrative offers a thrilling journey to embark upon. In this essay, I will attempt to share just one such recent journey of mine.

The Subjective Self: A Mystically-Inspired Reading of Chanoch

I am reading *Bereishit Perek 5*, which I understand to be something of an in-between flash-forward device. Listed in a highly structured format is the line of descent from Adam to Noah. The genealogical list is a technical and utilitarian bridge connecting the previous and upcoming protagonists. I am about to move on with my reading when something jumps out at me.

The seventh generation listed, Chanoch, is written differently than all the others. I wonder, who is this Chanoch and why is he different? More importantly, what is his special role here, standing out on this *Bereishit* bridge? And perhaps, can he be more than just a connector but maybe even a protagonist in his own right?

¹ Aviva was mentored by Rabbanit Dena Rock.

To begin to make sense of Chanoch, I create a chart to highlight the ways in which he differs from the norm. On the right-hand side, I place the *pesukim* about Yered, Chanoch's father, to serve as a reference to the typical structure. On the left-hand side, I place the entire Torah text about Chanoch, and I bold the words in which Chanoch differs from the typical format:

חנוך	ירד
<p>(כא) וַיְחִי חֲנוֹךְ חֲמֵשׁ וְשָׁשִׁים שָׁנָה וַיֹּלֵד אֶת־מֶתוּשֶׁלַח:</p> <p>(21) Chanoch lived 65 years and he fathered Metushelach.</p>	<p>(יח) וַיְחִי־יֶרֶד שְׁתַּיִם וְשָׁשִׁים שָׁנָה וּמָאֵת שָׁנָה וַיֹּלֵד אֶת־חֲנוֹךְ:</p> <p>(18) Yered lived 162 years and he fathered Chanoch.</p>
<p>(כב) וַיִּתְחַלֵּךְ חֲנוֹךְ אֶת־הָאֱלֹקִים אַחֲרַי הוֹלִידוֹ אֶת־מֶתוּשֶׁלַח שְׁלֹשׁ מֵאוֹת שָׁנָה וַיֹּלֵד בָּנִים וּבָנוֹת:</p> <p>(22) Chanoch walked with God for 300 years after he fathered Metushelach, and he fathered sons and daughters.</p>	<p>(יט) וַיְחִי־יֶרֶד אַחֲרַי הוֹלִידוֹ אֶת־חֲנוֹךְ שְׁמֹנֶה מֵאוֹת שָׁנָה וַיֹּלֵד בָּנִים וּבָנוֹת:</p> <p>(19) Yered lived 800 years after he fathered Chanoch, and he fathered sons and daughters.</p>
<p>(כג) וַיְהִי כָּל־יְמֵי חֲנוֹךְ חֲמֵשׁ וְשָׁשִׁים שָׁנָה וְשָׁלֹשׁ מֵאוֹת שָׁנָה:</p> <p>(23) All the days of Chanoch were 365 years.</p>	<p>(כ) וַיְהִי כָּל־יְמֵי־יֶרֶד שְׁתַּיִם וְשָׁשִׁים שָׁנָה וַחֲשַׁע מֵאוֹת שָׁנָה וַיָּמָת:</p> <p>(20) All the days of Yered were 962 years, and then he died.</p>
<p>(כד) וַיִּתְחַלֵּךְ חֲנוֹךְ אֶת־הָאֱלֹקִים וְאֵינּוֹ כִּי־לָקַח אֹתוֹ אֱלֹקִים:</p> <p>(24) Chanoch walked with God, and he was no more, for God took him.</p>	

The first detail that I notice is that rather than say וַיְהִי חֲנוֹךְ following his son's birth, the *pasuk* states: וַיִּתְהַלֵּךְ חֲנוֹךְ אֶת־הָאֱלֹקִים. I do not yet know what "walking with God" means, but somehow it seems to be in contrast with normal "living." But before I can even ponder that further, another question strikes me: Why is Chanoch only "walking with God" for the last 300 years of his life and not for the 65 years in the prior *pasuk* in which he just "lived"? Something in him must have changed in between his first 65 years and the remaining 300. That's when I suddenly notice the glaringly obvious hint that *peshat* has been holding up for me all along: וַיֹּלֵד אֶת־מִתְוֹשֵׁלַח - he gave birth to a child at exactly that juncture. A half-solved mystery to which I shall return.

I move my focus to the final *pasuk* describing Chanoch, verse 24, hoping I will find some answers there:

וַיִּתְהַלֵּךְ חֲנוֹךְ אֶת־הָאֱלֹהִים וְאֵינּוֹ כִּי־לָקַח אֹתוֹ אֱלֹקִים:

Chanoch walked with God, and he was no more, for God took him.

I can feel the words tugging on me, teasing me with all the additional questions they raise. I first focus on the second half of the verse, וְאֵינּוֹ כִּי־לָקַח אֹתוֹ אֱלֹקִים. While the word וַיָּמָת - *and he died*, is used to describe the death of every other person listed, for Chanoch the text instead writes that he "was no more" for "God took him." This curious and cryptic replacement demands answers that I cannot yet attempt to suggest.

I draw my eyes back to the beginning of that same verse: וַיִּתְהַלֵּךְ אֶת־הָאֱלֹקִים, חֲנוֹךְ, and wonder why is the "walking" of verse 22 repeated verbatim here in verse 24. That is when a second observation dawns on me. If I understood the first appearance of this phrase in verse 22 to be connected to its following words, regarding the birth of his child, surely this same phrase in verse 24 should be relevant to its following words as well, regarding his

removal. Now when reading through both verses again with new eyes, it suddenly begins to flow. The birth of his son seems to have triggered Chanoch's initial "וַיִּתְהַלֵּךְ חֲנוּךְ אֶת־הָאֱלֹהִים" and that same continued "walking with God" seems to have triggered, or even caused, his "אֵינֶנּוּ". But still, I do not have any idea as to why.

Before I can attempt to further explore that development, I must first try to analyze the phrase וַיִּתְהַלֵּךְ חֲנוּךְ אֶת־הָאֱלֹהִים to understand what it means that Chanoch walked with God. I compare it to a similar phrase that God commands to Avraham in *Bereishit* 17:1 - וַיֵּלֶךְ לְפָנַי הַתְּהִלָּה - *walk before Me*. Both of these phrases indicate some sort of alignment with God, but the words אֶת and לְפָנַי create a stark contrast. While to walk *before* God indicates that one is on the same path as God, the more direct word אֶת, has no English equivalent and can only be poorly translated as "with." אֶת is a preposition that serves as a definite direct object marker.² It is common for it to follow a verb such as loving, seeing, hearing, eating, wanting, doing, etc. These are all processes that inseparably intertwine their subject to the object. The curious phrase of walking *with* God, rather than toward, before, or behind Him, places the walker in much closer proximity to God, on the same plane as God in a sense. The command to Avraham is God's request, and thus must be seen as an ideal. And yet the intensity of Chanoch's walking *with* God seems to surpass that. Why then didn't God command Avraham to walk *with* Him, as Chanoch did? I would suggest that perhaps Chanoch's path represents a form of extremism. Let's pause here to consider: what does it mean to walk *with* God - to be one with Him?

The concept of being one with God is elaborated upon at great length by the Kabbalistic branches of Jewish philosophy. They build on the famous phrase from *Devarim* 4:35, אֵין עוֹד מִלְּבַדּוֹ - there is none other, or nothing else, beside Him. God in his absolute infinitude is

² Thekefar.com.

referred to as the *ein sof*,³ and in the face of that, nothing else can exist. When one attempts to truly internalize this idea, he begins to understand that in truth, his own individual identity cannot be anything more than an illusion.⁴ To be *with* God in this sense, is to understand that you are not a separate being at all, but rather just a part of Him, with a false sense of self. Perhaps the embarkment on that train of thought is what is being referred to as Chanoch's walk with God.

With this idea in mind, I can now answer my earlier question from verse 23: how did having a child trigger Chanoch's change from "וַיְהִי" (normal living) to "וַיִּתְהַלֵּךְ אֶת־הָאֱלֹהִים" (walking with God)?

I try to imagine myself in the experience of a new parent. It is to look down at another's face, and be met by your own reflection... and for the first time, to even see past it. In that moment, where you are overwhelmed by such a pure, deep connection, you suddenly feel yourself melting away. Because just for an instant you forget about - and realize it doesn't matter - who you are as an individual, but rather that you are only who you are in relation to this child. And this child in fact carries parts of yourself. You are one with him. The notion of your own "self" that you have spent your entire life carefully constructing is suddenly being chipped away in the face of something greater. This experience begins to alter Chanoch's

³ The literal translation is "without end" but the concept is too deep to be encapsulated by a literal translation.

⁴ The idea of *ein od milvado* is just a starting point of much of kabbalistic thought, and is further developed in different directions in an attempt to reconcile this counterintuitive belief with what we perceive and experience as reality. The Lithuanian school of thought developed a radically different approach to how man should understand and relate to what he so plainly experiences as his reality. However, this paper will follow the former approach to develop an understanding of Chanoch.

understanding of his individual identity, and creates the space for him to explore this idea in his relation to God. The root of the word, ה.ל.ך, indicates a constant process of moving forward, and as Chanoch “walks with God,” a process unfolds as the apparent separation between himself and God thins, and he begins to grasp what absolute unity with God’s True reality means - the loss of oneself.

Now we can finally understand the enigmatic phrase in *pasuk* 24, וַאֲיָנֹכְךָ כִּי־לָקַח אֶתְךָ אֱלֹהִים - *and he was no more because God took him*. Chanoch continues to walk toward being One with God, slowly tearing down the dividing wall, until finally, it is demolished. He achieves a state where He has truly eliminated all sense of self that serves as distance between him, the world, and God. But what happens now? “וַאֲיָנֹכְךָ” - his *self* is no more. Just as those distinctions ceased to be, from the human perspective, Chanoch ceased to be as well. “כִּי־לָקַח אֶתְךָ אֱלֹהִים” - the concept of God (His infinite and objective existence) *overtook* Chanoch, and that is why he ceased to be.

But still, we are left with gaps. Many other people experience child-birth or encounter a feeling of oneness with God at some other point in their lives, and yet do not cease to exist as Chanoch did. What else can we learn about Chanoch from the limited *pesukim* about him to understand what made him different and pushed him in this extreme direction?

I would now like to turn our attention to the seemingly insignificant detail that Chanoch is listed as the seventh generation from Adam. What does the number seven represent? In a way, he is like the Shabbat of generations. Seven, like the Day of Rest after all of Creation, is a number of completion, lacking contradiction or tension. Through all six days of the week, Jews face the tension of being spiritual beings while having to work and take part in a

material world. On the seventh day, Shabbat, we stop working, and embrace spirituality and our connection to God entirely, and we are given rest from that tension. That is who Chanoch was - he eliminated all tension, and lived a life of Shabbat in which he was solely focused on his connection to his Creator and not the material world. But that is not how we are supposed to live. There is no such thing as Shabbat if there aren't also six days of *chol*. We need to experience six days of tension before every one day of spiritual unity. We need the disconnection in order to truly connect.

Another number of importance in the Chanoch narrative is the amount of years that Chanoch lived - 365 - the number of days in the solar calendar. Rabbeinu Bachye says that this alludes to Chanoch's character as someone who was always searching to understand the way the world works - the objective Truth. Now we can understand why Chanoch had to eliminate his individual self. He could not live knowing that everything he was experiencing was merely an illusion on some level. He had to see the world in its objective True reality of *ein sof*.

This reference to the solar calendar also draws our attention to an interesting contrast to the lunar calendar, which the Torah follows. The solar calendar represents a more objective form of counting, as its basis is the sun, the source of all light, a stationary unchanging unit. What, then, does the lunar calendar represent? We follow the moon and its constant rebirth, growth, and disappearance. However, we are aware that this is an illusion. In reality, the moon is not changing shape. The moon does not even have any light of its own; that too is an illusion, as it is merely reflecting the light of the sun. We recognize that using the moon, which orbits the earth, which orbits the sun, is an extremely subjective way to measure time. In fact, *halacha* requires humans to declare the new moon themselves. We even adjust our calendar to

occasionally add an extra month, Adar Bet, to better align the lunar calendar to the solar one to maintain the holidays in their correct seasons. This represents the balance between the subjective and the objective that we are trying to strike.

I think this largely represents our Torah and God-given mission on earth. We understand that our reality is subjective, it is not The Truth. However, it is *a truth*, something that is just as valuable, and on some level, just as real. We say that the purpose of life is *deveikut ba-Hashem*, to attach ourselves to God. But in order to create a connection and closeness, there must also be the prerequisite of distance, as the prior example of Shabbat displays. All throughout the Torah, we understand the idea of *kedusha*, holiness, to be only a result of separation. The very word means it. You can only come close to someone or something if it is on some level distinct from yourself. And only when you do create this closeness and relationship with God can you bring good and lasting change into the world.

Perhaps this is another meaning of “וַיִּלָּךְ”¹. When Chanoch left this world, he was “no more” because he did not leave any lasting impact. He removed himself so far from this physically subjective world, that he was not able to bring about any change. And then what was his life for? We must accept this construct of reality in order to achieve anything, and that matters because lowercase truth matters. Unlike Chanoch who was solely focused on the solar calendar, we follow both, counting by the lunar calendar but aligning it with the solar one. In the same way that we add months, we actively create our reality. And in the same way that we adjust the lunar calendar to align it with the solar one, we live our lives aware of the objective Truth and appreciate our Oneness with God to an extent, while at the same time valuing our own independent

existence. We must experience this constant tension and contradiction of existence, because that is what it means to truly live.

“Walking”s: A Progression in Early *Bereishit*

After analyzing the story of Chanoch and uncovering meaning behind it, it is imperative to understand what role he plays in the greater context of *Bereishit*. To do so, we will compare and contrast Chanoch’s “walking” with God to other such “walking”s. Fascinatingly, the word *ויתהלך*, *walking*, in relation to God appears by multiple other early characters in *Bereishit*, including Adam, Noah, and Avraham.⁵ These three instances, together with Chanoch’s, create a type-scene of sorts, and when examined together, contribute toward one continuous narrative and message.

After Adam sins, he hides, while God is said to be walking in the Garden of Eden:

וַיִּשְׁמְעוּ אֶת־קוֹל ה' אֱלֹקִים מֵתְהַלֵּךְ בְּגֵן לְרוּחַ הַיּוֹם וַיִּתְחַבֵּא הָאָדָם וְאִשְׁתּוֹ מִפְּנֵי ה' אֱלֹקִים בְּתוֹךְ עֵץ הַגֵּן:

They heard the sound of God walking in the Garden at the breezy time of day and the man and his wife hid from God among the trees of the Garden (*Bereishit* 3:8).

This description follows mankind’s first sin, his betrayal of God’s will - his conscious choice to separate himself from God and prioritize his individual being. Rather than walking in relation to God, Adam leaves God to walk on His own. This divide between Adam and God is the first stage in man’s exploration of his individual self in relation to God.

⁵ The *ביאור ישׁיר*, by Rav Yitzchak Shmuel Reggio, contrasts the consecutive imperfect word “ויתהלך” to its past perfect form “וילך”, to understand that this ongoing process of walking in relation to God is one of deep spiritual significance, that of man’s desire to be in constant pursuit of God.

The next character in which there is said to be “walking” in relation to God is our good friend, Chanoch. Most *mefarshim* understand Chanoch’s walking as signifying his pursuit of closeness with God.⁶ I argued above that such a process can result in a loss of the self, which in a way is the complete opposite extreme of Adam. The text manifests Chanoch’s loss of self-identity in the loss of his present and lasting self, his removal from the world and “וְאֵינֶנּוּ”. However, this only emphasizes one danger of man’s loss of individual identity. The other danger of this phenomenon is further explored through Noah.

In the *perek* immediately following Chanoch’s, we are introduced to Noah:

אֵלֶּה תּוֹלְדֹת נֹחַ נֹחַ אִישׁ צַדִּיק תָּמִים הָיָה בְּדֹרֹתָיו אֶת־הָאֱלֹקִים הִתְהַלְכָּם־נֹחַ:

These are the descendants of Noah, Noah was a purely righteous man in his generation, with God Noah walked (*Bereishit* 6:9).

Besides Chanoch, this is the only other place in *Tanach* where the language of walking *with* God – את האלוקים - is used. Interestingly here too, as with Chanoch, the phrase is written alongside the mention of his children. But here with Noah, the order of the phrasing is flipped: first the *pasuk* says “with God” and then “Noah walked.” Additionally, both Chanoch and Noah’s names contain the same letters of *chet* and *nun*, but they are spelled in reverse order. There appears to be some inverse parallel between the two characters. This plays out most significantly in their unique roles in their generations. Both characters are the sole members of their world to walk “אֶת־הָאֱלֹקִים”, and both experience a loss of self-identity in the face of God, but with opposite manifestations. While Chanoch is taken early from the world unlike all of the people surrounding him, Noah is the only one who remains in the world

⁶ This will be discussed later in this paper.

while his whole generation is killed in the flood. Or to rephrase it more poignantly, Chanoch's walking results in the removal of his own physical self, while Noah's results in the removal of everyone around him.

Throughout the entire story of the Flood, Noah is completely silent. God tells him of His plans to destroy humanity and commands him to build an ark for himself and his family. And Noah obliges:

וַיַּעַשׂ נֹחַ כְּכֹל אֲשֶׁר צִוָּה אֱתוֹ אֱלֹקִים כֹּן עָשָׂה:

And Noah did according to everything that God commanded him, so did he do (*Bereishit* 6:22).

Similarly, it says in *Bereishit* 7:5:

וַיַּעַשׂ נֹחַ כְּכֹל אֲשֶׁר־צִוָּהוּ ה':

Noah did according to all that God commanded him.

Noah is righteous, doing exactly God's will - but never more. He does not argue, he does not pray, and as *Chazal* criticize, he does not even attempt to convince the sinners of his generation to repent. Perhaps this is because someone who sees himself as purely an extension of God without any strong individual identity is unable to act on his own or make independent decisions. Noah does not equate his existence with God to the extent that Chanoch did, for here the phrase is only written once rather than twice, and Noah does in fact remain living in this world. However, he seems to subscribe to the same extreme ideology and it leads him to stand by and allow the deaths of all his fellow men. It is as if Chanoch and Noah are foil characters, two opposite sides of the same dangerous coin.

Adam's story explores an unhealthy extreme of separation between man and God. Both Chanoch's and Noah's stories explore the opposite extreme of unhealthy lack of separate identity from

God. Chanoch displays a loss of lasting self, and Noah exhibits a loss of responsible independent action to the detriment of others. Up to this point, the stage of *Bereishit* presents an ongoing chaotic struggle from extreme to extreme, unsuccessfully trying to find the proper balance to the eternal question: *What is man's role in the face of God?* And suddenly from the midst of the blurry mess, a spotlight appears and a man walks onstage. His name is Avraham.

I believe this is what God means when He commands Avraham “הִתְהַלֵּךְ לִפְנֵי” - *walk before Me*. God is ordering Avraham to walk on the same path as God, but as a separate distinct being. He must be committed to God's will but should respond to God and even argue with Him when need be. God does not want man to purely be a pawn in God's game, but rather to be an active player.

In a way, Avraham is the *tikkun* (corrective) to his preceding characters. Avraham does not leave God to walk alone like Adam, but rather clings to Him and attempts to follow His will even when it seems impossible, such as when asked to sacrifice his beloved son. Yet, unlike Chanoch, Avraham retains his strong sense of self. Avraham heeds God's call of לֵךְ לְךָ, *go for yourself*,⁷ creating his own path, and not only is he not אֵינִי, but he is the everlasting ideological father of monotheism, as well as the biological father of a great nation, blessed to be as numerous as the stars and sand.⁸ And in contrast to Noah, God's silent servant who does not take individual responsibility for his fellow man, Avraham responds to God, and when he sees fit, even argues with Him, as on behalf of the people of Sedom.⁹ In stark contrast to Noah, Avraham is known as the prototype of a *ba'al chesed*, stepping up to care for others. Avraham's unique character and his remarkable ability to properly balance the

⁷ *Bereishit* 12:1.

⁸ *Bereishit* 22:7.

⁹ *Bereishit* 18:23-32.

tensions between self and God set him apart as the role model in this exploration.

Chanoch's Being "Taken" and his Character... Positive or Negative?

After completing my personal journey into the *pesukim*, I wanted to expand my exploration of Chanoch by delving into the various commentators. I hoped to develop a more comprehensive picture of Chanoch, to learn other approaches to him than the one I developed above, and to gain an understanding of the motivations behind different approaches.

The Biblical text leaves room for contrasting opinions regarding how to understand Chanoch's character. While "walking with God" seems to reflect upon him positively, his premature disappearance from this world is ambiguous, and creates space for radically different interpretations of his character. The verse's unusual phrasing by Chanoch of **כִּי־לָקַח אֶתְּךָ אֱלֹהִים**, rather than the typical **וימת**, as well as the additional word **ואיננו**, clearly highlight that his death was in some way unique and should be regarded differently than the others. By exploring contrasting interpretations of Chanoch's "being taken" in the commentaries of *Chazal* and the *Rishonim*, we will see vastly different pictures of Chanoch emerge.

One interpretation of **כִּי־לָקַח אֶתְּךָ אֱלֹהִים** is that Chanoch did in fact die. This interpretation is supported by other instances in *Tanach* where the root **ל.ק.ח.** clearly refers to death. For example, Yona prays in 4:3:

וְעַתָּה ה' קַח־נָא אֶת־נַפְשִׁי מִמֶּנִּי כִּי טוֹב מוֹתִי מִחַיִּי:

And now, Hashem, please **take** my soul from me, for my death is better than my life.

In the stomach of the fish, Yona is asking God for death, and he uses the *shoresh* .ל.ק.ח. in his request.

Similarly, in Yechezkel 24:16-18, God warns Yechezkel that He will take away (לקח) that which Yechezkel's eyes desire, and then Yechezkel's wife dies the following day:

בְּרֵאשִׁים הַנְּגִי לִקַּח מִמֶּנּוּ אֶת־מַחְמַד עֵינָיֶדָּ בְּמַגֵּפָה וְלֹא תִסְפְּדֹ וְלֹא תִבְכֶּה וְלֹא תִבּוֹא דַמְעָתְךָ: ... וְאִדְבַּר אֶל־הָעַם בְּבִקְרֹ וְתַמַּת אִשְׁתִּי בְעָרֵב וְאָעַשׂ בְּבִקְרֹ כְּאִשְׁרֵי צְוִיָּתִי:

"Son of man, behold, I **take** away from you the desire of your eyes with a stroke; yet you shall neither mourn nor weep, neither shall your tears run down..." So I spoke to the people in the morning; and at even **my wife died**; and I did in the morning as I was commanded.

These *pesukim* provide another strong support that *lakach* can refer to death, and thus, Chanoch being taken might mean that he died.

Many of the commentators who interpret Chanoch being taken by God as an early death assume that his end reflects negatively on his character. The Torah and *Chazal* often refer to long life as a reward for righteous behavior.¹⁰ Therefore, Chanoch's premature removal from this world must have been a punishment, and

¹⁰ *Devarim* 5:16:

כִּבְדּוֹ אֶת־אָבִיךָ וְאֶת־אִמְךָ כְּאִשְׁרֵי צִוְּךָ ה' אֱלֹקֶיךָ לְמַעַן אֲרִיכּוּ יָמֶיךָ וְלִמְעַן יֵיטֵב לְךָ עַל הָאֲדָמָה אֲשֶׁר־ה' אֱלֹקֶיךָ נָתַן לְךָ:

Honor your father and your mother, as your God ה' has commanded you, that you may long endure, and that you may fare well, in the land that your God ה' is assigning to you.

Devarim 22: 7:

שְׁלַח תְּשַׁלַּח אֶת־הָאֵם וְאֶת־הַבְּנִים תִּקַּח־לָךְ לְמַעַן יֵיטֵב לְךָ וְהָאָרֶץ תִּמְצֵחַ יָמִים:

Let the mother go, and take only the young, in order that you may fare well and have a long life.

Kiddushin 39b:

מתני' כל העושה מצוה אחת - מטיבין לו, ומאריכין לו ימיו, ונוחל את הארץ
Mishna: Anyone who does a single *mitzva* - receives good, his days are lengthened, and he inherits the land.

therefore an indication of prior sin.¹¹ The most extreme expression of this is boldly stated by Rabbi Chama, who declares in *Bereishit Rabba* 5:24 that Chanoch “was not written in the book of the righteous, but rather in the book of the wicked.”

However, some of the commentators who understand **כי לקח אותו אלקים** as referring to an early death recognize that they must reconcile death’s negative implication with the positive tone of Chanoch walking with God. The *Midrash Aggada* shares one opinion that Chanoch was sometimes righteous and sometimes wicked.¹² Rashi claims that Chanoch truly did behave righteously, but his mind was easily swayed towards wickedness, and therefore God ended his life early,¹³ so that he would not come to sin. This interpretation still reflects poorly on Chanoch’s character and fortitude but does not view his death as a punishment, but rather as a preventative measure in order to preserve his righteousness.

Alternatively, there are those who interpret **כי לקח אותו אלקים** as referring to a premature death and yet claim that it does not carry negative connotations at all, but rather paints Chanoch in further positive light. Such opinions hold that Chanoch’s early death was actually a response to his righteousness. This understanding can be developed by looking at commentators on another verse in which *lakach* is written, *Tehillim* 49:16:

אֲדֹ-אֱלֹקִים יִפְדֶּה וְיִפְדֶּה בְּפֶשֶׁי מִיַּד-שָׂאוֹל כִּי יִקְחֵנִי סֵלָה:

¹¹ This approach understands the reward of long life to be referring to physical life in this world. A contrasting understanding is found in the continuation of the Gemara in *Kiddushin* 39b:

אלא, למען ייטב לך - לעולם שכולו טוב, ולמען יאריכון ימך - לעולם שכולו ארוך.

When the Torah writes rewards for *mitzvot*, it refers to the World to Come.

¹² Rabbi Abahu in *Midrash Rabba* 5:24.

¹³ According to this interpretation, **ואיננו** refers to him not living out all of his otherwise intended years.

But God will redeem my soul from the power of the nether-world, For **He shall take me**, Selah.

Radak here says that this “taking” refers to death, and even quotes the verse about Chanoch as support.¹⁴ Malbim¹⁵ and Metzudat David explain this word in *Tehillim* to be describing the soul’s spiritual binding to God, something beautiful and positive. Ibn Ezra too, clarifies that it means death, as David surely couldn’t have meant that he would never die,¹⁶ but he is requesting a positive death, one in which his soul would become attached to the higher soul of heaven, and he even brings Chanoch as an example of this. These commentators understand this form of death to be a good one, and that completely changes the way in which Chanoch is regarded. Radak says that the reason Chanoch was taken early was that he had already accomplished all he needed to in this world. He further says that *lakach* is only used regarding the death of the righteous, like David and Yechezkel’s wife (both cited above), but unlike Yechezkel’s wife who died of plague, Chanoch did not suffer because he was so pure and righteous. Whether Chanoch’s premature death is a reward for his righteousness, or rather just a consequence of his having achieved completion relatively early in life, this approach clearly regards Chanoch’s early death as a positive.

The most extreme interpretation in a positive light of **כִּי־לָקַח אֶתְּוֹ אֱלֹקִים** is that Chanoch did not die at all; rather, he transcended death and merited an eternal life. The strongest support for this interpretation is the fact that while **וַיָּמָת** - *and he died*, is written about

¹⁴ ופירוש כי יקחני – כי ימיתני, כמו ואיננו כי לקח אותו אלקים.

¹⁵ כי יקחני אליו להיות נפשי צרורה בצרור החיים עם ה' אלקי הרוחות, סלה, סיום הענין:

¹⁶ For such a statement would contradict another verse in *Tehillim* 89:49, **מִי גִבּוֹר יַחִיָּה וְלֹא יִרְאֶה מוֹת**.

everyone else, the Torah breaks this structured formula for Chanoch and omits any mention of him dying.

An additional support for this interpretation is that the same root, **ל.ק.ח.** is used to describe Eliyahu's mysterious disappearance in *Melachim II* 2:

(ה) וַיָּגֶשׁוּ בְנֵי הַנְּבִיאִים אֲשֶׁר-בְּיַרְיָחוֹ אֶל-אֵלִישָׁעַ וַיֹּאמְרוּ אֵלָיו הֲיִלְעֶתָ כִּי הַיּוֹם הַזֶּה
לִקַּח אֶת-אֲדֹנָיִךְ מֵעַל רֹאשְׁךָ וַיֹּאמֶר גַּם-אֲנִי יִדְעֶתִי הַחֹשֵׁב:

(ט) וַיְהִי כַעֲבָדָם וְאֵלֶיהוּ אָמַר אֶל-אֵלִישָׁעַ שְׂאֵל מָה אֶעֱשֶׂה-לְךָ בְּטָרָם **אֶלְקַח** מֵעַמְּךָ
 וַיֹּאמֶר אֵלִישָׁעַ יְהִי נָא פִישָׁנַיִם בְּרוּחְךָ אֵלָי:

(יא) וַיְהִי תִמָּה הַלַּיְלָה הַלּוּד וַדְּבַר וְהִנֵּה רֶכֶב-אֵשׁ וְסוּסֵי אֵשׁ וַיִּפְרְדוּ בֵּין שְׁנֵיהֶם וַיַּעֲלֶה
 אֱלֹהִים בְּסַעֲרָה הַשָּׁמַיִם:

(5) And the sons of the prophets that were at Jericho came near to Elisha and said to him, "Do you know that Hashem **will take** away your master from your head today?" And he answered, "Yes, I know it; be still."

(9) And it came to pass when they had gone over, that Eliyahu said to Elisha, "Ask what I shall do for you before I am **taken** from you." And Elisha said, "Please, let a double portion of your spirit be upon me."

(11) And it came to pass, as they were going and talking, that, behold, there appeared a chariot of fire and horses of fire, which separated the two of them; and Eliyahu went up by a whirlwind into heaven.

Here Eliyahu's upcoming departure is described with the same root of **ל.ק.ח.**, being taken, and then he in fact proceeds to be taken up to heaven whole in a fiery chariot. The text here implies that Eliyahu experienced no physical death. Various commentators, such as Chizkuni, draw a parallel between Eliyahu and Chanoch, claiming that both of them gained eternal life.¹⁷ The *Midrash Aggada*¹⁸ goes even further, claiming that due to his righteousness, Chanoch was made into the angel Metatron.

¹⁷ Chizkuni, *Bereishit* 5:24.

¹⁸ *Midrash Aggada* 5:24:2.

Along the same lines, the Netziv in his *Ha'amek Davar* explains that Chanoch's walking means that he was so constantly immersed in his love for God, that eventually, he was able to surpass the Rakiah firmament. Rabbeinu Bachya claims that it was through Chanoch's intellectual accomplishments in studying God, that his body and soul were able to become unified, thereby allowing God to take him without leaving any physical remnant behind - "וַאִינְנוּ."

This interpretation of *lakach* presents Chanoch's character as a tremendously righteous and positive one, which works harmoniously with the Torah's description (twice) that he "walked with God."¹⁹

Conclusion

We have concluded our journey exploring Chanoch. What emerged from the close textual reading that we did of the *pesukim*, as well as from analyzing him in the context of others who walked with God in some way, is the importance of balance in man's relationship with God. Further, we explored other interpretations of the text and of Chanoch's nature. But most importantly what we learned was how Chanoch's character provides a gateway for addressing the deepest questions about the nature of our relationship with God, what we should be striving for in our relationship with Him, and how we should view life and death.

¹⁹ In addition, another *midrash*, *Vayikra Rabba* 29:11, comments on Chanoch's placement as the seventh generation that "everything that is the seventh is beloved..." This too reflects a positive view of Chanoch as a righteous, beloved figure.

Sticks and Stones: Learning Lessons from a Sinner

Brooke Kohl

The Biblical story of the character known as the **מקושש עצים**, the wood-gatherer/cutter, appears in *Bamidbar* 15:32-36. As a short story, made up of just five *pesukim*, it piqued my interest. These five *pesukim* tell the story of a man found sinning on Shabbos. Those who found him brought him to Moshe and Aharon, who locked him up until they could find out what his punishment should be. Hashem told Moshe that the nation should stone the man outside the camp, and so they did.

The following *pesukim* form the story of the **מקושש עצים**:

וַיְהִי בְּנֵי יִשְׂרָאֵל בְּמִדְבָּר וַיִּמְצְאוּ אִישׁ מִקְשֵׁשׁ עֵצִים בַּיּוֹם הַשַּׁבָּת: וַיִּקְרְבוּ אֹתוֹ הַמִּצְאִים אֹתוֹ מִקְשֵׁשׁ עֵצִים אֶל מֹשֶׁה וְאֶל אַהֲרֹן וְאֶל כָּל הָעֵדָה: וַיִּנְיחוּ אֹתוֹ בַּמִּשְׁמֶר כִּי לֹא פָרַשׁ מֵהַיַּעֲשֶׂה לוֹ: וַיֹּאמֶר ה' אֶל מֹשֶׁה מוֹת יוּמַת הָאִישׁ רְגוּם אֹתוֹ בְּאֲבָנִים כָּל הָעֵדָה מִחוּץ לַמַּחֲנֶה: וַיֵּצִיאוּ אֹתוֹ כָּל הָעֵדָה אֶל מִחוּץ לַמַּחֲנֶה וַיִּרְגְּמוּ אֹתוֹ בְּאֲבָנִים וַיָּמָת כְּאֲשֶׁר צִוָּה ה' אֶת מֹשֶׁה:

Once, when the Israelites were in the wilderness, they came upon a man gathering/cutting wood on the Sabbath day. Those who found him as he was gathering/cutting wood brought him before Moshe, Aharon, and the community. He was placed in custody, for it had not been specified what should be done to him. Then ה' said to Moshe, "The party in question shall be put to death: the community shall pelt him with stones outside the camp." So the community took him outside the camp and stoned him to death – as ה' had commanded Moshe.¹

Brooke was mentored by Dr. Nava Finkelman.

¹ All translations are taken from Sefaria.org, with slight moderations.

I questioned this incident: What is going on here? What does *מקושש* mean? What was so serious about the *מקושש עצים*'s sin? When did it happen? Who was the man?

To address these questions, I first attempted to discover what the root *ש.ש.ק* means by examining the three other places in *Tanach* where the root appears, as well as by learning the opinions of commentators who address this question. I then learned several commentaries on the *pesukim* of the *מקושש עצים*, including those of Rashi, Ramban, Rav Shimshon Raphael Hirsch, and a recent article by Ezra Zuckerman Sivan, an economic sociologist and professor at Massachusetts Institute of Technology (MIT) Sloan School of Management. The commentaries I learned helped me develop a deeper understanding of the story, as well as draw out lessons that we can apply to our own lives. After presenting and analyzing the views of some of the commentaries and discussing the lessons that I learned from them, I will conclude this essay with an overarching lesson learned by viewing the story in light of the other narratives in *Tanach* in which the root *ש.ש.ק* appears.

Understanding *ש.ש.ק* Here and Elsewhere in *Tanach*

In order to understand the story of the *מקושש עצים* in *Bamidbar*, we first have to understand the meaning of the unusual word *מקושש*. Commentators are split on what it means.

The root *ש.ש.ק* appears in three other places in *Tanach*: in *Shemot perek 5* (in verses 7 and 12), in *Melachim Aleph perek 17* (in verses 10 and 12), and in *Tzeiphania perek 2* (in verse 1). *Tzeiphania 2:1* says:

הַתְּקוֹשֵׁשׁוּ וְקוּשׁוּ הַגּוֹי לֹא יִבְזֶה:

Gather together, gather, O nation without shame.

Since this *pasuk* is talking about people, it is clear that .ש.ש.ק here means gathering, not cutting.

In the other two cases, it is unclear whether the root .ש.ש.ק means to gather or to cut. In *Shemot* 5:7, Pharaoh commands *Bnei Yisrael* to provide their own straw:

הם יִלְכוּ וְקָשְׂוּ לָהֶם תְּבֵן:

Let them go and gather/cut straw for themselves.

Bnei Yisrael could have been gathering straw that was on the ground, or pulling off straw as it grew from plants.

In the second of these cases, *Melachim Aleph* 17:10, the *pasuk* says:

וַיְבֹא אֶל־פֶּתַח הָעִיר וְהִנֵּה־שָׁם אִשָּׁה אֹלְמֵנָה מְקַשֶּׁשֶׁת עֵצִים:

When he (Eliyahu) came to the entrance of the town, a widow was there gathering/cutting wood.

This *pasuk*, too, is ambiguous; the woman could have been gathering pieces of fallen wood or cutting fresh pieces off of a tree.

In commenting on our case of the *מְקוּשֵׁשׁ עֵצִים*, Abarbanel on *Bamidbar* 15:32 explains that the word *מְקוּשֵׁשׁ* does not mean cutting; rather, it means collecting one from here and one from there. His proof is that *Bnei Yisrael* in Egypt collected straw in that way. Because his explanation of *מְקוּשֵׁשׁ* does not constitute a Shabbos violation (it is permitted to collect scattered items), he explains that the *מְקוּשֵׁשׁ עֵצִים*'s sin was going outside of the *techum*.²

The Malbim disagrees with Abarbanel's opinion that being *מְקוּשֵׁשׁ* is not a *melacha*; he cites two other places where .ש.ש.ק appears in *Tanach* to show that the root can mean cutting or gathering, both of which are *melachot*. He explains that gathering, which would be the *melacha* of *מַעֲמֵר*, was what *Bnei Yisrael* did with

² The *techum* is the limited area – 2,000 *amot*, or about one kilometer – in which it is permitted to walk on Shabbos.

the straw, while cutting, which would be the *melacha* of תולש, was what the woman did with trees. However, he does not have a conclusive answer as to which of the two the מקושש עצים was doing in our case.³ The Brown-Driver-Briggs Hebrew and English Lexicon translates .ק.ש.ש. in all contexts as meaning to gather stubble or sticks.^{4,5} Most other commentators do not discuss the issue.

For the remainder of our analysis, it does not really matter whether the מקושש עצים was cutting or gathering, or even if his sin was neither of the two, but rather going outside of the *techum*. Perhaps the Torah even intentionally uses an ambiguous word to show that it does not matter which specific *melacha* he was doing; the important point is that doing any *melacha* on Shabbos is a serious sin.

Analysis of the מקושש עצים Story in *Bamidbar*

a) Deciphering Rashi: Commitment to the *Mitzvot* can Unite *Bnei Yisrael*

Rashi on *Bamidbar* 15:32 says that the מקושש עצים story happened on the second Shabbos that *Bnei Yisrael* were in the desert. That timing sheds negative light on *Bnei Yisrael*. They were only able to keep the first Shabbos; by the second one, there was already

³ Based on the Gemara in *Shabbos* 96b, the Malbim seems to explain that in our case, the word מקושש could be a participle. This would mean that the word מקושש does not necessarily describe what action the man they found was doing; rather, it means that he is someone who, in general, was a "מקושש-er." That does not indicate which *melacha* he was doing at this point; however, he was obviously violating Shabbos in some way.

⁴ Francis Brown, Samuel Rolles Driver, and Charles Augustus Briggs. *The Brown-Driver-Briggs Hebrew and English Lexicon (BDB)* (Boston: Houghton, Mifflin, and Company, 1906), 905.

⁵ The BDB also claims that in the *pasuk* in *Tzephania*, the words התקוששו וקושו should be read as התבוששו ובושו.

somebody who desecrated it. Using this comment of Rashi, as well as additional *pesukim* and interpretations of Rashi, we can come to an even more striking conclusion regarding when the story took place.

Although Rashi cites a *Midrash* that Moshe taught *Bnei Yisrael* some laws of Shabbos during their time in Mara, a few days after Kriat Yam Suf (described in Shemot 15:23-25), I think that Rashi himself would say that the first true Shabbos the nation observed was the first one described in the *peshat*, when they received the *mann* and the laws of Shabbos pertaining to it.⁶ In Shemot 16:23, about a month after the nation's experience in Mara, Moshe said:

⁶ One could argue with what I am going to write in the rest of this section, and say that Rashi does hold that the first Shabbos was, in fact, at Mara, not a month later when they received the *mann*. Rashi on *Shemot* 15:25 says that *Bnei Yisrael* were given three sets of laws at Mara, one of which was the laws of Shabbos. Additionally, the *pasuk* with the *mann* says 'הוא אשר דבר ה', implying that Hashem did mention something about Shabbos before. However, I think that after further analysis, arguing that Rashi holds that the first true Shabbos that *Bnei Yisrael* observed was with the *mann* is an extremely valid one. Rashi on *Shemot* 16:22 says that Moshe did not tell the nation the laws of Shabbos until a double portion of the *mann* fell on Friday and they asked him about it. In other words, Rashi's opinion seems to be that Hashem told Moshe laws of Shabbos at Mara, but he did not relay them to the people until a month later, when they received the *mann*. Moshe's statement of 'הוא אשר דבר ה' does not necessarily mean that Moshe previously told *Bnei Yisrael* about Shabbos.

The *Siftei Chachamim*, a supercommentator on Rashi, comments on Rashi on *Bamidbar* 15:32 and explains that at Mara, *Bnei Yisrael* were told about the *mitzvot aseh*, the positive *mitzvot* of Shabbos, and commanded to learn about them, but not told about the *mitzvot lo ta'aseh*, the negative ones. It is not clear which Shabbos the *Siftei Chachamim* holds was the first, but I think this works with the idea that the first Shabbos was with the *mann*, at which point *Bnei Yisrael* received negative *mitzvot* about Shabbos with regards to the *mann*. At Mara, they could have been told about the positive *mitzvot*, but still been confused about the double portion of *mann* because they had not been told about the negative *mitzvot*. Their first true observance of Shabbos was then only once they had received both the negative *mitzvot* about the *mann* and the positive ones received at Mara.

הוא אשר דבר ה' שבתון שבת קדש לה' מחר את אשר תאפו אפו ואת אשר
תבשלו בשלו ואת כל העדף הנחיו לכם למשמרת עד הבקר

This is what Hashem meant: Tomorrow is a day of rest, a holy Sabbath of Hashem. Bake what you would bake and boil what you would boil; and all that is left put aside to be kept until morning.

By saying this, Moshe taught the nation that they were not allowed to collect the *mann* or bake or boil food on Shabbos. Additionally, the other command of Shabbos given with the *mann* was:

שבו איש תחתיו אל יצא איש ממקמו ביום השביעי:

Let everyone remain in place: let no one leave the vicinity on the seventh day (*Shemot* 16:29).

According to the Abarbanel on *Bamidbar* 15:32, the מקושש עצים violated exactly this prohibition by going outside the *techum*.

In the beginning of *Shemot perek* 16, we are told that *Bnei Yisrael* arrived in *Midbar Sin* on the fifteenth day of the second month. Immediately after that, the text says that they complained about not having food, and God responded by telling Moshe that He was going to provide food for them in the form of *mann*. Rashi on *Shemot* 16:35 says that the *mann* fell for the first time on the next day, the sixteenth day of Iyar. On the sixth day that the *mann* fell, Friday, a double portion fell, and the people were informed about Shabbos. The day after that, the twenty-second day of the second month, was Shabbos, the first Shabbos that *Bnei Yisrael* were commanded to observe.⁷ The second Shabbos would then have been on the twenty-ninth day of the second month.

Following the day that *Bnei Yisrael* arrived in *Midbar Sin*, the next recorded date in the text, in *Shemot* 19:1, tells readers that *Bnei Yisrael*

⁷ *Seder Olam Rabba* 5 agrees that the first Shabbos *Bnei Yisrael* celebrated was the Shabbos mentioned in *Shemot* 16:30 – i.e. the seventh day after the *mann* fell.

arrived in *Midbar Sinai*⁸ in the third month. Rashi on that *pasuk* says that it was on *Rosh Chodesh*, the first day of the third month, Sivan.⁹

Iyar has twenty-nine days.^{10,11} Thus, *Rosh Chodesh Sivan*, the day *Bnei Yisrael* arrived at *Har Sinai*, was the day after the twenty-ninth of Iyar. If, as Rashi says, the **מקושש עצים** incident happened on the second Shabbos, which was the twenty-ninth of Iyar, this would lead to the startling conclusion that *Bnei Yisrael* arrived at *Har Sinai*, the place they were to receive the *Aseret Hadibrot*, the day after the **מקושש עצים** incident!

If the **מקושש עצים** sinned on the twenty-ninth of Iyar, when was he punished? That is not clear from the text, but it seems likely that, at the very least, he was not punished until after Shabbos ended. Why? It is forbidden for a *beit din* to give the death penalty on

⁸ Some commentators, such as the Chizkuni on *Bamidbar* 33:15, say that *Midbar Sinai* is the same thing as *Midbar Sin*. Whether or not it was is irrelevant right now, as we are focusing only on the dates. Additionally, whether or not they are the same thing, the *Aseret Ha-dibrot* were given in *Midbar Sinai*.

⁹ *Seder Olam Rabba* 5 says that *Rosh Chodesh Iyar* was on a Sunday, which supports the approach that the second Shabbos was the day before *Bnei Yisrael* arrived at *Har Sinai*.

¹⁰ Deanna Ritchie, "Introduction to the Hebrew Calendar: 12 Facts You Should Know," *Calendar.com*, November 25, 2019. <https://www.calendar.com/blog/introduction-to-the-hebrew-calendar-12-facts-you-should-know/>; Leibel Gniwisch, "11 Facts About the Month of Iyar Every Jew Should Know," *Chabad.org*. https://www.chabad.org/library/article_cdo/aid/4373858/jewish/11-Facts-About-the-Month-of-Iyar-Every-Jew-Should-Know.htm.

¹¹ Nowadays, Iyar always has twenty-nine days. However, the Gemara in *Rosh Ha-shana* 6b brings an opinion that it always has twenty-nine days as well as an opinion that holds that, before the calendar was set, Iyar was able to have twenty-nine or thirty days. Whether it has twenty-nine or thirty days is not a sufficient argument against this essay; either way, according to Rashi, the incident with the **מקושש עצים** happened right before *Matan Torah*. Whether it was a day before or two days before does not dramatically change anything.

Shabbos.¹² It is also forbidden to make someone bleed on Shabbos.¹³ Although it technically was not a *beit din* that stoned the מקושש עצים, it would make sense to say, especially in a case in which someone was being punished for not keeping Shabbos, that the general people would keep the commandment of a *beit din* not to kill on Shabbos, as well as the commandment not to make someone bleed on Shabbos. As such, they presumably waited until the day after the incident to kill the מקושש עצים.¹⁴ We know from *Bamidbar* 15:34 that the nation put the מקושש עצים into custody for some time; the *pasuk* does not say for how long, but I think it is safe to say it was for at least a day.¹⁵

If I correctly followed this thread throughout Rashi's comments, then according to Rashi, not only did *Bnei Yisrael* arrive at *Har Sinai* the day after the מקושש עצים incident, but they may have killed the מקושש עצים on the day they arrived! Discovering this timeline, that the nation may have killed the מקושש עצים the day they arrived at *Har Sinai* or the day before they arrived, totally shifted how I think about the מקושש עצים incident. It was not just a random event that the Torah happens to mention; it was a shocking sin that occurred at the time of one of the most important events in Jewish history!

¹² Rambam, *Sefer Hamitzvot, Mitzvat Lo Ta'aseh* 322.

¹³ Rambam, *Hilchos Shabbos* 8:7; *Shulchan Aruch Ha-rav* 316:14,15; Mendy Wineberg, "Shochait - Slaughtering," Chabad.org, https://www.chabad.org/library/article_cdo/aid/5028250/jewish/Shochait-Slaughtering.htm#footnote4a5028250.

¹⁴ Ibn Ezra on *Bamidbar* 15:32 says that some say they waited until Saturday night to even bring the מקושש עצים to Moshe and Aharon.

¹⁵ The *pasuk* tells us that they kept the מקושש עצים in custody because they did not know what the proper punishment was. However, it is possible that they kept him there for additional time in order to wait until after Shabbos to kill him.

Despite this sin, immediately after *Bnei Yisrael* arrived at *Har Sinai*, Moshe ascended the mountain.¹⁶ He then got the following message from Hashem to relay to *Bnei Yisrael*:

וְעַתָּה אִם־שָׁמוּעַ תִּשְׁמְעוּ בְקֹלִי וּשְׁמַרְתֶּם אֶת־בְּרִיתִי וְהִיִּיתֶם לִי סֵגֻלָּה מִכָּל־
הָעַמִּים כִּי־לִי כָל־הָאָרֶץ: וְאַתֶּם תִּהְיוּ לִי מִמְּלֶכֶת כֹּהֲנִים וְגוֹי קֳדוֹשׁ:

Now then, if you will obey Me faithfully and keep My covenant, you shall be My treasured possession among all the peoples. Indeed, all the earth is Mine, but you shall be to Me a kingdom of priests and a holy nation (*Shemot* 19:5-6).

Despite the sin that had occurred the day before, Hashem told *Bnei Yisrael* that if they follow Him, they will be His treasured and holy nation.

So what happened? Was Hashem happy with *Bnei Yisrael*, or was He upset with them for violating their second Shabbos?

I think the answer lies in one of Rashi's comments on *Shemot* 19:2. The *pasuk* there says:

וַיֵּסְעוּ מִרֶפְדִּים וַיָּבֹאוּ מִדְבַר סִינַי וַיִּחַנוּ בְּמִדְבַר וַיַּחֲנוּ שָׁם יִשְׂרָאֵל נֶגֶד הַהָר:

Having journeyed from Rephidim, they entered the wilderness of Sinai and encamped in the wilderness. Israel encamped there in front of the mountain.

Rashi picks up on the anomaly that the first three verbs are in plural (ויסעו, ויבאו, ויחנו), while the fourth one switches to singular (ויחן). He explains that the use of the singular verb to describe *Bnei Yisrael's* encampment at *Har Sinai* is to show that they encamped there **אחד בלב אחד** - *as one man with one heart*. This comment of Rashi teaches us that *Bnei Yisrael* arrived at *Har Sinai* as a strongly united people.¹⁷

¹⁶ Rashi on *Shemot* 19:3 says that it was on the second day of the month, i.e. the day after *Bnei Yisrael* arrived at the mountain.

¹⁷ An earlier comment of Rashi on 19:2 additionally says that *Bnei Yisrael* arrived at *Har Sinai* in a state of *teshuva*, penitence. From where does Rashi get the

How is it possible that the nation was united immediately following the incident of the **מקושש עצים**? I want to suggest that it is precisely the incident with the **מקושש עצים** that created the **כאיש אחד בלב אחד** atmosphere at *Har Sinai*, and is part of what motivated Hashem to give Moshe the message that He did about *Bnei Yisrael* being His holy and treasured nation.

I believe that there are two different and opposite ways to read the story of the **מקושש עצים** as an act of unification for *Bnei Yisrael*.

The first way is that the nation was united in the act of punishing the **מקושש עצים**. The *Maskil Le-David*¹⁸ on *Bamidbar* 15:32 says that the incident with the **מקושש עצים** is not written to the disparagement of *Bnei Yisrael*, as Rashi says; rather, it is meant to praise them. The nation saw someone doing something wrong, and they immediately brought him to the *beit din*. They immediately knew to tell him to stop sinning! Additionally, the entire community seems to have acted as a whole—within the five *pesukim* that tell the story of the **מקושש עצים**, the words **כל העדה**, *the whole nation*, appear three times: The people who found him brought him before Moshe, Aharon, and **כל העדה**; Hashem then told Moshe that **כל העדה** should stone the man; and **כל העדה** did stone him.

Read this way, the story of the **מקושש עצים** highlights both the nation's unity and their commitment to God. In sinning, the **מקושש עצים** separated himself from the community, creating a situation in which the nation could not be viewed **כאיש אחד בלב אחד**. Punishing him therefore served the purpose of uniting the nation in two ways. They executed the **מקושש עצים**, thus eliminating this rift in the

idea that they arrived at *Har Sinai* in that state? A suggestion: If they had just killed the **מקושש עצים**, they had, in a sense, done *teshuva* on behalf of a member of the nation who had sinned.

¹⁸ *Maskil Le-David* is a supercommentary on Rashi written by Rabbi David Pardo, who lived from 1718-1790 in Italy, the Baltics, and Jerusalem. He also wrote a commentary on the Mishna.

community. Additionally, they became a group of people united in service of Hashem. Punishing the **מקושש עצים** thus cultivated the perfect atmosphere for *Bnei Yisrael's* arrival at *Har Sinai*, and enabled them to encamp at the mountain as a unified nation, ready to receive the Torah. It was at that point, right after *Bnei Yisrael* proved their commitment to Hashem, that He told them that they will be His holy nation. In this light, it makes perfect sense to say that the story of the **מקושש עצים** happened right before *Har Sinai*.

The second way to understand how the **מקושש עצים** incident led to the unification of *Bnei Yisrael* came to me during OneFamily's 2023 *tekes Yom Ha-zikaron*, which I attended with Midreshet Lindenbaum. Miriam Peretz spoke (via video) about her family's experience of having two sons, Uriel and Eliraz, killed while serving in the IDF. Peretz compared the sense of community she feels and the support that she receives on *Yom Ha-zikaron* to *Bnei Yisrael* at *Ma'amad Har Sinai*, when the entire nation came together **כאיש אחד בלב אחד**.

Peretz's idea inspired me to reflect upon the unification of *Bnei Yisrael* after the **מקושש עצים** incident in a much more positive way. The **מקושש עצים** had to die as a result of his sin, as Hashem clearly commanded in *Bamidbar* 15:35. However, *Bnei Yisrael* may have experienced this as a tragic event that they mourned together as a nation. Why do the *pesukim* say **כל העדה** so many times? Above, I suggested that it was because the nation was united in their resolve to punish the sinner. Alternatively, we can suggest that perhaps the unification came about because the entire nation stood by the **מקושש עצים's** family and friends and supported them throughout the challenging event. When the nation ultimately came together **כאיש אחד בלב אחד** at *Har Sinai*, perhaps what brought them together was their shared experience of national loss and mourning, similar to what Miriam Peretz experienced in the aftermath of her sons' deaths

and what many people often feel in the wake of devastating events. It was that shared experience that uplifted the nation, giving them the strength and unity to receive the Torah and, in doing so, embrace the destiny of *Am Yisrael* as Hashem's גוי קדוש.

Interpreted this way, it is still clear that sinners like the מקושש עצים need to be punished. That is what Hashem commanded, and the nation went through with it with no hesitation, despite the grief they knew was to come. It is exactly the grief, though, that shows us how the *mitzvot* can unite *Bnei Yisrael*. When the *mitzvot* are challenging, when the punishments are intense and difficult to bear—those are the moments when *Bnei Yisrael* are truly able to unite. This reading of the story allows for sympathy toward the מקושש עצים and his family. It highlights a sense of national unity brought about not through the process of punishing someone, but through the process of national recovery after a punishment has been given.

b) Ramban, Rav Hirsch, and Zuckerman Sivan: The Morality of Society Must be Preserved

The Ramban on *Bamidbar* 15:32, in classic Ramban fashion, says that the story of the מקושש עצים happened where it is placed, after the story of the *Meraglim*. This stands in contrast to Rashi, who explains that the story happened around the time of *Matan Torah* in *Shemot*, rather than where it is placed in *Bamidbar*.

The מקושש עצים narrative opens with the phrase וַיְהִי בְּנִי־שָׂרָאֵל - *Bnei Yisrael were in the desert*.¹⁹ The Ramban suggests that this teaches that it was specifically because *Bnei Yisrael* were in the desert for a prolonged period of time due to the sin of the *Meraglim* (Spies) that they had the opportunity for more sins, such as that of the

¹⁹ This was the setting of the מקושש עצים incident. Rashi interprets this phrase to say that it was when they first came into the desert.

מקושש עצים. When the *Meraglim* returned with their negative report about Canaan and the people accepted their perspective, Hashem decreed upon them to wander in the wilderness for forty years until the entire generation died out; only their children would inherit the Land. It was during this period of aimless wandering that the sin of the מקושש עצים occurred. The Ramban is thus using the story to teach a lesson about the nature of sinning: עברה גוררת עברה - *one sin leads to another*. This highlights the importance of punishing the מקושש עצים; had he not been punished, the cycle of sins might have continued.

Rav Hirsch differs from the Ramban in his opinion of the timing of the story.²⁰ While the Ramban says that the story happened where it is placed, Rav Hirsch, like Rashi, moves it earlier. However, unlike Rashi, who says that it happened on the second Shabbos after receiving the *mann*, which we learned may have been a day or two before *Matan Torah*, Rav Hirsch on *Bamidbar* 15:34 says that it occurred on the second Shabbos following *Matan Torah*.²¹

Despite the difference in timing, the overall lesson that we can learn from Rav Hirsch relates to the Ramban's reading of the story as a cautionary tale. Rav Hirsch has an interesting read on the punishment of the מקושש עצים. He points out that the nation knew that the מקושש עצים deserved to die, but not by which death penalty.

²⁰ Rav Samson Raphael Hirsch, *The Hirsch Chumash: Sefer Bemidbar*. Trans. Haberman, Daniel (Jerusalem, Israel: Feldheim Publishers, 2007) 314-315.

²¹ Rav Hirsch cites the opinion in the *Sifrei* that the מקושש עצים violated the second Shabbos. Rav Hirsch points out that the first Shabbos cannot be the Shabbos they received the *mann* (when God first revealed some laws about Shabbos), because the ruling of מות יומת, מחלליה מות יומת, that someone who violates Shabbos will surely die, was only told to the people after *Matan Torah*. Since they had not yet been told that someone who violated Shabbos would be killed, God would not have commanded for that punishment to be given to the מקושש עצים. Therefore, it must be that the "first Shabbos" referred to by the *Sifrei* was the first Shabbos after *Matan Torah*.

Therefore, they warned him that he would be killed,²² but not by which punishment. Rav Hirsch cites the Gemara in *Sanhedrin* 80b, in which Rabbi Yehuda says that a warning is not complete until the sinner knows which death penalty s/he will receive.²³ According to this, the **מקושש עצים** should not have been liable to the death penalty; he was killed only on the basis of a **הוראת שעה**, a special law enacted only for that moment.²⁴ Once Hashem decreed the punishment for someone who was **מקושש עצים** on Shabbos, anyone who committed that sin in the future would be liable to receive the death penalty if they were properly warned. However, at the time of the **מקושש עצים**, it was necessary to make a **הוראת שעה**. The **מקושש עצים** was not technically supposed to be punished, because it was only after the sin and warning that it was known what death penalty he should receive.²⁵

²² While it does not say in the text that they warned him, the commentators seem to agree that they did.

²³ There is an opinion in the Gemara that says that it is not necessary to tell a sinner which form of death penalty s/he deserves. According to this opinion, the warning they gave the **מקושש עצים** would count as a sufficient warning. However, Rav Hirsch seems to accept, or at least to explain and expand upon, the opinion of Rabbi Yehuda.

²⁴ A **הוראת שעה** is a temporary teaching; it is when something is usually forbidden according to *halacha*, but the leader of the time temporarily allows it. This **הוראת שעה** actually came directly from Hashem – they consulted with Him about what to do with the **מקושש עצים**, and He said to stone him. As such, this may not have been a **הוראת שעה** in the normal sense of the concept; instead, I understand it as more of an unexpected teaching of Hashem unique to that time.

²⁵ Rav Hirsch explains that this opinion, that the **מקושש עצים** was only liable to be killed because of a **הוראת שעה**, may explain a statement in the *Sifrei Bamidbar* 114: **לשעה – רגום אותו באבנים – מות יומת האיש – לדורות; רגום אותו באבנים – לשעה** – *the man will surely die – for all generations; stone him – at this time*. The *Sifrei* is picking up on the seemingly redundant language in the *pasuk*: **מות יומת האיש – רגום אותו באבנים** – *the man will surely die, and stone him*. The *Sifrei* explains that these phrases are talking about two different situations. Rav Hirsch ties the *Sifrei* into the opinion of Rabbi Yehuda, that the warning given to the **מקושש עצים** was not a

I think Rav Hirsch's reading shows us how important it was to make an example of the **מקושש עצים**. In the *peshat* of the *pesukim*, it is clear that what the **מקושש עצים** did was negative; the additional layer that perhaps his punishment was not technically *halachically* sanctioned, but rather was allowed only on the basis of a *הוראת שעה*, emphasizes how truly awful his sin was.

But what was it that made the **מקושש עצים**'s sin so awful? Why was he punished so harshly, when according to Rabbi Yehuda, quoted by Rav Hirsch, he technically should not have been punished at all? We learned from the Ramban that one sin can spiral into many more, but was there something particularly severe about this sin that led to the necessity of the *הוראת שעה* and harsh punishment?

The modern approach of Ezra W. Zuckerman Sivan, introduced to me by Rabbi Menachem Leibtag,²⁶ can help us answer these questions. Zuckerman Sivan's take on the story is that its main point is to teach the importance of creating a society in which people are committed to fairness and to looking out for the common good, rather than selfishly doing whatever will most help their own situation.²⁷

full warning because they did not tell him what punishment he was going to receive. If that is true, someone who is **מקושש עצים** on Shabbos would only be liable to the death penalty from after this point, since it was only after the sin that they knew which death penalty he would receive. That is what the *Sifrei* explains when it says *לדורות — מרת יומת האיש*. However, even this **מקושש עצים**, who was not given a full warning, was killed because of a *הוראת שעה*. That is what the *Sifrei* explains when it says *לשעה — רגום אותו באבנים*.

²⁶ Rabbi Menachem Leibtag is a modern Torah scholar and Jewish educator. He teaches throughout Israel, including at Midreshet Lindenbaum, and is a sought-after lecturer throughout the world.

²⁷ Ezra Zuckerman Sivan, "Between Shabbat and Lynch Mobs," The Lehrhaus, June 15, 2017. <https://thelehrhaus.com/scholarship/between-shabbat-and-lynch-mobs/>

Zuckerman Sivan asks the question that we asked of Rav Hirsch: why was the **מקושש עצים** punished so harshly? Zuckerman Sivan's theory is that the **מקושש עצים** represents someone who is focused on himself and takes care of his own needs to the detriment of the rest of the community. His self-centered act had the potential to unleash competition and undermine the fabric of the society *Bnei Yisrael* were trying to create for their new nation. Additionally, at the time of the **מקושש עצים**'s sin, the concepts of a seven-day week and of Shabbos as the seventh day were new innovations; as such, they were not yet firmly established, and could easily have been destroyed.

Zuckerman Sivan explains the incentive someone would have to violate Shabbos: If everyone else closed their store on Shabbos, the one person who opened his/her's would benefit greatly. Or, if everyone left the common area unattended, it would make it easy for one person to raid the area. According to Zuckerman Sivan, the second option is precisely what the **מקושש עצים** did. Zuckerman Sivan explains that wood in the desert was a precious commodity,^{28,29} and the **מקושש עצים** took advantage of everyone else observing Shabbos to steal from the unwatched common area.

²⁸ Zuckerman Sivan brings two supports. The first is that Moshe told the *Meraglim* in *Bamidbar* 13:20 to see if there was wood in Israel. The second is that it does not say that the **מקושש עצים** was killed for violating Shabbos; rather, it says that he was killed for gathering/cutting wood. The main thing that the **מקושש עצים** did wrong was take the opportunity to steal from the public area, risking ruining the morality of society. Shabbos just happened to come up because the nation resting at home gave him the perfect cover to steal.

²⁹ This relates to one of my first thoughts when trying to analyze the story – are there trees in the desert? I remembered the *midrash* that Rashi brings on *Shemot* 26:15, that Yaakov planted trees that *Bnei Yisrael* brought to the desert to build the *Mishkan*. However, this is not proof that there were no trees in the desert. For one thing, it is a *midrash*, and so does not necessarily mean that there were no trees. Also, it is possible that the *Mishkan* needed a specific type

Zuckerman Sivan explains that, had the **מקושש עצים** not been punished so harshly, everyone would have done the same thing that he had done. Each person would have been afraid that everyone else was going to steal from the common area, leaving him with nothing. To prevent that from happening, each person would have thought that they, too, must steal. Society would have deteriorated into thievery, chaos, and each individual looking out for him/herself at the expense of everyone else. This is exactly what we learned from the Ramban: One sin can lead to further sins. Had a **הוראת שעה** not

of wood – *shittim* wood – which did not grow in the desert; however, other types of trees may have.

Continuing in my search: According to Encyclopaedia Britannica (Editors, Encyclopaedia Britannica, “Sinai Peninsula,” July 20, 1998. <https://www.britannica.com/place/Sinai-Peninsula>), the Sinai Desert is part of the great arid climatic belt in northern Africa and southwestern Asia. The aridity results in a degraded soil surface, among other things. However, the encyclopedia explains that despite this, there are, in fact, some plants. Most of the vegetation is ephemeral, meaning it only lasts for a short time, but certain parts near the north and south are home to some perennial, or longer lasting plants – possibly including trees. Additionally, there are salt-tolerant plants, medicinal plants, and fodder (food) plants. Plus, the encyclopedia says that wood trees have been planted, although it seems likely that that was after *Bnei Yisrael*'s time in the *Midbar*. In addition to the encyclopedia, I also consulted with two Judaic studies teachers, Rav David Brofsky and Mrs. Yael Goldfischer. Both of them say that there must have been plants in the *Midbar*.

The *Ohr Ha-chaim* on *Bamidbar* 15:32 actually acknowledges that there might have been a problem with the trees. Why? Because there is a *halacha* in *Chullin* 88 that trees from the desert cannot be used to cover the blood of an animal after it has been killed, because the desert ground is salty and cannot support the growth of plants. So where did the **מקושש עצים** find trees? The *Ohr Ha-chaim* explains that it must be that *Bnei Yisrael* were in the desert for a while at this point. During the years before the **מקושש עצים** sinned, *Bnei Yisrael*'s traveling well had irrigated the desert soil, so that the area around their camp became able to produce plants. Because of this, there were trees around for the **מקושש עצים** to gather or cut. Ultimately, Zuckerman Sivan says that yes, there were trees; however, not a plentiful amount.

been made to punish the **מקושש עצים**, his sin might have spiraled out of control and led to a society full of chaos and devoid of morals.

In a second article, Zuckerman Sivan presents a seemingly opposite approach to the **מקושש עצים** that ends up fitting together with the one discussed above. He writes about the theory, proposed by Rabbi Akiva in the Gemara in *Shabbos* 96b, that the **מקושש עצים** was Tzelafchad. While not much is known about the character Tzelafchad, his daughters became major figures when dividing the land of Israel. In *Bamidbar* 27, the daughters of Tzelafchad requested that they receive their own portion of land in Israel; their father had died due to a sin, leaving his daughters with no land. The outcome of their request was that Hashem allowed them to inherit the land, and instructed that they should marry the relatives of their choice. This ensured that the men in their family would not fight each other for the land, which helped contribute to the continuation of good relations among the people.³⁰

Zuckerman Sivan cites a *Tosafot* on *Bava Batra* 119b, which brings a second part to this *midrash*. As explained, the **מקושש עצים** may have been Tzelafchad. Additionally, the *midrash* adds, the **מקושש עצים** had good intentions in sinning: He selflessly sacrificed himself, knowing that he would be killed, to show the people of his generation that the Torah applied to them despite their imminent deaths in the desert.

What emerges from Zuckerman Sivan's view of Tzelafchad and his daughters is the story of a family whose actions led to the preservation of a moral society, and whose members focused on *mitzvot* and each other's best interests. Just as Tzelafchad, as the **מקושש עצים**, sinned to help the rest of the nation, his daughters'

³⁰ Ezra Zuckerman Sivan, "How to Curtail Pernicious Social Competition: The Legacy of Zelophehad and his Daughters," The Lehrhaus, July 29, 2019.

determination that their father not be forgotten led to a law that limited chances for fighting in the future.

Read in this positive way, the **מקושש עצים** himself recognized the importance of keeping the *mitzvot* and preventing future sinning. His sin reminded his generation and many future ones of the slippery slope that one sin can create. In sinning with this good intention, the **מקושש עצים** achieved the same goals that would have been achieved had he sinned with malicious intent. He was punished, and through that demonstrated the importance of the preservation of moral society and how easily it could have been destroyed. Both of Zuckerman Sivan's articles thus fit perfectly together with the Ramban and Rav Hirsch. Regardless of the **מקושש עצים**'s intentions, his story teaches us the danger of sinning and the importance of preserving a moral society.

c) Summary

As we explained, Zuckerman Sivan's idea offers a possible explanation as to why, according to Rav Hirsch, it was important for the **מקושש עצים** to be punished harshly, and how, as the Ramban explains, one sin can lead to more. In addition, focusing on the timing of the sin can help highlight what made it so terrible. According to Rashi and Rav Hirsch, the **מקושש עצים** sinned either immediately prior to *Matan Torah* (Rashi) or two weeks after *Matan Torah* (Rav Hirsch).³¹ According to Zuckerman Sivan and the

³¹ One must ask, according to Rashi and Rav Hirsch, why the **מקושש עצים** story is told in *Sefer Bamidbar* if it actually occurred right after *Matan Torah*. Perhaps removing it from the context of *Matan Torah* helps emphasize the importance of keeping the *mitzvot* at all times, not just when they were newly received. If it were clear in the Torah that the **מקושש עצים** desecrated Shabbos so soon after *Matan Torah* or the Shabbos with the *mann*, everyone would be horrified that he had dared sin so soon after having received the *mitzvot*. However, reading it in *Bamidbar*, at a relative distance from *Har Sinai*, makes it feel less severe. To teach us otherwise, God made a **הוראת שעה** to punish the **מקושש**

Ramban, the **מקושש עצים** sinned soon after the sin of the *Meraglim*. Either way, as Zuckerman Sivan emphasizes, the sin occurred at a time when observance of Shabbos, as well as observance of all of the *mitzvot*, needed to be strengthened through communal commitment, not worn away by an individual desecrating it. This is true if the **מקושש עצים** sinned soon after the sin of the *Meraglim*, but is an even stronger point if he sinned right around the time of *Matan Torah*. Desecrating Shabbos is a severe sin at any time; at this monumental point in Jewish history, it was especially egregious. Had the **מקושש עצים** been treated leniently at that pivotal moment, it could have served as a disastrous precedent for sinning in the future and undermined *Bnei Yisrael's* commitment to Shabbos and *mitzvot*. Additionally, a major aspect of *Matan Torah*, according to Rashi, was the unity of *Bnei Yisrael*. As we learned, that unity may have come about specifically because of the punishment of the **מקושש עצים**. In this light, it was necessary to punish the **מקושש עצים** at this time in order to strengthen the national unity to prepare for *Matan Torah*.

Rashi's perspective can also tie into Zuckerman Sivan's lesson of creating and preserving a moral, caring society. We learned from Rashi that the death of the **מקושש עצים** was a catalyst for the nation's unification when they encamped at *Har Sinai*. This unity reflected a nation whose people were committed to the *mitzvot* and looked out for each other. Rashi's idea of *Bnei Yisrael* encamping **כאיש אחד בלב אחד** has become a fundamental phrase in Judaism, and emphasizes

עצים. Desecrating Shabbos is viewed by God as extremely severe regardless of how close or distant it is from *Matan Torah*. Placing the **מקושש עצים** story out of order could be an attempt to emphasize that keeping the *mitzvot* is always supremely important, not only when they had just been received.

how important this sense of unity and looking out for the common good is.

Zuckerman Sivan argues that, in addition to the **מקושש עצים** potentially weakening Shabbos observance, his sin could have led to a weakening of *Bnei Yisrael's* creation of a moral society. He explains that it would have been easy for society to fall apart in the desert, for the nation to have become ridden with rampant theft and chaos. It thus makes sense that God felt it was critical to publicly punish the **מקושש עצים** so harshly; it was necessary in order to teach the rest of the nation the importance of creating and preserving a society committed to communal well-being. Just as the Ramban explains that sinning can have a negative effect by leading to more sinning, Zuckerman Sivan explains that one sin that undermines the creation of a community-oriented society can lead to a decline of that society into a chaotic one characterized by a disregard for fellow human beings. As such, it was so important to make a **הוראת שעה** to punish the **מקושש עצים**, as Rav Hirsch points out, in order to strengthen *Bnei Yisrael's* commitment to Shabbos (and the other *mitzvot*) in the period surrounding either *Matan Torah* or the sin of the *Meraglim*, and to help sustain a society committed to the common good. As we learned from Rashi, perhaps it was precisely the nation joining together to punish the **מקושש עצים** or their joint grief in mourning him that created their sense of unity at *Har Sinai*. Thus, the different interpretations of the story of the **מקושש עצים** seem to coalesce around the theme of national unity – unity toward the common goal of creating a moral society committed both to looking out for each other and to fulfilling God's commandments.

Overarching Lesson Learned in Light of the Other .ק.ש.ש. Stories

A further lesson can be learned by analyzing the **מקושש עצים** story in the context of the other stories that use the root .ק.ש.ש.

In the case of *Bnei Yisrael* in *Shemot*, who were forced to provide their own straw to make bricks, their situation of having to be **מקושש** took their awful circumstance and made it worse. The people got upset at Moshe, who then turned to Hashem, who promised a better future. And soon enough, their situation turned around. Hashem punished the Egyptians and then took *Bnei Yisrael* out of Egypt.

The widow in *Melachim Aleph* also started off in a tough situation; it then got better, and then worse, and then better again. The widow was a single mother trying to support herself and her son through a drought. Eliyahu performed a miracle so that her oil and flour would not run out. However, her son then got sick and died. She got upset at Eliyahu, who turned to Hashem and brought the child back to life.

In both of these cases, the person who was being **מקושש** was in a difficult position at the beginning of their story. They got upset at someone who worsened their difficulties. That person then cried out to Hashem, and the situation improved.

Looking at it this way, our **מקושש** story is an outlier. Was he in a difficult position? If he was, that is not clear from the text. Perhaps one could say that being in the desert, forced to wander for years waiting to die, was, in fact, a difficult position. However, the entire nation was in the same situation, and he was the only one who was **מקושש** on Shabbos. Additionally, each of the three stories contains communication to and from Hashem. However, in the other two stories, the communication is written explicitly in the *pasuk*; in our **מקושש עצים** story, we have to infer from the fact that Hashem gave

an answer that Moshe asked Him a question. In the other two cases, the question ultimately led to a positive outcome for those who had been **מקושש**; in our case, the question led to the **מקושש עצים** being killed.

What can we learn from this? It seems from the positive endings of the other two stories that they are a paradigms for how we should go through life, and the story of the **מקושש עצים** is what we should avoid. Both *Bnei Yisrael* in Egypt and the widow were in difficult positions in life, and yet they were trying to do what meager³² work they could to make it better. When someone made things worse for them, they were able to stand up for themselves. This led to a cry to Hashem, Who then improved the situation.

As opposed to that, the **מקושש עצים** in *Bamidbar* is someone whose actions we should not emulate. He was experiencing the same difficult life in the desert that the rest of *Bnei Yisrael* were living, so presumably he was no more desperate than the rest of *Bnei Yisrael*; and yet, he was the only one who responded by being **מקושש עצים** on Shabbos. The question asked of Hashem is one that we have to discern through textual clues; perhaps this highlights the **מקושש עצים**'s distance from Him. Some commentators, such as Ibn Ezra, further emphasize this distance by saying that the **מקושש עצים** may have sinned specifically to defy Hashem or to show that he did not fear Him.³³ Hashem subsequently decreed that he should be killed, which seems to be a fitting response.

³² Abarbanel on *Bamidbar* 15:32 explains that **מקושש** means taking one from here and one from there—neither *Bnei Yisrael* nor the widow had an abundance of straw or wood, they were just working to get the bare minimum that they needed.

³³ *Bamidbar* 15:30, just two *pesukim* prior to the story of the **מקושש עצים**, says, **והנפש אשר תעשה ביד רמה מן האזרח ומן הגר את ה' הוא מגדף ונכרתה הנפש ההוא מקרב עמה** - *But the person, whether citizen or stranger, who acts defiantly reviles Hashem; that person shall be cut off from among the people.* Ibn Ezra on *Bamidbar* 15:2

We can also connect this to the root **ק.ש.ש.** used in *Tzephania*. The *pasuk* in *Tzephania* that uses **ק.ש.ש.** is part of a negative prophecy that talks about **יום אף ה'** - *the day of Hashem's anger*.³⁴ Perhaps the mention of **ק.ש.ש.** there is meant to draw our attention to Hashem's anger³⁵ as a possible outcome of sin, and serve as a warning to those who may want to sin like the **מקושש עצים**.

These contrasting events emphasize that we should avoid being like the **מקושש עצים** in *Bamidbar*. We should not sin; rather we should be fearful of the anger of Hashem. Additionally, we can add that we should attempt to emulate *Bnei Yisrael* in Egypt and the widow. Hopefully we will not have to face challenges like they did, but if we do, I think that the contrast between them and the **מקושש עצים** is teaching us that, just as they did, we should always try to stand up for ourselves, as well as have proper communication with Hashem.

Conclusion

We have explored several commentaries on the story of the **מקושש עצים** and developed lessons that can be learned from this incident, as well as one overarching lesson that emerged from a comparison to the other times the root **ק.ש.ש.** appears in *Tanach*. But do we have a final answer to the questions of what exactly the sin

explains that the reason why the text then talks about the **מקושש עצים** is because he acted **ביד רמה**, defiantly, the same phrase used in *pasuk* 30. Ibn Ezra on *Bamidbar* 15:30 says that acting **ביד רמה** means that the sinner is showing everyone that he does not fear God. Ibn Ezra is thus increasing the severity of the **מקושש עצים**'s sin—according to Ibn Ezra, the **מקושש עצים** did not sin for the sake of having wood, rather he sinned for the sake of showing everyone that he did not fear Hashem.

³⁴ *Tzephania* 2:2.

³⁵ Which, according to Rashi on *Shemot* 4:14, always leads to a punishment.

was, when it happened, who the **מקושש עצים** was, or why he was punished so harshly?

No, we do not—but I do not think we need to have any final answers. I think that part of the point is that the story is ambiguous, and that we are therefore able to interpret it in many ways and use it to learn multiple lessons. None has to be chosen as the correct one; all of the interpretations and all of the lessons are valid and valuable, and perhaps that is the most central lesson of all.

In the conclusion of his essay about Tzelafchad, Zuckerman Sivan writes:

[F]ocusing on whether Zelophehad really was the wood-gatherer and whether his intentions really were good misses the fact that the value of the theory is less in establishing what actually happened “in the wilderness” than in how it leads us to recognize the Torah’s deeper message.³⁶

The important part of the story, Zuckerman Sivan explains, is not determining who the **מקושש עצים** was, what he did, or when the story happened. Rather, the most important part is studying the story in order to learn the message, or messages, that the Torah is trying to teach us. In analyzing different commentators and uses of the root **ק.ש.ש.ש.**, we were able to learn multiple messages from the story of the **מקושש עצים**, thus fulfilling this true goal in studying the text.

³⁶ Zuckerman Sivan, “How to Curtail Pernicious Social Competition.”

Kids in Conflict: The Effects of Favoritism on Siblings in *Tanach*

Chavi Major¹

Introduction

Tanach is rich with stories of relationships: between family, friends, nations, and of course with Hashem. Given that family is such a strong Jewish value, one would think that that would be reflected in the relationships depicted in our history. However, it is quite surprising to find that when it comes to relationships between siblings, there are scarcely any positive relationships found in *Tanach*. In fact, nearly every time siblings interact, it ends in resentment and often even violence. While it seems easy to chalk this up to coincidence, there is one big factor that affects how siblings in *Tanach* interact with each other: favoritism.

In this paper, I will focus on four notable sibling rivalries: Kayin and Hevel, Yaakov and Esav, Rachel and Leah, and Yosef and his brothers. Whether the favoritism comes from their parents, from Hashem, or from someone else, favoring one sibling over the other(s) seems to lead to disaster. When these siblings see that one is being chosen over the other(s), they immediately get jealous and feel as though they are not being treated fairly in comparison to their sibling. This jealousy can become all-consuming, to the point that it is no longer jealousy, but full-blown hatred. In most of these examples, there comes a time when one sibling gets so consumed by

¹ Chavi was mentored by Dr. Nava Finkelman.

becoming the favorite child that they even resort to murder. However, in those same scenarios, the siblings are able to turn everything around and resolve their conflict.

Parental Favoritism

Yaakov and Esav (*Parashot Toldot, Vayeitze, Vayishlach*)

Yaakov and Esav, arguably the most famous sets of twins in *Tanach*, are set against each other even before they are born. While Rivka is pregnant with her sons, she tries to find out more about them. She turns to Hashem, who tells her that they will become two separate nations, "divided," and that the older will serve the younger.

וַיֹּאמֶר ה' לָהּ שְׁנֵי גוֹיִם בְּבֶטְנָךְ וְשְׁנֵי לְאֻמִּים מִמֶּנִּי יִפְרְדוּ וְלֵאמֹם מִלֵּאָם יִאֲמָץ
וְרַב יַעֲבֹד צָעִיר:

Hashem said to her, "Two nations are in your womb, and two peoples from your insides will be divided. One people will overpower the other, and the older will serve the younger" (*Bereishit* 25:23).

This is unusual, certainly within the ancient world, where primogeniture entailed rights: the eldest child, specifically if male, is always given preference. Yitzchak and Rivka cause this division to manifest from a young age by each loving one brother more than the other:

וַיֵּאָהֵב יִצְחָק אֶת עֵשָׂו כִּי צִיד בָּפוּי וְרִבְקָה אֶהָבֶת אֶת יַעֲקֹב:

Yitzchak loved Esav because he brought game to his mouth, while Rivka loved Yaakov (*Bereishit* 25:28).

Rashbam (25:23) explains that Rivka favors Yaakov because Hashem loves him. When Rivka calls out to Hashem during her pregnancy, He reveals to her the prophecy that the older son, Esav, will serve the younger son, Yaakov. Yitzchak is evidently unaware

of this revelation; therefore he favors Esav while Rivka favors Yaakov.

One can assume that while they are growing up, their parents' favoritism leads to tension between the brothers; however, it is only when Esav feels that his status as Yitzchak's favorite is being jeopardized that he begins to become jealous of Yaakov. Once Esav finds out that Yitzchak has given the *beracha* meant for him to his brother, he begins to harbor feelings of hatred towards Yaakov.

וַיִּשְׂטֵם עֵשָׂו אֶת־יַעֲקֹב עַל־הַבְּרָכָה אֲשֶׁר בָּרַךְ אָבִיו וַיֹּאמֶר עֵשָׂו בְּלִבּוֹ יִקְרְבוּ יָמַי
אָבִל אָבִי וְאֶהְרֹגָה אֶת־יַעֲקֹב אָחִי:

Esav harbored hatred against Yaakov for the blessing which his father had blessed him, and Esav said to himself, "The days of mourning for my father draw near; then I will kill my brother Yaakov" (*Bereishit* 27:41).

Esav is only angered by Yaakov's deception because now that Yaakov received the *beracha* from Yitzchak, Esav must compete with him for the love of their father, whereas up until now, Esav was undoubtedly Yitzchak's favorite son. Overtaken by jealousy when he finds out Yaakov is given a second *beracha*, Esav immediately tries doing everything he can to win back Yitzchak's favor.

וַיֵּרָא עֵשָׂו כִּי רָעוֹת בְּנוֹת כְּנָעַן בְּעֵינָיו יִצְחָק אָבִיו: וַיֵּלֶךְ עֵשָׂו אֶל־יִשְׁמָעֵאל וַיִּקַּח
אֶת־מַחְלַת בַּת־יִשְׁמָעֵאל בְּרֵאֲבֵרָהּ אַחֹת נְבוֹיֹת עַל־נָשָׁיו לֹא לְאִשָּׁה:

Esav realized that the women of Canaan were displeasing to his father Yitzchak. Esav went to Yishmael and took Machalat, the daughter of Yishmael, the son of Avraham the sister of Nevayot, in addition to his wives, as a wife (*Bereishit* 28:9-10).

Hoping to prevent Yaakov from becoming the favorite son, Esav marries Machalat, Yishmael's daughter, to prove to his father that he is following the advice given to Yaakov. Esav has begun to take action in order to maintain his previous favoritism as opposed to being favored for his innate hunting abilities.

In contrast to Esav, Yaakov would not have taken an active role in attempting to become the favorite son had it not been for Rivka's interference. When Yitzchak instructs Esav to go prepare him dinner, Rivka is the one who steps in with the plan for Yaakov to get the *beracha* instead of Esav. Yaakov does not seem to have any desires to trick Yitzchak or Esav, but Rivka assures him:

וַתֹּאמֶר לוֹ אִמּוֹ עָלַי קִלְלָתְךָ בְּנֵי אֵד שְׁמַע בְּקוֹלִי וְלֵךְ קַח־לִי:

His mother said to him, "Upon me shall be your curse, my son. Only, listen to me. Go and get them for me" (*Bereishit* 27:13).

Everything Yaakov does to get the *beracha* is instructed to him by Rivka, and all he does is follow what she asks of him. Yaakov has no intentions of usurping Esav as Yitzchak's favorite; he just attends to what his mother requests of him. In fact, the only time Yaakov takes initiative in his relationship with Esav is much later, when he sends messengers to Esav in an attempt at reconciliation.

וַיִּשְׁלַח יַעֲקֹב מַלְאָכִים לְפָנָיו אֶל־עֵשָׂו אָחִיו אֲרֻצָּה שְׁעִיר שָׂדֵה אֱדוֹם: וַיֹּצֵו אֹתָם לֵאמֹר כֹּה תֹאמְרוּן לְאֵדִנִי לַעֲשׂוֹ כֹה אָמַר עַבְדְּךָ יַעֲקֹב עִם־לְבָן גֵּרְתִּי וְאַחֵר עַד עַתָּה: וַיְהִי־לִי שׂוֹר וַחֲמֹר צֹאן וְעֶבֶד וְשִׁפְחָה וְאֲשֻׁלָּהָה לְהַגִּיד לְאֵדִנִי לְמִצְאָחֹן בְּעֵינָיִךְ:

Yaakov sent messengers before him to his brother Esav, to the land of Se'ir, the field of Edom. He commanded them saying, "Thus you should say to my master, to Esav: 'Thus said your servant, Yaakov: I have sojourned with Lavan and have been delayed until now. I have oxen, donkeys, sheep, servants, and maidservants and I have sent to tell my master, to find favor in your eyes'" (*Bereishit* 32: 4-6).

The *Bechor Shor* (32:4) adds that Yaakov sends messengers specifically with good news updating Esav on all he has accomplished while staying with Lavan, and intentionally does not mention anything about Esav's hatred of him. Based on the report the messengers bring back, Yaakov will be aware of Esav's thoughts and will know if Esav is still angry with him.

Unlike his brother, Yaakov feels no need to compete with Esav to be the favorite. Yaakov is the son who is sent out of his house, not Esav, his brother who is trying to kill him. Yaakov runs away from Lavan's house after being away from his own home and parents, hearing no news from them for around 20 years. Despite all this, Yaakov is the brother willing to go out of his way to facilitate peace with Esav. There is no indication to Yaakov that Esav will feel the same way, yet instead of choosing the easier path, continuing to travel while attempting to avoid Esav, he chooses to confront Esav and send a message displaying that he harbors no resentment towards him.

When Yaakov and Esav finally reunite, they tell each other of the good fortune they have both gained in the time during which they have not seen each other. Upon witnessing Yaakov's immense success, Esav finally recognizes that he has no reason to continue contending with Yaakov for Yitzchak's favor, and he tells Yaakov:

יְשִׁלֵּי רֵב אָחִי יְהִי לְךָ אֲשֶׁר-לְךָ: וַיֹּאמֶר יַעֲקֹב אֶל-יְסָו אִם-יָנֹא מִצְאָתִי חֵן בְּעֵינֶיךָ
וְלִקְחָתָּ מִנְּחָתִי מִיָּדִי כִּי עַל-כֵּן רָאִיתִי פְּנֶיךָ כְּרֹאֵת פְּנֵי אֱלֹהִים וַתְּרַצְּנִי: קָח-נָא
אֶת-בְּרַכְתִּי אֲשֶׁר הֵבֵאתָ לְךָ כִּי-חֲנַנִּי אֱלֹהִים וְכִי יְשִׁלִּיכֵל וַיִּפְצְרֵבוּ וַיִּקַּח:

"I have plenty, my brother. Let what is yours be yours." Yaakov said, "No, please. If I have found favor in your eyes, please, take my tribute from my hands, for after all, I have seen your face as one sees the face of God and you were accepting of me. Please, take my blessing which was brought to you, for Hashem has favored me and I have all." He pressed him, and he took it (*Bereishit* 33: 9-11).

Initially, after spending years being favored by his father, Esav feels threatened when Yaakov seems to be replacing him as the favorite son. Esav's jealousy and hatred for Yaakov is what drives Yaakov to run away from home, and for 20 years he has no contact with his brother or his parents. When the brothers finally reunite, Esav no longer views Yaakov as the threat he once was; this could be due to Yaakov's apology. Instead of accepting Esav's offer of

gifts, Yaakov responds by urging Esav to accept gifts of his own. At first Yaakov uses the word *mincha*, gift and then he uses the word *beracha*, blessing. Perhaps by offering Esav gifts using two different words, Yaakov is actually offering him two different things. Not only is Yaakov offering Esav the material wealth he has acquired, but he is also acknowledging that he once “stole” a blessing from Esav and is possibly even offering it back to him in return. Seeing this restoration of his position, Esav no longer has any reason to feel threatened by Yaakov.

During their time apart, both Yaakov and Esav are able to overcome whatever harsh feelings they may have had for one another and when they finally do reunite, they both immediately offer to share everything they have with the other. They have come to realize that in order to repair their relationship, they need to be willing to selflessly give to each other instead of constantly trying to take from each other to gain the favor of their father.

Yosef and his brothers (*Parashot Vayeshev, Miketz, Vayigash, Vayechi*)

Yosef is blatantly favored over all his older brothers, just as his mother Rachel was favored over her sister Leah. Not only is Yosef Yaakov’s favorite son, but Yosef sets himself apart from the rest of his brothers from the start, by informing Yaakov of all the bad deeds his brothers were doing:

יוסף בן שבע עשרה שנה היה רעה את אחיו בצאן והוא נער את בני בלהה
ואת בני זלפה נשי אביו ויבא יוסף את דבתם רעה אל אביהם: וישראל אהב
את יוסף מכל בניו כי בן זקנים הוא לו ועשה לו כתנת פסים:

Yosef was seventeen years old and he would tend the flocks with his brothers; he was an assistant with the sons of Bilhah and the sons of Zilpa, his father's wives. Yosef brought a bad report regarding them to his father. And Yisrael loved Yosef more than all his sons because he was a son of his old age, and he made him a long, colored tunic (*Bereishit 37:2-3*).

From his brothers' perspective, Yosef tattles on them and is rewarded by becoming their father's favorite. Yaakov even goes so far as to give Yosef a *ketonet passim*² to wear, and every time his brothers see it, they are reminded of Yosef's status as Yaakov's favorite son. Inevitably, his brothers become jealous of this blatant display of favoritism and quickly come to hate Yosef:

וַיֵּרְאוּ אָחָיו כִּי אֶתּוֹ אָהַב אָבִיהֶם מִכָּל אָחָיו וַיִּשְׁנְאוּ אֹתוֹ וְלֹא יָכְלוּ דַבְּרוֹ לְשָׁלֵם:
וַיַּחְלֹם יוֹסֵף חֲלוֹם וַיַּגִּד לְאָחָיו וַיּוֹסְפוּ עוֹד שִׁנְאָה אֹתוֹ... וַיֹּאמְרוּ לוֹ אָחָיו הַמֶּלֶךְ
תִּמְלֹךְ עָלֵינוּ אִם מִשׁוֹל תִּמְשָׁל בָּנוּ וַיּוֹסְפוּ עוֹד שִׁנְאָה אֹתוֹ עַל חֲלֻמֹתָיו וְעַל דְּבָרָיו:

His brothers saw that their father loved him more than all his brothers, and they hated him and could not speak peaceably to him. Yosef dreamed a dream and he told his brothers, and they hated him even more...His brothers said to him, "Will you indeed reign over us? Will you indeed rule over us?" And they hated him even more for his dreams and for his words (*Bereishit* 37:4-8).

Through his retelling of his dreams, the brothers come to think that Yosef views himself as superior to them. It is this that sparks his brothers' hatred of him, and they become so consumed by it that no matter what Yosef does, he only adds fuel to the flames. When Yosef starts having dreams about his family bowing down to him, his natural response is to go share it with his brothers, but this only angers them further. Instead of seeing their little brother sharing his excitement with them, all they can see is the little brother who already has the favor of their father, bragging about how one day they will all be subservient to him.

Seeing how jealous and angry his other sons have become, Yaakov tries to step in and mediate the tension:

וַיִּגְעַר בּוֹ אָבִיו וַיֹּאמֶר לוֹ מַה הַחֲלוֹם הַזֶּה אֲשֶׁר חֲלַמְתָּ הַבּוֹא נְבוֹא אֲנִי וְאִמִּי
וְאֶחָיִךְ לְהִשְׁתַּחֲוֹת לְךָ אֲרָצָה: וַיִּקְנְאוּ בּוֹ אָחָיו וְאָבִיו שָׁמַר אֶת הַדָּבָר:

His father berated him and said to him, "What is this dream you dreamed? Will we really come, I and your mother and your

² A special tunic that stood out either for its color, design, or material.

brothers, to bow down to you to the ground?" His brothers were jealous of him, but his father kept the matter in mind (*Bereishit* 37:10-11).

In front of all of his sons, Yaakov reprimands Yosef, tells him that those dreams will never come to fruition, and pretends that the dreams are preposterous. However, to himself, Yaakov keeps thinking about Yosef's dreams and waits for the day when they will become a reality. Even when Yaakov tries to take the side of the rest of his sons, he still ultimately sides with Yosef.

Soon after, Yaakov sends Yosef to bring food to his brothers who are shepherding. When they see him approaching, they plot together to kill him.

וַיֵּרְאוּ אֹתוֹ מֵרֶחֶק וּבְטָרֵם יִקְרַב אֵלֵיהֶם וַיִּתְנַכְלוּ אֹתוֹ לְהַמִּיתוֹ: וַיֹּאמְרוּ אִישׁ אֶל
אָחִיו הֲנֵה בָעַל הַחֲלֹמוֹת הַלְזָה בָּא: וְעַתָּה לָכֵן וְנִהְרָגְהוּ וְנִשְׁלַכְהוּ בְּאֶחָד הַבְּרוֹת
וְאָמַרְנוּ חַיָּה רָעָה אֲכָלְתָהוּ וְנִרְאָה מָה יְהִי חֲלֹמְתָיו:

They saw him from afar, and before he approached them, they conspired against him to kill him. They said one to another, "Here comes that master of dreams. And now, come, let us kill him and we will throw him into one of the pits and say, 'A savage beast has devoured him', and let us see what becomes of his dreams" (*Bereishit* 37:18-20).

Yosef has not even made it all the way to his brothers when they decide that they need to come up with a plan to kill him. At this point, the brothers have no idea what Yosef's intentions are in coming over to them, yet they see him as a threat and feel the need to get rid of him.

וַיֹּאמֶר יְהוּדָה אֶל אָחִיו מַה בְּצַע כִּי נִהְרָג אֶת אָחִינוּ וְכִסִּינוּ אֶת דַּמּוֹ: לָכֵן וְנִמְכְּרֵנוּ
לְיִשְׁמַעֲאֵלִים וַיִּדְנוּ אֵל תְּהִי בּוֹ כִּי אָחִינוּ בְּשָׂרְנוּ הוּא וַיִּשְׁמְעוּ אָחִיו:

Yehuda said to his brothers, "What gain is there if we kill our brother and cover his blood? Come, let us sell him to the Yishmaelites, and let our hands not be upon him, for he is our brother, our flesh;" and his brothers listened (*Bereishit* 37:22-27).

When Yehuda suggests selling him instead of killing him, it is not because they realized they should not murder their brother. Rather, it seems that they are suggesting it to save themselves from committing first degree murder. Yehuda has found a way to easily remove Yosef from his position as favorite son, and not only will they not have to have a guilty conscience about murdering their brother, they will actually benefit from it. From there it is quite easy to get the rest of the brothers on board with this plan, except for Reuven:

וַיִּשְׁמַע רְאוּבֵן וַיִּצְלָהוּ מִיָּדָם וַיֹּאמֶר לֹא נִכְנֹו נַפְשׁ: וַיֹּאמֶר אֲלֵהֶם רְאוּבֵן אֵל תִּשְׁפְּכוּ דָם הַשְּׁלִיכוּ אֹתוֹ אֶל הַבּוֹר הַזֶּה אֲשֶׁר בְּמִדְבַּר וַיֵּד אֵל תִּשְׁלָחוּ בּוֹ לְמַעַן הַצִּיל אֹתוֹ מִיָּדָם לְהַשִּׁיבוֹ אֵל אָבִיו... וַיֵּשֶׁב רְאוּבֵן אֶל הַבּוֹר וְהָנָה אֵין יוֹסֵף בְּבוֹר וַיִּקְרַע אֶת בְּגָדָיו: וַיֵּשֶׁב אֵל אָחִיו וַיֹּאמֶר הִילָד אֵינֶנּוּ וְאָנִי אָנָה אָנִי בָּא:

Reuven heard and saved him from their hand. He said, "Let us not take his life." Reuven said to them, "Do not spill blood; cast him into this pit which is in the wilderness, but do not lift your hand against him" – so as to save him from their hand and return him to his father... Reuven returned to the pit, and, behold, Yosef was not in the pit; and he rent his garments. He returned to his brothers and said, "The boy is gone! And I, where will I go?" (*Bereishit* 37:21-30).

The *Bechor Shor* (37:21) illustrates Reuven's thoughts and actions by explaining that, as the oldest son, the responsibility all falls on Reuven. If the brothers murder Yosef, Yaakov will blame Reuven for not attempting to stop them. Reuven feels the need to intervene and save Yosef, not necessarily for the sake of Yosef, but possibly even to save himself from the wrath of his father. Accordingly, the *Bechor Shor* explains Reuven's distress upon hearing that Yosef was sold as distress for his own fate rather than Yosef's. Reuven wants to be the one to return Yosef to Yaakov, thereby increasing his standing with their father, but once he learns that Yosef has been sold, he loses that opportunity in addition to having to bear all the responsibility and blame for Yosef's disappearance.

For the next 22 years, Yosef and his brothers have no contact whatsoever. His brothers have no idea what has happened to Yosef; for all they know, he may no longer be alive. When they go down to Egypt for grain, they do not know that Yosef is there, but Yosef immediately recognizes them. He last saw his brothers when they were trying to murder him out of hatred and jealousy, and as far as he knows, they may still harbor hatred towards him. Yosef then interrogates his brothers under the guise of them being spies, pressing them for more information.

Ramban (42:9) understands the entire reunion between Yosef and his brothers as Yosef investigating whether his brothers have changed in the 22 years since they have been together.³ First, Yosef inquires to make sure Binyamin is still alive, and then he commands his brothers to go back to Canaan and return with Binyamin. Upon seeing that they indeed return with their youngest brother, Yosef hides his goblet in Binyamin's bag to test the rest of the brothers. Will they come to Binyamin's aid and save him, or have they grown to hate him too, just like they did with Yosef? When Yosef sees that Yehuda immediately and without hesitation steps in to defend Binyamin, Yosef chooses to reveal his identity to his brothers.

וְלֹא יָכַל יוֹסֵף לְהִתְאַפֵּק לְכָל הַנּוֹצְבִים עָלָיו וַיִּקְרָא הוֹצִיאוּ כָּל אִישׁ מֵעָלַי וְלֹא
עָמַד אִישׁ אִתּוֹ בְּהִתְנוּדַע יוֹסֵף אֶל אַחָיו:

Yosef could not control himself before all who were standing before him, and he called, "Remove everyone from before me."

³ There are other approaches as to Yosef's intent in the reunion, summarized by Dr. Brachi Elitzur in an article titled, "*Miketz*: Yosef's Behavior with His Brothers" which can be found on the Virtual Beit Midrash at <https://etzion.org.il/en/tanakh/torah/Sefer-Bereishit/parashat-miketz/miketz-yosefs-behavior-his-brothers-1>.

See also Rav Zeev Weitman's article, "*Miketz*: Why did Yosef Hide His Identity from His Brothers?" which can also be found on the VBM: <https://etzion.org.il/en/tanakh/torah/sefer-bereishit/parashat-miketz/miketz-why-did-yosef-hide-his-identity-his-brothers>

So no one was standing with him when Yosef made himself known to his brothers (*Bereishit* 45:1).

It is only once Yosef is confident that his brothers have changed, that they are not harboring hatred towards Binyamin, and that they may even regret what they did to him, that he is able to bring himself to tell them who he really is.

Following his revelation, Yosef overwhelms his brothers with his kindness despite everything they put him through. Instead of coming to hate them, Yosef sees that they have reformed their ways and chooses to forgive his brothers.

וַיֹּאמֶר אֲנִי יוֹסֵף אֲחֵיכֶם אֲשֶׁר מָכַרְתֶּם אֵתִי מִצְרַיִם: וְעַתָּה אֵל תַּעֲצְבוּ וְאֵל יִשְׁלַחֲנִי בְעֵינֵיכֶם כִּי מָכַרְתֶּם אֵתִי הַנֶּהָה כִּי לְמַחֲיָה שְׁלַחֲנִי אֱלֹקִים לַפְּנֵיכֶם... וַיִּשְׁלַחֲנִי אֱלֹקִים לַפְּנֵיכֶם לְשׁוּם לְכֶם שְׂאֲרֵית בְּאֶרֶץ וְלְהַחֲיֹת לְכֶם לַפְּלִיטָה גְדוֹלָה: וְעַתָּה לֹא אַתֶּם שְׁלַחְתֶּם אֵתִי הַנֶּהָה כִּי הָאֱלֹקִים...
...לא אתם שלחתם אתי הנה כי האלוקים...

"I am Yosef, your brother whom you sold to Egypt. Now, do not be pained, and do not be angry with yourselves that you sold me here, for God sent me before you to be a source of sustenance...God sent me before you to make for you a remnant in the land, and to preserve life for you, that there be many survivors. And now, it was not you who sent me here, but rather God..." (*Bereishit* 45:4-8).

Yosef is constantly reiterating that this was all Hashem's plan and that it is not his brothers' fault that he ended up in Egypt. Even after Yaakov dies, the brothers are still in shock, and Yosef must still reassure them that he will not take revenge now that their father has died. Once Yosef sufficiently reassures his brothers that they are forgiven, he proves it to them by providing for them and their families until he dies:

וַיֹּאמֶר אֲלֵהֶם יוֹסֵף אֵל תִּירְאוּ כִּי הִתַּחַת אֱלֹקִים אֲנִי: וְאַתֶּם חֲשַׁבְתֶּם עָלַי רָעָה אֱלֹקִים חֲשַׁבָה לְטוֹבָה לְמַעַן עֲשֶׂה כִּיּוֹם הַזֶּה לְהַחֲיִית עִם רַב: וְעַתָּה אֵל תִּירְאוּ אֲנִי אֲכַלְכֵּל אֶתְכֶם וְאֶת טַפְּכֶם וַיְנַחֵם אוֹתָם וַיְדַבֵּר עַל לִבָּם:
...אני אכלכל אתכם ואת טפכם וינחם אותם וידבר על לבם:

Yosef said to them, "Do not fear. Am I in place of God? Though you meant it as evil against me, God meant it for good, in order to do, as is clear today, to keep many people alive. And now, do

not fear; I will provide for you and your little ones." He comforted them and spoke to their hearts (*Bereishit* 50:19-21).

From the time Yosef is born, he is outwardly favored over all his other brothers, which causes tension between them for their entire childhood. Eventually, his brothers grow to hate Yosef so much that they sell him into slavery, and it is only in his absence that the brothers are able to overcome their jealousy, repent, and accept Yosef's endeavors for reconciliation.

Lessons Learned from Studying Parental Favoritism

In both examples of parental favoritism, coincidentally those of fathers and sons, the relationship between the brothers starts off on the wrong foot. Regarding both sets of brothers, one of the first things we know about them is that one of the brothers is favored over his brother(s) by their father. These brothers spend most of their childhoods competing to be the favorite son, and this causes animosity between them. While Yosef's brothers are jealous that he has always been Yaakov's favorite, Esav only becomes jealous when Yaakov starts to overthrow him as favorite.

Regardless of when the jealousy begins, in both cases it fuels hatred, which leads to attempted fratricide. However, the younger brother manages to leave, giving the heat of the moment time to cool down. The time apart is what ultimately enables both sets of brothers to make up more than twenty years down the line. Had Yaakov and Yosef not left their homes, their brothers likely would have been so consumed by their hatred that it would only have been a matter of time before they would have successfully murdered them. Since the brothers were able to distance themselves, they gained much-needed separation from the person that was causing them so much anguish, which enabled them to come to the realization that their only chance at peace was putting aside their feelings of resentment.

From these two examples, it seems that when parents favor one child over the other, it causes one child to harbor hatred for their sibling, which can only lead to disaster. If given the chance to separate themselves from the subject of their hatred and envy, siblings have a better chance at reconciliation.

Hashem's Favoritism

Kayin and Hevel (*Bereishit* 4)

Kayin and Hevel are the first brothers to appear in *Tanach*, and we have scant information about their relationship. The only information known to us about the brothers prior to their feud is their occupations:

וַיְהִי־הֶבֶל רֹעֶה צֹאן וְקַיִן הָיָה עֹבֵד אֲדָמָה:

Hevel was a shepherd, while Kayin was a worker of the ground (*Bereishit* 4:2).

Kayin decides to bring a *korban* to Hashem with the fruit that he has grown as a farmer, followed by Hevel bringing a *korban* of his own from the sheep he has raised as a shepherd.

וַיְהִי מִקֵּץ יָמִים וַיָּבֵא קַיִן מִפְּרִי הָאֲדָמָה מִנְחָה לַה': וְהֶבֶל הֵבִיא גַם הוּא מִבְּכֹרוֹת צֹאֲנוֹ וּמִחֻלְבָּהֶן וַיִּשַׁע ה' אֶל הֶבֶל וְאֶל מִנְחָתוֹ: וְאֶל קַיִן וְאֶל מִנְחָתוֹ לֹא שָׁעָה וַיִּחַר לְקַיִן מְאֹד וַיִּפְּלוּ פָּנָיו:

After some time, Kayin brought an offering to Hashem from the fruit of the ground. Hevel, too, brought from the firstlings of his flock and the fattest. Hashem looked favorably on Hevel and his offering, but on Kayin and his offering, He did not look favorably. Kayin was very angry and his face fell (*Bereishit* 4:3-5).

Kayin comes up with the novel idea of bringing a *korban* to Hashem from the fruits of his labor, while his younger brother just steals his idea, and makes it his own by bringing animals. Then Kayin's *korban* gets rejected by Hashem whereas Hevel's is accepted, so naturally Kayin quickly becomes jealous of and upset with Hevel

for receiving Hashem's love. The last straw for Kayin is when Hashem rebukes him:

וַיֹּאמֶר ה' אֶל־קַיִן לָמָּה חָרָה לְךָ וְלָמָּה נָפְלוּ פָנֶיךָ:

Hashem said to Kayin, "Why are you angry and why has your face fallen?" (*Bereishit* 4:6).

Hashem, in essence, tells Kayin that he has no right to be angry at Hevel for what he did. All this accomplishes is further angering Kayin, so much so that he is overcome with jealousy and decides to take action to dethrone Hevel from his position as Hashem's favorite. Kayin immediately turns to Hevel, and while in the field, murders him. Kayin seemingly doesn't realize what he did to his brother until Hashem confronts him about Hevel's whereabouts:

וַיֹּאמֶר ה' אֶל־קַיִן אֵי הֶבֶל אָחִיךָ וַיֹּאמֶר לֹא יָדַעְתִּי הֲשָׁמֵר אָחִי אֲנֹכִי: וַיֹּאמֶר מֶה עָשִׂיתָ כֹּל דְּמֵי אָחִיךָ צֹעֲקִים אֵלַי מִן־הָאֲדָמָה ... וַיֹּאמֶר קַיִן אֵל ה' גְּדוֹל עֲוֹנֵי מִנְּשָׂא: הֵן גִּרְשִׁית אֹתִי הַיּוֹם מֵעַל פְּנֵי הָאֲדָמָה וּמִפְּנֵיךְ אֶסְתַּר:

Hashem said to Kayin, "Where is your brother Hevel?" He said, "I don't know. Am I my brother's keeper?" He said, "What have you done? Listen! Your brother's blood cries out to me from the ground" ... Kayin said to Hashem, "My punishment⁴ is too great to bear. Behold, you have banished me today from the face of the earth, and from your face I will be hidden (*Bereishit* 4:9-14).

While many *mefarshim* understand this as Kayin confessing that his sin is too much for him to bear, Ibn Ezra (4:13) says it is not the loss of his brother that causes Kayin distress, but rather the punishment itself.⁵ It is possible that Kayin's sole intention in murdering Hevel was to remove him from the picture and enable himself to gain more favor in Hashem's eyes; however, the result is the exact opposite. Instead of becoming favored by Hashem, Kayin is actually rejected, cursed, and sentenced to a nomadic existence.

⁴ While *avoni* tends to be translated as "my sin," some *mefarshim*, such as the Ibn Ezra, point out that it can also be translated as "my punishment."

⁵ See footnote 3.

To Kayin, this punishment is the ultimate slap in the face. The *Bechor Shor* (4:14) explains that Kayin feels as if Hashem hates him and has therefore left him unprotected for anyone to come and kill him.

Prior to Hevel's *korban* being chosen over Kayin's, we know nothing about the nature of the brothers' relationship, but once Hevel is favored over him, Kayin feels he must do everything in his power to reclaim his spot as number one in Hashem's eyes. Even if he does not intend to cause harm to his brother, Kayin is so overcome by jealousy that the only option he sees is murdering Hevel, so that he, Kayin, would be the only one left for Hashem to favor.

Spousal Favoritism

Rachel and Leah (*Parshat Vayeitze*)

Rachel and Leah are one of the only pairs of sisters in *Tanach*, and from the first time they are mentioned, they are already being compared to each other, which sets the framework for the rest of their relationship.

וּלְלֵבָן שְׁתֵּי בָנוֹת שֵׁם הַגְּדֹלָה לְאָה וְשֵׁם הַקְּטָנָה רַחֵל: וַעֲיִנֵי לְאָה רַכּוֹת וְרַחֵל
הִיְתָה יְפֹת תֹּאֵר וַיְפֹת מְרֹאָה:

And Lavan had two daughters. The name of the older was Leah and the name of the younger was Rachel. Leah's eyes were soft, while Rachel was shapely and beautiful (*Bereishit* 29:16-17).

There is debate among the *mefarshim* whether "Leah's eyes were soft" is to her benefit or her detriment.⁶ Either way, the fact that the text provides any information on the appearance of the sisters is evidently trying to set up a comparison between the two, which will continue for most of their lives.

⁶ For example, Rashbam explains *rakkot* as beautiful while Ibn Ezra explains it to mean weak.

When Yaakov first sees Rachel, he is immediately drawn to her. The attraction is so strong that it provides him with the supernatural strength to roll a massive boulder off the top of the well, as it says:

וַיְהִי כַּאֲשֶׁר רָאָה יַעֲקֹב אֶת רַחֵל בֵּת לָבָן אַחֵי אִמּוֹ וְאֵת צֹאן לָבָן אַחֵי אִמּוֹ וַיִּגַּשׁ
יַעֲקֹב וַיִּגְלֹל אֶת הָאֶבֶן מֵעַל פִּי הַבְּאֵר וַיִּשְׁקֵק אֶת צֹאן לָבָן אַחֵי אִמּוֹ: וַיִּשְׁקֵק יַעֲקֹב
לְרַחֵל וַיִּשָּׂא אֶת קְלוֹ וַיִּבְךְּ:

When Yaakov saw Rachel, the daughter of Lavan, his mother's brother, and the sheep of Lavan, his mother's brother, Yaakov approached and rolled the stone from the mouth of the well and watered the sheep of Lavan, his mother's brother. Yaakov kissed Rachel and raised his voice and wept (*Bereishit* 29:10-11).

Yaakov always loves Rachel, and has no interest in Leah until and even after Lavan tricks him into marrying her instead of Rachel. From the start Leah is always the secondary wife, the unwanted one, while Rachel, her younger sister, is always the favored, more desirable wife.

וַיָּבֹא גַם אֶל־רַחֵל וַיֶּאֱהָב גַּם־אֶת־רַחֵל מִלֵּאָה וַיַּעֲבֹד עִמּוֹ עוֹד שֶׁבַע־שָׁנִים אַחֲרֹת:
וַיִּרְאֵהָ כִּי־שָׂנוּאָהּ לֵאמֹר וַיִּפְתַּח אֶת־רַחֲמֶיהָ וַרְחֵל עָקְרָה:

He came to Rachel as well, and he loved Rachel, too, more than Leah. He worked with him [Lavan] for yet another seven years. Hashem saw that Leah was hated and He opened her womb, but Rachel was barren (*Bereishit* 29:30-31).

Ramban (29:30-31) points out this is an unnatural occurrence which is why it needs to be mentioned. Ordinarily, a man with multiple wives loves and prefers his first wife to all the other wives, yet Yaakov does not favor Leah, his first wife. The word *gam* (also) teaches that not only did Yaakov love Rachel, even though she is his second wife, but he even loves her more than Leah. Moreover, Ramban understands the word *senua*, hated, to mean that Yaakov even grows to hate Leah, so much so that he wants to divorce her once he marries Rachel. Even though Lavan is the one who tricks Yaakov into marrying Leah, Ramban believes that Leah should have given Yaakov an indication that it was her he is marrying and not

Rachel. When Hashem sees that Yaakov hates Leah for her deceitfulness, He gives her children to prevent Yaakov from abandoning her. However, as Ramban notes, many other *mefarshim*, such as Radak, believe that *senua* does not mean that Yaakov hated Leah, but that Leah is less loved by Yaakov than Rachel is.

Either way, Leah becomes jealous of the love Yaakov has for Rachel, and grows resentful. One would assume that once Leah starts having children, the roles would become reversed and Leah will slowly begin to be favored over Rachel. However, as seen from the naming of her first three sons, nothing has changed. After the birth of Reuven, Leah says:

כִּי עַתָּה יֶאֱהָבֵנִי אִישִׁי:

"Surely, now, my husband will love me" (*Bereishit* 29:32).

Leah explains Shimon's name saying:

כִּי־שָׁמַע ה' כִּי־שִׂנְאוּאָה אֲנֹכִי וַיִּתְּרֵלִי גַם־אֶת־זֶה:

"Because Hashem has heard that I am hated and gave me this one, too" (*Bereishit* 29:33).

And after the birth of Levi, Leah says:

עַתָּה הִפָּעַם יִלְוֶה אִישִׁי אֵלַי כִּי־לָדַתִּי לוֹ שְׁלֹשָׁה בָּנִים:

"Now, this time, my husband will attach himself to me for I have borne him three sons" (*Bereishit* 29:34).

In the naming of each of her first three sons, Leah highlights how she is the unloved, hated wife. She assumes that after she provides Yaakov with three sons, he might finally love her, but she is still just the secondary wife. Surprisingly, despite being the favorite wife, Rachel is nevertheless jealous of Leah:

וַתֵּרָא רָחֵל כִּי לֹא יִלְדָה לְיַעֲקֹב וַתִּקְנֶה רָחֵל בְּאֶחָתָהּ וַתֹּאמֶר אֶל־יַעֲקֹב הִבְהִילִי בָּנִים וְאִם־אֵין מִתָּה אֲנֹכִי:

Rachel saw that she had not borne children to Yaakov, and Rachel became envious of her sister. She said to Yaakov, "Give me children! If not, I am dead" (*Bereishit* 30:1).⁷

Rachel is not satisfied with being Yaakov's favorite. She feels compelled to compete with her sister,⁸ and if Leah has borne sons, Rachel feels the need to do so as well. She demands that Yaakov give her sons, and when this is unsuccessful, she gives her maidservant Bilha to Yaakov. Once Bilha gives birth to two sons, Rachel names them and says in reference to Naftali's name:

נַפְתּוּלִי אֶלְקִים נִגַּתְתִּי עִם־אָחֳתִי גַם־נִכַּלְתִּי:

"Mighty struggles have I struggled with my sister; I have also prevailed" (*Bereishit* 30:8).

Once Rachel has provided Yaakov with a couple of sons, she feels that she has prevailed over her sister. She is still the favorite wife, but now that she has also given Yaakov sons like Leah has, Leah no longer has any advantage over Rachel.

Seeing that giving Yaakov her maidservant works out for Rachel, Leah decides to follow suit and gives Zilpa to Yaakov. Ramban (30:9) assumes that the reason Leah gives Zilpa to Yaakov, even though she already has sons, is that she knows Yaakov is to have twelve sons, and so she gives Zilpa to Yaakov to ensure that the majority of sons will come from her and not from Rachel. Despite having more children than Rachel, Leah is not satisfied and needs to secure her status as being the mother to the majority of Yaakov's

⁷ It is interesting to note that, in contrast to the brothers who were drawn to murder because of their jealousy, Rachel desires her own death because of her jealousy.

⁸ While most people tend to assume Leah was the jealous sister, interestingly the Torah describes Rachel's jealousy of her sister, but never says the same regarding Leah.

children, to prevent Rachel from having more children than she does.

After Rachel has two sons through Bilha, and Leah has four sons of her own plus two sons through Zilpa, Reuven finds the *dudaim* (mandrakes):

וַיֵּלֶךְ רְאוּבֵן בְּיָמֵי קְצִיר־חֲטִיִּים וַיִּמְצָא דוֹדָאִים בְּשָׂדֶה וַיָּבֵא אֹתָם אֶל־לֵאָה אִמּוֹ
וַתֹּאמֶר רַחֵל אֶל־לֵאָה תִּנְיָנָא לִי מִדּוֹדָאֵי בְּנֶיךָ: וַתֹּאמֶר לָהּ הֲמַעֲטָ קַחְתְּךָ אֶת־אִישִׁי
וְלָקַחְתָּ גַם אֶת־דּוֹדָאֵי בְּנֵי וַתֹּאמֶר רַחֵל לָכֵן יִשְׁכַּב עִמָּךְ הַלַּיְלָה תַּחַת דּוֹדָאֵי בְּנֶיךָ:

Reuven went out in the time of the wheat harvest and found mandrakes in the field and brought them to his mother, Leah. Rachel said to Leah, "Please, give me from the mandrakes of your son." She said to her, "Is it not enough that you took my husband that you would take also my son's mandrakes?" Rachel said, "Therefore, he will sleep with you tonight in return for your son's mandrakes" (*Bereishit* 30: 14-15).

There is debate among the *mefarshim* whether the *dudaim*⁹ have any fertility benefit or if they are just scented flowers, but regardless of what they are, it is evident that Rachel wants to keep them out of Leah's possession. Rachel so desperately wants to have the *dudaim* over Leah, that she is even willing to give up a night with Yaakov in order to keep them away from her sister.

Following the incident with the *dudaim*, the only other time the sisters are mentioned in connection to each other is when Yaakov tells them they must leave Lavan's house:

וַתַּעַן רַחֵל וְלֵאָה וַתֹּאמְרֶנָּה לוֹ הֲעוֹד לָנוּ חֶלֶק וְנַחֲלָה בְּבֵית אָבִינוּ: הֲלוֹא נִכְרִיתוֹת
נִחְשְׁבָנוּ לוֹ כִּי מִכְרָנוּ וַיֹּאכֵל גַּם אֶכּוֹל אֶת כֶּסֶפֶנוּ: כִּי כָל הָעֵשֶׂר אֲשֶׁר הֵצִיל
אֱלֹקִים מֵאֲבִינוּ לָנוּ הוּא וּלְבַגְיֵנוּ וְעֵתָה כָּל אֲשֶׁר אָמַר אֱלֹקִים אֵלֶיךָ עָשָׂה:

Rachel and Leah replied and said, "Do we still have a portion or inheritance in our father's house? Are we not considered as foreigners by him? For, he has sold us and has also totally consumed our money. For all the wealth that God removed from

⁹ For a thorough analysis of the *dudaim* narrative, refer to Abby Kogan's article, "Flora and Family," in the 5782 Matmidot Scholars Journal, pages 5-39.

our father belongs to us and our children; now, then, do all that God has said to you" (*Bereishit* 31:14-16).

The word used to introduce Rachel and Leah's response, *va-ta'an* (and she answered), is singular feminine, but if both Rachel and Leah are responding to Yaakov, it should be plural - *va-ta'anena* (and they answered).

There are two similar cases in which a verb is conjugated in the singular while referring to multiple people,¹⁰ where Rashi explains that the inconsistency indicates that the group is united **כאיש אחד** **בלב אחד** - as one man with one heart.¹¹

It is possible that the word *va-ta'an* is used instead of *va-ta'anena* to signify that Rachel and Leah have developed some sense of unity, and are responding to Yaakov **כאשה אחת בלב אחד**.¹² If so, this would mean that the sisters are finally able to unite toward a common cause, that of supporting Yaakov in leaving Lavan's house and

¹⁰ The first case is *Shemot* 14:10 which says: **והנה מצרים נסע אחריהם** - and behold the Egyptians were coming after them, using the singular verb **נסע** for the Egyptians, even though the previous *pasuk* says: **וירדפו מצרים אחריהם וישיגו** - and the Egyptians pursued them and overtook them as they were encamped by the sea, using the plural verbs **וירדפו** and **וישיגו** for the Egyptians. This leads Rashi to comment: **בלב אחד כאיש אחד** - that the Egyptians were coming after *Bnei Yisrael* as one unified mob.

The second example is *Shemot* 19:2, which says: **ויקעו מרפידים ויבאו מדבר סיני** - Having journeyed from Rephidim, they entered the wilderness of Sinai and encamped in the wilderness; **ויחון ישראל נגד ההר** - Israel encamped there in front of the mountain. The first three verbs are in plural (**ויבאו**, **ויקעו**, **ויחון**), while the fourth one switches to singular (**ויחון**). Rashi explains that the use of the singular verb to describe *Bnei Yisrael's* encampment at *Har Sinai* is to show that they encamped there **כאיש אחד בלב אחד** - as one man with one heart.

¹¹ There is an additional case of multiple speakers with a singular verb in *Bamidbar* 12:1 where Rashi offers an explanation other than **כאיש אחד בלב אחד**. There, Rashi explains that it was Miriam who started speaking and only afterwards did Aharon join her; therefore it is conjugated in the singular.

¹² However, since Rashi does not offer this explanation here it is possible that he believes it does not apply to this situation of Rachel and Leah.

following God's command to "*Get up, go out of this land, and return to the land of your birth.*"¹³

After years of competition stemming from their husband's favoritism, Rachel and Leah are finally able to resolve their feud, and work together to support their husband, Yaakov.

Lessons Learned from Third Party Favoritism

Both with Kayin and Hevel and Rachel and Leah, the contentious nature of their relationship only really begins when a third party favors the younger sibling over the older. Subsequently, the older sibling comes to believe that since s/he is not favored over his/her sibling, s/he is hated, and therefore starts to compete with his/her sibling for the status as favorite. While Kayin resorts to violence promptly ending his relationship with Hevel and therefore their feud, Leah retaliates by giving Yaakov reasons to favor her over Rachel. Seeing what Leah is doing, Rachel becomes jealous of her and also attempts to retaliate which just causes their feud to deepen, spanning almost the rest of their lives. Leah is hyper-focused on gaining Yaakov's favor; she is constantly trying to prove that she is better than Rachel. On the other hand, Kayin is more concerned with getting revenge on Hevel, the person that is causing him all this anger and frustration.

When the siblings are constantly being compared to each other, it creates an atmosphere of envy and competition. They become consumed with the need to do everything in their power to confirm their superiority over their sibling, and are even willing to go to extreme lengths. If presented with a common purpose, instead of competing and being compared to each other, the siblings learn that they must collaborate to achieve a common goal.

¹³ *Bereishit* 31:13 – קום צא מן הארץ הזאת ושוב אל ארץ מולדתך

Conclusion

These examples of sibling relationships in *Tanach* show that favoring one child over his or her siblings can have devastating effects on their relationship. Since siblings are typically compared to one another, when one sibling is favored over another, it tends to lead to strife between them. However, their reaction to this favoritism is greatly affected by whom it comes from.

When parents favor one sibling, the siblings grow up contending for their parent's favor. Based on her 2005 study, Kristi Hoffman¹⁴ writes:

As predicted by conflict theory, previous research, and folklore, parental comparisons of siblings heightened sibling violence (Brody et al., 1992; Goodwin & Roscoe, 1990; Klagsbrun, 1992; Ross & Milgram, 1982), particularly among males. Holding one child up as the standard did indeed lead to resentment and violence between siblings (e.g., Bryant, 1982). Parental comparisons of siblings affected sibling violence directly and also indirectly by increasing siblings' problems sharing property and sibling's arguments.¹⁵

From a young age, the siblings are set against each other and are not given the chance to develop their relationship without competition at the center. Therefore, as they grow older, this tends to provoke one-sided resentment in which the less-favored sibling gets so consumed that he responds with violence. In both examples we have discussed, Yaakov and Esav and Yosef and his brothers, one of the first things we are told about these siblings is how their father favored one brother over the other(s). At the climax of the conflict, there is the threat of or attempted murder, followed by a

¹⁴ Kristi Hoffman is a professor of sociology at Roanoke College.

¹⁵ K. Hoffman, J. Kiecolt, & J. Edwards, "Physical Violence Between Siblings: A Theoretical and Empirical Analysis," *Journal of Family Issues*, 2005, 26(8), 1124. <https://doi.org/10.1177/0192513X05277809>

period of separation. This separation is the first time the siblings have the opportunity to develop a relationship independent of their parents, thereby enabling them to learn that it does not need to be centered around competition and favoritism.

On the other hand, when siblings are favored by a third party, they tend to have already developed a sense of who they are as individuals before they are forced to compete for that person's love and attention. In both of the examples discussed, Kayin and Hevel and Rachel and Leah, the first thing we are told about the siblings is not that one is favored over the other, but how they are different from each other. Each of the siblings is his or her own person with his or her own personality. However, they are constantly being viewed in comparison to their sibling. Separating the siblings in these cases is not going to resolve the competition like it can in a case of parental favoritism. As seen with Rachel and Leah, the competition can be peacefully resolved by finding a unifying purpose that brings the siblings together instead of pitting them against each other. Without a unifying purpose, the siblings will continue to be compared to one another which will only cause them to distance themselves more, and possibly even take it to the extreme as Kayin did to Hevel.

Instead of providing us with examples of siblings upon which we can model our relationships, *Tanach* provides us with a myriad of ways that relationships can go wrong, along with tactics for hopefully resolving challenging relationships.

Was the Torah Gifted to or Forced upon *Bnei Yisrael*?

Gabriela Yohanoff

The Challenge Presented by the *Pasuk*

In the story of *Matan Torah*, there is a phrase in one of the *pesukim* that raises many textual and philosophical questions. The *pasuk* states:

ויוצא משה את העם לקראת האלקים מן המחנה ויטיצבו בתחתית ההר:

Moshe led the people out of the camp toward God, and they stood בתחתית the mountain (*Shemot* 19:17).¹

Chazal were bothered by the last three words, ויטיצבו בתחתית ההר, and tried to understand their meaning. The challenge is specifically raised by the word בתחתית, whose root is תחת, which means underneath or below.² By using the word תחת, the *pasuk* makes it sound like *Bnei Yisrael* are standing underneath the mountain, which is seemingly impossible. How then is this phrase to be understood?

One approach to solving this difficulty is to translate the word בתחתית as meaning something other than "under." The Artscroll *Tanach*, for example, translates בתחתית ההר as meaning "at the bottom

Gabriela was mentored by Rabbanit Rachel Leshaw.

¹ All translations, both of *pesukim* and of *mefarshim*, are from Sefaria, unless indicated otherwise.

In this case, Sefaria translates ויטיצבו as: took their places, but "stood" or perhaps "stood firmly" seems more accurate.

² Francis Brown, Samuel Rolles Driver, and Charles Augustus Briggs. *The Brown-Driver-Briggs Hebrew and English Lexicon (BDB)* (Boston: Houghton, Mifflin, and Company, 1906), s.v. תחת.

of the mountain," while Koren and JPS translate it as meaning "at the foot of the mountain." By interpreting the word תחת in an atypical way, both translations resolve the difficulty presented by the *pasuk*.

However, when taking into context how the word בתחתית is used in other places in *Tanach*, the translation of the word clearly seems to mean underneath and not "at the bottom of" or "at the foot of." The word בתחתית itself does not appear anywhere else in *Tanach*, but the word תחתית (without the ב prefix) appears six times. Four out of six of these instances have connotations of burial and are being used to describe the underworld of *Sheol* where people go after they die.³ For example, in *Devarim* 32:22, the *pasuk* says: כִּי־אֵשׁ קָדַחָהּ בְּאֵפִי וְתִיקַד - *For a fire has flared in My wrath And burned to the bottom of Sheol, Has consumed the earth and its increase, Eaten down to the base of the hills.* Given the context of how תחתית is used elsewhere, it seems that at *Matan Torah* the word בתחתית is being used to describe how *Bnei Yisrael* were underneath the mountain in a way closely associated with death. Furthermore, in the highly regarded BDB lexicon, תחתי is defined as lower or lowest (places).⁴

Knowing how the word תחתית is used elsewhere in *Tanach* and the authoritative Biblical translation of the word, it is clear that the word בתחתית means under. However, accepting this interpretation raises its own set of issues, such as how it could have been possible for the mountain to hover in the air, and how *Bnei Yisrael* could have been under the mountain and survive. But the difficulty presented by the word בתחתית need not be viewed as an obstacle to overcome or avoid by translating over it. The *midrash* in *Masechet Shabbat*

³ *Devarim* 32:22, *Shoftim* 1:15, *Yechezkel* 31:14, *Yechezkel* 31:17, *Yechezkel* 31:18, and *Iyov* 41:17

⁴ *The Brown-Driver-Briggs Hebrew and English Lexicon*, s.v. תחתי.

chooses to take advantage of this unusual word by finding meaning in its usage.⁵

The Midrash

The *Gemara* in *Masechet Shabbat* 88a states:

"ויתיצבו בתחתית ההר" - אמר רב אבדימי בר חמא בר חסא: מלמד שכפה הקדוש ברוך הוא עליהם את ההר כגיגית, ואמר להם: אם אתם מקבלים התורה מוטב, ואם לאו — שם תהא קבורתכם. אמר רב אחא בר יעקב: מכאן מודעא רבה לאורייתא. אמר רבא: אף על פי כן הדור קבלוה בימי אחשוורוש, דכתיב: "קיימו וקבלו היהודים" — קיימו מה שקיבלו כבר.

The Torah says, "And Moshe brought forth the people out of the camp to meet God; and they stood **ההר** בתחתית." Rabbi Avdimi bar Ḥama bar Ḥasa said: the Jewish people actually stood beneath the mountain, and the verse teaches that the Holy One, Blessed be He, overturned the mountain above the Jews like a tub, and said to them: If you accept the Torah, excellent, and if not, there will be your burial. Rav Aḥa bar Ya'akov said: From here there is a substantial caveat to the obligation to fulfill the Torah. The Jewish people can claim that they were coerced into accepting the Torah, and it is therefore not binding. Rava said: Even so, they again accepted it willingly in the time of Achashveirosh, as it is written: "The Jews upheld and accepted" (Esther 9:27), which is interpreted to mean: The Jews upheld in the days of Achashveirosh that which they had already accepted upon themselves through coercion at Sinai.⁶

Rav Avdimi works with the assumption that *Bnei Yisrael* were actually under the mountain, choosing the translation which stays the most true to the usual meaning of the word **תחתית** in *Tanach*. In response to the question of how it was possible for *Bnei Yisrael* to

⁵ Rashi is also bothered by the odd use of the word **בתחתית** and says:

לפי פשוטו: ברגלי ההר. ומדרשו: שנתלש ההר ממקומו ונכפה עליהם כגיגית.

According to the *peshat* interpretation, says Rashi, this word simply means that *Bnei Yisrael* stood at the foot of the mountain. According to the *midrashic* interpretation, these words teach us that the mountain was plucked from its place and was turned over on top of *Bnei Yisrael* like a cask.

⁶ This translation is a combination of Sefaria's and Artscroll's translations.

have been under a mountain, the *midrash* concludes that God miraculously *suspended* the mountain over *Bnei Yisrael's* heads, so that they were underneath the mountain, and threatened to drop it over them. The *midrash* then faces the challenge of explaining why God would do such a thing. The answer it gives is that God, for reasons that are not yet clear, had to force *Bnei Yisrael* into accepting the Torah. Rav asks the next obvious question that arises: If *Bnei Yisrael* were forced to accept the Torah, then can't they later argue that such a commitment is not actually binding? Rava answers that regardless of whether *Bnei Yisrael* accepted the Torah willingly or not at *Har Sinai*, they came to willingly accept it later during the time of *Purim*, thereby formalizing their commitment to God and to Torah.

This *midrash* has always stood out to me, more so than any other. I always questioned why *Chazal* seemed to arbitrarily insert this element of God forcing us to accept the Torah into the *Matan Torah* story when there did not seem to be any support for this interpretation in the text. However, by delving more deeply into the *pasuk*, I have come to appreciate what led *Chazal* to this interpretation. It no longer seems like a random external insertion but rather one motivated by *Chazal's* sensitive and thorough understanding of the word *בתחתי* and its usage in *Tanach*.

Questions Raised by the *Midrash* and Possible Solutions

Questions

While this *midrash* does resolve the issue of the strange wording in the *pasuk*, it raises the question of how God could have forced *Bnei Yisrael* to accept the Torah. How could God have taken away *Bnei Yisrael's* free will and right to choose? If the Torah was in fact forced upon us, what implications might this have for our relationship

with Torah today? And what about the fact that *Bnei Yisrael* had already said *נעשה ונשמע* (*Shemot* 24:7), which makes it sound like they accepted the Torah happily and willingly at *Har Sinai*?

Approach #1: *Bnei Yisrael* Wanted to Accept the Torah All Along

Tosafot (Shabbat 88a) raise a similar question and ask why God had to force *Bnei Yisrael* if they had already accepted the Torah earlier when they said *נעשה ונשמע*. The answer, say *Tosafot*, is because of how intimidating *Har Sinai* was:

ואע"פ שכבר הקדימו נעשה לנשמע שמא יהיו חוזרים כשיראו האש הגדולה שיצאתה נשמתן.

And even though they [*Bnei Yisrael*] had already preceded “We will do” to “We will understand” [indicating their acceptance of Torah], perhaps they would renege when they would see the large fire causing their souls to depart.⁸

In other words, according to *Tosafot*, it seems that if *Matan Torah* had not been such an intimidating experience, *Bnei Yisrael* would have had no problem accepting the Torah of their own volition, and they in fact did accept it willingly before encountering the overwhelming atmosphere that was *Har Sinai*. It was only the terrifying circumstances that caused *Bnei Yisrael* to need to be forced into upholding their acceptance of the Torah.

⁷ In the chronological order of *Sefer Shemot*, *Bnei Yisrael* did not say *נעשה ונשמע* before *Matan Torah*. In *Shemot* 19:8 *Bnei Yisrael* say *נעשה* and then only after *Matan Torah*, in *Shemot* 24:7, do *Bnei Yisrael* actually say *נעשה ונשמע*. So it could be that before *Matan Torah*, *Bnei Yisrael* needed to be forced into accepting the Torah and after the experience they were glad to whole-heartedly accept it. However, most *parshanim* accept the view that *Sefer Shemot* is not chronological and that *Bnei Yisrael* actually did say *נעשה ונשמע* before *Matan Torah*. See, for example, Rashi to *Shemot* 24:1, based on the Gemara in Shabbat 88a.

⁸ Translation by Rabbanit Dena Rock.

Rav Joseph Kimchi (cited in פירוש הטור הארוך על התורה) also believes that *Bnei Yisrael* willingly accepted the Torah, and he takes this idea even a step further than *Tosafot*:

ור' יוסף קמחי פירש ודאי כבר נתרצו ואמרו נעשה ונשמע ואחר כך כפה עליהם ההר להראות חיבתו ואמר להם בטוב עשיתם שנתרציתם שאם הייתם מסרבים לא הייתי מניחכם כאשר הנחתי לשאר האומות.

Rabbi Joseph Kimchi explains that *Bnei Yisrael* willingly accepted the Torah and said, "*Na'aseh ve-nishma*" and only after that, God turned the mountain over their heads like a barrel to show God's affection. God said to them: "It is good that you desired and accepted my Torah because had you refused, I would not have let you refuse like I did with the other nations."⁹

According to Rav Kimchi, *Bnei Yisrael* were not coerced at any point. Only after they had willingly accepted the Torah did God lift the mountain over their heads to show what would have happened had they not accepted the Torah. This explanation provides a great answer (that even accounts for the chronology of the *pesukim*) in response to the question of why *Bnei Yisrael* needed to be forced to accept the Torah if they had already said **נעשה ונשמע**. According to this approach, *Bnei Yisrael* said **נעשה ונשמע** and wholeheartedly accepted the Torah and only afterwards did God lift the mountain over their heads to show what would have otherwise happened.

Approach #2: Written Torah versus Oral Torah

The *Chizkuni*, *Da'at Zekeinim*, and *Minchat Yehuda* all ask the same question as before: If *Bnei Yisrael* had already said **נעשה ונשמע** (*Shemot* 24:7) and thereby already accepted the Torah, why would God have had to threaten *Bnei Yisrael* into accepting the Torah by

⁹ *Tur Ha-peirush Ha-aroch, Shemot* 19:17, s.v. "*Va-yityatzvu be-tachtit hahar.*"

holding a mountain over their heads?¹⁰ The *Minchat Yehuda*¹¹ and *Da'at Zekeinim*¹² both write (using verbatim the same words):

כשרצה הקב"ה לתת תורה לישראל, אמרו כמה תורות יש לך? אמר להם אחד בכתב ואחד בעל פה. אמרו אין אנו מקבלים אלא אותה שבכתב. מיד כפה עליהם ההר כנגיגית.

When God wanted to give the Torah to *Bnei Yisrael*, *Bnei Yisrael* asked God how many Torahs He had. God replied: one written Torah and one oral Torah. *Bnei Yisrael* replied that they only wanted to accept the written Torah. Immediately, the mountain was overturned on their heads like a barrel.

The *Chizkuni* similarly writes:

ואם תאמר: הרי כבר אמרו נעשה ונשמע, אלא יש לומר: תורה שבעל פה לא קבלו עדיין.

And if you will say: *Bnei Yisrael* already accepted the Torah by proclaiming *נעשה ונשמע*, the response to that is they said *נעשה ונשמע* in regards to accepting the Written Torah, but the Oral Torah they did not yet accept upon themselves.¹³

According to these *parshanim*, *Bnei Yisrael's* intention when they said *נעשה ונשמע* was only for *Torah She-bichtav*. They were not initially willing to accept *Torah She-be'al Peh* upon themselves and so God had to force *Bnei Yisrael* into accepting the Oral Law by holding the mountain over their heads.

This solution presented by the above *parshanim* partially solves the issue of free will raised by the *midrash*. According to them, *Bnei Yisrael* completely willingly accepted *Torah She-bichtav* and were only forced into accepting *Torah She-be'al Peh*. While this approach does make the situation a little more palatable, it still leaves open

¹⁰ This *pasuk* only comes after *Matan Torah* if *Shemot* is assumed to be in chronological order. The *parshanim* assume that *Shemot* 24:7 describes an event which happened before *Matan Torah*. See footnote #6.

¹¹ *Minchat Yehuda*, *Shemot* 19:17, s.v. "Va-yityatzvou be-tachtit ha-har."

¹² *Da'at Zekeinim*, *Shemot* 19:17, s.v. "Va-yityatzvou be-tachtit ha-har."

¹³ *Chizkuni*, *Shemot* 19:17, s.v. "Va-yityatzvou be-tachtit ha-har."

the issue of how God could force *Bnei Yisrael* into accepting *Torah She-be'al Peh*. Furthermore, it is impossible to keep *Torah She-bichtav* without the interpretations of *Torah She-be'al Peh*, so how could *Bnei Yisrael* accept the former without the latter?¹⁴ What would that even mean or look like?

This approach works well with the Purim idea brought by the *midrash* though: *Bnei Yisrael* were not initially willing to accept *Torah She-be'al Peh* at *Matan Torah*, but they became willing to accept it during the time of the Purim story because – as will be delved into more deeply later in the paper – that is when Rabbinic Judaism became authoritative. Once *Bnei Yisrael* had a greater part in the oral transmission of the Torah, they became ready to accept it.

Approach #3: Coercion as a Positive Force

The *Siftei Chachamim*'s interpretation accepts and even embraces the idea that God forced *Bnei Yisrael* to accept the Oral Torah because, according to him, it was ultimately for their good:

וע"ל דמה שאמרו נעשה ונשמע היינו על התורה שבכתב, ומה שכפה עליהן הר כגיגית כדי לקבל תורה שבעל פה. והא דאנסן הקב"ה, היינו לטובתן, כדי שלא יסתלק שכינה מעליהם, ולא יוכל לשלחם, כמו אנוסה דכתיב ולו תהיה לאשה ולא יוכל לשלחה כל ימיו.

A further answer: They said, "We will do and we will listen," regarding the Written Torah. But the mountain arched over them so they would accept the Oral Torah. It was for their benefit that Hashem forced them, as now the *Shechina* will not leave them and He will not cast them off. For it is written regarding a woman forced into relations (*Devarim* 22:19): "She shall be his wife; he may not cast her away all his days."¹⁵

¹⁴ The Torah's descriptions of how to perform many *mitzvot*, such as *tefillin*, *sukkah*, *kashrut*, and *Shabbat* are incomprehensible without the interpretations and explanations of *Torah She-be'al Peh*.

¹⁵ *Siftei Chachamim*, *Shemot* 19:17, s.v. "Va-yityatzvu be-tachtit ha-har." This translation is from alhatorah.org.

According to the *Siftei Chachamim*, *Bnei Yisrael* willingly accepted the Written Torah, but God forced them into accepting the Oral Torah. Since God forced it upon *Bnei Yisrael*, the *Shechina* is no longer able to depart from them, just as a man who rapes a woman must marry her and is never able to divorce her. This affords *Bnei Yisrael* a significant layer of protection, and it was therefore for their benefit that the Torah was forced on them by God.

Though ultimately the *Siftei Chachamim* is saying that the element of force was for *Bnei Yisrael's* benefit, it is disturbing to compare God forcing *Bnei Yisrael* into accepting the Torah to a man raping a woman.

Similar to the *Siftei Chachamim*, the *Gur Aryeh* believes that God forced the Torah on *Bnei Yisrael* and that this was a necessary positive. He says:

אבל העיקר הפירוש אשר נראה פשוט, כי כפה עליהם ההר כגיגית לומר אם לא תקבלו התורה, שם תהא קבורתכם' (שבת פח.). לומר כי התורה היא הכרחית לקבלה, ואם לא יקבלו התורה - שמה תהא קבורתם. וידוע, כי דברים המוכרחים להיות הם חשובים במעלה יותר, שאי אפשר מבלעדם, ואין קיום לנמצא בזולתם.

But the essence of this explanation that seems simple is that the mountain was overturned on them like a barrel to say, "If you do not accept the Torah, there will be your place of burial." That is to say, it is required to accept the Torah and if not, there will be your place of burial. It is known that things that are forced are more important in nature, because one cannot live without them, and there is no existence to be found without them.

According to the *Gur Aryeh*, the mountain was held over *Bnei Yisrael's* heads and used to threaten them into accepting the Torah to teach how vital their acceptance of the Torah was. The world could not have continued to exist without it; *Bnei Yisrael* surely could not have continued without it but rather **שם תהא קבורתם** - they would have perished there. Thus, God coercing their acceptance of the Torah was not unfair or even negative; it merely signified how essential Torah is, such that not accepting it was simply not an

option. The world and *Bnei Yisrael* could not have continued to exist had *Bnei Yisrael* not accepted the Torah.

He continues:

ואם לא היה עושה זה, היו אומרים כי התורה אין הכרחית לעולם, רק ברצון קבלו עליהם, ואם לא קבלו - לא היו צריכין. לכך היה השם יתברך מפתה ומרצה אותם קודם, וכאשר ראו שעיקר נתינתה על ידי כפיית ההר, היו מוכרחים לומר כי נתינתה מוכרחת, שאין להם קיום זולתה.

If God had not done this [forced the Torah], they [*Bnei Yisrael*] would have said that the Torah was never necessary, only at will did they accept it, and had they not accepted the Torah, they would not have needed it. Therefore, God placated and appeased *Bnei Yisrael* before giving the Torah, and once they saw that it was given by way of force, they would say that the Torah's giving is necessary and that they have no existence without it.

Contrary to our initial assumption, that if *Bnei Yisrael* were forced into accepting the Torah, they could later use this as leverage to break their commitment, the *Gur Aryeh* actually believes the opposite. According to him, if God had not forced the Torah on *Bnei Yisrael*, they might have concluded that keeping the Torah is a choice and just as they once chose to accept it, they can similarly choose to reject it. Therefore, God had to force *Bnei Yisrael* into acceptance so that they would know that their existence is not possible without the Torah.¹⁶ There is no alternative other than choosing to accept and live by the Torah.

The approach espoused by the *Siftei Chachamim* and the *Gur Aryeh* embraces the fact that *Bnei Yisrael* were not truly given a choice when accepting the Torah, and views this coercion as legitimate and even positive. This approach resolves several

¹⁶ The *Gur Aryeh* takes his idea even further and learns from the additional letter ה in the word הששי in *Bereishit* 1:31 - ויהי ערב ויהי בוקר יום הששי - that the condition upon which the world was created was that the Torah would be accepted by *Bnei Yisrael*. Had *Bnei Yisrael* not accepted the Torah, the entire world would have reverted to *tohu va-vohu*.

questions: God in fact took away *Bnei Yisrael's* free will because acceptance of the Torah is important enough to necessitate that. The implications of this for our relationship with Torah today are that we must continue to keep the Torah even though *Bnei Yisrael* were initially coerced into acceptance. Despite the strengths of this approach, it raises some ethical concerns. The idea of celebrating the loss of free will is troubling. In addition, many are probably deeply uncomfortable with the comparison between God forcing *Bnei Yisrael* into accepting the Torah and a man raping a woman, especially since it is presented as having been for *Bnei Yisrael's* benefit. For those who are disturbed by the idea that in giving over the Torah – a book of Jewish laws and ethics – God violated ethical principles, this approach is not satisfying.

Approach #4: Deciphering the Symbolism of the *Midrash*

In my Philosophy of *Halacha* class at Midreshet Lindenbaum, Rav Shmuel Klitsner introduced me to a fascinating alternative approach to understanding the *midrash* about the mountain being held over *Bnei Yisrael's* heads. He suggested viewing the *midrash* as a metaphor that enables us to understand the people's experience at *Har Sinai* on an even deeper level. In order to understand what Rav Klitsner was suggesting, we first have to zoom out and explore *Bnei Yisrael's* psychological and emotional state at *Matan Torah*. Only then will we be able to grasp how *Chazal* utilized the imagery of a mountain suspended over the people's heads to convey a genuine and authentic sense of how *Bnei Yisrael* felt at *Har Sinai*.

Understanding *Bnei Yisrael's* Psychological and Emotional State at *Matan Torah*

a) *Bnei Yisrael's* Reliance Upon God

There is always, of course, an inherently uneven power dynamic between man and God. Yet generally when God commands people,

they are still left with a real choice of whether to follow His command or not because there is no immediate consequence for either decision. However, in the case of *Matan Torah*, when God purposefully constructed *Bnei Yisrael's* reliance on Him to be total and complete, and made clear that it was only by His mercy that they were alive at any given moment, the uneven power dynamic between man and God was far greater than normal. At *Matan Torah*, *Bnei Yisrael* were unable to freely make decisions due to their knowing that at any given moment, God could remove the many protections that He had previously offered them and they would be killed.

Bnei Yisrael were freed from Egypt in approximately the year 2448, or 1313 BCE, and were given the Torah fifty days after their exodus.¹⁷ During that short time period, they witnessed the ten plagues that God inflicted on the Egyptians, were saved by God's splitting of the Sea, were saved again by God's heaven-sent *manna* and water, protected by God's *anan* (cloud), and finally, stood intimidated and fearful at *Har Sinai*, which was ablaze with thunder and fire.¹⁸ Time after time, *Shemot* narrates *Bnei Yisrael's* lack of autonomy and their complete reliance upon God. God alone freed *Bnei Yisrael* from Egypt, as expounded upon by the *haggadah*:

ועברתי בארץ מצרים. אני ולא מלאך. והכיתי כל בכור. אני ולא שרף. ובכל
אלהי מצרים אעשה שפטים. אני ולא שליח. אני ה. אני הוא ולא אחר.

"And I will pass through the Land of Egypt" - I and not an angel.
"And I will smite every firstborn" - I and not a seraph. "And with
all the gods of Egypt, I will make judgments" - I and not a
messenger. "I am the Lord" - I am He and there is no other.

God alone sustained *Bnei Yisrael* in the desert through miracles such as sweetening water through a piece of wood (*Shemot* 15:22-

¹⁷ https://alhatorah.org/Structure_%E2%80%93_Sefer_Shemot

¹⁸ *Shemot* 19:16, 19:18, 20:15, 24:17.

25), making bread appear out of the dew (*Shemot* 16:13-15), and making water emerge from a rock (*Shemot* 17:1-7). God alone watched over *Bnei Yisrael's* travels by performing miracles such as the *anan* (*Shemot* 13:21-22) and making *Bnei Yisrael* victorious against *Amalek* (*Shemot* 17:8-13). *Sefer Shemot* makes clear that *Bnei Yisrael* are completely reliant upon the mercy of God. This set-up arguably puts *Bnei Yisrael* at a disadvantage at *Matan Torah*; they have no ability to fend for themselves or hold any negotiating power between them and God, and are therefore subject to whatever God wants of them. They are indebted to the God who has kept them alive and have no choice but to accept God's demands, no matter what they may be.

b) *Bnei Yisrael's* Slave Mentality

Trials such as escaping bondage and surviving in the wilderness would have proven challenging for any nation, especially for a people just emerging from hundreds of years of enslavement. *Bnei Yisrael's* complaints, which presumably are grossly exaggerated, reveal their dependence on the Egyptians not just for physical nourishment, but mental stability as well:

מייתן מותנו ביד ה' בארץ מצרים בשבתנו על־סיר הבשר באכלנו לחם לשבע:

If only we had died by the hand of God in the land of Egypt, when we sat by the fleshpots, when we ate our fill of bread! (*Shemot* 16:3).

Similarly, in *Bamidbar* 11:5 they say:

זכרנו את־הדגה אשר־נאכל במצרים חנם את הקשאים ואת האבטחים ואת־החציר ואת־הבצלים ואת־השומים:

We remember the fish that we used to eat free in Egypt, the cucumbers, the melons, the leeks, the onions, and the garlic.

As Rav Alex Israel explains, the Egyptians provided *Bnei Yisrael* with food so that they could survive in order to work. The way *Bnei Yisrael* remember it though, they were fed and cared for by the

Egyptians. When they are no longer in Egypt and are not able to identify any sources of food, they immediately revert to wishing they were in Egypt again, where things were predictable and they knew where their next meal was coming from. *Bnei Yisrael* crave the security that Egypt – an environment where decisions were made for them – offered.¹⁹

Another example can be found in *Shemot* 16, when *Bnei Yisrael* are told to collect as much *manna* as they need for the day but not to leave any overnight. Inevitably, some people choose to keep the *manna* overnight and it becomes spoiled. There are also people who go out to see if there is any *manna* to collect on Shabbat, which infuriates God. As former slaves, *Bnei Yisrael* are accustomed to gathering as much food as they can whenever it is available because it is uncertain when their next meal will be given. Enslaved people are forced to live moment by moment and be completely focused on survival.

Elements from *mefarshim* reveal how deeply entrenched *Bnei Yisrael* still are in their slave mindset. In his commentary on *Shemot* 14:13, Ibn Ezra asks why *Bnei Yisrael* did not fight their Egyptian slave masters when *Bnei Yisrael* outnumbered the Egyptians. He explains:

התשובה כי המצרים הוי אדונים לישראל וזה הדור היוצא ממצרים למד
מנעוריו לסבול עול מצרים ונפשו שפלה. ואיך יוכל עתה להלחם עם אדוניו

The answer is that the Egyptians were masters over the Jews. This generation of Jews who would leave Egypt had learned from their youth to suffer the yoke of Egypt, and their souls were broken. How could they possibly now fight their masters?²⁰

¹⁹Alex Israel, "The Slave Mentality,"

<https://www.etzion.org.il/en/holidays/pesach/beshalach-slave-mentality>

²⁰ Ibn Ezra, *Shemot* 14:13, s.v. 'התיצבו וראו את ישועת ה'.

Ibn Ezra believes that when a nation becomes accustomed to subservience and bondage, they become unable to fight for themselves, even when the odds are on their side. While there were small acts of rebellion against the Egyptians, such as Yocheved hiding Moshe to ensure his survival, *Bnei Yisrael* generally did not fight the Egyptians. According to Ibn Ezra, this is because *Bnei Yisrael's* morale was slowly broken down over time by the Egyptians so that they had very little willpower or confidence left to fight.

Another support for *Bnei Yisrael's* broken spirit is the Rambam's explanation in *Moreh Nevuchim* (3:32) of why God did not lead *Bnei Yisrael* on the most direct route when they left Egypt:²¹

כמו שהסב האלוה איתם מן הדרך הישרה אשר היתה מכוונת תחלה, מפני
יראת מה שלא היו גופותם יכולים לסבלו לפי הטבע, אל דרך אחרת עד שתגיע
הראשונה

Here God led the people about, away from the direct road which He originally intended, because He feared they might meet on that way with hardships too great for their ordinary strength; He took them by another road in order to obtain thereby His original object.²²

According to the Rambam, God had to take *Bnei Yisrael* on an indirect route through the desert because God was afraid that at the slightest hardship, *Bnei Yisrael* would give up and return to Egypt. *Bnei Yisrael* needed time to recover from their enslavement before they would be able to face any new hardships.

Yet while still being entrapped in their previous slave mindset, *Bnei Yisrael* are also expected to emerge as servants to their new

²¹ ויהי בשלח פרעה אתהעם ולא ינחם אלקים דרך ארץ פלשתים כי קרוב הוא כי אמר אלקים
Now when Pharaoh let the people go, God did not lead them by way of the land of the Philistines, although it was nearer; for God said, "The people may have a change of heart when they see war, and return to Egypt" (*Shemot* 13:17).

²² Translation by Rabbanit Dena Rock.

master, God. These examples raise the question of how a nation that is so unaccustomed to making decisions and living independently could truly choose to become God's nation.

c) The Intimidating Nature of *Har Sinai*

The frightening descriptions of *Har Sinai* only add to the intimidation and fear *Bnei Yisrael* must have already been feeling at *Matan Torah*, given the slave mindset in which they were still so deeply entrenched. The *pesukim* describe the terrifying show God put on for *Bnei Yisrael*:

והר סיני עשן כלו מפני אשר ירד עליו ה' באש ויעל עשנו כעשן הכבשן ויחרד
כלההר מאד: ויהי קול השפר הולך וחזק מאד משה ידבר והאלקים יעננו
בקול:

Now Mount Sinai was all in smoke, for God had come down upon it in fire; the smoke rose like the smoke of a kiln, and the whole mountain trembled violently. The blare of the horn grew louder and louder. As Moshe spoke, God answered him in thunder (*Shemot* 19:18-19).

וכלהעם ראים אתהקולת ואתהלפידם ואת קול השפר ואתההר עשן וירא
העם ויגעו ויעמדו מרחק:

All the people witnessed the thunder and lightning, the blare of the horn and the mountain smoking; and when the people saw it, they fell back and stood at a distance (*Shemot* 20:15).

ומראה כבוד ה' כאש אכלת בראש ההר לעיני בני ישראל:

Now the Presence of God appeared in the sight of the Israelites as a consuming fire on the top of the mountain (*Shemot* 24:17).

The *pesukim* describe *Har Sinai* as a volcanic mountain which was trembling violently and smoking, seemingly about to explode. This made it impossible for *Bnei Yisrael* to exercise autonomy since surely their only focus was on survival. The *Malbim* and *Da'at Zekeinim* comment that the reason the word *ויתיצבו* is used as opposed to the more common verb of *ויעמדו* is that *Bnei Yisrael* had to firmly plant

themselves in place to keep from becoming panic-stricken. The *Malbim* writes:²³

מבואר אצלנו שיש הבדל בין נצב ובין עומד שההתייבות הוא במקום שצריך חזק רב לעמוד במקום ההוא, ו"ל שהגם שעמדו בתחתית ההר, לא עמדו שם הכן בלא פחד, כי היו נרתעים ופוחדים והוצרכו חזק ועצמה להשאר במקום ההוא.

It is explained that there is a difference between *נצב* and *עומד* because the former is used when much strength is needed to stand in place. And even though they were standing at the bottom of the mountain, they were not standing without fear, because they were recoiling and scared and needed strength to stand in place.²⁴

From the way the *pesukim* describe *Har Sinai*, it is clear that *Bnei Yisrael* had no choice but to go along with everything God asked of them in order to save their own lives. The stress of impending death put *Bnei Yisrael* in a position where they were not able to make decisions with a clear head or time to process.

Connecting the Three

Given the fact that *Bnei Yisrael* in the *midbar* were completely dependent upon God for their survival, had not gotten the opportunity to slowly emerge from their slave mentality by learning to exercise autonomy, and that *Har Sinai* was such a terrifying experience, the Gemara in Shabbat 88a perfectly captures the context of *Matan Torah*. Whether the mountain was or was not actually turned over *Bnei Yisrael's* heads is irrelevant because it must have *felt* like that was what was happening for *Bnei Yisrael*. Given their slave mentality, their dependence on God, and the intimidating and terrifying environment at *Har Sinai*, *Bnei Yisrael* felt as if they had no choice but to accept the Torah; they felt as if the mountain were actually being held over their heads. *Chazal* realized

²³ *Malbim, Shemot 19:17, s.v. "Va-yityatzvu be-tachtit ha-har."*

²⁴ Translation is my own with help from Google Translate.

that simply writing, “*Bnei Yisrael* were terrified and felt like they had no choice but to accept the Torah” would not have been nearly as effective in conveying to future generations *Bnei Yisrael*’s emotional state at *Har Sinai* as using evocative imagery like the mountain being held over their heads. Thus, we can now understand that when *Chazal* created that *midrash*, they were not gratuitously inserting a disturbing and unsubstantiated element into the Matan Torah narrative; rather, they were creatively using powerful imagery to convey to us a genuine sense of how *Bnei Yisrael* felt at the time. In fact, as we showed at the outset, careful analysis of the word תחתית in *Tanach* indicates that by choosing this unusual word, God Himself was hinting at the idea of *Bnei Yisrael* ‘standing underneath the mountain’ in some way. *Chazal* combined that textual hint together with their sensitivity to how *Bnei Yisrael* must have felt at the time to come up with the imagery of God suspending the mountain over their heads to brilliantly and accurately convey to us how *Bnei Yisrael* experienced *Har Sinai*.

Addressing Philosophical Issues Raised by This Approach

The above approach offers a satisfying and compelling interpretation of the *midrash*, but still leaves open the question of how it was fair for God to give *Bnei Yisrael* the Torah in a context in which they had no choice but to accept it. Why did God choose to give the Torah at a time and in a context in which *Bnei Yisrael* did not genuinely have free will?

Perhaps the reason God gave *Bnei Yisrael* the Torah when they were a young nation not yet walking steadily or confidently on their own two feet was that God wanted to raise *Bnei Yisrael* as His nation committed to the Torah from their infancy, when ideas are most deeply ingrained in one’s consciousness. Had God waited until the nation had grown stronger and more independent, even had they

then willingly accepted the Torah, it would not have become as embedded in the fiber of their being. Just as parents begin teaching their children *Shema* before they can hardly speak, God gave His children the Torah before they were fully formed so that Torah would be part of their very essence, intertwined with their earliest national memories. In addition, God's goal was for the Torah to guide *Bnei Yisrael's* growth and development as a nation. Had He allowed them to first fully develop and only then given them the Torah, they would have developed as a nation without Torah values and laws. Torah would forever have remained an external imposition on them rather than a fully integrated part of their national psyche and ethos.²⁵

In addition, just as children often must be forced into doing essential activities such as brushing teeth, bathing, and eating, *Bnei Yisrael*, as a brand-new nation, were like young children who *initially* had to be forced into accepting the Torah. Just like children though, *Bnei Yisrael* also eventually matured and were able to accept and fulfill the Torah of their own volition, no longer having to be forced by a watchful God to ensure they do the right thing.

Returning to the question presented by the Gemara – if *Bnei Yisrael* were forced to accept the Torah, then doesn't that give them a way out of their commitment – the answer given in the Gemara is that *Bnei Yisrael* came to willingly accept the Torah at the time of Purim. What does the Gemara mean by this?

Purim is the first historical experience described as a hidden miracle. Purim involves not only appreciating and seeing God when God is hidden, but it was also the first holiday that was not Biblically or prophetically ordained. Instead, Purim was instituted by Rabbinic authority and embraced by the people. According to Rabbi

²⁵ This is Rabbanit Dena Rock's idea.

Helfgot, Esther 9:19 teaches that Purim was “a grassroots initiative on the part of the people”:

על־כן היהודים הפרזים הישבים בערי הפרזות עשים את יום ארבעה עשר
לחדש אדר שמחה ומשתה ויום טוב ומשלח מנות איש לרעהו:

That is why village Jews, who live in unwalled towns, observe the fourteenth day of the month of Adar and make it a day of merrymaking and feasting, and as a holiday and an occasion for sending gifts to one another (Esther 9:19).²⁶

In this way, *Matan Torah* and Purim are opposites of each other: *Matan Torah* is described in the Torah (and is the Torah), it is a *neis galui* (open, revealed miracle), and it is God-driven, while Purim is *de-Rabbanan*, a *neis nistar* (hidden miracle), and a grassroots movement by the people.

At *Matan Torah*, *Bnei Yisrael* were deemed sufficiently autonomous to be commanded but not yet at the level of making correct decisions on their own. But their continuation of keeping the *mitzvot* and growing in their Torah observance even when they could not feel God’s presence anymore – such as during the Purim story – gave retroactive meaning to their previous, less mature commitment to Torah observance. This is comparable to how before reaching the age of *bar* or *bat mitzva*, many children keep *halacha* simply because that is what they grew up with. However, if they continue to keep *halacha* once they are old enough to make an independent decision, it gives retroactive meaning to their former, less mature commitment to *halachic* observance. So too, Purim – the creation of the first *de-Rabbanan chag* – is like the national *bar mitzva* of *Bnei Yisrael*. *Bnei Yisrael* got past the stage of constantly needing to feel the nourishment of their parent, God, so that even when He became completely hidden, *Bnei Yisrael* knew God was there and

²⁶ Rabbi Nathaniel Helfgot, “Purim: From the Grassroots Up,” https://download.yutorah.org/2018/1053/Purim_To-Go_-_5778_Rabbi_Helfgot.pdf

continued doing the right thing – remain committed to Torah – of their own mature independent volition.

Conclusion

Initially, this paper began with the question of what the famous *midrash* on *Shemot* 19:17 could possibly mean when it says that God held *Har Sinai* over *Bnei Yisrael's* heads at *Matan Torah*. I chose this question to research because I wanted to understand why the *midrash* would provide an explanation that did not seem rooted in the *peshat* of the text, that created morally troubling issues, and that diminished the beautiful imagery of what I thought the idyllic *Matan Torah* experience must have been like. Through researching different approaches to understanding this *midrash*, however, I have come to appreciate the brilliance of *Chazal's* *midrashic* interpretation of the *Shemot* text.

Though I was initially troubled by the fact that the *midrash* does not seem to fit the *peshat* of the text, by analyzing the usage of the word תחתית elsewhere in *Tanach*, it became clear that by choosing this unusual word, God Himself is hinting at the idea of *Bnei Yisrael* standing “underneath the mountain” in some way.

Regarding my initial frustration that *Chazal* were adding an ethically disturbing element to the should-be-picturesque *Matan Torah* story, we saw that it was actually *Chazal's* extreme sensitivity to *Bnei Yisrael's* emotions that led them to this imagery. Rather than undermining our picture of *Matan Torah*, *Chazal* used this *midrash* to give us a richer and more thoughtful understanding of *Bnei Yisrael's* experience at that foundational event.

It was heartening to discover that the questions I asked had already been pondered by numerous *parshanim* who came before me. Clearly, the *midrashic* interpretation of the mountain suspended over the people's heads was troubling for many others as well, and

it was fascinating to see how the various *parshanim* interpreted it, ranging from distinguishing between *Torah she-be-al peh* and *Torah she-bichtav*, to viewing coercion in this case as a positive, to explaining that *Bnei Yisrael* actually did accept the Torah willingly and only had to be forced when the intimidating features of *Matan Torah* terrified them. Overall, my exploration of this *midrash* has significantly deepened my appreciation of *Chazal*, of *midrash*, of our *parshanim*, and of *Matan Torah*.

Not A Laughing Matter: Understanding צחוק in the Torah

Hadassah Reich

What does the word “צחוק” mean in the Torah? The first word that comes to mind, at least for me, is “laughter.” However, there are stories in *Chumash* where this translation doesn’t seem to fit. For example, the very first instances in which laughter appears in the Torah are when Avraham and Sarah find out that Sarah will give birth to a son. Even though they are told separately, they both react by laughing.¹ Yet, we see Hashem’s reaction to each is entirely different - He rebukes Sarah² yet expresses no displeasure with Avraham. This highlights that from the very first time “laughter” appears in the Torah, it is a complex word with numerous facets.

Additionally, the *shoresh* ק.ח.צ is not only used after hearing good news as in Avraham and Sarah’s case. It also appears when Lot gives his sons-in-law horrible news regarding the impending destruction of Sedom.³ Furthermore, Hashem commands Avraham to name his child יצחק,⁴ presumably bearing positive connotations, but Yishmael is later kicked out of the house for being a מצחק,⁵ which clearly must indicate bad behavior. It's the exact same *shoresh*

Hadassah was mentored by Rabbanit Dena Rock.

¹ Avraham: Bereishit 17:17. Sarah: Bereishit 18:12.

² Bereishit 18:13-14.

³ Bereishit 19:14.

⁴ Bereishit 17: 19.

⁵ Bereishit 21:9-10.

in both instances, yet it seems impossible to translate it the same way in these two polar opposite contexts.

We see that the translators themselves are split on how to understand this word. They translate ק.ח.צ differently, both across cases, and often even in the same instance. For example, besides for *to laugh*, ק.ח.צ has been translated as *comedian*,⁶ *jests*,⁷ *playing*,⁸ *dally*,⁹ *make merry*,¹⁰ *mock*,¹¹ *acting lasciviously*,¹² and more. Since translation is a form of interpretation, clearly, the root “קחצ” is a complex one that requires exploration.

In all of *Chumash*, the root ק.ח.צ appears thirteen times (not including the name Yitzchak). Twelve of the thirteen are found in *Sefer Bereishit* and nine of those are found within the space of five *perakim*, *Bereishit* 17-21. There is clearly something significant about the meaning of ק.ח.צ and the role it plays in the storylines that surround it. Their proximity to each other shows that these individual narratives are more intertwined than we might have thought and can be appreciated more deeply when analyzed together.

Let’s look into each case, starting with Avraham:

Bereishit 17 opens with Hashem appearing to Avram at the age of 99, and revealing to him some critical information. First, Hashem changes Avram’s name to Avraham and describes the covenant that will always exist between Him and Avraham’s children, signified

⁶ Chabad.org on *Bereishit* 19:14.

⁷ Sefaria.org on *Bereishit* 19:14.

⁸ Sefaria.org on *Bereishit* 21:9.

⁹ Sefaria.org on *Bereishit* 39:14.

¹⁰ Chabad.org on *Shemot* 32:6.

¹¹ Alhatorah, *Bereishit* 39:14.

¹² Alhatorah.org *Bereishit* 21:9.

by *brit mila*.¹³ Then, He changes Sarai's name to Sarah, paralleling Avraham's name change, and immediately after, informs Avraham of the child he is destined to have through Sarah. In response, Avraham falls on his face and laughs.¹⁴

וַיִּפֹּל אַבְרָהָם עַל־פָּנָיו וַיִּצְחַק וַיֹּאמֶר בְּלִבִּי הֲלָבָן מֵאֵה־שָׁנָה יִגְלַד וְאִם־שָׂרָה הַבַּת תִּשְׁעִים שָׁנָה תֵּלֵד:

Abraham fell on his face and **laughed**, as he said to himself, "Can a child be born to a man a hundred years old, or can Sarah bear a child at ninety?" (*Bereishit* 17:17).

After laughing, Avraham seems to plead for Yishmael's life - לוֹ יִשְׁמַעֵאל יִחִיהַ לְפָנַי.¹⁵ Then God repeats to Avraham that Sarah will have a son.¹⁶ Additionally, God instructs Avraham to name the son Yitzchak. God's reaction here to Avraham's laughter is very different than the one He will have to Sarah's.

In the very next *perek*, *perek* 18, we see Sarah react in the same way as Avraham to the same news. The men/angels come to visit Avraham after his *brit mila*. During their visit they announce that

¹³ The juxtaposition here between the *brit mila* and the news of Yitzchak is very interesting. It's certainly not accidental that the mitzva and symbol of the Jewish people's covenant with Hashem is directly followed by the first Israelite son to be included in Avraham's line of succession. And even more telling, he is the first to have a *brit mila* at the prescribed age and time.

¹⁴ *Bereishit* 17:17.

¹⁵ *Bereishit* 17:18.

¹⁶ After Avraham laughs out of shock, Hashem reassures him, by stating for a second time that Sarah will have a son. This time Hashem even includes his future son's name, Yitzchak, making the miracle more real or digestible for Avraham. More importantly perhaps, God is even capturing laughter itself in their son's very name; there must be something positive or significant about laughter.

Sarah will have a son. Sarah hears from inside the tent and laughs, as the *pasuk* says:

וַתִּצְחַק שָׂרָה בְּקִרְבָּהּ לֵאמֹר אַחֲרַי בְּלִתִּי הֲיִתְהַלְכִי עִדְנָה וְאֵדֹנָי זָקֵן׃

And Sarah **laughed** to herself, saying, “Now that I’ve lost the ability, am I to have enjoyment—with my husband so old?” (*Bereishit* 18:12).

Subsequently, Hashem asks Avraham why Sarah laughed:

וַיֹּאמֶר ה' אֶל־אַבְרָהָם לִמָּה זֶה צָחֲקָה שָׂרָה לֵאמֹר הֲאֵף אֲמַנָּם אֶלְד וְאֵנִי זָקֵנָתִי׃

Then ה' said to Abraham, “Why did Sarah **laugh**, saying, ‘Shall I in truth bear a child, old as I am?’” (*Bereishit* 18:13).

What are we supposed to understand from this interaction? First, we must backtrack to Avraham in *perek* 17. Regarding Avraham, most *mefarshim* explain that his laughter was a display of joy or amazement. For example, Ramban¹⁷ says Avraham’s reaction is an expression of happiness: “Whoever sees a favorable unusual event in one’s life rejoices to the point where ‘his mouth is filled with laughter.’” R. Yosef Bechor Shor¹⁸ explains that it is a form of acknowledgement to be happy and laughing, so Avraham falling on his face, bowing, and laughing is all showing that he believed Hashem. Rashbam¹⁹ simply says “וישמח”, meaning he was happy.

Now, let’s see how the *mefarshim* understand Sarah’s laughter. In *perek* 18 *pasuk* 12, Onkelos²⁰ translates וַתִּצְחַק שָׂרָה as וַחֲיִיכַת שָׂרָה, meaning, Sarah laughed. However, Onkelos’s translation of ויצחק by Avraham is ויחדי, indicating joy.²¹ Many later *mefarshim* pick up on this subtle difference between laughter and joy. Rashi says we derive from this distinction that Avraham believed the news would

¹⁷ Ramban on *Bereishit* 17:17.

¹⁸ R. Yosef Bechor Shor on *Bereishit* 17:17, s.v. ויפול אברהם על פניו ויצחק.

¹⁹ Rashbam on *Bereishit* 17:17, s.v. ויצחק.

²⁰ Targum Onkelos on *Bereishit* 18:12.

²¹ Targum Onkelos on *Bereishit* 17:17.

come true and was happy, while Sarah did not believe and laughed in a mocking way; therefore, Hashem was angry with Sarah and not with her husband.²² Furthermore, Radak²³ comments on the same *pasuk* that Avraham rejoiced in his heart, according to Onkelos's translation, and was not derisive. However, Radak²⁴ explains that Sarah laughed sarcastically to herself. Essentially what the *mefarshim* are consistently saying is that Avraham's laughter was positive and joyous, while Sarah's was negative and derisive.

What the *mefarshim* are trying to explain by saying that each laugh had different connotations is how it could be that Hashem rebukes only one act of laughter among two seemingly identical laughing events; Avraham and Sarah both hear the same news, they both make comments about their ages, and they both laugh. Therefore, the commentators try to explain God's different responses by explaining that even though their reactions appear identical, they came from very different places. Avraham's laughter expressed joy and belief, while Sarah's conveyed mocking and disbelief. Despite the common interpretations that Avraham's laughter was positive and Sarah's was negative, I recently heard a different and novel interpretation from Rav Eitan Mayer²⁵ that I find very compelling.

Rav Eitan's *chiddush* completely flips our previous understanding on its head. According to his approach, Hashem wasn't angry at Sarah's laughter or her supposed disbelief. What He was angry about was that she didn't already know this information. This is to say, Hashem wasn't angry with Sarah at all; He was angry with *Avraham* for not sharing the wondrous news with Sarah of her

²² Rashi on *Bereishit* 18:12.

²³ Radak on *Bereishit* 17:17.

²⁴ Radak on *Bereishit* 18:12.

²⁵ At his Shabbat table.

pending motherhood when he was first told about it after his *brit mila*, long before the angels' arrival. There are two main proofs for this interpretation.

First, after Sarah laughs, God does not rebuke her or speak directly to her at all. Rather, Hashem turns to Avraham and asks him: Why did Sarah laugh?²⁶ When Hashem asks characters in *Tanach* questions, it isn't because He doesn't know the answer. Rather, it is a cue that the character did something wrong, and God is giving them an opportunity to own up to it. For example, when Hashem asks Adam "אִיָּנָה"²⁷ after he ate from the forbidden Tree of Knowledge, He obviously knows where Adam is. Avraham is in the same situation. When Hashem turns to him and says, "Why did Sarah laugh?" it is not because He doesn't know why. He knows she is surprised, as surprised as Avraham was when he laughed. Instead, He was giving Avraham the opportunity to apologize for not relaying the news to his wife. The problem was not in the nature of her laughter; rather, it was that she was surprised enough to laugh in the first place. Avraham was expected to have shared this amazing news with his wife, yet he failed to do so. And since Avraham didn't do it, Hashem sent messengers to do it for him. This leads us into our second proof.

The messengers that came to relay the news must have actually been there for Sarah.²⁸ This is mainly clear from the fact that Avraham already knew the information that they came to convey. Avraham had already been told that Sarah would have a son from God Himself in the previous *perek* when he received his name

²⁶ The indirect questioning cannot be reasoned away by saying that Hashem simply didn't talk to Sarah because she wasn't worthy of receiving prophecy or of being in conversation with Him since *Masechet Megilla* 14a explicitly names her as a prophetess among six other female prophetesses.

²⁷ *Bereishit* 3:9.

²⁸ This is a complete 180 degree turn from our initial understanding!

change and the *mitzva* of *brit mila*. Clearly the purpose of God's messengers cannot be just to tell Avraham something he already knows.²⁹ Additionally, immediately prior to revealing their big news about the pending birth, the *anashim* ask Avraham where Sarah is, and it is only after he responds that she is in the tent, presumably within earshot, that they reveal the news of her future son. The sequence of events is striking, as they only tell Avraham after ascertaining that Sarah is within hearing distance. Thus, we can see that their true objective is to inform Sarah, not Avraham. With this understanding, it is clear that Avraham and Sarah's laughs are not inherently different at all. It is the fact that Sarah laughs, i.e. is surprised, that is the root of God's anger.

I believe we can carry Rav Eitan's *chiddush* a step further. What makes God so angry is not simply Avraham's failure to relay a message but that his failure to do so reflects a terrible insensitivity on his part towards his wife. If Avraham had been truly sensitive to Sarah's pain of barrenness, he would have run to share with her the news that she would soon have a child. The fact that he does not do so, and that instead, God has to send angels to inform her, reflects a painful callousness on Avraham's part, and THAT is what God is rebuking him for. When God plies Avraham with the question: Why did Sarah laugh? what God is really asking him is: Why is she surprised - How could you not have immediately run to share this wonderful news with her and put an end to her pain? How could you have been so insensitive?

The disconnect between Avraham and Sarah is supported by another surprising element in the narrative. After Hashem informs

²⁹ Perhaps they also serve to reiterate to Avraham that he will have to give his first son up eventually. Since he wasn't able to accept letting go of Yishmael yet at the time Hashem told him about Yitzchak, perhaps the *anashim* came back to reiterate that it *would* eventually have to happen.

Avraham of Sarah's upcoming pregnancy, Avraham pleads for his other son's life - "לו ישמעאל יחיה לפניך" - "If only Yishmael might live before you!"³⁰ This seems to indicate that Avraham was content with the son he already had through Hagar, Sarah's maidservant. He had the security of a lineage through Yishmael, and it seems that Avraham was fine for his future to go through him. He seems to be saying, "Thanks, but I already have a child, Yishmael. Why can't he be the one to carry on my legacy?" Avraham seems oblivious to the fact that even though he already has a child, his beloved wife Sarah does not. Instead of displaying jubilation for Sarah that she would finally be able to have a child, Avraham's instinctive response is to fight for the child he already has.

In addition to reflecting a lack of sensitivity for Sarah, the fact that Avraham's response is to plead for Yishmael indicates that Avraham is not as overjoyed as the *mefarshim* explain him to be. There is a part of him that is distressed over what this news means for his son, Yishmael. In addition, if Avraham were purely thrilled, wouldn't he have run to tell Sarah and focus on this future miracle child rather than on Yishmael? Thus, Avraham's hesitancy over Yishmael combined with him not telling Sarah, shows that even if Avraham is happy, it is not a simple or complete happiness.

This conclusion, that Avraham's immediate response is not necessarily pure joy, teaches us a critical insight regarding laughter: We tend to identify laughter with happiness, and we saw that the *mefarshim* did the same. The fact that Avraham is not overjoyed at this news yet still laughs demonstrates that laughter in the Torah does not necessarily signify happiness.

So what then *does* ק.ח.ג mean? Let's take a step back and analyze what exactly leads to Avraham and Sarah laughing: Both Avraham

³⁰ Bereishit 17:18.

and Sarah focus on their advanced ages. The significance of their age is that the news they are given is not just highly improbable but physically impossible without Divine intervention. That impossibility makes the news shocking. We generally associate laughter with happiness, but here, from the very first time we are introduced to *tzchok* in the Torah, we see that it signifies amazement and shock. More than happiness, what laughter expresses is surprise. It is a reaction to something unexpected, something miraculous, something unbelievable.³¹ That unexpected news might generate happiness but not necessarily. Thus, laughter in the Torah *can* signify happiness, but it is much more complex.³²

This complex aspect of ק.ח.צ that is rooted in Avraham and Sarah's laughter will continue to be explored and seen throughout the rest of the laughter narratives in the Torah.

Now, let's look at how the root ק.ח.צ connects three seemingly separate narratives and characters: Lot, Sarah, and Yishmael.

First, we have the story of Lot and his family escaping Sedom as it's being destroyed. Prior to their great escape, the *anashim* come to warn Lot that his city will be decimated, and so he must leave with all his household. However, when Lot relays this message to his

³¹ It is interesting to me that here the unexpected news is that Sarah will get pregnant and have a son, and in colloquial terms when someone is pregnant we say that they are "expecting."

³² This understanding of laughter also works with the traditional understanding explained earlier that God gets angry at Sarah for laughing but not at Avraham for having the seemingly identical reaction because her laughter signified disbelief, while Avraham's expressed joy. It fits with the notion that laughter represents something unexpected and miraculous but not necessarily happy. Since it is unexpected, some people will believe and will laugh with joy (Avraham) while others won't and will laugh with disbelief (Sarah).

sons-in-law, they don't react as we might have expected someone who is given a chance to flee destruction would.

וַיֵּצֵא לוֹט וַיְדַבֵּר אֶל־חֲתָנָיו לֵאמֹר בְּנֹתַי בְּנֹתַי וַיֵּאמְרוּ קוֹמוּ צֵאוּ מִן־הַמָּקוֹם הַזֶּה כִּי מִשְׁחֵית ה' אֶת־הָעִיר וְיְהִי כַמְצַחֵק בְּעֵינֵי חֲתָנָיו:

So Lot went out and spoke to his sons-in-law, who had married his daughters, and said, "Up, get out of this place, for ה' is about to destroy the city." But it seemed to his sons-in-law that he was **joking** (*Bereishit* 19:14).

What does *metzachek* mean here? In the *peshat*, we understand that his sons-in-law thought Lot was only joking. Some translations render it that they thought Lot was being a comedian³³ or that he was jesting.³⁴

The *Biur Yashar* says, כמו איש מצחק שדבריו אינם כלום - Like a joking man whose words are nothing.³⁵ Rabbi David Zvi Hoffmann writes, מכיוון שלא האמינו בגזר הדין האלקי, הרי שדברי לוט היו בעיניהם לצחוק, לדברים בעלמא - Since they did not believe in divine judgment, Lot's words were in their eyes a joke, mere words.³⁶ From the various translations and interpretations, we can see that it's ambiguous whether Lot's sons-in-law think Lot is making a joke or the sons-in-law see Lot as a joke. Either way, all of these translations agree that the point is not that Lot was particularly funny, but rather that he was not taken seriously. Even people close to him don't believe him, which ends up being their downfall as they are not saved from their city's destruction. The *Bechor Shor* makes exactly this point saying, "They assumed he was a fool because they did not believe."³⁷

The details of Lot's story here serve two purposes. First, they further the point we already began to develop by Avraham and

³³ Chabad.org

³⁴ Sefaria.org

³⁵ Sefaria.org, *Biur Yashar* on *Bereishit* 19:14.

³⁶ Rav David Zvi Hoffman on *Bereishit* 19:14.

³⁷ *Bechor Shor* on *Bereishit* 19:14.

Sarah that *tzchok* is not a sure sign of happiness, but rather a signal of something unexpected coming. The circumstances surrounding the word “*metzachek*” here are clearly negative, as they relay the news of Sedom’s impending eradication. Not only is it negative, it’s completely unexpected and unbelievable; the inhabitants were not anticipating their homes to be burned to the ground with them inside.

In both the stories of Avraham/Sarah and Lot, ק.ח.צ is used to describe surprising and unpredictable events. More specifically, the characters in both episodes are either giving or receiving news and the reaction to the news is manifested in a form of *tzchok*.³⁸ However, the *shoresh* ק.ח.צ is just one parallel among many in these narratives. For example, in the opening scenes, both Avraham and Lot are described as sitting outside their houses, Avraham at the opening of his tent and Lot at the gate of his city. Second, they both bow when seeing the approaching men. Lastly and most obvious to the reader, they both practice *hachnasat orchim*, welcoming guests.

Despite their similarities, it is their differences that are begging to be explored. Avraham/Sarah and Lot are literally opposites in terms of life and death. Avraham/Sarah are receiving news of their miraculously forthcoming child (life); Lot is receiving news of the complete and utter destruction of his city and everyone in it (death). The news that an infertile couple will have a baby is just as unexpected as the news that one’s whole world will be destroyed. Whether it’s life or death, good news or bad, *tzchok* is the instinctive reaction to broken bounds of expectations.

³⁸ This isn’t surprising. We see from Sarah and Avraham that this is a way of reacting to shocking, almost unbelievable news. And that’s exactly why Lot is called a *mitzachek*- because his sons-in-law do not believe him. However, he is called a *ki-mitzachek* because he was, as we know, telling the truth.

Lot's narrative's second purpose leads us into the next place *tzchok* is found in the Torah: Sarah (again). His and Sarah's narratives when studied together can be understood as a prelude for Yishmael's expulsion. However, I'm going to leave their combination here for a moment and first focus solely on Sarah in *Perek 21*.

וְה' פָקַד אֶת־שָׂרָה כְּאֲשֶׁר אָמַר וַיַּעַשׂ ה' לְשָׂרָה כְּאֲשֶׁר דִּבֶּר:

Hashem remembered Sarah as He had said and Hashem did for Sarah as He had spoken (*Bereishit 21:1*).

It's very clear that this *pasuk* is a continuation from the first narrative we saw, because the prophecy that Sarah will have a child is finally being fulfilled by Hashem. In fact, in the very next *pasuk*, Sarah conceives and gives birth to a baby boy. After this, Avraham names the son Yitzchak and gives him a *brit mila*. Then we are told:

וַתֹּאמֶר שָׂרָה צָחַק עָשָׂה לִי אֱלֹהִים כְּלִישְׁמֹעַ יְצַחֲקוּלִי:

Sarah said, "God has brought **laughter** to me, all who hear will **laugh** with me!" (*Bereishit 21:6*).

In many ways, what Sarah says here is a reference back to her previous experience with laughter and brings that storyline full circle. If we follow the traditional understanding that Sarah's laughter was negative and was therefore rebuked by Hashem, her mentioning laughter here in a positive way can be seen as a *tikkun* (corrective). She has learned her lesson, and laughter in her life is no longer symbolic of derisiveness; rather, it signifies joy and the son she has just given birth to.

Many *mefarshim*, in fact, see this *pasuk* as something extremely positive. For example, Targum Onkelos writes, "Sarah said, 'Hashem has given me gladness. All who hear will rejoice with me.'" Rashi says similarly that this *pasuk* means others will rejoice on Sarah's account. He adds a *midrash* that when Hashem remembered Sarah and gave her a child, He also gave other barren

women children, healed the sick, and answered prayers. All of these things, of course, led to great celebration and joy.

However, how does this *pasuk* fit into the larger scheme of what ק.ח.צ means? Initially, when comparing the narratives where the root ק.ח.צ appears, this *pasuk* seems to interrupt the comparison of two similar characters, Lot and Yishmael. As we have already seen, Lot is called “כמצחק” in *perek* 19, and Yishmael (as we will see soon) is called a “מצחק” just 2 chapters later, in *perek* 21. In between these 2 instances of מצחק, the *pasuk* cited above involving Sarah and laughter appears. What is Sarah doing in the middle? It seems that the reference to Sarah and laughter in *perek* 21 *pasuk* 6, is not just a satisfying conclusion to the narrative surrounding her previous laughter. It is also a way to understand a whole new story we haven’t analyzed yet: Why Yishmael gets kicked out.

In *perek* 21 *pasuk* 10, Sarah tells Avraham to cast out Hagar and her son Yishmael. What could possibly warrant this seemingly cruel banishment directed by Sarah? Let’s backtrack and take a look at the sequence of events in this *perek*. First, Hashem remembers Sarah. She conceives, gives birth to Yitzchak, and Avraham gives him a *brit mila*.³⁹ Then, Sarah makes her ק.ח.צ proclamation about her new miracle child.⁴⁰ In between this *pasuk* and the next, Yitzchak grows up: וַיִּגְדַּל הַיֶּלֶד וַיִּגְמַל וַיַּעַשׂ אַבְרָהָם מְשֵׁתָהּ גְדוּל בַּיּוֹם הַגָּמַל אֶת־יִצְחָק: *The child grew and was weaned, and Avraham made a big feast on the day Yitzchak*

³⁹ *Sefer Bereishit* 21:1-4.

⁴⁰ Following this, Sarah makes another comment that bears significance: *Pasuk* 7: וַתֹּאמֶר מִי מָלַל לְאַבְרָהָם הַיְנִיקָהּ בְּנִים שָׂרָה כִּי־יֵלְדָתִי בֶן לְזָקְנִי: - *She said, "Who would have said to Avraham, 'Sarah will nurse sons!' Yet, I have born a child to him in his old age!"* Yet again, there is this sense of disbelief in the *tzchok* narrative. However, here, instead of the disbelief coming from the subject itself (Sarah), it’s referring to Sarah’s concern that *others* won’t believe she had a baby in her old age.

was weaned.⁴¹ Immediately after this, we are told one (and only one) depiction of Yishmael:

וַתֵּרָא שָׂרָה אֶת־בְּוֹדֶהָגֵר הַמִּצְרִית אֲשֶׁר־לָדָה לְאַבְרָהָם מִצְחָק:

Sarah saw the son of Hagar the Egyptian, whom she had borne to Abraham, **making merry**⁴²/**acting lasciviously**⁴³/**playing**⁴⁴ (*Bereishit* 21:9).

In the very next *pasuk* Sarah tells Avraham to kick Yishmael out:

וַתֹּאמֶר לְאַבְרָהָם גֹּרֶשׁ הָאִמָּה הַזֹּאת וְאֶת־בְּנָהּ כִּי לֹא יִירָשׁ בְּדֶרֶהָאִמָּה הַזֹּאת עִם־בְּנֵי עַם־יִצְחָק:

She said to Avraham, "Cast out this handmaid and her son, because the son of this handmaid shall not inherit with my son, with Yitzchak"⁴⁵ (*Bereishit* 21:10).

The word "מִצְחָק" is clearly the key to understanding why Sarah feels that Yishmael cannot be allowed to remain in the house since she demands that Avraham banish him in the very next verse. Yet it is the most ambiguous word in the *pasuk*. So much so, that the translation of it is extremely varied among different sources, ranging from "playing" to "acting lasciviously," as I noted above. Defining this word is crucial to understanding the characters of Yishmael and Sarah and the events that transpire surrounding them, and yet its meaning is elusive. What exactly was Yishmael doing? Why is Sarah kicking him out? Is Sarah overreacting or does מִצְחָק connote some kind of evil behavior?

The *mefarshim* help fill in the gaps as to what מִצְחָק means and why Yishmael was kicked out. However, there are several complexities that they face when trying to understand and interpret

⁴¹ *Bereishit* 21:8.

⁴² Chabad.org

⁴³ Alhatorah.org

⁴⁴ Sefaria.org

⁴⁵ Alhatorah.org

Yishmael's wrongdoing. For example, they must stay true to what ק.ח.צ means in other places. At the same time, this instance must be interpreted as extremely negative, or else Sarah wouldn't have a good reason for kicking him out. And we know God even takes Sarah's side in Yishmael's exile because He tells Avraham to listen to her, as *pasuk* 12 says:

וַיֹּאמֶר אֱלֹהִים אֶל־אַבְרָהָם אַל־יִרְעַע בְּעֵינֶיךָ עַל־הַנְּעָר וְעַל־אִמְתּוֹ כֹּל אֲשֶׁר תֹּאמַר אֵלָיךְ שָׂרָה שְׁמַע בְּקוֹלָהּ כִּי בְיִצְחָק יִקְרָא לָהּ זָרַע:

God said to Avraham, "Do not be troubled regarding the boy and your handmaid. All that Sarah says to you, listen to her voice, because it is through Yitzchak that your offspring will be renowned."⁴⁶

I believe the question must be emphasized: What could a child possibly do so wrong that could justify him being banished from his home?

Targum Onkelos says that Yishmael was mocking, "מְחַיֵּךְ."⁴⁷ The Targum Yerushalmi says:

And Sarah observed the son of Hagar the Egyptian, whom she bore to Abraham, mocking with a strange worship, and bowing to it."⁴⁸

This commentary is not the only one to suggest idolatry as the impetus for Yishmael's banishment. Rashi identifies מצחק as referring to the three cardinal sins: idolatry, sexual immorality, and murder:

מצחק. לשון ע"ז, כמו שנגאמר ויקמו לצחק (שמות ל"ב), ד"א לשון גלוי עריות, כמה דתימא לצחק בי (בראשית ל"ט), ד"א לשון רציחה, כמו יקומו נא הנערים וישחקו לפנינו וגו' (שמואל ב' ב'), שהיה מריב עם יצחק על הירשה ואומר אני בכור ונוטל פי שנים, ויוצאים בשדה ונוטל קשתו ויורה בו חצים, כמה דתימא כמתלהלה הירה זקים וגו' ואמר הלא משחק אני (משלי כ"ו):

⁴⁶ Alhatorah.org

⁴⁷ Targum Onkelos, *Bereishit* 21:9.

⁴⁸ Targum Yerushalmi, *Bereishit* 21:9.

This means worshipping idols, as it is said in reference of the Golden Calf, (Exodus 32:6) "And they rose up to make merry (לצחק)." Another explanation is that it refers to immoral conduct, just as you say in reference to Potiphar's wife, (Genesis 39:17) "To mock (לצחק) at me." Another explanation is that it refers to murder, as (2 Samuel 2:14) "Let the young men, I pray thee, arise and make sport (וישחקו⁴⁹) before us" (where they fought with and killed one another). From Sarah's reply - "for the son of this bondwoman shall not be heir with my son" - you may infer that he (Yishmael) was quarreling with Yitzchak about the inheritance, saying, "I am the first-born and will, therefore, take a double portion." They went into the field and he (Yishmael) took his bow and shot arrows at him (Yitzchak), just as you say (Proverbs 26:18-19) "As a madman who casts firebrands, [arrows and death] and says: I am only מצחק / mocking" (Genesis Rabbah 53:11).⁵⁰

The fact that Rashi is looking for other appearances of this word and applying what it means in those contexts to Yishmael is proof for how unclear the word is here. We do not know what it means here, so we have to look elsewhere and apply what it means there back to Yishmael. It is telling that ק.ח.צ appears in the context of all three of the biggest sins in Judaism, the only three which one must die rather than violate.⁵¹

Another important aspect brought up in this Rashi is the element of inheritance. Several other *mefarshim* provide interpretations based on the significance of inheritance as well. For example, Rashbam says:

⁴⁹ Oftentimes, in Biblical Hebrew the letters צ and ש are interchangeable. Therefore, the words מצחק and וישחקו are etymologically tied.

⁵⁰ Rashi, *Bereishit* 21:9.

⁵¹ *Sanhedrin* 74a.

Since he [Yishmael] was already full grown, she [Sarah] did not want him to stay around anymore, lest he attempt to claim a share of his father's inheritance along with Yitzchak.⁵²

On a different note, Shadal says that Yishmael was mocking Sarah and Avraham's happiness because they would die before Yitzchak would grow up and Yishmael would consequently inherit everything. Ibn Ezra suggests that Yishmael was just acting how boys generally act⁵³ and Sarah was jealous because he was older than her son Yitzchak.⁵⁴

The contextual clue that leads several *mefarshim* to understand the word *metzachek* as referring to inheritance is found in the very next *pasuk*:

וַתֹּאמֶר לְאַבְרָהָם גֵּרֶשׁ הָאֲמָה הַזֹּאת וְאֶת־בְּנָהּ כִּי לֹא יִרְשׁ בְּרֵךְ הָאֲמָה הַזֹּאת עִם־
בְּנֵי עַם־יִצְחָק:

She said to Avraham, "Cast out this handmaid and her son, because the son of this handmaid shall not inherit with my son, with Yitzchak."⁵⁵ (*Bereishit* 21:10)

Since Sarah explicitly links her demand that Avraham banish Hagar and Yishmael to her fear of Yishmael inheriting, it seems to be *peshat* that inheritance is at least one of the motivators, if not the primary motivator, for Yishmael's exile.

⁵² Rashbam to *Bereishit* 21:9.

⁵³ I do not condone the "boys will be boys" mentality and justification. However, it is not clear that Ibn Ezra means he was doing anything wrong; perhaps Ibn Ezra means Yishmael was harmlessly playing the way boys generally do. If so, this is very incriminating for Sarah - if Yishmael was harmlessly playing, and Sarah banished him merely because she was jealous that he was older than her son, that does not seem to reflect well on her.

⁵⁴ Perhaps this too has the theme of inheritance underlying it. The eldest is a coveted role in biblical narratives and an extremely significant one because this is the person who should theoretically be getting the inheritance.

⁵⁵ *Bereishit* 21:10; Alhatorah.org's translation.

But why is the word “*metzachek*” the one used, and what are we supposed to understand from it? What is it doing here and how does it influence the *tzechok* narratives that we have seen so far? As we saw earlier, Rashi looks for other places ק.ח.צ is used to make sense of this mystery. However, in my humble opinion, I think we can find answers in a place Rashi does not mention, Lot.

I believe the ק.ח.צ we find by Yishmael is a callback to Lot and that we can better understand Yishmael’s story by comparing these two characters. When Lot tells his sons-in-law the news of the impending destruction of Sodom, they view him as a כמצחק.⁵⁶ They think he is joking and they see him as someone who is taking on a role that isn’t true to his situation. To the sons-in-laws, Lot is trying to pose as some prophet of doom, trying to pass off as true that their city will be destroyed when to them that is absurd. Lot is “*Kimetzachek*” in his sons-in-laws’ eyes, they view him only *like* a comedian, because his news is so ridiculous to them that they find him utterly unconvincing and don’t buy into his “role” or his “prophecy” for a second. The irony, of course, is that in reality, Lot is not a *metzachek* at all because he is actually telling the truth.

Turning to Yishmael, *Bereishit* 21:9 says that he is *metzachek*, not just *kimetzachek*. Whatever it is that he is doing wrong, it doesn't merely *seem* like he is doing it in Sarah’s eyes, he actually *is* doing it. Through applying the definition of ק.ח.צ gleaned from Lot to Yishmael, we can understand that in some way Yishmael is acting or trying to pass himself off as something he isn’t.

As we saw earlier, many of the *mefarshim* connect Yishmael’s misconduct to issues related to inheritance. For most of Yishmael’s life, it is safe to assume that Avraham’s family line will continue through Yishmael. That is, until Yitzchak is born. More specifically,

⁵⁶ *Bereishit* 19:14.

Yishmael's fate of being the successor changes at the moment of the very first instance of *tzchok*. Hashem informs Avraham that he will have another son and Avraham reacts first by laughing and then by pleading for Yishmael's life. Hashem reaffirms that Yishmael will become a great nation, but Yitzchak will be the son through whom the covenant with Hashem will be continued, i.e. Yitzchak will be the continuation of Avraham's legacy.

The idea of inheritance, even when referring specifically to the material goods a child might receive, is widely symbolic of the process of lineage and legacy; who stays in the narrative and who gets written out. Therefore, there's a lot on the line.

Hashem makes it clear that Yitzchak will be the next in line, not Yishmael. By being *metzachek*, Yishmael is behaving in a way in which he is attempting to usurp that role. In other words, he is acting, playing, and pretending that he is the rightful successor, just like Lot's sons-in-law thought he was acting, playing, and pretending that Sodom would be destroyed. Traditionally, the double portion of inheritance and special blessing go to the firstborn. Despite Yishmael being Avraham's firstborn, it was not his role to continue his father's legacy. The firstborn not actually receiving "firstborn privileges" is a typical trope in Biblical narratives. Esav, Reuven, and Menashe are all biologically firstborns whose position is transferred to a younger brother. Once again, the root of ק.ח.צ is signifying something unexpected because we would expect the legacy to pass through Yishmael, the firstborn, but it does not. And since Yishmael is threatening Yitzchak's eventual purpose, Sarah directs the order to kick him out.

Now we can go back and understand the significance of Sarah's earlier declaration in *Bereishit* 21:6:

"צחק עשה לי אלקים כלהשמע יצחקלי"

This declaration is only three *pesukim* prior to Sarah seeing Yishmael being *metzachek*, leading her to demand his banishment. The close juxtaposition of the same root of **ק.ח.צ** appearing both by Sarah and Yishmael strongly indicates that these two instances of **ק.ח.צ** are related to each other.

Earlier we translated Sarah's declaration as:

"God has brought **laughter** to me, all who hear will **laugh with me!**"

According to this interpretation, Sarah's announcement signifies pure happiness and joy as a *tikkun* for her prior problematic laughter.

However, there is another way of reading the *pasuk*. Rav Shimshon Refael Hirsch, for example, translates it as:

Sarah said, "God has made me a **laughingstock**, all who hear will **laugh at me.**"

This reading is a complete 180 degree turn from how we previously understood it. Instead of Sarah laughing in joy and declaring that everyone will rejoice with her, according to this interpretation, the *pasuk* means that Sarah feels that everyone is laughing *at* her, mocking her. The *Bechor Shor* writes, "This is how we understand [why] his name is Yitzchak, that people will laugh at me, saying: Have you seen Sarah who gave birth at age ninety?" As the subject of the most improbable event, Sarah sees herself as a laughingstock, or at least is worried that others will.

An alternative but similar interpretation is that Sarah feels like a laughingstock not because having a child at such an old age is embarrassing, but because people might not believe that this child is genuinely hers. After all, having a child at such an advanced age is completely unheard of. This understanding would fall in line with

the previous idea that *tzchok* is somehow intrinsically connected to the element of disbelief.

Along the lines of this understanding, I would like to suggest my own idea of an alternate way to interpret this *pasuk*. Instead of “**כָּל־הַשֹּׁמֵעַ יִצְחַקְלִי**” meaning “*all those who hear will laugh with/at me,*” perhaps it could mean “*all those who hear, Yitzchak li,*” Yitzchak is mine. Interpreting it this way would mean that Sarah wasn’t talking about laughter at all, derisive or joyous; she was talking about the person Yitzchak. Sarah is declaring in the face of all those who disbelieve that Yitzchak is in fact her child.

Even though this way of reading the *pasuk* isn't standard, I think it really fits the context of the *perek*. It is a direct message to Yishmael (and everyone else) that Yitzchak is her legitimate, rightful child with Avraham and that he will be the one to continue Avraham’s legacy. Yishmael and Yitzchak are both Avraham’s sons, but Yitzchak is strictly Sarah’s. Yishmael may be Avraham’s first-born, but he is not the chosen one through whom Avraham's line will continue. *She*, Sarah, is the defining factor for the lineage and inheritance, as Hashem tells Avraham - **כִּי בְיִצְחָק יִקְרָא לְךָ זָרַע** - for it is through Yitzchak that your offspring will be renowned.⁵⁷ This is what she is declaring emphatically in *perek* 21 *pasuk* 6 when she proclaims “**יִצְחָק לִי**.” She is not merely trying to stop humiliating rumors by affirming that Yitzchak is truly her son despite her advanced age. She is asserting that as Avraham's lone child through her, Yitzchak, is Avraham's legitimate heir. Thus, when she sees Yishmael threatening the fate of her family and *Am Yisrael* by trying to step into the “next-in-line” role, she feels compelled to remove him.

⁵⁷ Bereishit 21:12.

From Lot we derive a definition of *metzachek* that can be applied to Yishmael: Yishmael is acting, pretending something is true when it isn't, knowingly leading someone else down the wrong road. And from Sarah we learn the context in which it fits: Yitzchak's spot in Avraham's legacy.

The next instances of ק.ח.צ are found in *perek* 26 and *perek* 39. The first revolves around Yitzchak and Rivka, and the second around Yosef and Potiphar's wife. In both of these instances, unlike in the earlier ones, ק.ח.צ carries a clear sexual connotation. This explains why *mefarshim* insert sexual overtones into some of the earlier instances of *tzchok* as well.

It's clear to me that these two cases are meant to be studied in light of each other for two reasons. One, because they both illuminate the sexual side of the *shoresh* ק.ח.צ, and two, because the next example of *tzchok* after Yitzchak and Rivka is Yosef and Eshet Potifar. What we have to figure out in these two cases is why the specific root used is ק.ח.צ, what it adds to the narratives, and how these narratives shed light on the other instances.

First, we find Yitzchak and Rivka living under Avimelech's rule in Gerar because there is a famine in *Eretz Canaan*. This *perek* is extremely reminiscent of the section in *Parashat Lech Lecha* when Avraham and Sarah go to Egypt due to a famine.⁵⁸ In both cases, the wife is passed off as the sister in order to keep the husband's life safe. Then, the wife/"sister" is taken by the king and the husband's life is spared. However, there is a major difference between the two stories that the reader would not expect. In the first instance, the one involving Avraham and Sarah, Hashem sends a plague onto the Egyptian king, as the *pasuk* says, "Hashem plagued Pharaoh and his

⁵⁸ Bereishit 12:10.

household with great plagues because of Avram's wife, Sarai.⁵⁹ Although it's not clear how,⁶⁰ the plague informs Pharaoh that Sarah is actually married because immediately after, he sends her back to Avraham.⁶¹ I want to point out how this compares to Yitzchak and Rivka's story: As opposed to Sarah and Avraham, it is glaringly obvious how the King knows the true nature of Yitzchak and Rivka's relationship.

וַיְהִי כִּי אָרְכְּרִלוּ שָׁם הַיָּמִים וַיִּשְׁקֹף אַבְיִמֶלֶךְ מֶלֶךְ פְּלִשְׁתִּים בְּעַד הַחֲלוֹן וַיֵּרָא
וַהֲגִה יִצְחָק מִצַּחֲק אֶת רִבְקָה אִשְׁתּוֹ:

As his days there stretched on, Avimelech, king of the Philistines, looked out the window and saw, and there was Yitzchak **playfully interacting**⁶²/ **jesting**⁶³/ **fondling**⁶⁴/ **sporting**⁶⁵ with his wife, Rivka! (*Bereishit* 26:8).

Similar to the case of Yishmael, there is only one word "metzachek" that tells us about the behavior and then we have to piece it together using the context. However, unlike Yishmael, it is obvious that *metzachek* here carries a sexual connotation because it is the only way Avimelech would have figured out that Yitzchak and Rivka are married. Many *mefarshim* including Rashi,⁶⁶ Rashbam⁶⁷ and Or Hachaim,⁶⁸ just to mention a few, explain it this way.

⁵⁹ *Bereishit* 12:17.

⁶⁰ The *mefarshim* have different opinions regarding how Pharaoh knew they were married but I will not go into that here.

⁶¹ *Bereishit* 12: 19.

⁶² alhatorah.org

⁶³ chabad.org

⁶⁴ sefaria.org

⁶⁵ jewishvirtuallibrary.org

⁶⁶ Rashi *Bereishit* 26:8:

וישקף אבימלך – ראהו משמש מטתו

⁶⁷ Rashbam *Bereishit* 26:8.

⁶⁸ *Ohr Ha-chaim Bereishit* 26:8.

However, we are still left wondering why the Torah employs this particular word when there are an array of other words that the Torah usually uses to convey this meaning.⁶⁹ I would like to suggest some potential explanations. First, the wordplay on Yitzchak's own name is significant. The wordplay of *יִצְחָק* and *מִצְחָק* isn't just a linguistic aesthetic; it's also a callback to the past uses of *ק.ח.צ*. In my opinion, seeing this wording here is a cue to evoke the memory of both Sarah and Avraham's laughter and shock before having their miracle child. Since Yitzchak would never have been born without clear Divine intervention, it's as if every action, big or small, that he does throughout his life is in itself a miracle and the word *metzachek* carries that wondrous and miraculous connotation with it as well.

In addition, the association of *ק.ח.צ* with unexpected surprises also fits this context well. Clearly Avimelech was taken by surprise when he discovered that Yitzchak and Rivka were in fact *not* siblings: *וַיִּקְרָא אַבְיִמֶלֶךְ לְיִצְחָק וַיֹּאמֶר אֵךְ הֲנֵה אִשְׁתְּךָ הוּא וְאֵיךְ אָמַרְתָּ אֶחְתִּי הוּא* - *Avimelech called Yitzchak, and said, "But, behold, she is your wife! How did you say, 'She is my sister'?"*⁷⁰

I think we can learn more about the use of *ק.ח.צ* here by studying it in light of the narrative of Yosef and Potiphar's wife, the next instance in which this root appears.

In *Bereishit Perek 39*, Yosef begins his experience in Egypt working in Potiphar's house. Somehow, Yosef finds grace in his master's eyes, and moves up the chain of command until he becomes the chief of staff. Potiphar trusts Yosef with everything he owns, an unlikely event for Yosef who had started as a lowly

⁶⁹ The most common *shoresh* used by the Torah to connote marital intimacy is *.י.ד.ע.* - see for example *Bereishet* 4:1. Alternatively, the Torah employs the root *.ל.ב.ע.* such as in *Devarim* 24:1, or *.ג.א.ג.* such as in *Devarim* 22:13, or *.ש.ב.ג.* such as in *Devarim* 22:28.

⁷⁰ *Bereishit* 26:9.

servant. As it turns out, Potiphar isn't the only one who favors Yosef; Potiphar's wife also takes an interest in him. She attempts to seduce Yosef, but he refuses over and over again:

וַיְהִי כַדְבָּרָה אֱלִיּוֹסָף יוֹם יוֹם וְלֹא־שָׁמַע אֵלֶיהָ לִשְׁכַּב אִצְלָהּ לְהִיּוֹת עִמָּה:

As she spoke to Yosef day after day, he would not listen to her to lie with her, to be with her (*Bereishit* 39:10).

Yosef is able to avoid her advances until one day, the house is empty and Potiphar's wife decides to take advantage of the situation. *Pasuk* 12 says, "She caught him by his garment, saying, 'Lie with me,' so he left his garment in her hand and fled and went outside." After this tense moment, Potiphar's wife makes a false accusation:

וַתִּקְרָא לְאֹנְשֵׁי בֵיתָהּ וַתֹּאמֶר לָהֶם לֹא־בָרְאוּ לָנוּ אִישׁ עִבְרִי לְצַחֵק בְּנוּ בָּא אֵלַי לִשְׁכַּב עִמִּי וְאֶקְרָא בְּקוֹל גָּדוֹל:

And she called to the people of her house and said to them, saying, "Look, he brought us a Hebrew man to **mock us**⁷¹/**dally with us**⁷²! He came to me to lie with me and I cried out in a loud voice" (*Bereishit* 39:14).

Interestingly, Potiphar's wife restates this allegation three *pesukim* later, this time saying it to Potiphar directly.

וַתְּדַבֵּר אֵלָיו כַּדְבָרִים הָאֵלֶּה לֵאמֹר בָּאֱלִי הָעֶבֶד הָעִבְרִי אֲשֶׁר־הֵבֵאתָ לָנוּ לְצַחֵק בֵּי: וַיְהִי כַהֲרִימִי קוֹלִי וַיִּעָזַב בְּגָדוֹ אִצְלִי וַיֵּנָס הַחוּצָה:

She spoke to him like these things saying, "The Hebrew slave that you brought came upon me to **mock me**⁷³/**dally with me**⁷⁴! And when I raised my voice to cry out, he left his garment by me and fled outside" (*Bereishit* 39:17-18).

The second time she makes a claim about what happened, Potiphar's wife omits the "לִשְׁכַּב עִמִּי" clause, creating an even

⁷¹ Alhatorah

⁷² Sefaria

⁷³ Alhatorah

⁷⁴ Sefaria

stronger focus on “לְצַחֵק.” Given that the repeated phrase is “לְצַחֵק,” there must be something more significant to it.

Several themes of ק.ח.צ that we have seen previously reappear in this example. First, as we have seen in the case of Yishmael’s banishment and possibly in the case of Sarah as well, the root ק.ח.צ does not always indicate happy laughter, but rather often carries a negative connotation. Certainly, that is the case here where it is being used to indicate adultery. In addition, many commentators read sexual overtones into the Yishmael narrative, probably due to the clear sexual connotation of ק.ח.צ here in the Eshet Potiphar incident. Additionally, the sexual immorality in this *perek* highlights the sexual depravity in the story of Lot and Sodom. Starting with the men of the city demanding that Lot hand over his guests to be sodomized, continuing with Lot offering them his virgin daughters instead, and ending with Lot’s daughters seducing and procreating with their father, sexual immorality is clearly a central theme there.

Furthermore, the connection between *tzchok* and disbelief also comes into play in the Yosef/Eshet Potiphar story. For example, the *Ohr Ha-chaim* says on *pasuk* 17:

Potiphar did not believe his wife. Since the accuser was his own wife, however, he had to make some gesture; otherwise his wife would have been publicly discredited. This is why Potiphar did not discipline Yosef nor have him executed, the normal penalty for a slave who dared to aspire to the wife of his master.⁷⁵

This is extremely important to the development of our understanding of *tzchok*. We have seen many examples of *tzchok* relating to disbelief and this instance is no exception. Not just that, but this narrative’s theme of disbelief is compounded by Eshet

⁷⁵ *Ohr Ha-chaim* on *Bereishit* 39:17.

Potiphar's double statement. It is almost as if she is overcompensating for the lie by repeating it to multiple audiences.

Even though it is interesting to note the recurring themes of *tzchok* in this example, we still need to address the question of how do these two cases of Yitzchak/Rivka and Yosef /Potiphar's wife, enhance our understanding of *tzchok*.

Yitzchak and Rivka and Yosef and Potiphar's wife are parallel cases joined by more than the *shoresh* ק.ח.צ. Both stories start with a change in location and introduce a low point in the protagonists' lives. Yitzchak and Rivka settle in Gerar in the midst of a famine and Yosef starts his journey in Egypt as a slave after his brothers sold him.⁷⁶ Another interesting parallel is that the subject is described as physically beautiful. In *perek 26 pasuk 7*, it says *על־רִבְקָה כִּי־טוֹבַת מְרֻאָה הִוא* - *on account of Rivka because she is beautiful*, and in *perek 39 pasuk 6*, it says about Yosef that he is *יִפְה־תָאֵר וְיָפָה מְרֻאָה* - *well-built and good-looking*. Both of their physical appearances play a significant role in the narratives. It even seems to be the sole reason for the eventual fallout. In other words, Rivka's beauty is the cause for Yitzchak's concern that Avimelech would kill him and take her, and Yosef's attractiveness is why Potiphar's wife wants to be with him. As the *Bechor Shor* writes, "That he was made chief of the house, his beauty returned, and she lifted her eyes, and she set her eyes and her heart upon him. Because Yosef was a handsome man."⁷⁷ However, the most obvious similarity linking the two narratives are the themes of sexuality and sexual immorality.

⁷⁶ They also both experience a "rise to the top." Yitzchak: *Yitzchak sowed in that land, and he reaped in that year one hundredfold because Hashem had blessed him (Bereishit 26:12)*. Yosef: *Yosef found favor in his eyes and he served him; and he appointed him over his house, and all he had he gave into his hand (Bereishit 39:4)*.

⁷⁷ *Bechor Shor* on Bereishit 39:7.

It is very clear that we learn from these cases that there can be a sexual undertone embedded in the *shoresh* ק.ח.צ. If this is so, why do we need two examples to teach this? Surely, one of these stories alone would have been sufficient to prove the sexual connotation of the root ק.ח.צ, since each story by itself doesn't leave room for ambiguity as to what ק.ח.צ means in its context. I believe that there are stark differences in these two cases that enhance our understanding of *tzchok*. Just like Avraham/Sarah and Lot are opposites in terms of life and death, Yitzchak/Rivka and Eshet Potiphar/Yosef are opposites in terms of their respective relationships. In the first instance, we have Rivka and Yitzchak, wife and husband. In the second, we have Potiphar's wife and Yosef, an adulterous relationship. Even her name itself, "Eshet Potiphar," meaning Potiphar's wife, clearly emphasizes that her identity is her marriage to Potiphar, Yosef's boss. More than that, there is a power imbalance and they are in different social classes. These examples of two polar opposite relationships that both include *tzchok*, highlights the opposite sides of the spectrum that *tzchok* encompasses.

Once again, *tzchok* is not inherently good or bad; it contains both possibilities at once. In this way, it is an apt word for referring to sexuality, which is sometimes taboo and sometimes holy, all depending on the context. One of the most fundamental values of Judaism is to elevate the physical from mundane to sacred, and sexuality is a prime example of this.

What is so powerful about these two examples is that the suspected or potential sexual immorality never actually occurs. In Rivka and Yitzchak's story in *perek* 26, there are two potential acts of sexual immorality. One is incest. When King Avimelech sees Yitzchak and Rivka being *metzachek*, he is probably horrified because they had claimed to be siblings. As Shadal writes on the phrase *מְצַחֵק אֶת רַבְקָה אִשְׁתּוֹ*, "Engaging in acts of tenderness of the

kind that no decent man would do with his sister."⁷⁸ King Avimelech therefore realizes that they are married, not siblings.

Consequently, the second type of sexual immorality, namely adultery, comes into play. When King Avimelech realizes that they are married, he says to Yitzchak:

מהזאת עשית לנו למלט שכב אחד העם את אשתך והבאת עלינו אשם:

"What have you done to us! One of the people might have easily lain with your wife and you would have brought guilt upon us!"⁷⁹

Avimelech is concerned that someone might have taken Rivka, a married woman, which would have constituted adultery. In this one instance of *tzchok*, there are two potential sexual immoralities, incest and adultery, yet neither of them actually happens.

In the Yosef and Eshet Potiphar narrative, the sexual immorality also doesn't actually occur. Eshet Potiphar's claim is false, as we know from Yosef running out of the house instead of sleeping with her.⁸⁰ However, according to *Chazal*, it was quite close to happening and very well could have. Rashi quotes *Sota* 36b saying, "A vision of his father's face [Yaakov] appeared to him and he resisted temptation and did not sin." At the height of temptation, just as Yosef is about to succumb to Eshet Potiphar, he turns away and chooses not to engage in an adulterous relationship.

Similarly, in the Yitzchak/Rivka narrative, it seems the sexual immorality would have been close to transpiring if the King had not looked out his window and seen Yitzchak and Rivka together. Based on Avimelech's reaction, it seems very likely that someone would have taken Rivka if they hadn't found out the true nature of

⁷⁸ Shadal on *Bereishit* 26:8.

⁷⁹ *Bereishit* 26:10.

⁸⁰ *Bereishit* 39:12.

their relationship. The main point in both of these narratives is that sexual immorality comes very close to happening but ultimately does not occur.

Combining these cases with what we have learned about ק.ח.צ from previous ones yields a fascinating insight. The previous appearances of ק.ח.צ revealed that this word signifies something that breaks the bounds of expectation. In these two narratives, the characters go right up to the line of sin, specifically the sin of sexual immorality, yet they stay behind it rather than crossing. Maybe this is the truly unexpected part.

This idea brings us to the final instance of ק.ח.צ in the Torah, and, in my opinion, its downfall, where the characters involved do in fact cross the line: The Golden Calf.

The infamous story of the Golden Calf begins in *Sefer Shemot Perek 32*. It opens with the line:

וַיֵּרָא הָעָם כִּי־בָשַׁשׁ מֹשֶׁה לָרֶדֶת מִן־הָהָר וַיִּקְהָל הָעָם עַל־אֶהָרֹן וַיֹּאמְרוּ אֵלָיו קוּמֹה
עֲשֵׂה־לָנוּ אֱלֹהִים אֲשֶׁר לָכֹחוּ לְפָנֵינוּ כִּי־זָהוּ מֹשֶׁה הָאִישׁ אֲשֶׁר הָעֵלְנוּ מֵאֶרֶץ מִצְרַיִם
לֹא יָדַעְנוּ מַה־הָיָה לוֹ:

The people saw that Moshe was late in coming down from the mountain, and the nation congregated on Aharon and said to him, "Rise and make for us a god who shall go before us, because this Moshe, the man who brought us up from the land of Egypt, we do not know what has happened to him" (*Shemot 32:1*).

The story starts with *Bnei Yisrael's* fear over not seeing Moshe return when they had thought he would. They turn to their leader, Aharon, who instructs them to bring him gold. Aharon collects the gold, creates a molten calf, and declares a festival for Hashem to take place the next day.⁸¹ *Shemot 32:6* states:

וַיִּשְׁכַּיְמוּ מִמַּחֲרָת וַיַּעֲלוּ עֹלֹת וַיִּגִּשׁוּ שְׁלָמִים וַיֵּשֶׁב הָעָם לֶאֱכֹל וְשָׂתוּ וַיִּקְמוּ
לְצַחֵק:

⁸¹ *Shemot 32:2-5*.

They rose early the next day, and offered up burnt offerings and brought forward peace offerings, and the people sat to eat and to drink, and they rose to **revel**⁸²/**to make merry**⁸³/**to dance**.⁸⁴

If it wasn't obvious before, the context of serving idols makes it crystal clear that ק.ח.צ in this context is *not* good. Here, *tzchok* creates an image of a wild uncontrollable party. The common understanding is that all of Aharon's instructions are an effort to push off the Jewish people's idol worship in the hope that Moshe would return before they would actually sin. For example, Rashi says that the reason Aharon builds the altar himself is to delay the people because a group can work much faster than an individual, especially when the individual is intentionally trying to work as slowly as possible.⁸⁵ Based on this interpretation, it seems here that Aharon, similar to Yosef, is coming dangerously close to the line between right and wrong. Aharon always intends to stay behind the line. However, once the ball gets rolling, the nation devolves into a mob mentality and Aharon can no longer control the situation. Simply put, *Bnei Yisrael* take it just one step further to completely cross the line and commit idolatry.

As always, we must ask, why does the Torah use specifically the word "לְצַחֵק"? What does it teach us about the meaning of ק.ח.צ, and what does it teach us about this narrative? As I mentioned before, the appearance of ק.ח.צ here paints a picture of some type of wild and unruly gathering with people enjoying themselves, and this is supported by translations such as "dance" and "revel." Rashi connects this *pasuk* to Potiphar's wife and Shmuel Bet in Navi:

⁸² Alhatorah.org

⁸³ chabad.org

⁸⁴ Sefaria.org

⁸⁵ Rashi *Shemot* 32:5:

וַיִּבֶן מִזְבֵּחַ – לַדְּחוּתִים – "He built an altar" – to stall them.

לצחק – There is implied in this term besides idolatry also sexual immorality - as we find the word used in (Genesis 39:17) "to mock (לצחק) me" where unchastity is meant as is evident from the context – and blood-shed, as it is said, (II Samuel 2:14) "Let the young men arise and play (וישחקו) before me; [and they caught every one his fellow by the head and thrust his sword in his fellows side]"- here, too, Hur was assassinated (*Midrash Tanchuma* 3:9:20).⁸⁶

It's not surprising that Rashi draws these comparisons here. We saw previously that when Yishmael was *mitzachek*, Rashi related that to the Golden Calf, Potiphar's wife, and the same instance in Shmuel Bet. The connection to sexual immorality is an important idea that comes up in many different places because two of the ק.ח.צ appearances are in overtly sexual contexts, Yitzchak/Rivka and Eshet Potifar/Yosef. The fact that it is now appearing in an explicitly idolatrous context indicates that there is a similarity between adultery and idolatry, such that both can be conveyed by the same word, ק.ח.צ. Both include a type of betrayal and rejection of loyalty. To serve an idol is often compared to "cheating" on God.

Besides for sexual immorality, many other previous themes of *tzchok* also reappear by the Golden Calf. For example, the element of unexpectedness is very prevalent here. *Bnei Yisrael* just experienced extraordinary miracles, such as the plagues in Egypt and the sea splitting; they even saw God Himself at *Har Sinai* and heard Him say, "Do not have any other gods besides for Me." How could they possibly serve an idol in light of these very recent events where God's presence was so clear?! I believe that *tzchok* appearing here should be an alarming signal to the reader that something shocking and unexpected is happening.

Besides these common themes, something new we can learn here is that *tzchok* has an intense power to gather a group of people

⁸⁶ Alhatorah.org

towards a common goal, whether for good or bad. It can manifest as something like peer pressure or mob mentality. This is critical because the Jewish people just became a unified nation at *Har Sinai*. A large part of their new identity is how they will act and behave as a nation.

The instances of ק.ח.צ throughout the Torah carried us through a timeline of *Bnei Yisrael*. A form of this word appeared for the first time at the very formation of the nation and appeared last in *Chumash* with the very first time they sinned as a nation.

We began our exploration of this *shoresh* with an infertile couple long past the hopes of ever having a child together. Then, Avraham and Sarah found out the astounding news that a baby was in their near future and both responded with laughter. This miracle child was named Yitzchak (by none other than God), capturing the wondrous nature of his birth. Yitzchak became a pivotal moment, the second generation, who by his very existence signified the nation's continuity. However, even after Yitzchak was born it wasn't clear that the nation's legacy and inheritance would continue through him. ק.ח.צ introduced us to the person who left the legacy behind (Lot) and the one who wrongly assumed it belonged to him (Yishmael). *Tzchock* followed its namesake, Yitzchak, as he grew up, facing trials and tribulations, such as navigating relationships in foreign lands like Gerar. Through the examples of Yitzchak and Rivka and Yosef and Eshet Potiphar, ק.ח.צ took us through the development of a nation's identity. How do we act on an individual level and in interpersonal relationships? And in the final occurrence, that of the Golden Calf, how do we act on a national level, specifically when we don't feel God's presence?

From my perspective, ק.ח.צ highlights that we have two options in life: We can laugh at, make fun of, mock, lie, take on a role that's not ours - by rejecting the very values we call ours: *tzedek* and

mishpat.⁸⁷ Or, we can recognize the Divine hand behind surprising, unexpected events and respond with positive laughter, joy, and gratitude. We must learn to tap into all the power that is contained within *tzchok* and put it towards something positive and productive. This isn't to say that it's easy. We saw damaging ways in which *tzchok* is sometimes employed in *Chumash*, such as by Yishmael and in the episode of *Chet HaEgel*. We all know how easy it is to fall into the trap of cynicism and derisiveness, to laugh at others and put them down in an attempt to build ourselves up. It takes a certain strength to laugh, especially through adversity, so it's no surprise that the attribute of *gevura* (strength) is attributed to Yitzchak,⁸⁸ the very symbol of laughter and miracles.⁸⁹ So when our faith is on the brink or we find ourselves in a challenging situation, we can hopefully remember all of this, and find the strength to laugh.

To do this, we must keep in mind the roots of our lineage. We must remember that the very first laughter in the Torah occurred specifically when the prophecy of Yitzchak's birth was revealed. In that moment, Yitzchak became a metaphor for how unlikely and thus how utterly miraculous it is that the Jewish nation came into existence because his very birth, which is what enabled the continuity of Avraham and Sarah into a great nation, was in itself an astounding Divine miracle. And that is all captured in his name, יצחק.

Laughter - צחוק - is at the heart of *Bnei Yisrael's* national identity. Our continued existence as a nation after 2000 years of exile and persecution is as extraordinary a miracle as the initial birth of Yitzchak. We can choose to ignore the miraculousness of this fact or

⁸⁷ Rav Menachem Leibtag

⁸⁸ *Zohar chelek 2*, page 276.

⁸⁹ Sarah Friedman's idea.

we can look around in wonder and amazement that the Jewish people are alive and strong and in our own Land once again.

Laughter is a powerful tool that we can and should use to better the world, both in our individual lives and in our national one. It is always in our power to choose to respond to whatever surprises life throws at us with genuine laughter, amazement, and gratitude for the Divine hand behind it.

Arei Miklat: The Torah's Justice-Based Rehab Center

Reyna Perelis

Introduction

This paper explores the aftermath of an accidental murder and the impact such a trauma has on everyone involved. It suggests that *Arei Miklat*, Cities of Refuge, are innovative rehabilitation centers that the Torah sets up to enable all of the affected individuals to heal and move on.

In the wake of an accidental murder, the Torah permits¹ the *Goel Ha-dam*, close relative of the victim, to avenge his relative's death by killing his murderer. At the same time, the Torah provides the accidental murderer with *Arei Miklat* to protect him. The *Goel Ha-dam* is only permitted to kill his relative's murderer outside an *Ir Miklat*; within its borders, the murderer is safe. The unintentional murderer remains in his *Ir Miklat* until the high priest (*Kohen Gadol*) dies, at which point he returns to his land of inheritance, and can no longer be killed by his victim's *Goel Ha-dam*.

This paper will draw on close readings of the four Torah sections that discuss *Arei Miklat*,² as well as relevant sections of Talmud and Midrash, Biblical commentaries, Chassidut, and

Reyna was mentored by Rav Alex Israel.

¹ Perhaps even *obligates*. The issue of whether the *Goel Ha-dam* is permitted or obligated to try to kill his relative's murderer will be addressed later in the paper. See in particular footnote 35.

² *Shemot* 21:13, *Bamidbar* 35:9-34, *Devarim* 4:41-43, and *Devarim* 19:1-13.

contemporary secular writings on the topic of unintentional murder to develop an understanding of the practical, theological, and emotional implications of unintentional murder and the innovation of *Arei Miklat*. It will explore the roles both of God and of humans in incidents of unintentional murder, their respective responses after the murder, and how *Arei Miklat* express and guide those responses. Further, our exploration will lead us to put ourselves into the stories that *Arei Miklat* tell; we will consider in what ways we can make real the key elements of *Ir Miklat* in our lives today.

God's Role

Let's begin by analyzing God's role in the system of *Arei Miklat*. God designed the *Arei Miklat*; God's *Beit Din*, Land, *Kohen Gadol*, and *Levi'im* make them function; and ultimately, God was part of the murder in some way. Fundamentally, God commissioned the *Arei Miklat*, through detailed instructions regarding their layout and accessibility to fleeing murderers. The *Arei Miklat* were encircled by a piece of land left untouched for beauty,³ and had to be near drinking water. Crucially, the roads leading to the *Arei Miklat* were marked by signs and repaired yearly. To facilitate fast, safe travel for fleeing murderers, bridges were built, valleys were raised, and hills were leveled.⁴ The *Sefer Ha-chinuch* highlights that since God designed the *Arei Miklat*,⁵ we are not allowed to change

³ *Bamidbar* 35:2 teaches that all Levite cities, which include the *Arei Miklat*, require *migrash* - 1000-2000 cubits (3000-4000 square feet) of land left untouched surrounding them. Rashi there specifies that the reason is for beauty.

⁴ *Mishneh Torah, Hilchot Rotze'ach Ve-shemirat Ha-nefesh*, ch. 6, 8:5-6, 8:8.

⁵ *Sefer Ha-chinuch* 342:2:

שלא לשנות ממגרשי הלויים: משרשי המצוה... "באה הצוואה עליהם שלא לשנות בענינים דבר, כי אדון החכמה יסדן ותקנן והגביל גבולם, וירא כי כן טוב וכל חלוף אחר דברו אינו אלא גרוע וגנאי."

any part of the instructions. The *Sefer Ha-chinuch* uses language that echoes God's creative commands in the Creation of the World ('And He saw, and it was good'). This has the effect of making the *Arei Miklat* entirely intended and desired by God, just like the works of Creation.

In addition to God creating the *Arei Miklat*, God is involved in the functioning at every stage of the process. Specifically, the *Beit Din*, the land itself, the *Kohen Gadol*, and the *Levi'im* are what make the *Arei Miklat* function.

The first indication of God's hand in the system of *Arei Miklat* is that the *Beit Din*, which implements God's law, takes the absolute chaos of the chase to the *Ir Miklat*, and sets it to a clear procedure. Rambam explains⁶ that after the murderer runs away from his *Goel Ha-dam* and makes it to the *Ir Miklat*, he is brought back to his city's *Beit Din* to be investigated. *Beit Din* considers his case, and delivers one of three verdicts. The first possible verdict is that the murder was intentional, and the murderer is executed in court, by the *Beit Din* or by the *Goel Ha-dam*. The second possibility is that the murderer is absolved of responsibility for the murder, and is released back to his regular life. The third is that the murder was unintentional. In this case, the murderer is escorted to the local *Ir Miklat* by a pair of *Talmidei Chachamim*. Rambam writes:⁷

When he is returned to his city of refuge, he is given two Torah sages to accompany him, lest the blood redeemer attempt to

And because of this, the command came about them, not to change any of their contents; for the Master of Wisdom established them, set them up and decided on their boundaries. And He saw that this was good, and [so] any reversal after His word is only detrimental and a disparagement (translated by R. Francis Nataf, Sefaria, 2018).

⁶ *Mishneh Torah, Sefer Nezikin, Hilchot Rotze'ach Ve-shemirat Ha-nefesh, 5:7-8*

⁷ *Mishneh Torah, Sefer Nezikin, Hilchot Rotze'ach Ve-shemirat Ha-nefesh, 5:8*, Eliyahu Touger's translation.

kill him on the way. They should tell him: "Do not deal with him in the manner of those who shed blood. It was unintentional that this happened."

Evidently, the role of *Talmidei Chachamim* as escorts is not coincidental. They are embodiments of God's Torah. As such, when they protect unintentional murderers, they give God's stamp of approval to the protection of the unintentional murderer. In addition to the *Talmidei Chachamim*, the very engagement of the *Beit Din* in cases of unintentional murder points to God. Generally, *Beit Din's* function is to enact God's law in day-to-day issues. Shadal explains⁸ that the Torah distances *Bnei Yisrael* from the ubiquitous culture of blood killings, through the interception of *Beit Din*. In cases of unintentional murder, *Beit Din* advances God's vision of justice, and serves to stop violence from continuing.

The second indication of God's role is that the Land of Israel itself is desecrated by unintentional murder. Rav Yonatan Grossman⁹ explains that in the Land of Israel, killing is taken as a personal injury to God, Who abides in the Land:

וְלֹא תִטְמָא אֶת־הָאָרֶץ אֲשֶׁר אַתֶּם יֹשְׁבִים בָּהּ אֲשֶׁר אֲנִי שֹׁכֵן בְּתוֹכָהּ כִּי אֲנִי ה' שֹׁכֵן בְּתוֹךְ בְּנֵי יִשְׂרָאֵל:

You shall not defile the Land in which you live, in which I Myself abide, for I God abide among the Israelite people (*Bamidbar* 35:34).

⁸ Shadal, *Shemot* 21:12, s.v. "Mot yumat:"

אך נ"ל ברור שאם היתה כוונת התורה לאסור גאולת הדם בהחלט מה צורך לערי מקלט? והנה כוונת התורה להרחיק גאולת הדם, אך לא אסרה אותה. But it is clear to me that if the Torah's intention had been to ban blood-redemption totally, what is the need for *Arei Miklat*? Thus, the Torah's intention is to distance blood-redemption, yet the Torah didn't ban it. (my translation).

⁹ Rav Yonatan Grossman, "The Inadvertent Murderer and the Cities of Refuge," www.hatanakh.com.

https://www.hatanakh.com/sites/herzog/files/herzog/Parshat%20HaSavua_31.pdf

The land on which a person was killed suffers the stain of spilled blood. The murderer, who is responsible for the blood, is unable to live on his land until he atones for the murder. Therefore, he must go to an *Ir Miklat*, which is a subset of an *Ir Levi'im*, a city belonging to *Levi'im*. Because *Levi'im* are holy, their land is holy, and is able to ameliorate and atone for the unintentional murder.¹⁰

Third, the *Kohen Gadol's* death, which is in God's hands, is what frees the unintentional murderer from the *Ir Miklat*.¹¹ The *Kohen Gadol* is at once the Jewish people's connection to God, and a symbol of God's presence in the world. Because his death is the key that releases the unintentional murderer from his *Ir Miklat*, the implication is that his release and his initial exile are sanctioned by God.

Fourth, the *Arei Miklat* are run by *Levi'im*, who function as God's missionaries amongst the tribes.¹² Since the *Levi'im* don't have their own tribal section of Israel, they live in cities all across Israel. Segments of these cities are designated as *Arei Miklat*, with *Levi'im* acting as caretakers of the murderers who live within them.

¹⁰ *Sefer Ha-chinuch, Mitzva 408:2:*

ומפני גדל מעלתם וכשר פעלם וחין ערכם נבחרה ארצם לקלט כל הורג נפש
בשגגה, יותר מארצות שאר השבטים, אולי תכפר עליו אדמתם המקדשת
בקדשתם:

And because of the greatness of their stature and the fitness of their deeds and the 'grace of their worth,' their land was chosen over the lands of the other tribes to shelter any one that kills by mistake - maybe their land that is sanctified with their holiness would atone for him (translated by R. Francis Nataf, Sefaria, 2018).

¹¹ *Bamidbar 35:25* - The death of the *Kohen Gadol* releases unintentional murderers from their *Arei Miklat*.

¹² *Devarim 33:10:*

יורו משפטִיךָ לְיַעֲקֹב וְתוֹרֹתֶיךָ לְיִשְׂרָאֵל יְשִׁימוּ קְטוֹרֶה בְּאַפֶּךָ וְכָלִיל עֲלֵי־מִזְבְּחֶךָ:
They shall teach Your laws to Jacob and Your instructions to Israel.
They shall offer You incense to savor and whole-offerings on Your altar (JPS, 1985).

Until this point, I've outlined God's involvement in the *Arei Miklat*, as manifest in God's commandment to build them, and in the roles of the *Beit Din*, Land, *Kohen Gadol*, and *Levi'im*, who are God's actors at every stage of the process from the murder to the murderer's absorption into an *Ir Miklat*. Now, the responsibility for the murder itself must be investigated.

Is God Responsible for Unintentional Murder?

The first mention of *Ir Miklat* in the Torah is in *Shemot* 21:13, a single verse amidst a list of interpersonal sins and their punishments:

ואשר לא צדה והאלקים אנה לידו ושמתי לך מקום אשר ינוס שמה.

The first and final clauses of this verse can be translated into English without too much trouble. The first clause is generally translated along the lines of, *And a man that did not lie in wait*, and the final clause is rendered something like, *And I will appoint a place for you to which he will flee*. However, translators of this verse debate the meaning of the three middle words: *לידו אנה והאלקים*. Possibilities range between two poles: *God forced his hand*, which places the blame entirely on God, and, *God allowed it to happen to him*, which indicates that the murderer himself bears responsibility, and God neither stopped the murder nor directly caused it. The following are different translations of this phrase: *but God brought [it] about into his hand*,¹³ *it came about by an act of God*,¹⁴ *but God caused it to come to his hand*,¹⁵ *but God allowed it to happen to him*,¹⁶ *but it happened accidentally, an act of the Almighty*,¹⁷

¹³ Chabad.org.

¹⁴ Current JPS.

¹⁵ JPS 1917.

¹⁶ Koren Jerusalem Bible.

¹⁷ Torah Yeshara.

and *but God brought him opportunely into his hand*.¹⁸ Each translator renders the phrase differently, because these three words carry tremendous significance and ambiguity: What is God's role in an accidental murder, and what is the murderer's?

I favor Moshe David Cassuto's translation, fleshed out by Rabbi Samson Raphael Hirsch. Cassuto translates the phrase like this: *but God brought him opportunely into his hand*.¹⁹ Rav Hirsch's explanation of the verse expands Cassuto's translation, by explaining the roles of the murderer and God. He writes:

It does not say **אוֹתוֹ אֱלֹהִים** - that God had brought it about, that would involve complete innocence on the man's part...But **אֱלֹהִים לִידוֹ**, his **יָד**, his activity was a prime factor in causing the accident, only it was not the sole factor. The possibility of the accident lay in his act, and God arranged matters so it became an actuality.

Rav Hirsch argues that the murder happened through both the murderer and God, and supports this theory by closely examining the verse. He points to the use of the word **לִידוֹ**, rather than **אוֹתוֹ**, as proof that the murderer didn't kill because God moved him to kill. Instead, the possibility of the murder stemmed from the murderer's negligence, and God merely brought it to fruition. As such, unintentional murder comes about through a combination of both human irresponsibility and Divine "arranging."

The *Midrash Aggada*,²⁰ cited in Rashi on *Shemot* 21:13, imagines a scenario to prove that God ensures that both intentional and unintentional murderers get their respective punishments:

¹⁸ Commentary on Exodus by U. Cassuto, translated by Israel Abrahams in 1967, page 270.

¹⁹ Ibid.

²⁰ מדרש אנדה (בובר) שמות כ"א:ג (ספרייה שלמה):
ואשר לא צדה והאלקים אנה לידו – וכי הקב"ה מאנה ביד האדם להכות את הנפש, אלא למה הדבר דומה, לשני בני אדם שהרגו את הנפש אחד

God does not force a person to kill another. Rather, the case is comparable to two people who killed; one by accident, and one on purpose. Neither have witnesses (to the murders they committed). God arranges that both men end up together at an inn: the intentional killer sits below a ladder, and the unintentional killer climbs down the ladder, and accidentally falls on the intentional killer, killing him. In the end, the intentional murderer is dead, and the unintentional killer is exiled (to an *Ir Miklat*).²¹

The *midrash* asserts that God does not force the man to kill unintentionally. Rather, God arranges the *punishments* of murderers, so that an intentional murderer gets killed, and the unintentional murderer gets exiled to an *Ir Miklat*. Thus, God is removed from the position of forcing the man's hand to murder, and is understood to be in charge of discerning the correct response to each kind of murder. When *Beit Din* reviews each case to deliver a just verdict, they are acting as God's agents of justice.

Right before Moshe ascends Mount Sinai, he relays this verse to the Jewish people. In this verse, other people are entirely absent; there is no mention of the person murdered, or the blood-avenger. The only acting members are the unintentional murderer and God. This verse can be understood as a covenant between each Israelite and God, that God will be with them when they are in the ultimate place of loneliness and disorientation²² - after having killed someone by accident. Complicating this covenant is that God is involved in the arranging of the unintentional murder, and so

בשוגג ואחד במזיד, לזה אין עדים ולזה אין עדים, הקב"ה מזמנן לפונדק אחד, זה שהרג במזיד יושב תחת הסולם, וזה הרג בשוגג יורד היה מן הסולם, ונפל על אותו שהרג מזיד והרגו, נמצא זה שהרג במזיד מת, וזה שהרג בשוגג גולה.

²¹ This is my own translation to English.

²² And by inverse logic, God will be with them at moments of loneliness and disorientation of lesser proportions.

God's promise of protection post-murder is almost ingenuine. This contradiction can inform our understanding of what God is saying here: "You're responsible, as am I. That's why I'll do something: I'll make you a place to escape to. And you need to be punished for your negligence, so you'll have to get up and go."

The People's Role

Until this point, I have explained that God is present from the murder itself through the murderer's release from the *Ir Miklat*. In this section, I will lay out the choices that each human actor involved in the unintentional murder and *Ir Miklat* must make, in order to enact God's law and engage with God and with the other players in the scenario.

The Killer:

So you killed someone without intention to do so. You're staring at the puddle of blood that you've somehow created and are flooded with shock, total disbelief, and full-body fear. You can hear your victim's brother calling his name. You look at your victim and the pool of his blood one last time, and start running toward the nearest *Ir Miklat*. While you run, breathing heavily, adrenaline overpowering your mounting exhaustion, your thoughts chase each other, "How did this happen? Could I have prevented this? Did God will this? Am I going to make it to the *Ir Miklat*? How am I going to live with myself now?"

Jeff McMahan, a professor of moral philosophy at Oxford, argues that, "The conscious choice to impose a risk—even permissible risk, (as in the case of driving)—opens a person up to moral liability." He neatly summarized the unintentional murderer's condition: "People who are not culpable can

nevertheless be responsible.”²³ This statement is true of an unintentional murderer in an *Ir Miklat*. The implications of his being responsible for the murder are twofold; he must leave his life behind and live in an *Ir Miklat* for an indeterminate length of time, and he must reckon with his action on an emotional level.

The *Mei Ha-shiloach*,²⁴ also known as the Ishbitzer Rebbe, whose Torah commentary is characterized by a belief in Divine Providence, suggests that a person who loses control in such a grave way and kills another has something dark deep within:

Yet now that the Holy One, blessed be He, has brought it about that he actually has killed someone inadvertently, he begins to become greatly agitated in his soul, asking himself, ‘Why did it come about that I killed inadvertently? Certainly I must have a root of murder in my heart’ (questions that he would otherwise not have asked). By means of this, he repents.

This idea explains what it might feel like to make a mistake that leads to another’s death. One likely feels surprised, out of control, disoriented, and yet entirely and viscerally responsible. In this sense, his being sentenced to the *Ir Miklat* frees him; he knows that he is guilty, which means that he must work to atone for what brought him there.²⁵ However, this approach of the *Mei Ha-shiloach*

²³ He is cited in a New Yorker article published on Sept. 11, 2017, written by Alice Gregory, titled “The Sorrow and the Shame of the Accidental Killer.”

²⁴ *Mei Ha-shiloach, Chelek 1, Sefer Shemot, Parashat Mishpatim 3*. Accessed via Sefaria. Translated and edited by Betsalel Philip Edwards, Jerusalem, J. Aronson, 2001 [Revised digital edition, 2021].

²⁵ The punishment is a recognition of the murderer’s guilt. This frees him. Contemporary unintentional killers report feeling trapped in their conscience; they want other people to admit that they did something wrong, that it wasn’t all random. Below is an excerpt from a New Yorker article published on Sep 11, 2017, written by Alice Gregory, titled “The Sorrow and the Shame of the Accidental Killer”:

“Patricia hit a motorcyclist when the sun blocked her eyesight while driving. ‘Yes, it was an accident, and in a certain sense we were both to blame, but, at the end of the day, I hit him, I took his life,’ she said. ‘No

is troubling in its assertion that every unintentional murderer unconsciously harbors anger, not necessarily even towards his victim. I prefer a more down-to-earth comment by the *Mei Ha-shiloach* on the first *mizmor* of *Tehillim*, which explains what it means to 'stand in the path of sins.'²⁶ A person who comes to sin by accident must not stand in place. Instead, he must work to fix what he distorted.²⁷ If an unintentional murderer so chooses, he can use his stay in the *Ir Miklat* to overcome his carelessness toward other people, which led to his sin, by heightening his awareness of others' needs and of his own actions.

The Goel Ha-dam:

So you went looking for your brother to bring him inside for dinner, and found him in the park, dead. You saw your neighbor, blood on his sleeves, running towards the road that leads to the *Ir Miklat*. As the closest male relative of the victim, it is your responsibility to respond to the murder.

matter how much you want to dismiss it as an accident, I still feel responsible for it, and I am.' She cried, 'I hit him! Why does nobody understand this?'" The Torah understands this, and the *Ir Miklat* addresses it.

²⁶ תהילים א, פסוק א:

אשרי האיש אשר לא הלך בעצת רשעים ובדרך חטאים לא עמד ובמושב
לצים לא ישב.

Psalms 1:1 - Happy is the man who has not followed the counsel of the wicked, or stood in the path of sinners, or joined the company of the insolent" (JPS, 1985).

²⁷ *Mei Ha-shiloach*, Collections of Writings, Book of Psalms, Psalm 1:

"ובדרך חטאים לא עמד" - חטא מורה על שוגג, פירוש אם נכשל ח"ו בחטאו
בלא מחשבתו בשוגג זהו לא עמד בו רק משתדל לתקן תיכף מה שעוות.

Or stood in the path of sinners - Sin suggests unintentionality, the explanation is if he is caused to stumble, Heaven Forbid, in his sin, without his thought, unintentionally, that's what it means that he doesn't stand in it (his sin), only strives to fix right away that which he twisted (My translation).

After the murder, the *Goel Ha-dam* must decide if he wants to try to kill the murderer or let him go. The implications of each decision are as follows: If he chases after the murderer in order to kill him, he is not rising above the ancient culture of blood killing, though he is doing something totally allowed by the Torah.²⁸ Alternatively, he can let him go,²⁹ rising above the surrounding culture and taking the Torah's way out to the moral high road.

If the *Goel Ha-dam* chooses to chase the killer, he might not manage to kill him before his entry to the *Ir Miklat*. In that case, once the gates have closed, the *Goel Ha-dam* must make sense of the killer's absorption into the *Ir Miklat*, and of his own anger. For the *Goel Ha-dam*, the killer's being contained in the *Ir Miklat* means *failure, freedom, and justice*.

On the most immediate level, the locked gates signal *failure*; he let the killer get away. On another level, they indicate *freedom* for the *Goel Ha-dam*, who no longer must bear the responsibility of avenging his family member. Shadal³⁰ highlights that not every *Goel Ha-dam* was bloodthirsty. Still, he had to contend with the expectation that if he let the killer loose, he was dishonoring his murdered beloved. Thus, the interjection of the *Ir Miklat* acts as an absolute stop to his chase, giving him a legitimate story to tell when he goes home and the neighbors ask him if he got his

²⁸ The *Mishna* on *Makkot* 11b records the position of Rabbi Yosi Ha-Glili who holds that the *Goel Ha-dam* has a Torah *obligation* to run after the murderer. However, we *pasken* like Rabbi Akiva that he is *allowed* to give chase, but is not required to.

²⁹ According to Rabbi Akiva - see footnote above.

³⁰ Shadal, *Shemot* 21:12, s.v. "*Mot yumat*:"

ואמנם לא כל אדם יש לו גואל, ולא כל גואל ירצה להסתכן כדי להמית הרוצח.

And indeed not every man (who kills) has a *Goel Ha-dam*, and not every *Goel Ha-dam* will want to endanger himself in order to put to death the murderer." (My translation into English)

revenge: "He was too fast for me, and the gates of the *Ir Miklat* opened for him. Then he was out of my reach. There was nothing I could do. I tried."

On a third level, the locked gates signal that *justice* is being enacted. This is because, as explained above, the *Ir Miklat* is designed by God, and functions through God's *Beit Din*, *Land*, *Kohen Gadol*, and *Levi'im*. Therefore, the *Ir Miklat* is a *Mishpat-machine*, carrying out Divine justice, and the absorption of the killer is part of Divine justice. As Rabbi Lord Jonathan Sacks writes, "the practice of nonviolence requires a belief in Divine vengeance."³¹ When the *Goel Ha-dam* stands outside the *Ir Miklat*, he can no longer punish the killer. Now, God takes over the response.

At this point, the *Goel Ha-dam* must respond to the murder on an emotional level. He can remain angry at the killer, and never recover from the loss that the unintentional murderer caused him. Or, he can work through his anger, by shifting his anger from the killer to God, which can in turn lead to him developing a recognition of Divine power. From there, he may come to feel that things are bigger than him, and to develop both humility and a recognition of God's justice. At the same time, this reckoning with Divine power leads him to an understanding of his own power: to move past his anger at both the murderer and God for bringing this tragedy to pass.

Beit Din:

The *Sefer Ha-chinuch* stipulates that it is a *mitzva* incumbent on the *Beit Din* to send an unintentional killer to an *Ir Miklat*, and on the unintentional killer to go to an *Ir Miklat*:

³¹ *Covenant and Conversation*, "Vengeance," *Ha'azinu* - 11th September 2010 - 3rd Tishri 5771, OU Torah, Rabbi Sacks on Parsha.

If a *Beit Din* does not exile the unintentional killer living in their town, they have belittled the positive commandment of *Ir Miklat*, and will be heavily punished, because they have now made possible further bloodshed.³²

If a *Beit Din* would stay out of cases of unintentional murder, it would likely be easier in the short run; they wouldn't have to deal with the anger and frustrations of the *Goel Ha-dam* and the brokenness of the guilty yet unwilling murderer. However, a *Beit Din* that does intervene in such a case protects the unintentional killer, as well as innumerable others who might otherwise be killed in ensuing honor feuds. Therefore, the implementation of chaos-stopping Divine law is in the hands of the *Beit Din*.

Levi'im:

The *Levi'im* run the *Arei Miklat*, providing shelter to unintentional murderers at no cost. On a basic, practical level, their responsibility is to feed and house the killers. The *Sefer Ha-chinuch*³³ explains that the *Levi'im* were chosen to be the caretakers of the *Arei Miklat* because of their ability to love every murderer who entered their gates, even someone who killed a Levite's own family member. *Levi'im* live spread out across the land of Israel, amongst all the tribes, and teach them Torah. They clearly have deep emotional intelligence, and are by profession teachers; their role in *Arei Miklat* can be understood as teachers to the murderers. They can teach them to talk to God and express to God all their complex emotions - their bewilderment at having been uprooted, their anger at God for making this happen, their guilt at having murdered, their soul-searching (re: *Mei Ha-shiloach*), their anxieties about returning to their land, and their gratitude for having been

³² *Sefer Ha-chinuch, Mitzva 410:*

ואם עברו על זה בית דין שבכל מקום ומקום ולא הגלו הרוצח בשגגה בטלו ושה זה וענשם גדול מאד, לפי שהוא סבה לשפיכות דמים.

³³ *Sefer Ha-chinuch, Mitzva 408.*

protected. And with love and support of the *Levi'im*, they can respond to the murder in ways that will allow them to fully return to their homes.

Conclusion

Without *Arei Miklat*, the story of unintentional murder would be based on fear, violence, hatred, and unending anger at God for having a hand in the murder. At every stage, *Arei Miklat* enable the unintentional murderer and the *Goel Ha-dam* to reckon with the trauma and loss of the murder, by orienting them to God's involvement in their story. Specifically, the unintentional murderer is able to grapple with his and God's shared role in the murder, and the *Goel Ha-dam* is able to move from unchecked anger to humility before God. With striking consistency, the *Beit Din*, *Land*, *Kohen Gadol*, and *Levi'im* advance the message of God's justice, to the effect of creating a system that prioritizes human dignity and personal responsibility.

Perhaps *Ir Miklat* is an ideal example of a just, Torah-based, God-loving community. In *Devarim* 4, Moshe designates three *Arei Miklat* even though *Bnei Yisrael* haven't yet reached Israel. Rav Elchanan Samet³⁴ argues that Moshe does so in order to demonstrate and model for *Bnei Yisrael* his eagerness to fulfill *mitzvot*. The Seforno explains:

After finishing the introduction to his explanation of the Torah [in the oration in chapters 1-4], he separated the cities, to show Israel how important is the matter of observing the *mitzvot*, for he took care to observe part of a positive precept.³⁵

³⁴ Rav Elchanan Samet, "The Cities of Refuge (*Arei Miklat*) (35:9-34): The Meaning of the Term," VBM, *Matot-Masei*, 12/07/2020.

³⁵ Seforno on *Devarim* 4:41:

Why did Moshe choose *Ir Miklat* as his bridge between his introduction to the rules and the rules themselves? The verses are as follows:

ושמרת אתחקיו ואתמצותיו אשר אנכי מצוך היום אשר ייטב לך ולבניך
אחריו ולמען תאריך ימים עלהאדמה אשר ה' אלהיך נתן לך כלהימים: אז
יבדיל משה שלש ערים בעבר הירדן מזרחה שמש: ... ונס אלאחת מןהערים
האל וחי:

Observe God's laws and commandments, which I enjoin upon you this day, that it may go well with you and your children after you, and that you may long remain in the land that your God 'ה is assigning to you for all time. Then Moses set aside three cities on the east side of the Jordan... he could flee to one of these cities and *live*.³⁶

If *Bnei Yisrael* uphold *Arei Miklat*, they will live in Israel for all time,³⁷ because if they can uphold *Arei Miklat*, they have understood the fundamental goals of God's society: responsibility, repentance, human dignity, seeking justice, and relating to God as the ultimate judge.

"אז יבדיל משה שלש ערים" - אחר שסיים ההקדמה לבאור התורה הבדיל
הערים להראות לישראל מה נכבד ענין שמירת המצות שהקפיד לקיים קצת
מצות עשה.

³⁶ *Devarim* 4:40-42, Sefaria's translation.

³⁷ After the *Sefer Ha-chinuch* lists the 613 *mitzvot*, he writes an opening letter to the reader, in which he sets out six *mitzvot* that are incumbent upon us at all times, and the mnemonic to remember these six is: 'Six cities of refuge shall there be for you.'

ששה מצות מהן שחיובן תמידי לא יפסק מעל האדם אפ'ל רגע בכל ימיו.
ואלו הם. א' להאמין בשם. ב' שלא להאמין לזולתו. ג' ליחדו. ד' לאהבה
אותו. ה' ליראה העינים. סימנם שש ערי מקלט תהיינה לכם:

Jews as Jocks?

Sports in *Halacha*

Shoshana Stadlan

Since the creation of the world, people have utilized physical strength and athleticism to gain power, hunt for food, and provide protection. But the organization of athleticism, strength, and skill into recreational events began later, most notably in the Ancient Greek Empire. The Hellenistic culture appreciated and celebrated the human body and the amazing feats it could do when pushed to the limits. This culminated in the first Pan-Hellenic Olympic games in the 6th century, a sporting spectacle that included running, wrestling, discus throwing, equestrian events and more.¹

After the fall of the Greek Empire, the Romans continued the culture of ancient Greek sport, but turned it into something very different. Unlike the Greeks, the Romans did not appreciate the sporting, competitive spirit; instead, sports became violent. Gladiator exhibitions, the pinnacle of Roman sporting events, were a match to the death. Additionally, once the Roman Empire fell under Christian influence, the Romans ceased the Greek Olympic games due to their belief that it originated from pagan practices; therefore, ancient sports became less prevalent.²

Shoshana was mentored by Rabbanit Rivky Krest.

¹ The official website of the International Olympic Committee, "The Sports Events," <https://olympics.com/ioc/ancient-olympic-games/the-sports-events>. Accessed 9 Feb. 2023.

² Don Kyle, "Directions in Ancient Sport History," *Journal of Sport History*, vol. 10, no. 1, 1983, pp. 7–34. *JSTOR*, <http://www.jstor.org/stable/43609089>. Accessed 9 Feb. 2023.

The beginning of organized modern sports as we know it today parallels the Industrial Revolution and Enlightenment in England. The growth of the bourgeoisie class who suddenly had more luxury time, along with the formation of social clubs, led to the rise of team sports with more structured and codified rule books.³ Sports became a universal language. For example, every sport - take soccer, for instance - is played by the same rules everywhere in the world. All soccer players across the globe, and even all soccer spectators, all know the same rules that govern play.

Sports have now penetrated almost every household. For example, the 2022 Winter Olympics reached over 2 billion viewers,⁴ while the 2022 FIFA World Cup final game *itself* garnered over 1 billion viewers.⁵ That means that a quarter and an eighth of the world's population, respectively, tuned in to simply watch these events. Everyone everyday encounters something that is sports related. Each day at school, most kids are mandated to participate in some type of athletic activity. It has simply become part of our normal daily routine.

Jews, as part of larger society, are not immune to this global phenomenon. Organized sports may not be discussed in primary Jewish sources but multiple *Tanach* personalities are noted for their strength and athletic ability. David, a skilled warrior, managed to

³ Stefan Szymanski, "A Theory of the Evolution of Modern Sport," *Journal of Sport History*, vol. 35, no. 1, 2008, pp. 1-32. *JSTOR*, <http://www.jstor.org/stable/26404949>. Accessed 9 Feb. 2023.

⁴ The official International Olympic Committee website, "Olympic Winter Games Beijing 2022 Watched by More Than 2 Billion People," 20 Oct. 2022, <https://olympics.com/ioc/news/olympic-winter-games-beijing-2022-watched-by-more-than-2-billion-people>.

⁵ Robert Summerscales, "FIFA World Cup Final Beat Super Bowl LVI by More Than One BILLION Viewers in TV Ratings," *FanNation Futbol*, Jan. 18, 2023, <https://www.si.com/fannation/soccer/futbol/news/how-fifa-world-cup-final-beat-super-bowl-lvi-in-tv-ratings>.

slay the giant Goliath with a mere slingshot.⁶ Shimshon, known for his unparalleled muscle, killed a lion with his bare hands⁷ and crumbled an entire house by ripping down its pillars using his brute strength.⁸ Yaakov, normally found sitting and learning in his tent, used his physical power when forced, as stated in *Bereishit* 33:25, וַיִּאָבֶק אִישׁ עִמּוֹ עַד עֲלוֹת הַשָּׁחַר – *A man wrestled with him (Yaakov) until dawn*. He additionally garners superhuman strength to move a boulder in order to allow Rachel to get water from a well.⁹

In modern times there is widespread Jewish participation in sports. From swimming to basketball to baseball, some of the best athletes to ever don a uniform were Jews. At the same time, most of the Jewish athletes that have participated in professional sports – such as the greats, swimmer Mark Spitz and pitcher Sandy Koufax – did not identify as religious and were not focused on the *halachic* perspective of their activities.¹⁰ This is something that has changed in more recent years, and now, more than ever, practicing religious Jews are present in the larger world of sports. This new phenomenon begs the question of what the Torah has to say about it. What are the parameters of participating in sports from a *halachic* perspective, professionally or recreationally?

To answer this question, one must explore four different issues. The first is the concept of *Bitul Torah* –wasting time by occupying oneself with something other than Torah learning (unless it's another *mitzva* or a necessary activity).¹¹ The second consideration is

⁶ Shmuel I 17:50.

⁷ *Shoftim* 14:8-9.

⁸ *Shoftim* 16:30.

⁹ *Bereishit* 29:10.

¹⁰ Sandy Koufax did refuse to play on *Yom Kippur*.

¹¹ The concept of *Bitul Torah* is solely one for men, since women are exempt from the obligation of *Talmud Torah* (*Kiddushin* 29b). Thus, women do not have to take this particular concern into consideration. (Despite their exemption from

the Torah's attitude toward engaging in potentially dangerous activities. The third is the issue of sports on Shabbat. The final one is the wider social impact of *kiddush Hashem*.

Let us begin with a discussion of *Bitul Torah*. The concept of *Bitul Torah* is discussed in *Masechet Menachot* 99b, as part of a *machloket* over how to interpret a verse in *Sefer Yehoshua*. After the death of Moshe, Hashem instructs Yehoshua to prepare *Bnei Yisrael* to cross the Jordan river. Hashem reiterates the covenant He has made with Avraham, Yitzchak, and Yaakov, that the Jewish people will conquer the land He has promised them. However, in order to be successful, the Jewish people must follow God's commandments and continue learning His teachings. In *Yehoshua* 1:8, God says:

לֹא יִמּוּשׁ סֵפֶר הַתּוֹרָה הַזֶּה מִפִּיךָ וְהִגִּיתָ בוֹ יוֹמָם וְלַיְלָה:

Let not this Book of Torah depart from your lips, but meditate in it day and night.

The rabbis attempt to derive the meaning behind this statement. What must one do to fulfill the directive to "meditate in Torah day and night"? Rabbi Ami argues that merely learning one *perek* in the morning and one in the evening fulfills this verse.¹² Rabbi Yochanan in the name of Rabbi Shimon Ben Yochai is even more lenient in the interpretation of this verse and says one only needs to say *Shema* in the morning and evening to fulfill לֹא יִמּוּשׁ סֵפֶר הַתּוֹרָה הַזֶּה מִפִּיךָ יוֹמָם וְלַיְלָה. Rabbi Shmuel Bar Nachmani in the name of Rabbi Yonatan

obligation, women do receive reward if they choose to learn - see Rambam *Hilchot Talmud Torah* 1:13.)

¹² He bases this on Rabbi Yose's statement regarding the requirements of the *lechem ha-panim*, the Showbread, in the *Beit Ha-mikdash*. *Shemot* 25:30 states that the bread must be לפני תמיד - before Me *always*. Yet, Rabbi Yose thinks that it is fine for the *Kohanim* to remove the previous week's bread in the morning and only place the fresh bread in place that evening, even though that means leaving the *Shulchan* (Table) without bread for several hours. He believes that as long as the *Shulchan* is not without bread overnight or for an entire day, the requirement for bread to be on it *always* has not been violated.

suggests that this verse is not a commandment at all, but rather a blessing that the Torah will always remain with the Jewish people. Rabbi Yishmael disagrees with all of the above opinions and articulates by far the most stringent interpretation. He posits that one must be involved in Torah study all day and night. Only according to this opinion is *Bitul Torah*, nullifying Torah study, really a concern.

Though Rabbi Yishmael's opinion was in the minority, multiple *poskim* after the times of the Gemara adopted the idea that most of one's time should be allocated to the study of Torah. Rabbi Moshe Ben Maimon, also known as the Rambam, was a famous medieval rationalist philosopher and *halachist* whose opinions are highly regarded in the world of Torah-observant Judaism. He writes that Torah should be the focus of everyone's day. Of course, necessary occupations, such as eating and drinking, are allowed. Leisurely undertakings, meaning anything that is not essential to survival or Torah, on the other hand, are more complex as to their status under *halacha*. The Rambam, in *Shemona Perakim* Chapter 5 states:

המשל בו שישים הכוונה באכילתו, ושתייתו, ומשגלו, ושנתו ויקיצתו, ותנועתו, ומנוחתו בבריאות גופו לבד, והכוונה בבריאות גופו שתמצא הנפש כליה בריאים שלמים לקנות בחכמות וקנות מעלות המדות (ומעלות) השכליות עד שיגיע לתכלית ההיא.

So, his only design in eating, drinking, cohabiting, sleeping, waking, moving about, and resting should be the preservation of bodily health, while, in turn, the reason for the latter is that the soul and its agencies may be in sound and perfect condition, so that he may readily acquire wisdom, and gain moral and intellectual virtues, all to the end that man may reach the highest goal of his endeavors.

Everything with which a Jew occupies himself should somehow contribute to his or her service of God. Even sleeping, eating, and preserving one's physical health should be only for the purpose of

enabling one's pursuit of wisdom and moral and intellectual perfection.

It is important to stress that this does not eliminate every leisure activity. One can participate in leisure as long as it ultimately aids in his Torah study and *avodat Hashem*. The challenge is determining whether a particular activity contributes toward one's ability to learn Torah and serve God.

The Rambam holds that one's mental health is important to maintain and writes:

וכן אם תתעורר עליו לחה שחורה יסירה בשמיעת הניגונים ובמיני זמר, והטיול בגנות והבנינים הנאים, וחברת הצורות היפות וכיוצא בזה ממה שירחיב הנפש ויסור המרה השחורה ממנה.

Similarly, one who suffers from melancholia may rid himself of it by listening to singing and all kinds of instrumental music, by strolling through beautiful gardens and splendid buildings, by gazing upon beautiful pictures, and other things that enliven the mind, and dissipate gloomy moods.¹³

The question is, does this apply to sports. If it does, is it a blanket allowance or does it come with specific parameters?

The Rambam vehemently believes that all actions should be motivated by the desire to know God, which includes things that will prepare one's mind for that intellectual pursuit. For many, sports, similar to walking through gardens and looking at art, uplifts the spirits and puts someone in a more relaxed mindset to position oneself to learn Torah in the right headspace. It is well documented that simply stepping on the court, field, or track can immediately put one's mind at ease from stress or anxiety. Studies have shown that physical activity boosts endorphins - "the brain's feel-good transmitters" - and relaxes one's body and mood. This reduces stress, while simultaneously training one's body how to

¹³ Rambam, *Shemona Perakim* 5.

deal with stress.¹⁴ Therefore, it is reasonable to assume that sports for relaxation, recreation, and health would be permissible according to the Rambam, but probably just enough to enable one to learn with renewed vigor.

The *Shulchan Aruch* – a book of codified *halacha* written by Rav Yosef Karo in the 1500s in Spain and very much influenced by the Rambam – in *Orach Chaim, siman 307, se'if 16*, comments on which activities are permissible for leisure on Shabbat and during the week:

מליצות ומשלים של שיחת חולין ודברי חשק כגון ספר עמנואל וכן ספרי
מלחמות אסור לקרות בהם בשבת ואף בחול אסור משום מושב לצים ועובר
משום אל תפנו אל האילים לא תפנו אל מדעתכם.

One may not read on Shabbat secular books of phrases and parables, books of passion, such as Emanuel, and war books. One may not read them during the week as well because it is a “sitting of scoffers” and because one is “removing Hashem from one’s mind.”

Rav Yosef Karo here stipulates that there are particular books that Jews must abstain from reading both on Shabbat and during the week, and the two reasons he gives are “*moshav letzim*” and “removing Hashem from one’s mind.”

The first term is derived from the verse in *Tehillim* 1:1 which says:

אֲשֶׁרִי הָאִישׁ אֲשֶׁר | לֹא הִלְךְ בְּעֵצַת רְשָׁעִים וּבְדַרְךַּ חָטְאִים לֹא עָמַד וּבְמוֹשֵׁב
לְצִיִּים לֹא יָשָׁב:

Blessed is the man who does not walk in the counsel of the wicked, nor stands in the way of sinners, nor sits in the seat of scorners.

The *Tosefta Avoda Zara* 2:2, commenting on this *pasuk*, compares attending Roman gladiator matches in the theater to a *moshav letzim*,

¹⁴ Mayo Clinic Staff, “Exercise and Stress: Get Moving to Manage Stress,” Mayo Clinic Website, Aug. 3, 2022. <https://www.mayoclinic.org/healthy-lifestyle/stress-management/in-depth/exercise-and-stress/art-20044469>.

because it will lead to neglect of Torah study. Rav Karo takes this to the extreme, by saying that one can't read most secular writings; this implies that anything that is not directly related to Torah study is prohibited. Rav Karo seems to have a relatively rigid understanding of *Bitul Torah*, and limits many more activities in the name of "*moshav letzim*" and "removing Hashem from one's mind."

In contrast, the Rama, the author of the *Mapa*, which inserts Ashkenazic practice into the text of the *Shulchan Aruch*, limits this ruling. He writes that it may only be prohibited to read secular writings that are not in *lashon hakodesh*, Hebrew. Importantly for our issue, the Rama adds that the custom is to be lenient with these matters. The Mishna Berura, commenting on the Rama, explains that Hebrew intrinsically contains *kedusha*, and that learning Hebrew, even through secular subjects, aids in the study of Torah. This might allow more room for the permissibility of other activities that are not strictly defined as Torah but that also have the potential to enhance one's future Torah learning.

More recently, Rav Moshe Feinstein - the most widely accepted *posek* in the United States in the 20th century - writes that he allowed the boys in his Yeshiva Tiferes Yerushalayim to swim in the pool in the summer months to rejuvenate their spirits.¹⁵ According to Rav Feinstein, the summer heat tired them out, and swimming, though a recreational activity that is not Torah study, gave them a break to then refocus their minds and return to their learning with more fervor.

According to the above *poskim*, it is possible to permit sports despite the *Bitul Torah* concern but only to the extent that playing the sport will enhance one's Torah learning.

¹⁵ Igrot Moshe, Even Ha-ezer 4:6:1.

An alternative approach to the concept of *Bitul Torah* can be found through the interpretation of a *mishna* in *Pirkei Avot*. In chapter three, the eighth *mishna* states:

רבי שמעון אומר, המהלך בדרך ושונה, ומפסיק ממשנתו ואומר, מה נאה אילן זה ומה נאה ניר זה, מעלה עליו הכתוב כאלו מתחייב בנפשו:

Rabbi Shimon said: If one is studying while walking on the road and interrupts his study and says, "How fine is this tree!" [or] "How fine is this newly plowed field!" Scripture accounts it to him as if he was mortally guilty.

Rabbi Yisroel Szapira of Grodzhisk, a Chasidic Rebbe from Poland who perished in the Holocaust, wrote in his book, *Emunat Yisrael*, that the *mishna* is not forbidding anyone to comment on the magnificence of nature. Instead, it's warning against interrupting learning to praise the trees without having Hashem in mind. If you realize that nature is all masterminded by Hashem and are consciously thinking about His wisdom while admiring it, then you are not interrupting your Torah study, but rather are actually continuing it.

We can apply this concept to other aspects in our lives. If we are constantly internalizing that everything around us was created by Hashem and we continuously incorporate God into everything we do, then that transforms all of our activities into extensions of Torah. Torah and life become one and the same.

It may be possible to apply this also to sports. While playing, one can think about how God has given her the ability to execute these movements, that it is incredible that God enables human beings to accomplish such feats with their God-given bodies. In addition, one can incorporate and actively apply Hashem's *mitzvot*, such as *וְאָהַבְתָּ לְרֵעֶךָ כָּמוֹךָ*, by playing with respect and treating one's opponents fairly and graciously.

After covering the *Bitul Torah* issue, the next question that must be addressed is that of violence in sports. Judaism is very adamant about protecting one's body and avoiding bodily harm. Humans were created in *be-tzelem Elokim* – in the image of God – and due to this, our bodies are not our property, but merely on loan from God. Our bodies are a holy vessel and we must treat them as such. Hashem commands us to keep His *mitzvot*, but at the end of the day, He says, “וְחֵי בָהֶם” - to live by them.¹⁶ In *Masechet Sanhendrin* 74a, the Gemara links this *pasuk* to the concept of *יעבור ואל יהרג*, that if someone forces you to either transgress a *mitzva* or die, you should transgress (except for the three paramount *mitzvot*: idol worship, murder, sexual immorality¹⁷) because Hashem said, “וְחֵי בָהֶם.”

Clearly, our lives, and by extension our bodies, are held in the highest regard and we have to treat them as such. Even in death, Judaism is very particular that the body be treated with the utmost respect, insisting that the body be cleaned and buried as soon as possible. Though this body may be lifeless, it once housed a piece of God, the *neshama* inside of it, and therefore it still must be treated with care. If the dead are cared for meticulously, then how much more so should the living safeguard their bodies.

The Torah provides some specifics on how to treat one's body. In *Vayikra* 19:28, the Torah prohibits cutting the flesh or making permanent marks on the body. In *Devarim*, as Moshe is reminding *Bnei Yisrael* of what they witnessed at *Har Sinai*, he repeatedly mentions protecting oneself. In *Devarim* 4:9, the Torah says, *רַק הִשָּׁמֵר לְךָ וּשְׁמַר נִפְשְׁךָ מְאֹד* - *Just take care of yourself and guard yourself vigilantly,* and then six *pesukim* later, using similar wording, the *pasuk* states, *וּנְשַׁמְרֶתֶם מְאֹד לְנַפְשֵׁיכֶם* - *Guard yourselves vigilantly.* Multiple commentaries use these verses as the basis for a broader

¹⁶ *Vayikra* 18:5.

¹⁷ Or if it's in public or at a time of persecution.

mitzva to maintain one's physical health and to actively avoid injury to one's own body. For example, the Rambam in *Hilchot Rotze'ach paskens*:

וְכֹן כָּל מְכַשֵּׁל שְׂיֵשׁ בּוֹ סִכָּנָת נַפְשׁוֹת מִצְּוֹת עֲשֵׂה לְהִסְרֵוֹ וּלְהַשְׁמֵר מִמּוֹ וּלְהִזָּהֵר בְּדַבָּר יִפֶּה יִפֶּה. שְׁנֵאָמַר (דְּבָרִים ד ט) "הַשְׁמֵר לְךָ וּשְׁמֹר נַפְשְׁךָ." וְאִם לֹא הִסְרֵי וְהִנִּיחַ הַמְּכַשְׁלוֹת הַמְּבִיאִין לְיָדֵי סִכָּנָה בְּטֵל מִצְּוֹת עֲשֵׂה וְעָבַר בִּ"לֹא תִשִּׂים דָּמִים":

Similarly, it is a positive *mitzva* to remove any obstacle that could pose a danger to life, and to be very careful regarding these matters, as *Devaraim* 4:9 states: "Beware for yourself; and guard your soul." If a person leaves a dangerous obstacle and does not remove it, he negates the observance of a positive commandment, and violates the negative commandment: "Do not cause blood to be spilled."

The *Sefer Ha-chinuch* adds that one who transgresses "not causing damage to oneself" is liable for rabbinic lashes. Our bodies are merely on loan from Hashem and therefore we must avoid situations where there is a real risk of bodily harm. To reinforce this point, the Rama, in the *Shulchan Aruch Yoreh De'ah* 116:5, writes that putting oneself in danger is stricter than other prohibitions. He cites the prohibition of walking under shaky walls from Shabbat 32a and the *issur* of drinking water from a river at night from *Masechet Avoda Zara* 12b, since one cannot rely on miracles to save them. We must rationally weigh the risks.

Though we have a clear responsibility to avoid injury, it is often unclear whether a given situation is deemed dangerous enough to fall under this prohibition. Rabbi Shlomo Zalman Auerbach, in his *Responsum Minchat Shlomo, Mahadura Tinyana* 2-3:37, stipulates that society deems what is considered unsafe. Therefore, one cannot decide solely based on one's own rationale in which activities they can or cannot partake. We must follow what the general public assumes to be high risk.

Additionally, not every potentially dangerous situation has to be avoided, only those with a high likelihood of harm. For example, driving and flying are widely considered normal everyday activities, even though there are accidents every day. There is potential for injury, but not enough for the majority of society to deem one who drives as acting recklessly.

In the arena of athletics, each sport carries its own risks, some more than others, and therefore the permissibility of each sport must be assessed independently. Sports like baseball, soccer, and basketball have a low likelihood of injury, and the type of injuries that occur most frequently are usually minor – hyperextensions and sprains; there is very minimal risk of life-threatening injuries. Most would agree that these sports are not particularly dangerous, at least no more than driving a car, and for that reason would not seem to transgress the prohibition of entering situations of danger to the body.

In contrast, extreme contact sports, such as football, carry the potential for exponentially more danger. Almost every play ends in a tackle, with helmets clashing and bodies flying across the field. Now more than ever, the public is starting to take notice of the serious long-term injuries that playing football causes. The multiple concussions that players sustain, and the constant blows to their heads have detrimental, life-threatening effects, most commonly found in the form of Chronic Traumatic Encephalopathy (CTE). CTE is a brain injury caused by repeated blows to the head, and it can only be diagnosed posthumously. It causes symptoms such as “memory loss, depression, aggressive behavior and, sometimes, suicidal thoughts.”¹⁸ In a study done by Boston University,

¹⁸ Ben Shpigel, “What to Know about C.T.E. in Football,” *The New York Times*, July 5, 2022.
<https://www.nytimes.com/article/cte-definition-nfl.html>

researchers diagnosed CTE in the brains of 345 out of the 375 former NFL players that they studied.¹⁹ These findings paint a picture of a very dangerous game, and many in society have started to move away from tackle football, finding safer alternatives. Therefore, tackle football might be categorized as an activity that involves such a high likelihood of physical harm that it is *assur* to participate in it.

Combat sports like boxing – in which the whole goal is to knock the opponent unconscious – are virtually unanimously agreed upon to be extremely dangerous, with almost one hundred percent certainty of injury every time one steps into the ring. Sports such as these are most likely prohibited. Wrestling, though a direct contact sport, has more room for argument that it is not inherently dangerous, because the goal is to pin the other person down, not to knock him unconscious. Swinging fists is actually prohibited; wrestlers are instead supposed to use the mechanism of grappling, or holding the opponent. Therefore, wrestling is more likely permissible.

That being said, while endangering oneself just for personal desire is forbidden, there is room for leniency if it is done in order to make a living. The Gemara in *Bava Metzia* 112a alludes to a person who risks his life in order to receive wages, and it seems as though this behavior is not prohibited or condemned. Rav Eliezer Yehuda Waldenberg in his Responsa *Tzitz Eliezer*,²⁰ utilizes the Gemara from *Bava Metzia* to address the issue of assuming risk to make a living in the context of a physician treating contagious patients. Although it is risky to his health, he admits that these doctors have undergone training and for the most part are acquainted with dealing with the

¹⁹ “Researchers Find C.T.E. in 345 of 376 Former NFL Players Studied,” *Boston University Chobanian and Avedisian School of Medicine*, Feb. 6, 2023. <https://www.bumc.bu.edu/busm/2023/02/06/researchers-find-cte-in-345-of-376-former-nfl-players-studied/>.

²⁰ *Shu”t Tzitz Eliezer*, Part 9, Section 17 – Essay on Health on Shabbat, Chap. 5.

sick. Also, these patients require medical assistance for their health to improve. Due to the fact that this is the life of doctors and it is considered normal by the rest of the world, they can potentially expose themselves.

Rav Moshe Feinstein qualifies this leniency in his *Igrot Moshe Choshen Mishpat* I:104, where he asserts that one might take on a higher level of risk to attain a salary, specifically referring to professional sports. He still maintains, however, that one may not place oneself in immediate danger or extreme likelihood of injury. Football and combat sports like mixed martial arts and boxing would probably still be prohibited even in the case of participating professionally for money, since not only are they high risk, but also cause others injury.

Based on these sources, we can see that many popular sports, such as basketball and soccer, most likely do not fall under the category of danger and would therefore be permitted. In the case of playing sports for one's income, it is possible that one may choose a sport that has a higher chance of incurring injury. However, most combat and extreme contact sports that society recognizes as dangerous with a high likelihood of harm are probably prohibited.

Now that we've established that there are sources that permit playing sports either recreationally or professionally during the week, we need to address the issue of sports on Shabbat, which faces more challenges and raises additional *halachot* that need to be taken into consideration.

Hashem provided a blueprint for what the seventh day of the week should look like during His creation of the world, when after creating for six days, the Torah states in *Parashat Bereishit* 2:2:

וַיִּשְׁבֹּת בַּיּוֹם הַשְּׁבִיעִי מִכָּל־מְלַאכְתּוֹ אֲשֶׁר עָשָׂה:

He rested on the seventh day from all His work.

Later, in *Sefer Shemot*,²¹ Hashem formally gives *Bnei Yisrael* the *mitzva* of:

זְכוֹר אֶת יוֹם הַשַּׁבָּת לְקַדְּשׁוֹ:

Remember the Sabbath day to keep it holy.

Accompanying that commandment in the very next verse²² is a very general outline of what we should be doing on Shabbat:

וַיּוֹם הַשְּׁבִיעִי שַׁבָּת | לַה' אֱלֹהֶיךָ לֵאמֹר עָשָׂה כָּל־מְלָאכָה:

But the seventh day is for the Lord your God; don't do any *מלאכה* ("work").

From the *pesukim*, the guidelines of what cannot be done on Shabbat are not clear. We know we cannot do *melacha*, but the question is, what is this "work" referring to? The *mishna* in *Masechet Shabbat* 73a stipulates that there are 39 categories of "work" that one is prohibited to do on Shabbat, and enumerates each one. The Gemara in *Bava Kama* 2a adds that there are subcategories to each *melacha* described previously. Rabbi Chanina Bar Chama, in *Masechet Shabbat* 49b, attributes these categories of forbidden work to the labor described in the *Mishkan*, as Shabbat was directly juxtaposed to the description of the work in the *Mishkan* in *Parashat Vayakhel perek* 35.

When considering whether an activity is permissible on Shabbat, one must consider whether it might fall under one of these 39 categories of prohibited work or their subcategories. In regards to sports on Shabbat, there are potentially several violations that may occur. The first one, which determines whether one can even begin to possibly fathom playing sports, is *המוציא מרשות לרשות* - carrying from domain to another, meaning from a private area to a public one or vice versa. Carrying is strictly forbidden, and therefore all

²¹ *Shemot* 20:8.

²² *Shemot* 20:9.

ball sports would consequently be prohibited. However, many communities have an *eiruv*,²³ a mechanism of *halacha* that allows an entire community to be considered one large private domain. This permits the carrying of objects, and would therefore potentially solve this aspect of ball-playing on Shabbat.

The second *melacha* to consider is *choresh* – plowing or anything else that readies a field for planting, such as leveling the ground. A ball rolling on a field is considered leveling the field, as it flattens the grass or dirt that it rolls over. To avoid that problem, one would have to play only on an immovable flat surface, such as concrete or a table (for example, a ping-pong table).

The third potential violation of Shabbat applies only to cases in which a ball is likely to get stuck in a tree. In order to ensure that one does not come close to violating the *melacha* of *kotzer* – reaping/tearing a branch or leaf, the rabbis enacted that one is not allowed to climb a tree on Shabbat.²⁴ The Rama, commenting on the *Shulchan Aruch* in *Orach Chaim siman 336, se'if 13*, adds that shaking a tree is also prohibited.²⁵ Thus, if a ball were to get stuck in a tree or bush on Shabbat, one would have to exercise a great deal of self-restraint (as well as know the *halacha*) not to climb or even shake the tree to retrieve the ball.

Even if one is careful not to break these *halachot*, there are still those who prohibit sports on Shabbat. The *Shulchan Aruch* in *Orach Chaim siman 308, se'if 45*, explicitly states that playing ball on

²³ “Carrying and Eiruv,” Chabad.org.

https://www.chabad.org/library/article_cdo/aid/253228/jewish/8-Carrying-and-Eiruv.htm

²⁴ *Shulchan Aruch, Orach Chaim siman 336 se'if 1*.

²⁵ The *Shulchan Aruch* in *Orach Chaim siman 336 se'if 2* qualifies all of these rabbinic prohibitions to trees and bushes that are over 10 *tefachim* (about 30-40 inches) high, since otherwise they are so low to the ground that they are counted as part of the ground.

Shabbat is *assur*.²⁶ The Rama, who fervently believes in the credibility of *minhag* or strong custom, comments on this *Shulchan Aruch*, writing that there are those who permit it, and that the normal custom is to be lenient on this matter. The *Magen Avraham* 518:4, limits this leniency to only children below the age of *bar* or *bat mitzva*. Though there may be nothing technically *halachically* prohibited about sports on Shabbat, many *poskim* say that it ruins the spirit of Shabbat. They point to the Talmud Yerushalmi *Masechet Ta'anit* 4:5, which says:

טור שמעון הוה מפיך תלת מאוון דגרבין דמרקיע לקייטא כל ערובות שובא.
ולמה חרב? יש אומר מפני הזנות. וי"א שהיו משחקין בכדור.

Tur Shimon used to provide three hundred loaves of bread (for the poor) every eve of Shabbat. Why then was Tur Shimon destroyed? One says, due to licentiousness. Another says, because they used to play ball.

Many commentaries on this Gemara, including the *Amudei Yerushalayim* and *Korban Ha-eda*, agree that there is nothing necessarily forbidden about playing ball, but it is a frivolous activity, and on Shabbat they instead should have specifically been learning Torah.

The *Aruch HaShulchan*, a *halachic* work written by Rabbi Yechiel Michel Epstein in Lithuania in 1884, writes in *Orach Chaim* 518:8, that the Rama's leniency is not merely for children, as the Magen Avraham claims, but that it is permissible for adults to play ball on Shabbat as well. He states that it is not a senseless activity; rather it provides joy, adding to the *simcha* or happiness of Shabbat, and since there is nothing in playing ball that is explicitly forbidden in

²⁶ This could be due to the fact that he might consider the ball itself *muktzeh*, similar to a rock. Almost all *poskim* disagree with the fact that the ball could be considered *muktzeh* since it is being used for a purpose.

and of itself, one is definitely allowed to participate in sports on Shabbat.

For those opinions that do allow people to play sports on Shabbat, extending it to the professional realm is more murky. The *Badei Ha-shulchan*, a *halachic* commentary on the *Shulchan Aruch* written by Rabbi Shraga Feivel Cohen in the 1980s, limits the Rama's leniency only to non-scheduled, pick-up games. The *Aruch HaShulchan*, on the other hand, seemingly allows participating in sports in all situations. Relying on this opinion, while being careful to avoid other prohibitions, renders it possible to be a professional athlete and play on Shabbat. Staying at a place within walking distance to the stadium avoids the *halachic* issues involved in driving, and utilizing the leniency of *schar Shabbat be-havla'ah* – combining weekday's pay with Shabbat's – can potentially resolve the problem of being paid for working on Shabbat.

Although there are ways to argue that it technically may be permissible to professionally play sports on Shabbat, most *poskim* either say that it is simply prohibited, or at least that it is not in the aura of Shabbat to go to work, so consult your local rabbi before making any decisions about this.

The first three issues that we explored regarding sports in *halacha* were potential reasons to prohibit it – *Bitul Torah*, the prohibition against engaging in dangerous activities, and potential Shabbat violations. Now I would like to consider positive aspects of participating in sports.

As I wrote previously, sports provide an outlet for pent up energy and stress while also keeping the body healthy, both mentally and physically. Sports also provide intangible benefits, such as teaching important *middot*.

Competitive team sports instill teamwork, unity, leadership, and self-confidence within the players. Any athlete will tell you that you can have the best player, or even multiple better players than the other team, but if you do not work as a cohesive unit, you are bound to lose. Team sports transcend the individual player and each player needs to find their role to work as a team. Sports history is filled with a plethora of teams who on paper should have done well but underachieved due to the egos of the players, and those who overachieved compared to the ability of its players. The 1972 Dolphins of the NFL, still the only team with a perfect season, thrived with their famous “no-name” defense. Even with their lack of high-profile players, the defense worked so well as a unit that they were unstoppable. The San Antonio Spurs of the NBA enjoyed a streak of 22 straight seasons in the playoffs, achieving this feat not by having the five best players on the floor. Instead, they were legendary for their execution of unselfish basketball. They knew how to work as a unit, so even when the other teams in comparison had better players on paper, the Spurs were always the better *team*.

Unity and teamwork are integral for life and the continuity of the Jewish people. We are commanded **וְאַהֲבַת לְרֵעֶךָ כְּמִוֶּךָ** - to love our neighbors like ourselves.²⁷ We have to learn to live with each other, and even more than that, to work with each other to build a stronger nation. The second *Beit Ha-mikdash* was destroyed due to *sinat chinam*, baseless hatred.²⁸ To rectify those mistakes, we must learn to act as one cooperative unit, and sports provide a great avenue to inculcate this fundamental lesson.

Additionally, professional sports supply an international platform to promote Jewish values and unite the Jewish people. Sports figures' position allows them to reach a large audience that

²⁷ *Vayikra* 19:18.

²⁸ *Yoma* 9b.

values their opinion. Athletes today are seen as role models to many and are leading voices and advocates for change. Two practicing religious Jews in particular have taken the sports world by storm, and have utilized their situations to simply show the world who Jews are.

Beatie Deutsch, an Orthodox Jew and mother of five, is one of the top marathon runners in the world. She has won multiple marathons, just barely missing the mark to qualify for the 2020 Tokyo Olympics. She runs while wearing a skirt that completely covers her knees, leggings underneath, long sleeve shirt and her hair covered. Deutsch competes at the highest level while keeping in line with modest dress and without compromising her values. She shows the world what Jewish women are capable of, and shows Jewish girls and women that adhering to the laws of *tzniut* (modest dress) does not have to hold us back. Her platform allows her to raise money for charities and represent *Bnei Yisrael* while running. Deutch has her sights set on the Olympics in 2024, where the whole Jewish nation will rally around her as she runs for Israel, and where the world will watch as this Jewish woman competes with joy and sportsmanship, bringing a good name upon the Jewish people.

Ryan Turell is another example of the incredible opportunities professional sports provide to show others what religious Jews stand for. After an outstanding collegiate basketball career at Yeshiva University, Turell was drafted into the G league – the developmental league of the NBA – and is looking to become the first Orthodox Jew to play in the NBA. He wears his *kippah* proudly in games, playing with composure and selflessness. Major media companies have taken notice of his unique quest which has led to multiple interviews where he could talk about his faith and what it means to him. His position as an athlete has given him a platform to

speak up for the Jewish people to an audience that respects what he has to say.

According to many, sports fit within the world of *halacha*. Though playing sports may take time that might otherwise be spent learning Torah, it is not a frivolous activity but rather can enable one to learn with renewed energy and can be an extension of one's learning if one plays with Torah values. Despite the injunction to protect ourselves from harm, most athletic activities are not dangerous enough to warrant our avoidance. There may even be permissible ways to play on Shabbat, though additional issues must be considered.

However, sports are not just a fun, recreational activity that may be permissible in *halacha*. I believe that sports should be encouraged due to the benefits they provide, both for our physical and mental well-being. Sports keep one fit and healthy, reducing risk of health issues and even affecting the brain with the release of endorphins. Additionally, sports build character, instilling important *middot* and values, such as teamwork, unity, persistence, striving for excellence, and perseverance. Professional athletes, who are admired by large fan bases, have the ability to affect millions of people; they can change the world by spreading Jewish values and making a *kiddush Hashem* on a global scale. Even those of us who will never play on a professional level can gain immeasurably from the many benefits and values that sports can bring to one's life.

Oh Baby!

Surrogacy in *Halacha*

Yaffa Klausner¹

Introduction

In Judaism, having children and raising a family are central religious values. Infertility is a devastating, yet common, occurrence for many couples. Modern medicine offers many solutions, and with those in mind, rabbinic authorities help families navigate the various *halachic* challenges.

At times, a couple may conclude that surrogacy is the (only, or) best course of action. How does the process of surrogacy intersect with *halacha*? This paper will address that question.

Definition of Terms

Below is a list of technical terms that will be used throughout this paper:

Embryo: fertilized egg

¹ I would like to acknowledge my teachers who have guided me through this topic and have aided me in finding sources, in editing this paper, and by imparting their wisdom to me. Thank you to my mentor, Rav David Brofsky for encouraging me to write this paper and for sharing your astounding *halachic* knowledge. Thank you to Rabbanit Dena Rock, the coordinator of the fabulous Matmidot program, for your patience and unwavering support throughout this year. Thank you, Rivkah Moriah, for your fantastic editing. And last, but not least, thank you to Cheryl Burnat, my ISP and hero, for helping me with literally everything and anything, and for sharing your story with me.

Surrogacy: an arrangement in which a woman carries and gives birth to a baby for another person

Surrogate / Surrogate mother / Gestational mother: the woman who carries the fetus in her uterus

Biological mother: the woman whose egg is used to create the embryo

Intended mother: the woman who is the one who is going to keep the baby

Ovum surrogacy (traditional method): egg of surrogate mother and sperm of either the intended father or a third party

Gestational surrogacy (gestational method): the surrogate is impregnated through IVF with the fertilized embryo of either the intended parents or a third party

IVF (In-Vitro Fertilization): an egg is removed from the woman's ovaries and fertilized with sperm in a laboratory. The embryo is then returned to the woman's (or in the case of surrogacy, a different woman's) womb to grow and develop.

Mother-fetal cell exchange: when fetal cells migrate into the mother during pregnancy and vice versa. Due to this exchange, certain genetic material from the fetus can go into the mother and vice versa.

There are a few different types of surrogacy that are used nowadays. The type of surrogacy that is being discussed in this paper is the type of gestation surrogacy in which the intended parents' embryo (sperm from intended father and egg from intended mother) is implanted into the womb of the surrogate via IVF.

Background

1. Ethical Issues

Using a Women for Her Body | Baby-Selling

Surrogacy raises many ethical questions which must be considered, including using a woman's body for someone else's benefit. While one could argue that since the surrogate herself chooses to undergo this process, it is her own free choice and is completely ethical. However, if money is her primary motivation, is that still considered her free choice? Alternatively, if the woman chooses to carry someone else's child as an act of kindness, does that negate the ethical challenge?

"Baby-Selling" is illegal in both Israel² and the United States,³ and is clearly morally reprehensible. However, does surrogacy involve the selling of babies? In contrast to most adoption cases, in both the United States⁴ and Israel,⁵ the surrogate mother signs a contract with clear terms before conception. The hope is that most surrogates are either married with children⁶ and/or are financially and psychologically stable,⁷ so that even though money is being paid to the surrogate, the main motivation is an honorable one: wanting to help a couple struggling with fertility issues have a child they so desperately want. Compensating the surrogate mother does

² According to the second article of the Ministry of Justice's initial report concerning implementation of the optional protocol to the convention on the rights of the child, "The sale of children, is prohibited by Israeli law through several provisions."

³ Under title 18 of the United States Code, section 2551A, selling or buying of children is a serious federal offense that could result in a life sentence.

⁴ <https://www.kleinfertilitylaw.com/surrogacy-lawyer/surrogacy-contracts#:~:text=Surrogacy%20contracts%20are%20legal%2C%20written,ri ghts%20of%20the%20intended%20parents.>

⁵ <https://www.health.gov.il/English/Topics/fertility/Surrogacy/Pages/default.aspx>

⁶ https://www.gov.il/BlobFolder/legalinfo/poriut05/he/files_legislation_poriut_Poriut_05.pdf

⁷ <https://www.nytimes.com/2021/02/15/parenting/fertility/surrogates-new-york.html>; this source doesn't take into account *halachic* surrogacies, only the more broad term of surrogate mothers.

not equate to baby-selling: the money is intended to take care of both the fetus and the surrogate mother throughout pregnancy and is therefore ethical, as long as no exploitation is involved.

Dangers Associated with a Surrogate's Pregnancy

All pregnancies entail a certain level of danger, and pregnancies that include certain procedures, such as IVF, are considered to be more high-risk.⁸ Some question whether it is ethical to subject a woman to the dangers of surrogacy as a possible result of having foreign fetal cells implanted into her body. These fetal cells can remain in the surrogate mother even after birth and can have long term health effects, such as an increased risk of obtaining autoimmune diseases.⁹ Due to the Torah value of guarding our lives carefully,¹⁰ these risks must all be taken into consideration when deciding whether or not to permit surrogacy.

2. Halachic Background

Biblical Basis

While surrogacy is not explicitly mentioned in the Torah, some texts relate to the possibility of a woman having a child “through” another woman, a process which can be seen as a precursor to surrogacy. For example, according to some, Hagar acts as a surrogate mother for Sarah, and maybe even more notably, Bilha and Zilpa act as surrogate mothers for Rachel and Leah.

⁸ <https://www.drabiabadi.com/obstetrics/high-risk-obstetrics/autoimmune-disorders/>

⁹ <https://www.scientificamerican.com/article/fetal-cells-microchimerism/#:~:text=Scientists%20increasingly%20think%20these%20silent,placenta%20to%20an%20unborn%20child.>

¹⁰ *Devarim* 4:15 - וְנִשְׁמְרֶתֶם מְאֹד לְנַפְשֵׁיכֶם

Additionally, a well-known *midrash* in *Targum Yonatan*¹¹ explains that, while Leah and Rachel were pregnant at the same time, Leah prophesied that her child was to be a boy (who would ultimately become one of twelve tribes) and that Rachel was going to have a girl. Leah felt bad for her sister and wanted Rachel to be able to bear at least two of the twelve tribes, so Leah prayed and the fetuses of Yosef and Dina switched wombs. If taken literally, this would be akin to surrogacy. In this *midrash* however, the babies changed wombs and due to that, the birth mothers were also the intended mothers in contrast to our case of surrogacy.

Because of the unique situation of this “surrogacy” case, there are differing opinions regarding whether this *midrash* has *halachic* significance in terms of maternity. Some claim that since Dina, who was the biological daughter of Rachel, is referred to as Leah’s daughter, this shows that maternity is determined by the gestational mother. Others assert that this *midrash* does not have any *halachic* standing; it merely offers a *midrashic* perspective on the relationship between Rachel and Leah and says more about the existence of miracles in *Tanach* than about surrogacy. Either way, there appears to be a historic and Biblical understanding of the importance of surrogacy for some women.

Halachic Considerations Within the Stages of Surrogacy

1. The Decision Itself

At What Point Should One Consider Surrogacy

A number of important questions must be addressed before a couple considers surrogacy. For example, at what point should one

¹¹ Commentary on *Bereishit* 30:21.

consider surrogacy? Should the couple have to have already gone through any or all other fertility treatments? If so, how many and for how long? In addition, what qualifies a person to have a child through a surrogate? Can a couple consider surrogacy even if they already have children? Can the candidate be single?

As surrogacy is not generally the first step a couple takes when they encounter fertility issues, at what point can one choose not to go through more rounds of IVF only for it to fail over and over again? There is not much *halachic* literature on this so what can be assumed is that whenever the couple comes to the conclusion that they wish to try surrogacy, that is the appropriate time to evaluate the *halachic* issues and decide if it is best.

What if the couple already has children, and has even already fulfilled the *mitzva* of *peru u-revu* (the Torah commandment to be fruitful and multiply)¹² - does that disqualify them from having a “need” to have a child through surrogacy?

May a single woman choose to pursue surrogacy? On the one hand, due to the centrality of marriage in Judaism, many advise a single woman not to have a baby through a surrogate.¹³ On the other hand, if a woman remains unmarried, should this disqualify her from raising children? Many authorities have changed their views regarding this issue in recent years.

To What Extent Should We Use Science to Change Our Circumstances

There are many *mitzvot* from which one can become exempt due to medical concerns that either render one unable to perform the

¹² We *pasken* like Beit Hillel who says that this *mitzva* is fulfilled by having one son and one daughter (*Yevamot* 61b; *Shulchan Aruch, Eoen Ha-ezer* 1:1).

¹³ <https://www.myjewishlearning.com/article/single-motherhood-and-artificial-insemination/>

mitzva or that involve an increased health risk if one would do the *mitzva*.¹⁴ If, however, one could use a newfound way to change their circumstances, is that forbidden, allowed, or maybe even encouraged?

Mitzva of Peru u-revu

While every man is required to fulfill the *mitzva* of *peru u-revu*,¹⁵ if a man and his wife cannot conceive, does that exempt them from the *mitzva*? If it does exempt them, does that impact whether they may choose surrogacy? What about other forms of medical intervention?

For example, IVF is widely regarded as a *halachically* acceptable¹⁶ and even recommended method of procreation whether or not the couple already has children. In using IVF, science is used to “change” one’s circumstances, and is looked upon favorably.

Should the fulfillment of *peru u-revu* affect whether a couple chooses to have a child through surrogacy? The *mishna* in *Yevamot* 6:6 cites a discussion between Beit Hillel and Beit Shammai. Beit Shammai says that in order to fulfill the *mitzva* of *peru u-revu*, a couple must have two boys, while Beit Hillel says the *mitzva* is fulfilled upon having one boy and one girl. The Gemara on this *mishna* in *Yevamot* 62b comments that Rabbi Yehoshua ben Korcha believes there is an obligation to have additional children since one never knows how his children will turn out.¹⁷

¹⁴ For example, a celiac cannot fulfill the *mitzva* of *matza* on Pesach or of *lechem mishneh* on Shabbat.

¹⁵ *Bereishit* 1:28, פְּרֹו וְרַבֵּו - *be fruitful and multiply*; *Shulchan Aruch, Even Ha-ezer* 1:1.

¹⁶ <https://www.puahfertility.org/articles/>,
<https://www.givelegacy.com/resources/religion-judaism-and-fertility-part-2-of-3/#>

¹⁷ He bases this on the *pasuk* from *Kohelet* 11:6 which states:

Having many children is a recurring promise made to the *Avot* when even they, along with the *Imahot*, faced infertility. Perhaps *peru u-revu* is more than just a concrete *mitzva* of having a certain number of children, but expresses a value in Judaism to have many children, and surrogacy could arguably fit into this view of *peru u-revu* as just one of the many ways to have more children.

Our patriarchs *davened* to Hashem to invoke His favor, and ultimately, they were blessed with offspring. However, it is well known that *davening* isn't always enough and now that we have the technological advancements to potentially enable infertile couples to have children, it would seem counterintuitive if these possible solutions weren't permitted, if not encouraged.

One might argue that surrogacy does not require fulfilling the *mitzva* of *peru u-revu* to justify it; simply bringing a child into the world for a family that so desperately wants one is sufficient justification. This would allow for surrogacy to be an option for couples who already have children and are now wishing to have another.

All in all, the main question is whether or not one needs to be fulfilling a *mitzva* such as *peru u-revu* in order to justify having a child through surrogacy.

2. Choosing a Surrogate

The biggest *halachic* questions when choosing a surrogate are: Should the surrogate be married? And: Should the surrogate be Jewish?

The Surrogate's Religious Status

בבקר זרע את זרעך ולערב אל תנוח ידך - *In the morning, plant your seeds, and at night, do not rest your hands.*

If the surrogate were to be Jewish, she must have some sort of documentation and registry to avoid any children marrying relatives. This is all under the assumption that when a child is born through surrogacy, that child is not only related to its biological parents who are in our case, the intended parents, but also has some relation to the surrogate from whom the child was born. If the surrogate mother is not Jewish, most contemporary authorities require a conversion in order for the child to be unquestionably Jewish. The *halachic* issue of incest is more severe than the issue of the child's status as a Jew, especially since the child's status can be changed through conversion; thus, some *poskim* prefer a non-Jewish surrogate.

The Surrogate's Marital Status

The possible problems that would arise if the surrogate is married relate to that of adultery and of *mamzerim*. Adultery is one of the most severe prohibitions in the Torah and is one of the few acts regarding which it is better to die rather than perform.¹⁸ A child that is the result of one of the forbidden relationships listed in the Torah becomes a *mamzer* and is only allowed to marry either another *mamzer* or a convert, and their subsequent descendants are also *mamzerim*.¹⁹

Some think that since no sexual act was committed when impregnating the surrogate, adultery isn't an issue. However, others are more wary and advise that the surrogate be single in order to avoid any suspicion of adultery or of the child being a *mamzer*.

¹⁸ *Sanhedrin* 74a. The only 3 *mitzvot* that are **ייהרג ואל יעבור** – that one must die rather than violate (even in private during a time of peace) are idolatry, adultery, and murder.

¹⁹ https://www.chabad.org/library/article_cdo/aid/4007896/jewish/What-Is-a-Mamzer.htm

3. Dilemmas Throughout the Pregnancy

If health issues come up during the pregnancy, who has the prerogative to make decisions? Does the gestational mother have total autonomy until the child is born or should the intended parents have a say, possibly the final say? Surrogacy usually involves a contract signed by both parties in the presence of their lawyers and when it comes to matters involving the fetus, both the surrogate mother and intended parents are notified and consulted. But in cases where genetic birth defects or increased health risks to the gestational mother occur, there may be different rulings.

4. Establishing the *Halachic* Status of the Child²⁰

In Judaism, religious status stems from the mother, so in the case of surrogacy, who is the *halachic* mother? If a child is born from the intended Jewish mother's egg but from the non-Jewish surrogate's womb, is the child considered to be Jewish? Furthermore, determining the *halachic* mother impacts not just the religious status of the child, but also applies to *yichud*, *pidyon ha-ben*, and more complex areas of *halacha* that are impacted by one's parentage.

The *Halachic* Mother is the Gestational Mother (i.e. the surrogate mother)

Some authorities, including Rabbi Aaron Soloveichik, Rabbi Yisrael Meir Lau, Rabbi Eliezer Waldenberg, and Rabbi Moshe Shternbuch maintain that the *halachic* mother is the gestational carrier, and therefore the woman who carried the child is the sole determinant of the child's religious status. Similarly, Rabbi Nachum Rabinowitz rules that the mother is the gestational mother, in

²⁰ We learn from *Chazal* that a baby born from a Jewish mother is considered Jewish, but how does that concept apply in our case?

accordance with the principle עובר ירך אמו – “the fetus is considered a limb of its mother.”²¹

Some Talmudic sources seem to support this view. For example, the Gemara on *Yevamot* 97b discusses a case in which a woman converts while she is pregnant with twins. When a person converts, s/he is “reborn” and all previous familiar ties are broken so that the convert is no longer considered related to his/her biological family. Converts are considered to be the children of Avraham and Sarah, not of their biological parents. Due to this, one might think that the twins are not related to each other at all and also are not related to their mother. However, the Gemara states that when they grow up, the twins are forbidden to marry each other’s wives,²² which is generally the case for *halachic* siblings. But if one of them were to die childless, the living twin would not have to perform *chalitza*, which is also generally the case for *halachic* siblings.²³ *Chalitza* is a ceremonial process in which the living brother-in-law relinquishes his duty to marry his sister-in-law if his brother died without children. If a man dies and leaves his widow childless, the brother of the deceased is meant to marry the widow in order to have children with her to continue the family line of the deceased. If, however, the brother of the deceased does not wish to marry his

²¹ This concept is discussed in *Yevamot* 78a. In our case, this would imply that the fetus is seen as a physical part of the surrogate and thus should acquire her religious status.

²² This is a standard rule for brothers, as stated in *Vayikra* 18:16: עֲרֹת אֶשְׁתֵּי אָחִיךָ לֹא תִגַּלֶּה עֲרֹת אָחִיךָ הוּא.

²³ *Devarim* 25:5-10 instructs that when a man dies without having children, his wife is meant to marry his brother in order to have children that will continue her late husband’s familial line. If the man’s brother and/or the deceased brother’s widow do not wish to be married, then the living brother performs *chalitza* and after that, the widow is no longer “tied” to the brother of her late husband.

brother's widow, he performs *chalitzah* and by doing so, the widow is free to marry someone else.

This Gemara reinforces the opinion that birth determines maternity. The need to perform *chalitza* only occurs among brothers who share the same father, and since the twins converted in utero, they *halachically* are not considered to share a father. However, as explained by Rashi, since they were both born to a Jewish mother (because she converted before their birth), they are still related to her and thus the prohibition of marrying each other's wives still stands. Rabbi Zalman Nechemia Goldberg, the Chief Justice of the Rabbinical High Court in Jerusalem, ruled based on this Gemara that birth determines maternity.

Similarly, *Tosafot* on *Ketubot* 11a says that a child born to a woman who converted while pregnant is considered to be her child and to be Jewish. Since conversion breaks all familial ties, yet this child's relationship with his/her mother remains intact, clearly the maternal relationship was established at the time of the birth. According to this *Tosafot*, maternity is determined by the gestational mother.

The *Sifra* on *Vayikra* 12:2 discusses a case of a woman who was pregnant at *Matan Torah*. It states that when the child would be born, s/he would be considered Jewish, even though s/he was conceived before his/her mother was Jewish. This too seems to indicate that birth determines one's *halachic* status. However, one could argue that perhaps *Matan Torah* was a special circumstance and all those present, even within a womb, became Jewish.

In *Megillat Esther* (2:7), it is written twice that Esther had no parents. The Gemara in *Megilla* 13a explains that we learn from this that, at the time of Esther's birth, her parents were already dead - her father died ahead of time and her mother died in childbirth - so she is considered to have no parents. What the Gemara seems to be

implying is that there is a difference between having parentage and having parents. Esther still had people from whom she was conceived but she did not have any parents. It is unclear from this source if maternity is determined at conception or birth.

Finally, we might bring proof from a different passage in *Yevamot* 69b, where Rav Chisda says that embryos that are less than forty days old are considered to be just water (*maya be-alma*), and, because of this, the fetus does not disqualify the mother from eating *teruma*.²⁴ This could imply that later on in the pregnancy, the gestational mother could gain maternity, or that there is no maternal relationship at all until the baby is born.

It is worth considering whether “Mother-Fetal cell exchange” should play a role in determining maternity. Mother-Fetal cell exchange²⁵ is the process by which cells from the fetus and the gestational mother are exchanged during gestation. This process has a biological effect on both parties and means that scientifically, some biological ties are created during gestation. One could argue that this biological connection is miniscule in comparison with that of the genetic connection between the fetus and its biological mother, who provided half of the fetus’ genetic material through her egg. Nevertheless, it is interesting to note that, on a biological level, there is a lasting connection between the child and its gestational mother.

There’s an agricultural case in the Gemara on *Sota* 43b that could possibly be extrapolated to our surrogacy case. In the *Sota* case, a young branch is grafted onto an older tree and, according to Rabbi Abahu, the fruit from the young branch is considered to be the fruit

²⁴ In normal cases of birth or late pregnancy loss, the mother would become a *nidda* and be unable to eat *Teruma*.

²⁵ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2633676/#:~:text=Fetal%20cells%20migrate%20into%20the,bone%20marrow%2C%20skin%20and%20liver.>

of the older tree. If this case can be applied to surrogacy, then this would imply that once an embryo is implanted into a surrogate, it becomes part of the surrogate, as if the embryo originated from the gestational mother.

The *Halachic* Mother is the Biological Mother

The *Gemara* in *Sanhedrin* 91b relates that Rabbi Yehuda HaNasi agreed with Antonius that the point when the fetus is “decreed/וּפְקֻדָּתָךְ” by Hashem is the moment when the soul goes into it. If this “decree” occurs at conception like most who comment on this *Gemara* say, then the biological mother should be the *halachic* mother of the child. Since it is not clear if conception is this “decreed” time when the soul enters the fetus, this *Gemara*’s effect on our case, while interesting, is ambiguous.

Elsewhere, in *Niddah* 31a, the Sages say that there are three partners in creating a child: Hashem, the father, and the mother, and different parts of the child are attributed to each of these three. The father is said to be responsible for the bones, sinews, brain, head, and the white part of the eye, while the mother is responsible for the skin, flesh, hair, and the black part of the eye. Hashem then inserts the five senses, the soul, and the fetus’ mobility. This *Gemara* also seems to suggest that the biological and physical attributes are split between the mother and father. This would indicate that biology is the main factor in determining maternity and paternity, and that, in our case, maternity should stem from the biological mother.

Similarly, when discussing how long a woman should wait between the end of one marriage and the beginning of another, the *Gemara* in *Yevamot* 42a cites Rava who brings up a case involving two converts. Rava states that when a couple converts, they should

have to wait three months²⁶ before having relations in order to ensure without any doubt that a child born to them was conceived subsequent to the conversion and thus would be considered Jewish. While the Gemara was originally talking about the potential child's paternity, Rava extended the discussion to include maternity and, using the aforementioned logic, maternity is established at conception.

In *Vayikra* 21, the *Kohen Gadol* is commanded to marry a virgin;²⁷ if he marries a widow, a divorced woman, or a *zona*,²⁸ any child they have will lose his or her status as a *kohen* or a *bat kohen* and be referred to as a *chalal*.²⁹ Rambam, in the *Mishneh Torah*,³⁰ states that if the woman was already pregnant when she married the *Kohen Gadol*, that child is not considered to be a *chalal*, because its *halachic* status was already established before the forbidden marriage took place. According to this, conception is when the *halachic* status takes place so it is irrelevant to the child's status what happens after conception. This too would render the biological mother the *halachically* recognized mother.

Rabbi Shlomo Amar, the Sefardic Chief Rabbi of Israel, rules that the *halachic* status of a child born through surrogacy follows that of the biological mother.

Interestingly, Rabbi Shlomo Zalman Auerbach considers this case to be a *safek* (an uncertainty), and the baby should be converted to cover all the bases.

²⁶ The Gemara claims that by three months any pregnancy that may have occurred would be apparent.

²⁷ *Vayikra* 21:13 - וְהָיָה אִשָּׁה בְּתוּלִיָּהּ יָקַח

²⁸ Woman suspected of promiscuity

²⁹ *Vayikra* 21:14 - אֶת־אִלָּהּ לֹא יָקַח כִּי אִם־בְּתוּלָהּ מֵעַמּוּי יָקַח אִשָּׁה -

³⁰ משנה תורה, הלכות איסורי ביאה י"ז:ד

Is it both?

There is a minority *halachic* opinion, held for example by Rabbi Moshe Shternbuch,³¹ that both the gestational mother and the biological mother are considered the baby's mothers, and that both of them determine the *halachic* status of the child. An interesting ramification of this idea would be that the child, hypothetically, could be half Jewish! Practically, Rabbi Shternbuch recommends converting the child in such a case because it is completely unknown what it would mean to be "half-Jewish."

Alternatively, there are authorities who do not actually think that they are both considered the mother but strongly believe that since we cannot be sure which one is the mother, we have to act stringently as though both of them affect the child's status.

Conclusion

Although surrogacy is a relatively new scientific advancement, the modern world is embracing it, and it is becoming one of the main ways couples struggling with infertility have children. Like so many other 21st century advancements, *halachic* authorities have begun to discuss whether surrogacy is a *halachically* acceptable option for observant Jews, and if so, how to handle the *halachic* questions that arise.

I chose to write this paper to spread awareness of surrogacy in the Modern Orthodox community and to present the opinions from many different perspectives and angles. While there is still stigma surrounding infertility, many couples struggle with it at some point in their lives, and there are many options one can take when faced with such challenges. It is my hope that anyone struggling with

³¹ Rabbi Shternbuch is a Charedi rabbi who serves as the head of the *Edah Ha-Chareidis* and vice-president of the Rabbinical Court in Jerusalem.

infertility knows that they are not alone, and that they seek sensitive and expert medical and *halachic* guidance.

Monday Night Matmidot Memories

Daniella Moadab

One of the incredible parts of the Matmidot Scholars Program is spending our Monday nights visiting with leaders, scholars, and visionaries in their homes to learn from them and be inspired to make a difference ourselves. Here are summaries of each week's session:

Dr. Yael Zeigler - November 7, 2022

For our first Matmidot speaker, we were thrilled to hear from Dr. Yael Ziegler, a renowned professor of *Tanach*, author, and the *Rosh Batei Midrash* and Academic Director of Matan. After welcoming us into her cozy home, she introduced us to how using type scenes can enhance our appreciation of the Torah. Type scenes are meant to follow an expected storyline even though the different narratives never unfold in an identical manner. Dr. Ziegler focused on the betrothal-type scene that's presented in *Sefer Bereishit* in which the male figure journeys from his home, meets a girl at a well, is invited to a meal, realizes they're both from the same family, and marries the girl.

The first instance of this type-scene appears in *Parashat Chayei Sarah* when Yitzchak gets betrothed to Rivka. The anomaly within the type scene in this case is that the groom is absent! The entire arrangement for the marriage is made not by Yitzchak nor even by a servant of his but rather by a servant of Avraham's! This narrative is telling of Yitzchak's character and legacy overall. He is consistently passive throughout his mention in Torah, especially in

Akeidat Yitzchak, and he primarily follows in Avraham's footsteps. Dr. Ziegler explained that because Avraham is such a visionary, it would be a clash of visions if Yitzchak were an ambitious visionary too. Rather, Yitzchak's mission is to continue Avraham's path and help turn his vision into a reality.

We then see a huge transformation within the scene involving Yaakov and Rachel. Yaakov's main reason for his journey is to escape Esav's wrath and to seek shelter with Lavan. He experiences difficult struggles in order to marry Rachel, including being tricked by her father into marrying her sister first. These struggles are foreshadowed in his betrothal scene as he does not have easy access to the well but must garner superhuman strength to first lift the rock that is obstructing it, and he is not invited to a meal with Rachel's family unlike in the other well-betrothal scenes. Yaakov proceeds to make an agreement with Lavan in order to obtain a livelihood but gets cheated by his own father-in-law. Despite all the odds, Yaakov's lasting legacy is that he consistently prevails despite all his struggles, as seen when he is renamed Yisrael "*for you have struggled with God (perhaps the angel) and with man and prevailed*" (Bereishit 32:29).

Lastly, in the betrothal scene of Moshe and Tzipora, we learn that Moshe is fleeing his city urgently when he reaches the well. However, his struggles are oriented toward justice and morality, which is evidenced when he defends Reuel's daughters at the well, and does not actually betroth any of them there. This is rooted in the fact that he himself was served justice by Bat Pharaoh when he was a baby. Because of this, in the many times he encounters injustice in his lifetime, he opposes it. Additionally, Dr. Ziegler proposed that Moshe's intent when marrying one of the daughters of Yitro/Reuel was primarily to pursue a familial relationship with Yitro/Reuel whom he regards as a father-figure and fellow justice-seeker.

Through this betrothal scene, we see that Moshe's legacy was made via his passionate commitment to justice.

Dr. Ziegler's breathtaking ideas taught us that type scenes are a brilliant vehicle for enabling us to appreciate the distinctive features of each instance of the scene. The betrothal stories in particular reveal the unique everlasting legacy of each character.

Rabbi Dr. Kenneth Brander – November 14, 2022

For our next Matmidot session, we had the privilege of hearing from Rabbi Dr. Kenneth Brander, the President and *Rosh HaYeshiva* of Lindenbaum's parent organization, Ohr Torah Stone. We were excited and curious to hear more about what it entails to oversee such revolutionary institutions and initiatives. He was slightly distraught when we arrived because, as he shared with us, he had just received the shocking news that the Keneset was canceling the upcoming Manhigot tests for which the women had been studying the past year and a half. (That decision was ultimately reversed.) Hearing this news exemplified the type of issues Rabbi Brander handles on a daily basis and framed our perspective on how much it takes to oversee an organization like Ohr Torah Stone.

It was incredible to hear about all of the programs within Ohr Torah Stone. In addition to our own Midreshet Lindenbaum building which houses our Overseas Program, an Israeli program, Darkaynu for special needs students, Amlat for Spanish-speaking students, the Manhigot program in which women spend five years learning the material covered by the Rabbanut *semicha* exams, and Yad La'isha which is dedicated to helping *agunot*, we were amazed to hear that Ohr Torah Stone also runs several high schools nationwide, *kollels* and women's learning programs, programs for international *shlichim*, and centers for *agunot*. Rabbi Brander spoke particularly passionately about a new program exploring how to

engage with minorities in Israel. We were filled with pride to be part of an institution that is making a difference within *Eretz Yisrael*.

After hearing Rabbi Brander speak about all these fantastic programs, one word to describe Rabbi Brander himself would definitely be driven. He explained that he is constantly looking at what's ahead and never takes his position to run such an organization for granted. His vision is to make sure the various programs are properly supported so they can reach their fullest potential, and to continue creating innovative new programs that serve the needs of *Am Yisrael*. Besides Rabbi Brander's broader vision, his attention to detail was evident throughout his talk.

We were all amazed by Rabbi Brander's accomplishments and loved hearing about his background and education. An extraordinary story, in particular, was that while studying at Yeshiva University, Rabbi Brander lived with Rabbi Soloveitchik! He described seeing the Rav hard at work as an intense experience that inspired him to obtain *semicha* and further his own Torah knowledge.

While *sufganiyot* were passed around the table, Rabbi Brander's parting words to us were to take advantage of our opportunity to learn this year, so we can build a foundation of growth for the future. He tied this into the concept of the sacred synergy between the publicity of Chanukah lights and the privacy of Shabbat lights. Rabbi Brander explained that just as Shabbat candles are lit in the private domain, we must establish a private relationship with Hashem first. Then, we can bring public light into the world, just as with our Chanukah candles.

Neima Novetsky - December 5, 2022

As we picked up the pace with our Matmidot research papers, we were thrilled to hear from Neima Novetsky, one of the visionaries behind the revolutionary website, AlHatorah. The Novetskys started AlHatorah twelve years ago with the vision of creating a website that would be a comprehensive site making anything and everything Torah-related accessible all in one place. Their dream is that the site should not simply make texts available, but should *enhance* the learning of those texts by enabling the learner to explore and analyze the texts in new ways that would not be possible without the unique tools the website provides.

Most of us were introduced to the AlHatorah learning site in high school and knew its basic functionality. Neima revealed to us many additional facets of the website that enable it to cater to any learner. We were fascinated by the seemingly magical ways the site can elevate our understanding of the text and personalize the site to our learning style. At a click, it can reveal how often a particular word appears in each book of *Tanach*, can call up any and every commentary, display art that depicts the Biblical scene you are studying, and even contains PDF files attached to commentaries that display images of manuscripts of the ancient text!

Neima extended thanks to all of AlHatorah's users and encouraged us to give user input as the website flourishes on that. We were all so impressed by the versatility of the website and are excited to incorporate its tools into our research and learning!

Rav David Stav - February 20, 2023

It was an enormous privilege to be able to meet Rav David Stav, a groundbreaking figure in Israeli society through his role as the co-founder and chairman of Tzohar and the Chief Rabbi of the city of Shoham. Rav Stav is so busy that he asked us to come to his home

at 10:30 at night! Rav Stav introduced us to what his organization, Tzohar, does by connecting it to current events in Israel, in particular, the uproar over judicial reform. He shared that a major divide between Israeli citizens is how they define their identity, and what they assume those identities mean. Whether one identifies as secular, traditional, Modern Orthodox, Religious Zionist, or Chareidi, tension is caused because many believe that the more “Jewish” you become, the less democratic you are. This kind of friction was also extremely evident when Yitzchak Rabin was assassinated in 1995. The high tensions during that difficult time was what alerted Rav Stav to the need to bridge the gap between different segments of Israeli society and was what prompted him to create what eventually became Tzohar.

One of the main flash points between the religious and the secular in Israel is the obligation to get married strictly through the Rabbanut. Many secular Israelis don’t want a religious wedding and/or may be unable to verify that they’re Jewish, in which case the Rabbanut will not allow them to get married. Tzohar steps in and aids the couple by running religious weddings in ways that are much more palatable to secular couples, and by presenting information about Jewish weddings and other life cycle events in ways that convey how beautiful and inspiring Judaism can be. In addition, Tzohar created a Jewish Roots Investigation Unit called Shorashim, which has successfully authenticated the Jewish identity of over 40,000 Jews.

Another point of tension was the monopoly the Rabbanut had on all *hechsherim* for restaurants in Israel. Many restaurant owners were frustrated by different aspects of working with the Rabbanut. Because of this, Tzohar created their own *hechsher* and set a high standard for how Kashrut services should be. Rav Stav was proud to share that many businesses enjoy working with Tzohar as their

supervisors not only inspect the Kashrut but also help with other duties in the restaurant every day.

In addition to all of these amazing projects, Rav Stav also works with *Giyur Ke-Halacha* which is an Orthodox conversion court that helps Israelis from different backgrounds and circumstances. He had converted 8 children that very day!

Rav Stav ended by encouraging us that with hard work and dedication, we too can make a lasting impact on society. It was truly inspiring to hear from someone who has done so much to improve *Medinat Yisrael*, and who believes in our ability to do the same.

Shoshanna Keats Jaskoll – Decemeber 12, 2022

On December 12, we were very excited to hear from Shoshanna Keats Jaskoll, co-founder of *Chochmat Nashim*, an organization whose mission is to advocate on behalf of women and to challenge extremist trends within Orthodox society. Shoshanna started by sharing her personal background. She grew up in Lakewood, New Jersey, home to a very devout Jewish community but her own family was not particularly observant. She was taught by her grandparents who were Holocaust survivors to always stand up for what is right. Because of this, she fought anti-Semitism in her public high school. She pointed out that the erasure of women is a recent phenomenon - she didn't notice it until moving to Israel later on in life. A watershed moment for her was accompanying her aunt, who was struggling as an *aguna*, to *Beit Din*. That experience led her to believe that change was not going to be top-down, and inspired her to become an activist seeking to make positive changes within the Jewish community.

Shoshanna's activism led to her co-founding *Chochmat Nashim*. She emphasized that it is imperative to work amongst the community in order to see change, as the Torah belongs to every

Jew and we each have the responsibility to bring justice and meaningful change to the community. An inspiring example of this was when she was asked by a supporter if there was a way to create stock photos of Jewish women in order to help break the stigma against pictures of women appearing in the public sphere. She wasn't sure how to proceed but nonetheless posted about it on Facebook. She received over 250 responses by women volunteering to help in every possible way. Together they produced a photo bank supplied with thousands of photos of proud Jewish women. This is just one of the many projects *Chochmat Nashim* has spearheaded that demonstrate the power and importance of community in creating change. When asked how she is able to continue to do her work despite the negativity she sometimes faces, Shoshanna shared that she focuses on the beauty of Judaism, and added that the fact that change can have a lasting impact drives her, no matter the issue. We left inspired to try to do our own part to better the world.

Rabbi Dr. Moshe Koppel – January 2, 2023

Next we had the privilege of hearing from Rabbi Dr. Moshe Koppel, a brilliant scholar, computer scientist, and political activist. After making Aliyah, he spent several years teaching mathematics and computer science at Bar Ilan University, and then somewhat serendipitously discovered an interest in Israeli law. He started volunteering at the *Kenesset* and was offered a position on the committee that was working on drafting a potential constitution for the State of Israel. He later joined the sub-committee that worked to define what it means for Israel to be the nation-state of the Jewish people. Through meeting with people and politicians across the spectrum of Israeli politics, he discovered that he was often able to bridge their disagreements and reach compromises that everyone could agree to. Though Israel has yet to ratify any constitution, a

section of what Rabbi Dr. Koppel and his colleagues crafted was passed as the Nation-State Law in 2018.

Rabbi Dr. Koppel then partnered with one of his colleagues to establish the Kohelet Policy Forum. Kohelet's central goals are to solidify Israel's identity as the nation-state of the Jewish people, and to strengthen Israel's commitment to representative democracy, individual liberties, and free-market principles.

In addition, Rabbi Dr. Koppel launched Dicta in 2018, a non-profit organization that utilizes artificial intelligence to provide cutting-edge analytical tools for Hebrew texts, thereby enabling learners to obtain an unmatched understanding of these texts.

Rabbi Dr. Koppel's inspiring achievements truly exemplify how just one person can make a huge impact in vastly different realms of society.

Yael Unterman – January 9, 2023

The Matmidot were excited to hear from one of Lindenbaum's very own alumna, Yael Unterman! In addition to being an actress, life coach, actor, editor, and author, Yael teaches Torah through a method developed by Peter Pitzele called Bibliodrama. Similar to improv, in Bibliodrama, the participants make up the script as the scene progresses. But, unlike improv, the topic in Bibliodrama is always an event or person in *Tanach*! The participants use their knowledge of the text, *midrash*, and commentaries, as well as their own imaginations and interpretations to put themselves into the minds of the characters in *Tanach* and imagine what they might have felt and thought as the events described about them unfolded. In our particular Bibliodrama, we delved into the character of Miriam and explored different moments of her life. We considered how she might have felt, and answered questions in first person, speaking as though we ourselves were Miriam. I found it to be a fascinating form

of storytelling, as well as a powerful new way to explore a Biblical character. We each had a different perspective on Miriam and hearing each others' thoughts enabled us to appreciate the intricacy of Miriam's character. We also understood from this exercise that there are many ways of interpreting the Torah's ambiguities and we appreciated that we could be creative in interpreting those ambiguities in the narrative. When closing the session, Yael shared a thought by Rabbi Twerski who said that the Torah needs to be fresh and new to every generation. This idea resonated with us as we had just been amazed by a compelling and eye-opening new way of approaching characters in the Torah.

Rabbanit Yael Nitzanim – Januariu 23, 2023

The Matmidot were excited to have the opportunity to learn more about the background of our own beloved, inspirational Rabbanit Yael Nitzanim. Rabbanit Dena explained in advance that the goal of this session was to meet with someone less than 10 years older than us who is on the path to becoming a strong leader of *Am Yisrael*, so that we could gain insight into the kinds of decisions, options, and programs we might consider in our own journeys.

Rabbanit Yael shared that she grew up in a Reform Jewish household, her father was a Reform rabbi, and she was free to observe Modern Orthodoxy in her house. She chose to study in a Chabad high school and learn general studies through an online program, and then she dedicated two years to learning Torah in Migdal Oz. From there, she obtained a BA in Linguistics from Princeton. Though she was hesitant to return to America for university rather than stay in Israel, she ultimately was grateful to have returned to America for college. Her experience on a campus with a relatively small Jewish community pushed her to take advantage of the many leadership opportunities.

After finishing university, Rabbanit Yael and her husband Matthew (whom she met at Princeton) both knew they wanted to pursue a career in Jewish community leadership. Rabbanit Yael was also determined to achieve a deep understanding of the *halachic* process in order to be able to independently answer *halachic* questions. So she joined Midreshet Lindenbaum's Manhigot program! After two years in the Manhigot program which is devoted to in-depth study of *halacha*, Rabbanit Yael realized that she needed to deepen her expertise in Gemara in order to be able to truly grasp the *halachic* process. Though it posed some significant logistical challenges, she embarked on a two-year course of intensive Gemara study at Drisha. Upon completing the 2 years, her plan is to return to Lindenbaum's Manhigot program to delve back into the rigorous study of *halacha*, this time armed with a deeper grasp of Gemara.

Rabbanit Yael was open about some of the difficult choices she faced, such as sacrificing time with her infant son in order to further her learning. Another challenge she shared with us was coping with the grief of the passing of her father during her first year of marriage. Her husband Matthew was serving as a grief counselor in a hospital that year. Because of this trying experience, they learned how to be comfortable with grief and how to be there for others when they go through difficult times. An additional challenge she and her husband had to learn to navigate was balancing their busy schedules in a way that enabled them to each work toward their professional goals, spend time with each other, be there for and with their son, and also meet their financial needs. She shared that she truly enjoys feeling productive and is determined to chase after her dreams even if that means making bold decisions. We were all amazed and inspired by Rabbanit Yael's robust achievements so far, and know that with her passion, enthusiasm, brilliance,

determination, and perseverance, this is just the beginning. We know we will be proud to say we were among her first students!

Rabbanit Judy Klitsner – January 30, 2023

We were privileged to meet with Rabbanit Judy Klitsner, an outstanding author, educator, and international speaker, and we were given a glimpse into her book *Subversive Sequels in the Bible: How Biblical Stories Mine and Undermine Each Other*. We started by discussing the various ways two stories in *Tanach* can be connected, such as by a shared *mila mancha* (a word that appears repeatedly in both), *semichut parshiyot* (the two stories are written next to each other), or similar themes that appear in both narratives. Through these different literary devices, a later story can be seen as interpreting the former. Or, it might challenge the former story and overturn its conclusions.

After introducing this idea, Rabbanit Judy launched into her *shiur*, titled “Patriarchs in Crisis and the Mysterious Non-Jewish Priests Who Help Them.” We took a closer look at Avraham’s story and noticed that the word “*bracha*” is a *mila mancha* when Hashem chooses Avraham, which is ironic as the following sequence of events depict a downward spiral for Avraham. A famine causes him to leave the Promised Land for Egypt, where he tells his wife to claim she is his sister, which leads to her being taken by Pharaoh. Then his nephew Lot is taken captive and Avraham must fight to liberate him. Avraham is victorious in the battle and is about to have a momentous meeting with the king of Sedom who has come out to greet him (*Bereishit* 14:17). Yet, before we are told what transpires between Avraham and the King of Sedom, the *Kohen* of *El Elyon*, Malkitzedek, suddenly appears out of nowhere, greets Avraham, and even uses the word “*baruch*” to start the conversation. This is a critical moment in Avraham’s life as Malkitzedek strengthens him spiritually, materially, and physically by blessing Avraham and

giving him bread. The language used by Malkitzedek is later mirrored in *Brit Bein Ha-betarim*. We can derive from this that this encounter with Malkitzedek enables Avraham to redirect the turn of events into literal *brachot* and ultimately become the father of Judaism.

Similarly, in *Shemot*, Moshe Rabbeinu struggles to become a leader for the Jewish people. After leaving Pharaoh's palace, Moshe is constantly looking to bring justice to the people around him. Even when he arrives in Midian as a fugitive himself, he continues this streak by saving Yitro's daughters from the harassment of the other shepherds. Yitro, who is described as Kohen Midian, hears of Moshe's act of justice and insists his daughters bring him home to eat bread with them, indicating a blessing. Additionally, both Yitro and Moshe are described as an "*ish*" (man) which suggests that Moshe has finally found a like-minded individual. Fast-forwarding to *Bnei Yisrael* in the desert, Yitro notices how jam-packed Moshe's schedule is as sole leader of *Bnei Yisrael* and advises him to branch out and appoint judges. Just like Avraham was assisted by the mysterious priest, Malkitzedek, to find his inward path, Moshe is given the tools by Yitro Kohen Midian to actualize his potential as a leader.

The Torah seems to specifically select these priests to assist the cornerstones of our nation mainly due to their outsider status, which enables them to bring new perspectives. Both priests help the leaders find the qualities they need to achieve success in their role, for Avraham - *tzedaka*, and for Moshe - *mishpat*. Rabbanit Judy ended on an amazing note by emphasizing the aspect of reversal from the narratives of Avraham and Moshe to our generation. The Jews are now able to be an *ohr le'goyim*, immersed in the outside world while maintaining moral and pragmatic clarity, *tzedek* and *mishpat*.

Dr. Avivah Zornberg – February 6, 2023

Dr. Avivah Zornberg is a renowned teacher at Matan in Jerusalem and an illustrious speaker worldwide. She prepared a *shiur* on *Parashat Beshalach* and we could tell from her source sheet wrapped with annotations along the margins that she was going to share a profound and exciting idea.

At the beginning of *Parashat Beshalach*, *Bnei Yisrael* are nervous about their departure from Mitzrayim. Knowing the human mind, Hashem plans accordingly and leads them a more roundabout route. At *Kriat Yam Suf*, *Bnei Yisrael* are itching to return to Mitzrayim and they cry out to Hashem. Dr. Avivah explained that like a king who loves his child's earnest cries, Hashem wanted to hear us call out to Him. She also explained that at times *Bnei Yisrael's* complaints may sound like prayers which exemplify the heterogeneity of the Torah.

When examining Miriam's song in conjunction with Cavelle's theory about singing, we learned that the origin of singing is when the voice is raised to scream. The scream is the first human experience and it is the true yearning for another world. The pain and rapture *Bnei Yisrael* experienced takes them between this world and the next. The *Sefat Emet* suggests that the women began to sing because in Mitzrayim they gave birth to children with no assistance other than Hashem's *hashgacha*. When seeing the sea split clearly by Hashem's miracle, they immediately recognized how Hashem cared for them in Mitzrayim so they cried out in celebration of their life. This is why the *Sefer Me'or* writes that in the World to Come, *Bnei Yisrael* will experience a transcendence in holiness and will be led in song by Miriam.

We all were mesmerized by the way that Dr. Zornberg wove together *pesukim*, *midrashim*, and *mefarshim* to create beautiful, uplifting ideas about *Yetziat Mitzrayim* and *Kriat Yam Suf*.

Rabbi Dr. Joshua Berman – March 13, 2023

Rabbi Dr. Joshua Berman is a prominent Bible scholar who defends the belief that God wrote the Torah, as opposed to the Documentary Hypothesis which posits that there were several human authors. After reading in advance several of his articles, we were excited to have the opportunity to ask him questions about his writings and ideas.

The first question was: Why do you think that Hashem made it so hard for us to believe that He wrote the Torah? Rabbi Dr. Berman explained that every civilization has its unique way of communicating with one another. For example, Ramses the Great II engraved three different accounts of his battle and they are all contradictory. This was done to express three different narratives within the battle: salvation, Ramses's prowess, and the impact of a brigade on his army. No one was troubled by Ramses's contradictions as they understood there were different ideas he was trying to convey.

Additionally, Rav Kook thought that the Torah was structured purposefully to make an impression on its readers. It was very common in the pre-modern world to have many versions of the same story to sculpt different messages. He also shared the examples of *midrash* and Josephus's *Antiquity of the Jews*, which both aim to retell the stories in the Torah to get a certain point across.

Another question was: Even if you can reconcile all the differences and contradictions within the Torah, why does that necessitate Divine authorship instead of one human author? Rabbi Dr. Berman explained that though it does not, the system of political

power that the Torah sets up is so brilliant and innovative that it attests to a Divine author. The Torah modifies the power of kings, priests, and temples to allow the common folk to obtain a partnership with Hashem. Through this perspective, one can clearly see the Divinity of the Torah.

We continued by asking him about the demographics of his following. Rabbi Dr. Berman relayed that in addition to his expected audience within the Modern Orthodox/Dati Le'umi world, his book has sparked interest even in the Charedi community, and even led to him spending a fascinating Shabbat in Williamsburg. He also shared that he feels it is part of his life's mission to produce books like *Ani Ma'amin* to empower as many people as possible to confidently confront the Documentary Hypothesis and embrace *emuna* in the Divine authorship of the Torah as entirely reasonable and defensible using logical, academic, and scientific arguments.

Dr. Tamar Ross – March 20, 2023

Daniella was sadly unable to attend this session, so the following summary was written by fellow Matmida, Hadassah Reich.

The Matmidot had the enormous privilege of hearing from a brilliant philosopher who is one of our own beloved teachers, Dr. Tamar Ross. We sat in a circle around her living room and started by each sharing what our Matmidot papers are about. Then Dr. Ross opened the floor to questions. The questions prompted Dr. Ross to share some of the most fascinating stories and life experiences we have ever heard.

We got to learn about Dr. Ross's upbringing. She told us that her parents were both Hebrew language lovers, and growing up she was only allowed to speak Hebrew in the house. Throughout the session, Dr. Ross got up at least five times to show us a book that suddenly became relevant to the conversation. We passed around

an illustrated *Pirkei Avot* that she learned with her father as a little girl. We also got to see Dr. Ross's Hebrew notes from when she was eight years old! One highlight of the night was when Dr. Ross invited us into her study, or as she calls it, her *Kodesh Kodashim*.

After the Q&A, we watched a video titled *She'asani Isha* that was made around 20 years ago featuring many important women, including Dr. Ross and Rabbanit Shani Taragin. It showed different women's experiences in Judaism, both in community rituals and Torah learning. It included various opinions regarding women's role in the Torah world and showed examples of different "quiet revolutions," as the video called it. For example, Midreshet Lindenbaum (that's us!) and Yad La'isha, an organization devoted to freeing *agunot* which is also part of the Ohr Torah Stone network, were both featured. All in all, we learned so much about Dr. Ross's personal and professional experiences. It was truly a privilege for us to get to know this beloved and revered teacher in such a personal way.

Rabbanit Michelle Cohen Farber – May 1, 2023

The Matmidot were eager to hear from Rabbanit Michelle Cohen Farber, a revolutionary leader in the world of women's Torah learning, and a Midreshet Lindenbaum alumna!

During our visit, Rabbanit Michelle shared the story of her own journey. After earning her degree in Talmud and Bible from Bar-Ilan University, she continued learning through an advanced program at Lindenbaum and by attending *shiurim* of Rav Lichtenstein. Though she knew she wanted to teach, she first wanted to accumulate as much learning as she could before starting her career. After relocating from Jerusalem to Ra'anana, she started teaching at various institutions but concluded that there weren't many serious Gemara teaching opportunities available to her. Though she was more interested in in-depth Gemara learning, she looked into Daf

Yomi *shiurim* online and realized that there weren't any *shiurim* that could be followed by someone who did not already have background knowledge of Gemara terms and concepts. Thus, Hadran came into being, and has grown into a powerful tool to promote women's learning, as well as to connect learners from all different backgrounds around the world.

We had the privilege of learning a *sugya* from the day's *daf* (*Sota* 33) with Rabbanit Michelle. The Mishna on *daf* 32a says that *tefilla* can be said in any language. The Gemara on 33a challenges this with a statement of Rav Yehuda who says that one should never ask God for his needs in Aramaic as it is a language that is not understood by the ministering angels who deliver our *tefillot* to Hashem. The Gemara then resolves this contradiction by stating that there's a distinction between individual and communal *tefilla*. The *Rishonim* understand this to mean that since communal prayer gets delivered to Hashem directly, it is fine for it to be said in a language the angels do not understand; since individual prayers need to be carried to God by angels, they can only be said in a language the angels understand.

Rabbanit Michelle brought our attention to a commentary called the *Be'er Sheva*. He notes that it was the common *minhag* (practice) at his time for women to pray in whatever language they spoke rather than in Hebrew, and he raises the question of how to reconcile that practice with the *sugya* on *Sota* 33a that concludes that individual *tefilla* can only be said in Hebrew! The *Be'er Sheva* proposes that perhaps only *davening* in Aramaic specifically poses an issue but other languages are permitted. Why would Aramaic be treated differently than other languages? He initially cites the possibility that Aramaic is viewed as a disgusting language as it is a distortion of Hebrew, but he then disproves this theory. Ultimately, he concludes that God specifically wanted to hide one

language from the angels so that *Am Yisrael* could compose beautiful *tefillot* in that language without making the angels jealous of our ability to praise God so skillfully. He chose Aramaic and this explains why some of our most central *tefillot*, such as *Kaddish*, are in that language. Rabbanit Michelle pointed out that in order to justify the common practice of his time, the *Be'er Sheva* interpreted the Gemara in a way that is not the *peshat* - that individual prayer is not limited to Hebrew but rather can be said in any language other than Aramaic.

Rabbanit Michelle then brought our attention to the *Mishna Berura* who quotes the *Chatam Sofer* as prohibiting communal prayer in languages other than Hebrew unless it is recited that way only once in a while. She pointed out that this too contradicts the *peshat* of the *sugya*, which concludes that communal prayer can be said in any language. Rabbanit Michelle explained that the *Chatam Sofer* was battling the nascent Reform movement, one of whose platforms was *davening* in the vernacular.

We were amazed by the depth that Rabbanit Michelle added to our understanding of the *sugya*. She helped us appreciate the different factors that *mefarshim* and *poskim* have to weigh when interpreting a *sugya*, and we grew in our respect for their expertise and creativity. We were enthralled by Rabbanit Michelle's vibrant energy and passion for sharing Torah, and were inspired by the way she is dedicating her life to promoting women's Torah learning.

Rabbanit Shani Taragin – May 15, 2023

As we walked into Rabbanit Shani Taragin's house, we were greeted by her warm personality and were amazed that in addition to an exciting shiur titled "Miracles at Midnight," she had dinner and dessert prepared for us! She started by pointing out the striking similarities between Pesach and Shavuot just from looking at the

text in *Vaykira* 23, where Hashem instructs *Bnei Yisrael* to keep Pesach and count until Shavuot. There were also countless fascinating similarities between the narrative of *Yetziat Mitzrayim* and *Megillat Rut*, such as the unique and close relationships between in-laws, as seen with Yitro and Moshe and also with Naomi and Rut.

Additionally, the great miracle of being freed from Mitzrayim was described as occurring “וַיְהִי בַּחֲצֵי הַלַּיְלָה.” Although there are many other instances throughout *Tanach* which take place during the night-time, the only other use of this phrase is in *Megillat Rut*, marking it as a paradigm of *geula*. Rabbanit Shani emphasized via this example and a few other similarities that it was because of Boaz’s unconditional *chessed* that the *geula* is derived from *Megillat Rut*. Specifically, Boaz’s *chessed* of allowing Rut to rest on the threshing floor foreshadows David’s purchase of a threshing floor to build the *Beit Ha-mikdash*. One of Rabbanit Shani’s main takeaways from *Megillat Rut* is that it’s truly about learning the tremendous impact of our *chessed*. The *Midrash Rabba* on Rut says that Hashem saw all of the *chessed* that was done by Boaz, Rut, and Nomi which inspired Hashem to do His own *chessed*.

We were also grateful to hear Rabbanit Shani talk about her journey in deciding to go into *chinuch*! Surprisingly, growing up Rabbanit Shani was very interested in both science and Torah. She thought when entering college that she wanted to pursue a career in medicine but pondered the challenges it might entail. She shared that she strives to not only be “good” at something, but to fully actualize her potential and give her all to her endeavors. She concluded that going into *chinuch* was the best choice for her and it is extremely evident through all of the amazing work she does for so many organizations and the passion conveyed through her amazing *shiur*!

Rabbanit Shira Mirvis - May 22, 2023

We had the amazing privilege of hearing from Rabbanit Shira Mirvis, the spiritual leader of *Shirat Ha-Tamar*, a flourishing congregation located in the Tamar neighborhood of Efrat. She started by telling us about her background as the daughter of Moroccan immigrants growing up in Jerusalem. She told us that after completing her National Service, she studied at Midreshet Lindenbaum where she saw a new depth to Talmud Torah that drew her in and made her fall in love with learning. She went on to get a degree in Psychology, and after getting married, served as the *Eim Bayit* for Lindenbaum! After going on *shelichut* in Los Angeles for a few years, she knew she wanted to continue learning, but also knew it wasn't financially realistic for her family, so she applied for and landed a job working at the Jewish Agency. Before she actually started the job, her husband noticed she wasn't excited about it, and he asked her what she would do if money were no object. She immediately answered that she would continue learning. Her husband told her that then that's what she should do and so she returned to the world of the *Beit Midrash*, studying *Tanach* and then Gemara at Matan. After becoming the head of the *Beit Midrash* at Matan, she realized that there was a gap in her understanding of the *halachic* process, so she strengthened her Gemara skills once again at Matan and then proceeded to learn in the five-year Manhigot *halacha* program at Lindenbaum.

While Rabbanit Shira was in the Halacha program, she and her family moved to a new area of Efrat, the Tamar, and she served on her shul's board. She and her husband came to realize that the shul was not the right fit for their family, and so they joined a different smaller shul in the Tamar. Rabbanit Shira's involvement with the shul gradually increased via giving *shiurim* and *divrei Torah*, and more and more of the shul members began coming to her with their

halachic questions. She realized that her role in the *shul* was profound when the *Gabbaim* insisted that she be the one to give the *drasha* before the *shofar*-blowing on *Rosh Ha-shana*. Then she was contacted by Rabbi Shlomo Riskin, the Chief Rabbi of Efrat, who told her that he wanted the *shul* to officially recognize her as its spiritual leader. The *shul* put it to a vote of all of its members and Rabbanit Shira was chosen by a large majority. The *shul* had a beautiful and meaningful event to recognize her as its spiritual leader at which she was given a beautiful bracha by Rav Riskin.

Shirat Ha-Tamar provides women with an active role in communal *tefilla* by allowing and encouraging women to give the *drasha*, to read the *haftara*, and by passing the *Sefer Torah* to the women's section. She strives to make Torah and *halacha* as accessible as possible to her congregants.

We were fascinated and inspired to hear from someone who didn't have a road paved ahead of her and nonetheless persevered to pave a road of her own and make amazing things happen!