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Center for Modern Torah Leadership



חרות ואחריות

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"Taking Responsibility for Torah"

## WAS MOSES A (GOOD OR BAD) JEW WHEN HE KILLED THE EGYPTIAN?

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וַיִּפֹּן כֹּהַ וְכָה

וַיֵּרָא כִּי אֵין אִישׁ

וַיִּךְ אֶת־הַמִּצְרִי

וַיִּטְמְנֵהוּ בְּחֹל

He turned to face this way and that way

He saw that no man was present

He smote the Mitzri

and he cached him in the sand.

(Shemot 2:12)

A Yossi Rosenstein painting shows a man in a plain white robe standing over a grave in which an Egyptian headdress is interred. The caption is

"ויך את המצרי – שבו" (מדרש)

"He smote the Mitzri – within." (Midrash)

I have not found the midrash. But this painting has always struck me as a spectacular interpretation of the text. In the previous verse, Mosheh Rabbeinu reaches adolescence, and sets out to join a peer group:

וַיְהִי בַיָּמִים הֵהֵם

וַיִּגְדַּל מֹשֶׁה

וַיֵּצֵא אֶל־אָחָיו

וַיֵּרָא בְּסִבְלָתָם

It happened in those days

Mosheh grew up

He went out toward his brothers

He saw into what they were enduring

At this point, we don't know who Mosheh sees as his "brothers". Rosenstein's point is that Mosheh does not know either. The relationship between enslaver and enslaved is always fraught and complicated, and Mosheh might have seen his Mitzri brothers as bearing the "white man's burden" of civilizing the frighteningly fecund Ivrim.

וַיֵּרָא

אִישׁ מִצְרִי

מִכָּה אִישׁ־עִבְרִי

He saw

a man, a Mitzri,

striking a man, an Ivri

Here we have the first sign of confusion. Mosheh is capable of recognizing that both the Mitzri and the Ivri are human, and yet one is striking the other.

מֵאֲחָיו.

from among his brothers.

Whose brothers? In a vision of universal humanity, any man striking another is attacking a brother, and any observer can identify with both attacker and attacked. This is true even for those with a clear moral verdict as to guilt and innocence. Generalizing the incident as a metonymy for the wrongful oppression of Ivrim by Mitzrim does not resolve the question of whether to identify as a guilty Mitzri or rather as a victimized Ivri, or rather to reject all particularisms as enabling oppression.

Mosheh Rabbeinu responds by identifying as an Ivri. That identification in fact explodes almost immediately into violence. But the Ivrim do not identify with Mosheh or with his violence.

Mosheh ends up fleeing to Midyan as "a man, a Mitzri", and remains there until G-d sends him back with the assurance that "all the people who were seeking your life are dead". The incident is never mentioned again.

Does that mean it was forgotten among the Jews? Chazal thought not. They name Datan and Aviram as the men who reject Mosheh the day after he kills the Mitzri, and place Datan and Aviram at the core of every subsequent challenge to Mosheh's leadership, leading up to their involvement with Korach. Perhaps their point is that the incident irretrievably damages Mosheh's moral stature among the Ivrim. Chazal also present Mosheh as killing the Egyptian by using the Divine Name, in other words by using religious power. Every subsequent Ivri death at the hands of G-d reopens the scar.

In the narrative arc of Mosheh's life, this episode is what makes him responsive – however hesitantly – to G-d's self-identification (3:6) as "the G-d of your fathers, the G-d of Avraham, the G-d of Yitzchak, and G-d of Yaakov". The question is whether it necessarily had to end with a dead Mitzri, or whether the painting might have been the complete *pshat*, so that only a costume was interred. Note that Mosheh does not bury the mitzri – the Hebrew word for burial is *kevurah*, but Mosheh is *tomein* the Mitzri – he conceals the body in the sand, or caches it.

The only medieval commentator I find hinting along these lines is Rabbi Yosef Bekhor Shor, who writes:

וירא בסבלותם –

שהיו סובלים עול קשה.

ולא די בעול, אלא שאותו מצרי חובט ומכה אותו

עבר

ויחם לבבו, כי נכמרו רחמיו אל אחיו

He saw into what they were enduring –  
that they were enduring a difficult yoke,  
and as if that yoke were not sufficient, that  
Mitzri was beating and striking that Ivri  
so his heart became heated, because his mercy  
was aroused toward his brothers

“*His heart became heated*” is an allusion to the law of the blood-avenger in Devarim 19:6, and “*his mercy was aroused toward his brothers*” is an allusion to Breishis 43:30, where Yosef feels compelled to withdraw in order to cry. Moreover, by adding *חורבט/beating* to *מכה/striking*, Bekhor Shor makes clear that Mosheh’s action was not needed to save the Ivri’s life, and Bekhor Shor’s commentary to Devarim 19:6 makes clear that the preferred-outcome is for the blood-avenger not to kill the accidental homicide. Bekhor Shor presents Mosheh as emotionally driven. Killing the *mitzri* is at best excusable.

Rabbi Samson Raphael Hirsch utterly rejects this vision of Mosheh.

“*He turned his face this way and that*” –  
He looked in all directions,  
so as to be certain that no man could see him,  
so that he would be able to boldly do the deed.  
The proof that he would not have been bold  
had he found witnesses to his deed  
is that in verse 14 he notes “Ah, the matter is  
known”.  
This aspect of Mosheh’s character is crucial.  
Mosheh certainly had a profound sense of  
obligation  
to hurry to the support of any human  
oppressed for no crookedness of his own  
but he would have found alien that heated  
impetuosity that endangers life.  
He was distant from that boldness that  
inflames and is contagious  
which is required of someone who is destined  
to direct a great mass,  
and to spur them on to a dangerous work,  
to shatter the iron shackles off them,  
and to wrestle their way to freedom from the  
yoke of the powerful.  
A person who first *turns this way and that to  
see that there is no man* –  
would not consider even in a dream becoming  
the savior and leader of his nation.  
He was utterly lacking the fundamental desire  
to be a historical hero.

Rav Hirsch presents Mosheh as anti-romantic and anti-charismatic. Mosheh would never act in the grip of emotion. Moreover, his response would have been the same regardless of who was oppressing whom.

I suspect that Rav Dovid Tzvi Hoffman’s commentary is a conscious, and astounding, response to Rav Hirsch.

He saw that there was no man –

This should be understood according to what  
our Sages say in the midrash  
“He saw that there was no man – who would  
be zealous for G-d and kill him”.

If the intent of Scripture were that Mosheh  
looked about lest someone see the action he  
intended,

it should have written “he saw that there was  
no one seeing” . . .

He smote the Egyptian –

It would be an injustice to evaluate this action  
from the perspective of ordinary, dry, legal  
process

and raise the question of whether Mosheh  
was authorized to punish the Egyptian  
and to strike him fatally because he had  
oppressed a Jew

and certainly we need not say as did HaKetav  
veHakabbalah, on the basis of the Midrash,  
that this Mitzri sought to oppress this Jew to  
the point of death,

and therefore “Moshe said: Certainly this one  
is liable for execution, per who strikes a  
human must die”.

Mosheh’s whole intention was to stand at the  
right hand of his oppressed brother.

because the temporary prevention of an act  
of oppression

would only spur this inhuman Mitzri to  
redouble his cruelty in the future.

Is there place to ask the opinion of law  
in a place where all human rights are brazenly  
trampled underfoot?

Rabbi Hoffman’s model for Mosheh is not the blood-avenger but rather the zealot, and his zealot is praiseworthy. When Mosheh looks and sees that “there is no man”, that means two things: First, that the Mitzri is not human; and second, that no one else is acting as humans ought. Rosenstein has Mosheh seeing everyone present as human; Rabbi Hoffman has Mosheh seeing himself as the only human present.

I think Bekhor Shor is correct that we should regret the pointless killing of this specific Mitzri, and I love Chazal’s insight that Mosheh’s leadership was diminished by the Jews’ memory of his loss of self-control. But as followers of an intensely legal religion, and devoted citizens of a state in which moral issues are often decided by legal authorities, we need also to keep the fundamental insight of Rabbi Hoffman’s revolutionary Mosheh in our consciousness, namely: law cannot establish justice – it can only institutionalize what is already recognized as justice.

Shabbat Shalom!

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