

## CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



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"Taking Responsibility for Torah"

### WHAT IS THE MORAL OF THIS DVAR TORAH?

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In the realm of halakhah, Modern Orthodoxy celebrates theoretical pluralism. Beit Shammai are halakhically irrelevant (*eino mishnah*) when they disagree with Beit Hillel, and yet are *divrei Elokim chayyim* and therefore (equally?) worthy of our time and effort interpreting them.

However, public shiurim rarely focus on rejected halakhic positions. Even Beit Shammai's position is most often used as a foil to develop Beit Hillel's position by contrast. It is an especially safe foil, because everyone knows which way the halakhah must end up, even if they find Beit Shammai's position more compelling. The experience trains us to live comfortably with a certain amount of religious dissonance. If we accept Rav Chaim Vital's claim that the halakhah of Messianic times will follow Beit Shammai, the experience may even be flattering and affirming; our spiritual instincts are too good for this unredeemed world.

Beit Shammai's position is also safer than most because its rejection (according to the more popularly known Talmudic position) results from a Heavenly voice rather than from human reason, and because the Talmud explains Beit Hillel's triumph as a result of character. Indeed, since Beit Hillel's superiority is embodied in their willingness to cite Beit Shammai's position before their own, our willingness to explicate Beit Shammai's positions actually cements our identification with Beit Hillel.

So it makes sense that few public shiurim are devoted to making sense of non-Beit Shammai halakhic positions that the teacher thinks shouldn't be followed. I suspect that the more tenuous the authority of the approved position, the less generosity shown the rejected positions.

What about the realm of *hashkofob*? Do we see value in expounding the theological, moral, or ethical positions found in the Tradition that, in our opinion, should be rejected?

There are at least two ways to reject the premise of this question. One way is to deny that binding decisions exist in the realm of *hashkofob*. The other is to deny that important disagreements exist. (The first position is articulated at least with regard to ethics by Rav Yosef Dov Soloveitchik in [Halakhic Morality](#), and the second by Rav Eliyahu Dessler in [Michtav MeiEliyahu](#). Each of them acknowledges that many *hashkofic* positions are utterly incompatible with Torah; the discussion is only with regard to positions that have already made it into the Tradition.)

But let's suppose that the Tradition in fact contains hashkafic positions that should be rejected as guides for practice. Is there value in expounding those positions in and of themselves? (Full disclosure: I often teach Rav Dessler's position as a foil.) Or is that irresponsible?

This question often comes up for me in the process of preparing these essays, or my parshah shiurim. I generally start by reading through the parshah until I find a section that raises new questions for me, or old but disturbingly unresolved questions. Then I go through the commentaries on Al HaTorah and/or Bar Ilan, sometimes with supplements from paper books, until I find one that makes me rethink. But making me rethink doesn't mean that I'll end up agreeing with it. I might end up strongly disagreeing. Can I still base my essay or shiur on it? Can *divrei Torah* end with morals we disagree with? Or even that we're not sure whether we agree with?

The rest of this essay focuses on a Ramban that met the requirement above – it made me rethink – but I'm not sure yet how I'll feel about it when I'm done. I'm writing stream-of-consciousness to model the idea that there is value in thinking about challenging interpretations of Torah, and in sharing our understandings of such Torah, even if we won't necessarily agree, or at least not agree fully, with the hashkafic perspectives that emerge from them.

Ramban to Shemot 1:10 wonders why Pharaoh's campaign against the Jews was launched gradually and subtly rather than with sudden overwhelming force. He offers three reasons in the context of an overall vision of the narrative arc:

Pharaoh and the experts who advised him did not see fit to smite them with the sword, because

- 1) this would be a great betrayal, to smite without cause the nation that had entered the land at the command of a prior king
- 2) also, the populace would not have permitted the king to do such criminal violence, and he is consulting with them
- 3) furthermore, the Jews themselves were a numerous and strong people, and would have made full-scale war against him.

Instead, Pharaoh said *hava nitchakmah lo* – let us be clever so that the Jews will not realize that they are being treated with

hatred. So he imposed a labor levy on them, which was standard practice for communities of resident aliens, as we can see from Shlomoh's practice in 1Kings 9:21. Then he covertly commanded the midwives to kill the male infants at birth, so that even the birthing mothers would not realize what they were doing. Then he ordered his entire people, "Every male that is born – you shall throw them into the Nile," meaning: He did not wish to order his executioners to kill them with the king's sword, or to have the executioners be the ones throwing them into the Nile, but rather said to his people: When anyone among you finds a male Jewish infant, throw him into the Nile, and if the father comes to the king or to the local official, they will tell him: "Bring witnesses and vengeance will be done to the perpetrator!" Once the king's "whip was untied," the Mitzriyim would search the Jewish houses, enter them at night ?as if they were strangers? and remove the children from them, which is what the Torah refers to by saying "And (Yocheved) was no longer able to hide (Mosheh)."

It seems that this situation was only briefly in force, as there was no such decree when Aharon was born, and after Mosheh's birth it seems to have lapsed. Perhaps Pharaoh's daughter out of her pity for Mosheh told her father not to behave so, or perhaps once it became known that the decree came from the king it lapsed, or perhaps it the decree was made specifically then on the basis of astrology, as per our masters (Shemot Rabbah 1:29). All this was done with cleverness toward them so that the criminality would remain unknown. This is the meaning of their saying to Mosheh our Teacher (Shemot 5:21), "You have given us a bad odor so as to give a sword into their hand," because now they will hate us more, and they will find grounds for accusing us of revolt and killing us openly in front of everyone rather than resorting to trickery.

Reason #3 is pragmatic – Pharaoh chose the gradual approach in the belief that it would prevent the Jews from taking up arms to protect themselves. This may have been good policy – it seems to have worked – although I can imagine situations in which the element of surprise is more valuable.

Reason #2 makes a claim about a rift between the ruling elite and the populace. Ramban does not explain why the populace would be less inclined to genocide against the Jews than the elite. Perhaps they had lingering gratitude for Yoseph's policies; or perhaps in general he believes that the common sense of the masses is less prone to immoral extremes than that of the elite. Or – and I think this most likely – genocidal extremism is generally rare, so that whichever group gets to that point first has to worry that the other won't go along.

Reason #1 interests me most. Ramban's language suggests that this was an internal constraint on Pharaoh, that he simply could not bring himself to commit so sudden a betrayal. The gradualism was necessary to overcome his own *yetzer batov*. I'm not sure, however, that the best reading of the story indicates any psycho-moral development within the original enslaving Pharaoh.

Rabbeinu Bachya understood Ramban differently. He inserts the phrase **ותהיה זאת למלך לחרפה בתוך העמים**, "because this would be a disgrace for the king among the nations." This suggests yet a different external constraint. But I wonder to what extent he is correct that political leaders within one group are constrained by the moral disregard of leaders in another group, at least once they've reached an internal state consistent with the commission of genocide. I also wonder again whether gradualism is a better tactic than surprise for avoiding international condemnation – that doesn't seem to be the lesson of Rwanda or Bosnia.

Finally, Ramban suggests that the directly genocidal technique of throwing babies in the river was short-lived, and offers as one possible explanation for its shortlivedness that Pharaoh was persuaded by his daughter to stop.

Overall, the message of Ramban seems to be that there were many people who could have prevented the enslavement of the Jews and killing of our sons. His daughter might have spoken up earlier; the populace might have maintained their moral revulsion; or the international community might have condemned him. At each stage, their opposition might have had not only a pragmatic but a moral impact. Perhaps this Pharaoh was incapable of hardening his heart?

But Pharaoh's most subtle technique was at the second stage. He encouraged the Egyptians to victimize the Jews by promising them that the justice system would look the other way, while insisting to the Jews that they rely on the law to protect them. The Jews would not realize in time that the promise of justice was a mockery. Meanwhile, with the **מורא של מלכות** = the fear of government gone, the Mitzriyim may have gone further than even Pharaoh intended.

What do you think is the lesson of Ramban's understanding of the process by which we were enslaved in Egypt? Would you "give this vort over" even if you disagreed with the lesson?

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