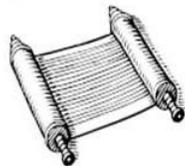


CMTL Sukkot/Shabbat Bereishit Reader 2017 Edition

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Sukkah Mats

September 29, 2010

This week's dvar Torah began as an investigation of the economics of psak. Specifically, I wanted to discuss whether, in an affluent society, chumrot (stringencies) function as a regressive tax on the poor, who for reasons of social conformity or insufficient knowledge are compelled to purchase hekhshered goods rather than cheaper, unchecked but equally kosher, goods. I hoped to use the burgeoning skhakh mat industry as a case in point.

It turned out, however, that a leading makhshir of such mats is the Star K, under Rav Moshe Heinemann, and as R. Meir Sendor properly reminded me, Star K has been a leader in transparency on this issue. Here is their list of products not requiring hashgachah; it certainly seems far from comprehensive, and compare here, but it is a genuine move toward transparency. (Perhaps it is only a list of products that they certify that don't require certification.)

I was privileged, through the good offices of Rav Sendor, to discuss this with Rav Heinemann, who agreed with the principle that the public must be told when a particular hekhsher is not halakhically necessary. Furthermore, the Star K rabbinic staff was very helpful and open in trying to figure out the basis of their position regarding the mats, and then Rav Heinemann himself discussed the issues with me at some length. I will accordingly devote this week's devar Torah instead to an exposition of those discussions, as I understand them, and return to the broader issue in some other context.

My thanks to the friends, including Rabbi Michael Broyde, Rabbi Shlomo Brody, and Rabbi Sendor, who read and commented on drafts of the original piece. My thanks also to Rabbi Zvi Goldberg of Star K, who began the conversation with me, and Rabbi Mordechai Frankel, with whom it still continues.

The opening premise of the discussion is that skhakh must be made from something grown from the ground that is not mekabel tum'ah (susceptible to ritual impurity). The classic example of such is "peshutei keli eitz", wooden objects that have no beis kibbul (depression in which they can contain things). The twigs in matchstick blinds certainly meet these criteria.

However, the twigs must be held together by something, and it is there that issues are raised. There are two basic issues, of which the first is:

1. Must the skhakh be held up by something that could itself be kosher skhakh?

Rav Ovadiah Yosef explicitly rejects this position in principle in Yechaveh Daat 164¹, but the OK adopts it, at least lekhatchilah (see the articles at www.kosherspirit.org). The OK therefore requires Sukkah mats to be tied with cotton string, rather than with nylon, and verifying this is a major component of their hekhsher.

The Star K accepts the OK's position in principle, but rejects it in practice on the ground that "held together" is not the same as "held up". They do encourage mats to be placed flat on top of the sukkah so that the string is not in fact "holding up" the skhakh. This is hard for me to understand – the real issue should, I think, be whether the string is necessary to keep the slats on top of the roof, not whether they raise it an additional fraction of an inch over the roof.

Accordingly, it seems to me that, if one is genuinely concerned for the OK's position but uses mats tied with non-natural string, one must ensure that each individual slat would be supported sufficiently if the string were removed. Perhaps one must also ensure that each individual slat would remain on the roof in

¹ Attached and translated, but not annotated owing to time constraints. Along the way, Rav Ovadiah raises the possibility that cotton string would be forbidden midrabbanan because, like processed flaxstalks (anitzei pishtan), they can be used to stuff cushions, and other reasons. As he rejects these, and no one else raises them, I will not discuss them here.

an ordinary wind even if it were not tied to its fellows. I suspect that these conditions are rarely if ever met by sukkahs covered with sukkah mats, and therefore it seems to me that in practice Star K reject this position in toto.

Star K then raise an issue with directly opposite implications. Based on Igrot Moshe OC 1:177, they suggest that if the string holding the mat together is mekabel tum'ah, the entire mat would become mekabel tum'ah, and therefore invalid as skhakh even mideoraita. Accordingly, they will only hekhsher mats held together with nylon string.

However, Star K actually went further, requiring specifically monofilament nylon string. Here some background is necessary.

String of any material is generally not considered mekabel tum'ah; thus OK uses cotton string. However, Rashi to Shabbat 64a suggests that string which can be used as jewelry is mekabel tum'ah. Star K's website apparently took the position that Rashi refers to any string composed of more than one strand.

Reading the website, it seemed clear to me that the two requirements, nylon and monofilament, were contradictory. Nylon, so far as I knew, is not mekabel tum'ah; why then should it matter whether it was monofilament? Requiring monofilament meant that a multistrand string would be mekabel tum'ah, but that could not be true of nylon!

The Star K rabbinic staff initially suggested that R. Heineman held that nylon can be mekabel tum'ah – such positions do exist, although I contend that they do so only with regard to actual garments of nylon – but R. Heineman confirmed that he holds the standard position that nylon is not. What, then, justified requiring monofilament? To understand this position, we must return to Igrot Moshe cited above.

Igrot Moshe appears to be addressing² whether one can use wooden slats from a disassembled venetian blind as skhakh. He first suggests that peshutei klei eitz can in fact be mekabel tum'ah rabbinically, and therefore that the slats are intrinsically invalid. However, he concedes that this is a difficult position to sustain³. Furthermore, it seems likely to me that even Rav Moshe applied this only to reshaped peshutei keli eitz, such as venetian blind slats, but not to wood left in its natural condition, such as in matchstick blinds.

Igrot Moshe then says, however, that the slats were held in the blind by a woven material (likely cloth tape). He cites a variety of sources to suggest that peshutei klei eitz can be mekabel tum'ah when they are combined with something woven (arig), and that they remain invalid skhakh even when removed from the combination.

R. Heineman suggested that R. Moshe's position applied even if the cloth tape were made of nylon, in other words even if the cloth tape itself was not mekabel tum'ah. This struck me as a remarkable chiddush, but lacking any familiarity with that area of halakhah, I had no evidence on the issue. In correspondence with Star K rabbinic staff, they have confirmed my sense that this would be a highly original position, and brought evidence for their sense. I look forward to hearing and conveying the result of their subsequent conversation with Rav Heineman.

So by combining the position of Rashi that string which can be used as jewelry is mekabel tum'ah with an understanding of Rav Moshe as saying that peshutei klei eitz cannot be used as skhakh if they are in combination with woven material even if that material is not mekabel tum'ah, it seems possible to require specifically nylon, to avoid the problem of the string being mekabel tum'ah, and monofilament, to avoid the problem of wovenness.

² The teshuvah is apparently written in continuation of a telephone conversation to which we are not privy

³ Laaniyut da'ati, it seems to be founded on a forced reading of Beit Yosef as having a forced reading of Rambam

However, even if one grants that we need to account for Rashi and that Rav Moshe should be thus interpreted, we still do not reach the result of requiring nylon monofilament.

Rashi actually states that string which is both spun and braided (kalua) can be mekabel tum'ah, and on Shabbat 57a he explains that kalua means "made of chains, hollows and rounds". However, it seems to me that (and Deborah Klapper confirms – I owe this insight to her overall) that just about all string (as opposed to rope) in the United States is twisted (shazur – see Rambam Hilkhoh Keilim 1:12) rather than braided (kalua). When I raised this point with Rav Heineman, he agreed that Rashi would not view twisted string as mekabel tum'ah and therefore that even multifilament twisted nylon string would be valid. It seems to me further that by this logic twisted cotton thread would actually be preferable, as it is not mekabel tum'ah and valid skhakh, and thus does not raise an issue of "holding up". Either way, the twisted strings, cotton or nylon, in matchstick blinds should pose no halakhic barrier to their use as skhakh⁴.

There remain two possible halakhic issues with storebought blinds. The first is that mats intended or used for sleeping or sitting on are mekabel tum'ah. For this reason the OK tries to make its mats as uncomfortable as possible, and puts signs on the walls of its Chinese factory declaring that these mats are not intended for sitting. The last element seems comic – imagine the workers' conversations about the eccentric buyer once the mashgiach leaves! – and ineffectual to me, as workers' kavvanah cannot and generally should not be determined by their employers. But this seems beside the point, as no one used matchstick mats for seating – woven mats perhaps, but not these. Mats are also invalid if their like are used for roofing yearround, which OK claims invalidates sukkah mats in Kenya. I note only that this problem is far more likely to create issues for sukkah mats than for regular blinds.

The last issue is the question of hanging hardware; it's not clear to me what percentage of blinds are sold with and what without. One might argue that hanging hardware, or at least metal hanging hardware, is the equivalent of the cloth tape – it is certainly mekabel tum'ah - and thus according to Rav Moshe would invalidate the wood. However, Rambam Keilim 4:5-10 makes clear that the conjunction of peshutei keli eitz with something mekabel tum'ah only invalidates if the mekabel tum'ah is the primary element (ikkar) and the wood secondary (tafel). For example, a wooden key with metal teeth is mekabel tum'ah, whereas a metal key with wooden teeth is not. It seems to me difficult to view hanging hardware as more essential relative to the actual blind than the key blank is to the teeth.

I would go further and suggest that on the same ground even a matchstick blind with internal strings that are mekabel tum'ah would be valid according to Rav Mosheh, who dealt with a venetian blind where the cloth was an integral part of the mechanism regulating light entrance.

For all the above reasons it seems to me that store-bought all-wood matchstick blinds are perfectly valid skhakh. However, I look forward to reporting on my ongoing dialogue with Star K and others on this issue.

⁴ I look forward to hearing Star K's conclusion on the reality, and therefore the halakhah.

Sukkah Hiddur

September 30, 2009

תלמוד בבלי מסכת שבת דף קלג עמוד ב
תניא: "זה א-לי ואנוהו" - התנאה לפניו במצות; עשה לפניו סוכה נאה, ולולב נאה, ושופר נאה; ציצית נאה, ספר תורה נאה; וכתוב בו לשמו בדיו נאה, בקולמוס נאה, בלבלר אומן, וכורכו בשיראין נאין. אבא שאול אומר: "ואנוהו" - היו דומה לו; מה הוא חנון ורחום, אף אתה היה חנון ורחום.

A beraita:

"Zeh E-li v'aneveihu" – hitnaeh before Him bemitzvot.

Make before Him a naeh Sukkah, and a naeh lulav, and a naeh shofar;

Naeh tzitzit, and a naeh Torah scroll;

And write in it lishmo with naeh ink, and a naeh quill, with a skilled scribe, and wrap it in naeh cloths.

Abba Shaul says: "v'aneveihu" – be similar to Him;

Just as He is gracious and merciful, so too you must be gracious and merciful.

The driving force behind the anonymous position in this beraita seems to be anti-corporealism; the literal translation "and I will adorn Him" is rejected because G-d has no physical form that can be adorned. However, rather than seeing v'aneveihu as coming from a root other than naeh, as per Abba Shaul and many others, this tanna interprets it as reflexive; "and I will be an adornment to him" rather than "and I will make an adornment for him".

Or at least that would seem to be the meaning of hitnaeh, a construction which so far as I can tell makes no other appearance in rabbinic literature. But the tanna does not go on to say "therefore do as many mitzvot as you can, so as to make yourself an adornment to Him", but rather creates an imperative to make beautiful mitzvah-objects⁵. He then extends this imperative with regard to a Torah scroll⁶ by requiring the tools with which it is made to be naeh, and finally requires the wrapping for the (finished) scroll to be naeh as well. On Shabbat 133b, Rabbi Yehudah is cited as using the same ground to invalidate (according to most opinions) a Torah scroll in which a Divine Name was written accidentally but then overwritten lishmoh.

The focus on mitzvah-objects, rather than on modes of performance, seems to indicate that the actual translation here is a displacement – since one cannot adorn Him, therefore adorn His commandments. But this not only fails to account for hitnaeh, it also fails to explain lefanav b'mitzvot - in this understanding it should read instead either hitnaeh oto al y'dei hamitzvot or hitnaeh mitzvotav lefanav.

Rashi Sukkah 29b cites v'aneveihu as the reason a dried out lulav is invalid on Sukkot. Tosafot challenge on the ground that v'aneveihu can only set up a lekhatchilah requirement. Rashi's position is easily defended if one reads Shabbat 133b as invalidating a Torah scroll. However, there are other instances in which v'aneveihu clearly sets up only a lekhatchilah requirement, for example the position of the Rabbanan (Sukkah 11b, 33a) that the lulav, hadas and aravah should be bound together. Why then, according to Rashi, is v'aneveihu sometimes a lekhatchilah and sometimes only a bediavad requirement? Chatam Sofer, as cited by Encyclopedia Talmudit, suggests that the central requirement – perhaps the Biblical requirement, with everything else being a rabbinic extension – is to beautify the Name specifically, i.e. the Name as it is written in a Torah scroll. The verse would then be read "This is (the Name of) my G-d, and I will adorn it", and follow the standard rabbinic understanding that "zeh" implies that the object is there to be pointed at. This would also explain well the beraita's listing of so many cases related to a Torah scroll, and the requirement to beautify the scroll's cover (and raises an interesting question lehalakhah as to

⁵ I deliberately avoid using the Brisker term *cheftzah shel mitzvah* here because it is not clear, for example, that a shofar fits that category technically; it may simply be a *machshir* once we hold that the mitzvah is listening rather than blowing.

⁶ tzarikh iyyun whether the extension is an explanation of, or rather an addendum to, "sefer Torah naeh" –

whether using a beautiful etrog case, or lulav carrier, is a fulfillment of v'anveihu). But while this connects one of the cases in our beraita to the verse, it too fails to explain the phrase hitnaeh lefanav bamitzvot.

We should note here as well that on Nazir 2b the beraita reads "anaeh lefanav" (in Ms. "ei naeh") which fits better with "v'anveihu", but I think this is most likely an attempt to fit the context (a discussion of the meaning of an oath to be naeh) rather than an alternate text.

I don't have a compelling solution. Perhaps this is just an example of an otherwise unknown idiomatic form. But possibly something valuable is at stake here. Hiddur mitzvah, generally derived from v'anveihu, is the most obvious window into the halakhic significance of beauty. If we were to develop a reading which emphasized lefanav more than bamitzvot – for example, if we were to read the beraita as saying that the way to "adorn G-d" is to create beauty in His presence (with mitzvah-objects useful, but not comprehensive, examples of when He is present – note that, contrary to my translation above, the beraita encourages the making of beautiful things, not their use), we would have found a basis for halakhically valuing art, or at least art aimed at creating beauty) in its own terms. This is I think a major desideratum.

One final note – above I have sometimes avoided translating naeh, and sometimes translated it as adornment. This is not intended as a theological psak; it may well be that naeh, or naveh, or naaveh, refer e.g. to a sense of fitness that is not the same as beauty.

The Virtue of Beauty

by Matt Lubin (WBM 2016)

October 4, 2017

“All mitzvot are to be done in the most beautiful manner as possible: with a beautiful *tallit*, a beautiful *Sefer Torah*, etc. (*Shabbat* 133b)” Hazal learn this from the verse זָה אֱלֹהֵינוּ וְאֵנִי מְבָרְכֵהוּ, “this is my God, and I will beautify [myself before] Him” – with/in mitzvot. Yet while this is a principle regarding all mitzvot, it becomes a central theme specifically with regard to the Four Species on Sukkot. The Torah identifies the etrog as פְּרִי עֵץ הָדָר, the beautiful fruit of a tree. While regarding other mitzvot beauty is an ideal, an etrog which is not beautiful is invalid.⁷ Why is this mitzvah so connected to beauty?

The halakhah that mitzvot are supposed to be performed in a beautiful manner appears in the middle of the song that Moshe and the Jewish people sang at *keriyat Yam Suf*, the Song of the Sea. The Gemara (*Shabbat* 133b) also uses this verse as the source for the legal concept that man is supposed to follow God’s ways of lovingkindness and graciousness, for example by visiting the sick and burying the dead. In the Mekhilta, these two interpretations are presented as originating from different rabbis, and thus are two mutually exclusive ways to understand the verse. However, the Gemara clearly accepts both readings. How can two different laws be derived from the same phrase?

There is another, perhaps more esoteric connection between the “Song at the Sea” and the holiday of Sukkot. Each day of the holiday in the Temple, when the kohanim would circle the altar, they would recite the phrase אֲנִי וְהוֹ, הוֹשִׁיעַ נָא, “Ani ve-Ho, save us now,” referring to God as אֲנִי וְהוֹ (Gemara *Sukkah* 45a). Rashi there explains that this is a reference to God’s 42-letter name, which can be derived from the verses in the “Song at the Sea”. Other commentators, however, (such as Rabbeinu Bachaye to Ex. 15:2) point out the similarity between אֲנִי וְהוֹ and זָה אֱלֹהֵינוּ – both appear to refer to some kind of parallel between God and ourselves.

R. Yitzhak Hutner, in a discourse on Pesach, explains how the Talmud can derive two distinct laws from the same scriptural source זָה אֱלֹהֵינוּ וְאֵנִי מְבָרְכֵהוּ. The context of that verse was a moment in which Israel saw God through a deliberate grand show of His strength and presence. Israel saw the clearest picture of God’s grandeur when He was intentionally painting that picture to be seen. This explains how the same phrase can be used to teach us that we are to act in God’s ways, as well as to beautify mitzvot: Aesthetic beauty is something that is outward-focused; it is a something done for others to see. This was how God was manifest at that moment, and so imitating Him (“just as He, so too you”) in this case obligates one to perform mitzvot in a way meant to be seen and noticed by onlookers.

Religious grandstanding can hardly be considered a virtue, and one might rightfully shirk from such halakhically-sanctioned (and even obligated) mitzvah exhibitionism. Viewed from the perspective of the Israel-God relationship as it was expressed during the Exodus, however, this ‘beautification of mitzvot’ as understood by R. Hutner becomes perfectly understandable. At the splitting of the Sea, God was not bragging, nor was it purely an instance of showing His own might by turning the laws of nature upside down: God was performing an act of love towards His now chosen people. The splitting of the sea caused the nations to tremble not just in fear of God, but they were silenced עַד יַעֲבֵר עִמָּךְ הָיָה, in recognition of the relationship between God and His people.

Sukkot is, beyond the celebration and recognition of God having chosen us as a people (which is the focus of Pesach and Shavuot), a rejoicing in God’s continued love and guidance, as symbolized by the Sukkah that is a commemoration of God bringing Israel through the desert. It is thus the most appropriate time of year to similarly express, through the concept of *Hiddur Mitzvah* (beautification of mitzvot) our own love of God. The obligation of *Hiddur Mitzvah* is not merely an obligation to obtain an aesthetically pleasing *tallis* or *Sefer Torah*, but it is an expression of our cherishing of those mitzvot. Thus, starving oneself on the eve of Pesach in order to eat matzah with greater gusto is a fulfillment of *Hiddur Mitzvah* (Rashi to

⁷ Whether as a direct result of that verse, or rather because the general principle is intensified in this case. See Tosafot, Rashi and Meiri to *Sukkah* 29b

Pesahim 99b) because that too is an expression of enthusiasm for the performance of God's command.⁸ In doing so, while holding those beautiful plants, we have a right to demand *אני והו', הושיע נא*, reminding God of the love for us that He demonstrated so dramatically at the splitting of the Sea.

R. Hutner's understanding of *Hiddur Mitzvah* as being an outward-focused obligation appears to be directly opposed the trend towards the privatization of religious beliefs and practices. We may sometimes chafe against overly public displays of religiosity; peddling one's religious beliefs to passers-by in the streets seems to not only smack of sanctimonious arrogance, but also to can appear to cheapen the religious experience itself. However, halakha demands more than just cognitive belief in God and fealty to His commandments, but a genuine love of God—and with it, an enthusiasm for His commands that cannot be kept to oneself. As Maimonides writes of the command to love God (*Sefer Hamitzvot, Aseh 3*) “this mitzvah includes that we call to all of humanity to serve Him and believe in Him.” While religious arrogance and showboating is hardly virtuous, a genuine show of love is not only praiseworthy—it is godly.

Matt Lubin (Winter Beit Midrash 2016) in a biology research assistant in Yeshiva University, and student in RIETS Semicha

⁸ As explained to me by my teacher Rabbi Mendel Blachman (However, it should be noted that R. Blachman does not believe that there is any aesthetic component whatsoever to the qualifications of the four species to be taken on Sukkot)

The Second Party

By Yehuda Gale (SBM 2011-2014, 2016)

October 22, 2016

Why do we bring many fewer sacrifices on Shemini Atzeret than on Sukkot? Midrash Tanchuma offers this explanation:

והקרבתם עולה [אשה ריח ניחוח לה'] פר אחד איל אחד (במדבר כט לו).
משל למלך שעשה סעודה שבעה ימים,
וזימן כל בני המדינה בשבעת ימי המשתה,
כיון שעברו שבעת ימי המשתה,
אמר לאוהבו:
כבר יצאנו ידי בני המדינה,
נגלגל אני ואתה במה שתמצא:
ליטרא בישרא או דג או ירק,
כך אמר הקב"ה לישראל:
כל קרבנות שהקרבתם בשבעת ימי החג – על אומות העולם הייתם מקריבים,
אבל "ביום השמיני – עצרת תהיה לכם",
גלגלו במה שאתם מוצאים, בפר אחד ואיל אחד.

but ye shall present a burnt-offering, an offering made by fire, of a sweet savour unto the LORD: one bullock, one ram

This is like a King who makes his feast for 7 days

And he invites all the people of the district for the seven days of the feast

Once the seven days of the feast were over,

He said to his beloved friend:

We have already fulfilled our obligation to the people of the district,

You and I will celebrate with what you find:

a litra of meat or fish or greens

So too The Holy One Blessed be He says to Israel:

All the sacrifices that you brought on the seven days of Chag were for the nations of the world,

but "on the eighth day, an extension will be for you"

Celebrate with what you find, one bullock and one ram

When I learned this Midrash with Tzipporah Machlah Klapper, she pointed out that the parable sounds a lot like the Purim story:

בשנת שלוש, למלכו, עשה משתה, לכל שריו ועבדיו: חיל פרס ומדי, הפרתמים ושרי המדינות – לפניו.
בהראתו, את עשר כבוד מלכותו, ואת יקר, תפארת גדולתו; ימים רבים, שמונים ומאת יום.
ובמלואת הימים האלה, עשה המלך לכל העם הנמצאים בשושן הבירה למגדול ועד קטן משתה – שבעת ימים: בחצר, גנת ביתן המלך.

In the third year of his reign, he made a feast unto all his princes and his servants; the army of Persia and Media, the nobles and princes of the provinces, being before him;

When he showed the riches of his glorious kingdom and the honour of his excellent majesty, many days, even a hundred and eighty days.

And when these days were fulfilled, the king made a feast unto all the people that were present in Shushan the castle, both great and small, seven days, in the court of the garden of the king's palace;

Here too the King makes two parties, one for those close to him and one for everyone. Here too the first one is large, lasting a full 180 days, while the second party, while still respectable, is a fraction of the length.

But there is one key difference: Achashverosh throws the larger party for those closer to him, while God throws the smaller party for his friends.

The difference here is the relationship between the King and His different subjects.

Achashverosh is friendly to his princes and servants because he wants them to love and serve him. He therefore tries to endear himself to them with gifts and lavish parties. Achashverosh's two feasts have the same purpose, to engender loyalty from different groups of people to a greater or lesser degree.

God's two "feasts" have two different purposes. One is to bring the nations closer to God; that is why we bring sacrifices to God on their behalf. The other is to celebrate the existing love between God and His people. As God tells Yirmiyahu: "I remember for thee the affection of thy youth, the love of thine espousals; how thou wentest after Me in the wilderness, in a land that was not sown."

Yehuda Gale (SBM 2011-2014, 2016) is a junior at Yeshiva College.

Ralbag on Vezot HaBrachah

October 11, 2009

דברים פרק לד

(י) ולא קם נביא עוד בישראל כמשה אשר ידעו יקוק פנים אל פנים: (יא) לכל האותות והמופתים אשר שלחו יקוק לעשות בארץ מצרים לפרעה ולכל עבדיו ולכל ארצו: (יב) ולכל היד החזקה ולכל המורא הגדול אשר עשה משה לעיני כל ישראל:

פירוש הרלב"ג

התועלת התשע עשרה – הוא מה שהעידה התורה באמרה "ולא קם נביא עוד בישראל כמשה" שכבר יקום אחר כמשה כאלו הדברים אשר זכר, אך לא יהיה נביא בישראל לבד, אבל בישראל ושאר אומות, והוא יחדש רבוי האותות והמופתים כמשה במקום רחב מאד ולעם רב ויתמיד להראות יד הש"י החזקה והמורא הגדול לעם רב. ולפי שלא היה נביא כזה עדיין בשום מקום לאלו הדברים, ידענו שזה יהיה משיח בן דוד אשר ירום ונשא וגבה? מאד ויתחדשו על ידו המופתים הנפלאים להפוך אל עמים שפה ברורה לקרא כלם בשם ה' ולעבדו שכם אחד, ואז יהיה שלום בעולם מפני שלא תהיינה שם אמונות מתחלפות, ולזה וכתנו חרבותם לאתים וחניתותיהם למזמרות ולא ישאו גוי אל גוי חרב ולא ילמדו עוד מלחמה . . .

Devarim 32:10-12

And no other prophet arose in Israel like Mosheh, whom G-d knew face-to-face, with regard to all the signs and wonders which Hashem sent him to do in Egypt to Par'oh and all his servants and all his land, and with regard to all the powerful arm and all the great terror which Moshe did before the eyes of all Israel.

Ralbag on Chumash

The nineteenth useful lesson (that emerges from this section) – is that to which the Torah testified when it said “And no other prophet arose in Israel like Mosheh”, that another one like Mosheh would arise with regards to the things it mentioned, but that he would not be a prophet in Israel alone, rather in Israel and the other nations, and he will originate numerous signs and wonders like Mosheh in a very expansive space and for a numerous crowd, and he will consistently show the powerful hand of the Blessed Hashem and the great awe to a numerous crowd. But because there had not yet been a prophet like this in any place for these matters, we know that this will be Moshiaich ben David, who will be very exalted and through him there will be originated the astounding wonders to transform the nations via pellucid speech so that they will all call the Name of Hashem and serve him shoulder to shoulder, and then there will be peace in the world, because there will not be differing faiths, and therefore they will beat their swords into plowshares and their spears into pruning hooks and no nation will lift a sword against another and they will no longer learn war . . .

There's always something disconcerting about reading a text that disagrees with one of Rambam's 13 Ikkarim, even if one presumably should remember it from Marc Shapiro's *The Limits of Orthodox Theology* (I'm travelling and didn't bring my copy). And the principle of the uniqueness of Mosaic prophecy really carries a significant load in terms of the authority of Torah, if one accepts Rambam's understanding that only Mosaic-level prophecy is capable of transforming the Divine Will into legislation; I recall a Daniel Lasker article years ago arguing that Rambam had convinced the Karaites of this point, so they ceased deriving halakhah from Nakh.

Ralbag above does not seem to care very much about this. It might be possible to argue that he sees the Messianic King as greater than Mosheh in some ways but not all, and thus preserve Mosheh's uniqueness with regard to law, but it would be a stretch. More straightforwardly he simply is not bothered by the issue.

For Rambam, Mosaic uniqueness is one basis for the eternally binding nature of Torah law – the other is that G-d cannot change His mind. R. Yosef Albo dismisses this quite compellingly by pointing out that a change of legislation can reflect a change of circumstance rather than a change of mind, as witness that the Torah itself became binding on the Jews at Sinai, and was not before. Rambam's argument is based on his very interesting conception of Torah laws as eternal in the same way as natural laws, which I have

addressed at length in “Should Poskim be Doctors of the Soul?” and will not cover here. R. Albo concludes that Rambam is correct that the Torah is eternal, but that it was G-d’s choice to give an eternal Torah rather than one that was binding until further instruction. If Ralbag shared Albo’s critique, he would be less bound to Mosaic uniqueness.

But what interests me most about this passage is its matter-of-fact universalism. The Messianic King is not just the prophet of Israel, but rather of all humanity, and Ralbag makes no effort to qualify this statement. He does not, for example, say that the Messiah will be Israel’s primarily and the Gentiles’ secondarily. Furthermore, he attributes the Messianic peace (a universal piece, not one in which Efraim and Yehudah “together will despoil the Sons of the East”) not to a pax Yisraelus but rather to the absence of religious disagreement stemming from the universal acceptance of the Messiah.

Again, none of this tells us specifically what the relative position of Jews and Gentiles will be in the Messianic era, and if this were said self-consciously, it would probably mean very little. But it seems to be said ‘lefi tumo’, without any sense that it is groundbreaking or in tension with the Masoret, and yet it is central enough to be the way he ends his commentary. In other words, it seems to be Ralbag’s starting point, and in that case we can legitimately claim to be following Ralbag’s masoret if we interpret traditional texts in light of it.

The Architecture of Creation: A Blueprint for Thinking About Midrash

October 12, 2012

בראשית רבה) וילנא) פרשת בראשית פרשה א רבי הושעיה רבה פתח (משלי ח) ואהיה אצלו אמון ואהיה שעשועים יום יום וגו' ... ד"א אמון = אמון, התורה אומרת אני הייתי כלי אומנתו של הקדוש ברוך הוא, בנוהג שבעולם מלך בשר ודם בונה פלטין, אינו בונה אותה מדעת עצמו אלא מדעת אמון, והאומן אינו בונה אותה מדעת עצמו, אלא דיפתראות ופינקסאות יש לו לדעת היאך הוא עושה חדרים היאך הוא עושה פשפושין, כך היה הקדוש ברוך הוא מביט בתורה, ובורא את העולם, והתורה אמרה בראשית ברא אלהים, ואין ראשית אלא תורה, היאך מה דאת אמר (משלי ח) ה' קנני ראשית דרכו.

Rabbi Hoshayah the Elder opened . . .

The Torah says: "I was the craft-tool of the Holy Blessed One.

The practice of the world is that when a flesh and blood king builds a palace, he does not built it based on his own mind but rather relying on a craftsman, and the craftsman does not build it out of his own mind, but rather has blueprints and checklists to know where he should make rooms and where ...

So too the Holy Blessed One would look in the Torah and create the world.

I often introduce my sophomore courses at Gann with the following citation from Douglas Adams' Dirk Gently's Holistic Detective Agency.

"St. Cedd's," he pronounced, the college of Coleridge, and the college of Sir Isaac Newton, renowned inventor of the milled-edge coin and the catflap!"

"The what?" said Richard.

"The catflap! A device of the utmost cunning, perspicuity, and invention. It is a door within a door, you see, a . . ."

"Yes," said Richard, "there was also the small matter of gravity."

"Gravity", said Dirk with a slightly dismissive shrug, "yes, there was that as well, I suppose. Though that, of course, was merely a discovery. It was there to be discovered." He took a penny out of his pocket and tossed it casually onto the pebbles that ran along the paved pathway.

"You see?" he said. "They even keep it on at weekends. Somebody was bound to notice sooner or later. But the catflap ...ah, there is a very different matter. Invention, pure creative invention."

"I would have thought it was quite obvious. Anyone could have thought of it."

"Ah," said Dirk, "it is a rare mind indeed that can render the hitherto nonexistent blindingly obvious."

My purpose is to challenge students to consider what kind of creativity we value within Torah, and why. Are chiddushei Torah best conceived of as creations, or rather as discoveries?⁹

An important parallel question was brought home to me by Rabbi Seth Farber, channeling T. S. Eliot's "Tradition and the Individual Talent". Rabbi Farber warned me before I began teaching at Maimonides that the students would not appreciate my chiddushim "because they won't know what you were supposed to say" – and indeed, it took me almost a year to realize that students were not evaluating my philosophic positions against those of the Rav, because they had never learned the Rav's philosophy.

The moral of the story is that we experience ideas as creative because we've been taught otherwise, and therefore, we may experience a work, idea, or interpretation as highly creative which to its author was simply a paint-by-numbers production, or an accurate portrayal of a cultural consensus.

⁹ In Modern Orthodoxy, we tend to address this question by embracing paradox – "Everything that a veteran student will in the future be *mechadesh* was already said to Mosheh at Sinai" (note that this consciously paradoxical version of that Rabbinic statement, as cited by Netziv in the introduction to Haamek Sh'eilah, seems to come from an emendation by the Vilna Gaon; however, it can also be found in earlier commentaries). This tension between tradition and originality inheres in the concept of MO; but it's not clear to me that affirming dialectic remains an emotionally satisfying approach without the Rav's living presence as a creative Hegelian philosopher.

This seems to me often the case when day school graduates study midrash. For better or worse (see <http://www.torahleadership.org/categories/peshatderash.mp3>) they have been taught to interpret Chumash in the manner of a particular set of medieval exegetes, and therefore they often experience Rabbinic readings as wildly creative when their authors were reading mechanically, finding textual hooks for conventional assumptions, or both.

Here is one brief example, which arose in a conversation with my colleague Ms. Karyn Spero. Bereishit Rabbah records a reading of the Torah's opening word "Bereishit" as meaning "By means of Reishit". Another version translates "By means of me, Reishit, he created the world", in first person. Either way, the meaning is that the Torah was the blueprint of the world: "He looked in the Torah and created the world".

Now this may seem both exegetically and theologically creative, but I contend it was likely neither. Rather, for the Rabbinic consensus Mishlei Chapter 8 – here cited as the proof-text for the claim that reishit = Torah) – made it perfectly clear that wisdom antedated the universe, and was consulted during Creation. Furthermore, the Rabbis were well aware that "bereishit" is grammatically improper if the intended meaning was "in the beginning", and so offered a variety of alternative translations, including "for the sake of". They generally also understood Biblical words as having their meaning created by their usage elsewhere in Tanakh, and so naturally responded to this problem by considering alternative identifications for the "Reishit" grammatically necessitated by these translations – here Torah was an obvious contender, especially as the tradition identified the Chokhmah of Mishlei as Torah.

I suspect a much deeper theological tradition is reflected here as well. The rabbis noted that the three terms for intellectual comprehension used in Mishlei 8 for Creation parallel the attributes of Bezalel, architect of the Mishkan, and of course the Mishkan was a microcosm. On Berakhot 55a Rav Yehudah in the name of Rav says that Bezalel knew how to be metzaref otiot, to combine the letters used in Creation. This assumes as background that Creation was a literary endeavor, that the universe was fashioned via Biblical interpretation, and therefore of course presupposes that the Torah antedated Creation.

To me, the genuinely creative endeavor in this midrash is the architectural metaphor. Why must G-d have blueprints to look at when creating, rather than freeforming? Note how this metaphor has the Torah describe itself as a craftsman, rather than as a set of plans, so that it appears to play a volitional part in Creation.

Finally, the mashal has three levels – the king, the craftsman, and the plans. The nimshal has only two – The Holy Blessed One and the Torah. How, then, do nimshal and mashal match up? Your answers are welcome as always.

Reading Bereshit Metaphorically and Meaningfully

by Joshua Skootsky (SBM 2012, 2015)

September 27, 2015

Each year, we return to the story of G-d's Creation of the world, and the surrounding universe, a cosmic event mediated by the power of speech. These events are referenced each week as part of Shabbat, when we "remember" or recognize the active role that G-d took as the author of Creation. These events are both general and specific.

Perhaps, in the absence of other knowledge, we would attempt to understand this passage literally. But traditional commentators have noted the immense difficulty of sustaining even an internally consistent understanding of Creation, especially on the basis of a "simple" understanding of the verses.

Rashi to Bereshit 1:1, at the end of "**bereshit bara**," comments that if we understand the first verse as "In the beginning, G-d created the heavens and the earth," we ought to immediately be puzzled by verse 1:2, which describes the spirit of G-d hovering over the waters. When were the waters created? And if the "heavens" are a mixture of fire and water, as Rashi understands they are, when were the fires created? "Against your will, the verses do not teach what was created earlier and what was created later."

Similarly, Ramban notes that the creation of the world is a "deep secret" that "cannot be understood from the verses themselves" without the traditional Kabbalistic knowledge taught to Moshe. "It is enough for Torah people to get by without these verses, and to believe in the general principle taught later (*Shemot*20:11) "For in six days G-d made the Heavens and the Earth, the ocean and all that is in it, and on the seventh day He rested."

The Ramban emphasizes the impossibility of verses alone, without a tradition, providing a detailed understanding of Creation. Rashi even suggests that we cannot learn from the creation story the "order" in which things were created. These insights suggest a few guidelines for reading the creation story "metaphorically."

1. Some teachings ascribe significance to the order in which the Torah speaks about creation occurring. For example, "Humans were created last, to remind us that even a mere insect preceded our existence," (*Sanhedrin* 38a) teaches humility, and perhaps ecological awareness. But this in no way commits us to understanding literally the order of the Torah's verses as absolute or binding.
2. A metaphorical understanding should be more than the absence of knowledge. Our baseline ought to be that a sustained "literal" understanding is impossible, and that therefore we are forced to engage in metaphorical readings. But these readings should not just be the absence of literalism, but rather a sustained attempt to "read for meaning" from the verses. The *ba'araita* on *Sanhedrin* 38a is one example of this. Rav Soloveitchik's *The Emergence of Ethical Man* is another.
3. Scientific truths should not be squared with the written text of the Torah. For quite some time in mathematics, attempts to "square the circle" – to construct with straightedge and compass a square with the same area as a circle – was viewed not as an impossibility, but rather as a goal. Now, with our more sophisticated understanding of mathematics, we understand that this is impossible. Similarly, with our sophisticated understanding of Torah, we ought to not try to read the creation of the light into the evolution of a quark-gluon plasma in the Plank seconds that followed the Big Bang.

There is much work left to be done. I believe it is quite critical that we eventually understand the main themes of Bereshit, with G-d the Author of Creation. Here is a simple goal: maybe we could eventually understand why the metaphor of working in six days was used. We talk about this every week on Shabbat repeatedly in the liturgy, and in the 10 Commandments in *Parshat Yitro*, which the Ramban referenced. Perhaps most poignantly, our lives are patterned on the same work cycle. I look forward to a new year,

and a Modern Orthodox discussion of what a meaningful metaphorical understanding of Bereshit would be.

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Asking Good Questions

by Levi Mastrangelo (SBM 2016)

October 26, 2016

Rashi begins his commentary on the Torah by making famous a question asked by R. Yitzchak:

”לא הִיָּה צְרִיךְ לְהַתְחִיל אֶת הַתּוֹרָה אֶלָּא מִ”הַחֹדֶשׁ הַזֶּה לָכֶם”,
שֶׁהִיא מִצְוָה רִאשׁוֹנָה שֶׁנִּצְטַוּ בָּהּ יִשְׂרָאֵל,
”וְיָמָּה טַעַם פֶּתַח בְּ”בְרָאשִׁית”?

The Torah should have commenced with the verse (Exodus 12:1) “This month shall be unto you the first of the months”

which is the first commandment given to Israel.

What is the reason, then, that it commences with the account of the Creation?

R. Yitzchak answers by quoting a pasuk from tehillim:

כָּח מַעֲשָׂיו הִגִּיד לְעַמּוֹ
לִתְּתָ לָהֶם נַחֲלַת גּוֹיִם

*He hath declared to His people the power of His works,
in giving them the heritage of the nations*

R. Yitzchak goes on to explain that, should the other nations accuse us of being land-stealers (in Israel), we will be able to point to Bereishit as evidence of God’s ultimate ownership of the land.

We should answer, “It was God’s will to give the land to [the Seven Nations] and it was God’s will to take it from them and give it to us.”

On the surface, R. Yitzchak’s answer isn’t particularly compelling. As anyone who has engaged in Israel advocacy—formal or informal—can tell you, it’s not an argument that people tend to find convincing, particularly those who criticize us as “land-stealers.”

There are ways of dismissing this concern: we could say that R. Yitzchak’s argument would have been convincing to his interlocutors even though it isn’t convincing to ours. Alternatively, we could answer that the argument serves the purpose of reinforcing a truth for ourselves, despite the fact that it won’t be accepted by others.

Still, we’re left with a problem: R. Yitzchak’s answer is only partial. While his question applies to everything that precedes “hachodesh hazeh lachem”—all of sefer Bereishit plus the first two and a half parshiot of Shemot, and perhaps applies even to subsequent narrative sections of the Chumash—his answer applies maximally to the first perek of Bereishit. Why, even according to R. Yitzchak’s answer, should the Torah not have skipped from the end of maasei bereishit (the Creation narrative) to “hachodesh hazeh lachem?”

The solution is to amend our understanding of the intent behind R. Yitzchak’s question and answer. The issues raised above stem from our understanding of R. Yitzchak as bringing a genuine question that was bothering him in the abstract, and then answering that question comprehensively. Instead, we should see R’ Yitzchak as introducing his question for the purpose of stimulating intellectual engagement in Torah and then modeling a rigorous answer.

R. Yitzchak wants us to ask at every turn, “Why not just skip to the laws? For what purpose were God’s rest on the seventh day and the events of the flood and the chronology of the patriarchs’ lives included in the Torah?” And he wants us to engage in the exercise of finding the answers, of scouring Tanach for the right pasuk to contextualize these events and tease out theological truths.

As we embark once again on our year-long journey through the Chumash, may we be zocheh to engage in the kind of rigorous, meaningful talmud Torah that R. Yitzchak meant to stimulate.

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Why Are Women Exempt from the Command to Procreate?

September 29, 2010

בראשית פרק א:כז-כח

ויברא א-להים את האדם בצלמו בצלם א-להים ברא אתו זכר ונקבה ברא אתם: ויברך אתם א-להים ויאמר להם א-להים פרו ורבו ומלאו את הארץ וכבשה ורדו בדגת הים ובעוף השמים ובכל חיה הרמשת על הארץ:

Genesis 1:27-28

G-d created the human in His image

In His image He created him

Male and female He created them

G-d blessed them

G-d said to them: Be fruitful and multiply; fill the land and subdue it; dominate the fish of the sea and the birds of the heavens, and every wild thing that swarms on the land¹⁰.

How can the anonymous Mishnah, and eventually the Halakhah, contend that the obligation of procreation applies to men and not to women? Rabbi Yochanan ben Berokah's incredulous response to the anonymous Mishnah: "Scripture says about both of them "G-d blessed them, saying to them: 'Be fruitful and multiply . . . '!?" seems compelling. This question has generated extensive discussion for at least 2000 years, including at least one contemporary book. Explanations of the Halakhah take two essential forms: literary and ideological. That is to say, some try to demonstrate that the Halakhah really fits well into the verse, whereas others seek to find a rationale for the Halakhah that justifies reading the verse implausibly.

Our focus this week is on the approach of the 19th Century Rabbi Meir Simkhah of Dvinsk in his Biblical commentary Meshekh Chokhmah (hereafter MC). He offers a reading and two rationales, all of which are noteworthy. We'll discuss the reading first and then the rationales.

MC notes that human beings are blessed/commanded to procreate three separate times in Genesis: 1:28, 9:1 and 9:7, and 35:11. Of these, the first two are grammatically plural, whereas the third is singular. This by itself is not at all troubling, as the third is spoken directly to an individual Yaakov.

Rav Yosef (Yebamot 65b) claims that 35:11 is the source for the exclusion of women; he does not tell us how to reconcile this with 1:28 or 9:1-7. Meshekh Chokhmah reasonably assumes that Rav Yosef sees 35:11 as superseding 1:28. The remaining difficulty is 9:1-7, and here MC makes the sharp observation that the addressees there are "Noach and his sons", specifically, with no mention of their wives, even though the wives have appeared in the previous lists of humans leaving the ark. MC therefore concludes that between 1 and 9 the commandment was narrowed to males. 35:11 is singular because it addresses a single male, Yaakov, whereas 9:1-7 remains plural since it is addressing multiple males, Noach and his sons.

I have a few points that may advance this analysis. Genesis 1:22 also contains a command "(you plural) be fruitful and multiply", to various creatures, but at that point no mention has been made of creature genders. Moreover, the plural of that command likely refers to only some of the nouns included in the antecedent; the command is to be "fruitful and multiply" in the water, whereas the antecedent nouns include both water creatures and birds. Indeed, the following phrase specifically instructs birds to multiply in the land¹¹. Similarly, then, the command to human beings may refer to the species, without taking cognizance of gender, and the antecedent of the plural pronoun in 1:28 may be "adam-human" alone, not "zakhar unekeivah – male and female".

¹⁰ In my series "Divine Fantasy", available [here](#), I address at length the question of the shift from singular to plural, which must be compared with Genesis 5:1-2.

¹¹ Although not to be fruitful

If this argument is reasonable, MC can argue that 1:28 is deliberately ambiguous; while in immediate context it most likely applied to both genders, it was written so as to allow for a later understanding as limited only to males.

Having established that the halakhic reading is reasonable if one assumes a progression, we are left to explain why the progression happened. MC's two suggestions are:

1. Childbirth was originally painless, and therefore the commandment applied to men and women equally. Chavah's sin generated as punishment the pain of childbirth, with accompanying risk to life. G-d does not impose unreasonable demands on His creatures, and demanding that women experience that pain, and take that risk, would be unreasonable. Therefore He removed the obligation from women.
2. It is against human nature to reject the beloved in favor of the unloved, and humans generally marry the ones they love. If women were obligated in procreation, then Halakhah would require them to divorce their husbands after ten years of childless marriage. This would be unreasonable. Since polygamy is permitted, this argument does not apply to men, who can marry an additional wife after ten childless years. MC here is building on the halakhic tradition's decision not to make men divorce their childless wives and marry a more fertile woman when polygamy is impossible or, as in our day, halakhically proscribed by the decree of Rabbeinu Gershom.

The second suggestion leaves open the question of why polygamy is permitted and polyandry forbidden; Deborah Klapper notes that one might argue in reverse that polygamy is permitted only because of the command to procreate, so as to avoid forcing men to divorce their childless wives¹². We can also ask whether we are using a cannon to shoot a flea; why not maintain the commandment but eliminate the consequence, in other words allow childless women to remain married to the men they love and simply pray for a better outcome?

It is the first suggestion that we will focus on, however. Let's begin by noticing that this is not an offhand exegetical insight, but rather takes on the character of an extended halakhic argument. MC marshals a large set of halakhic materials to establish that a proposed Halakhah must meet the standard "Her ways are ways of Pleasantness", and that imposing childbearing would fail that standard. It seems to me that he is not arguing that the text compels his reading, but rather that the standard requires the adoption of such a reading.

MC also seems to shift back and forth as to whether it is the pain, the risk, or the combination of pain and risk that generates the conclusion that procreation cannot be mandatory for women. In our day the risk is much less, and anesthetics often have significant impact – should that affect the halakhah? In practice it is very difficult to move halakhah that dramatically, from one side of a Tannaitic dispute to another¹³.

Another halakhic challenge to MC's suggestion is that some medieval authorities suggested that women are in fact rabbinically obligated to procreate¹⁴.

¹² There might also be an economic concern for the wife here, as childless divorced women would have no family to support them in their old age.

¹³ Perhaps MC also factored the experience of pregnancy as such into his suggestion. Regardless, we must be very careful, when making this argument, to be pellucid that it does not generate a right of abortion. The principle "her ways are ways of pleasantness" does not prevent G-d from demanding that we surrender our lives on occasion; demands that are unreasonable in one context are reasonable in another., and preventing fertilization is not the same issue as terminating a fetus.

¹⁴ I discuss the question of women's rabbinic obligation, which remains a contentious halakhic issue, in my series on Kibbud Av VaEim.

I want here to play out what I see as a reasonable halakhic implication of MC's position, in the area of birth control¹⁵.

If G-d cannot demand that women have children, kal vachomer men cannot demand this of them. Indeed, no one suggests that a woman is obligated to marry a man so as to enable the man to fulfill his obligation of procreation.

Therefore, it cannot be prohibited for women to use birth control¹⁶.

When engaged couples come to ask rabbis "the birth control question", then, it is proper to frame the issue as follows: Of course the woman can use (some types of) birth control. The real question is whether the man can marry her in the knowledge that she will practice contraception¹⁷. In this perspective, the proper halakhic calculation is whether not marrying her, or divorcing her, is likely to improve his chances of being in a procreative marriage over time. Generally, I suspect, the answer is no.

Of course, this discussion only addresses the question of coercion. MC makes clear that procreation is a good, and rabbinic literature is replete with gender-neutral encomia to procreation. Furthermore, some rishonim believe that women are rabbinically obligated to procreate¹⁸, and others construct a quasi-obligation to participate in the mitzvah, recognizing that men cannot (or at least in their time could not) fulfill it without women's participation. In other words, saying that a woman may use (some types of) contraception – even saying that she has the right to such use – does not imply that she ought to. Furthermore, I tend to adopt the pastoral maxim that "If you're not ready to greet children with joy, don't have sex", as no means of contraception is perfectly reliable.

¹⁵ My approach here owes much to the broad approach of Rabbi Yehudah Herzl Henkin to issues of gender, but does not to the best of my knowledge follow his specific halakhic prescriptions on this issue.

¹⁶ So long as they use means that do not violate prohibitions, such as one against self-castration.

¹⁷ The question of whether, once married, he can have marital relations with her, is one of means rather than of principle. He has an obligation of *onah* regardless, and so cannot even use her lack of fertility as an excuse for avoiding marital relations. Some barrier methods raise issues of *hashchatat zera* for him, but there are certainly methods that are unproblematic in this regard.

¹⁸ MC is of course aware of this. This obligation is offered to explain why we might coerce men to enable women to marry; I suspect that MC would argue that the standard for excusing women from the obligation should be low.

Mercy, Justice, and Responsibility: Toward a New Reading of the Creation Stories

October 21, 2009

I have two lodestones as guides when I approach Bereishit, and by extension the whole of Torat Mosheh: First, the midrash cited by Rashi, which understands Chapter 1 + Shabbat as describing a hypothetical but unsustainable universe in which G-d's attribute of mercy is not expressed, and Chapters Two (after Shabbat) through Four as describing a universe – perhaps ours – whose creation arises out of a partnering of Mercy with Justice. Second, the Rav's contention that these two creation stories also describe different aspects of the human being, although I think there is much room to discuss how precisely to demarcate those aspects.

These two origins logically fit together in the following way: In the first story, human beings are created in the image of Divine justice, and thus have no capacity for mercy, whereas in the second, while this is never made explicit, plausibly they have the capacity for both mercy and justice.

But I prefer to argue as follows: The missing option in the midrash Rashi cites is a world of mercy without justice – would such a world be sustainable? Answer: The world of the Garden is that world, and a moral of the story is that it is not sustainable.

Exegetically, this argument can be supported by noting that eating the fruit makes human beings K'Elo-him, like Divine justice – perhaps the Divine attribute of justice is first brought into the world via its human image. (Certainly it bears noting that both creation stories are in part aimed at explaining why/how human beings are like E-lohim, but that their explanations diverge radically. Perhaps this can be connected to the centrality but apparently complete homonymy of the word “tov” in both stories.)

Why is it not sustainable? Because justice is necessary for responsibility – not justice in the sense of punishment, retributive justice, but rather justice in the sense of the right thing to do, substantive justice. And without responsibility, there is no constraint on appetite, and without constraint on appetite, all is eventually consumed.

This insight might explain the anomaly that the text asserts that G-d placed the human in the Garden “to work and preserve it”, but commanded him only to avoid eating the fruit of one tree. These are actually the same – both involve seeing the world in a framework other than consumption.

However, this approach does not really account for the language of the midrash, which seems to describe G-d as adding mercy to justice. What we've said would be better described as adding justice to mercy.

Furthermore, I wonder whether mercy without justice is a coherent idea at all - perhaps mercy exists only as a modification of justice.

It would be a better account of the midrash to argue that the second story is a demonstration of how mercy was added to justice. Perhaps as follows: In the beginning, G-d expressed only His justice, and humanity embodied only mercy. In other words, human beings (as the narrative makes clear), had no capacity for responsibility – really they did not embody mercy either, as they had no conception of justice, Sin “forced” G-d to express His mercy in the world, and simultaneously enabled human beings to develop the capacity to embody His justice.

These ideas are inchoate, but perhaps it is appropriate to re-begin the Torah with tentative and shadowy formulations that we can test as we progress through the parshiyot. Your comments, critiques, and extensions are as always welcome, and this is also an appropriate time to thank you for accompanying me on this journey. It may also be a good time to gently encourage you to, if you have not already, consider what you can do to ensure that CMTL's vision of Torah, which represents an attempt to maximize the

partnership of rachamim with responsibility (halakhic humanism) while recognizing that rachamim exists only in the context of responsibility, is sustained.

Are Adam and Eve Modern Orthodox Role Models?

October 27, 2016

A healthy religious culture teaches its foundational stories to its children with confidence and without embarrassment. This is a problem for Modern Orthodoxy, which has discomfort teaching the story of Creation. The most immediate and important reason for this is gender. We do not have a shared communal interpretation of the story that squares with how we want our boys and girls to think of themselves, to relate to each other, and to grow up as men and women.

To put this in perspective, think for a moment about the first Rashi on Chumash. He explains that the Torah tells us that G-d created the world in order to secure our right to Eretz Yisroel. For all the moral challenges of Israeli-Palestinian relationships, this remains a powerful and important touchstone for Religious Zionism – G-d gave us this land, and He had a right to do so, because He created it. I myself am very fond of Ramban's caveat that He gave it to us on condition that we deserve it, but the point stands.

Can we find a reading of human creation that plays the same role for our community?

An enormous contribution to that end was made by Rabbi Yehuda Herzl Henkin in the title essay of his book Equality Lost.

Rabbi Henkin begins from my favorite example of bitingly humble Chazalic wit. Mishnah Avot 1:1 reports that

The Men of the Great Assembly said three things: One should be patient in judgment, stand many students up (as independent thinkers), and build a hedge around the Torah.

“Building a hedge around the Torah” is the justification for most of Rabbinic law, and lesser men would have felt it necessary to guard the source of their authority against mockery. Instead, Chazal (Avot of Rabbi Natan 1:1) engage in preemptive self-deprecation. Which human being made the first hedge? Adam. What was it? He told Eve that G-d had capitally prohibited not just consumption of the Tree of Knowledge of Good and Evil, but even contact with it. What happened as a result? The Snake proved to Eve that contact did not result in death, and she therefore decided that Adam must have lied about consumption as well.

In other words: The first attempt to build a hedge around the Torah led to original sin. But we rabbis go on building them anyway, hopefully having learned from experience how to build them better. What should we have learned?

Rav Henkin notes that this story assumes that Eve had no direct access to G-d's command, which was given to Adam before she came into being. Adam did not legislate together with Eve. He did not discuss with her whether it would be better to avoid all contact with the tree, even though G-d had prohibited only eating its fruit. Instead, he legislated for her. His lack of trust made her vulnerable to the (male) snake. This lack of trust was the true original sin.

In other words: The story of Eden teaches us that men must never seek to impose themselves as necessary intermediaries between G-d and women. The Torah is not in Heaven, nor over the sea, such that women must ask men to go fetch it for them.

The original temptation was that Adam saw knowledge, and especially knowledge of Torah, as a source of power rather than as a gift to be shared. This is a yetzer hora that remains profoundly human, and rabbinic.

Yet in this version of the story, why did Adam eat the fruit? He knew that G-d had not forbidden contact, and should have corrected Eve – perhaps with a supercilious smile – when she came to him with her story.

A romantic answer is that Adam had no interest in immortality without Eve.

A tragic answer is that Adam took responsibility for his error by deliberately sharing her fate.

But neither of these answers fits well with another element of the text. When G-d confronts Adam, he does not express love or atonement. Instead, he blames Eve.

וַיֹּאמֶר הָאָדָם
הָאִשָּׁה אֲשֶׁר נָתַתָּה עִמָּדִי –
הִוא נָתַתְּהָ לִּי מִן־הָעֵץ וְאָכַל:
The man said:

*The woman whom You gave to be with me –
she gave me from the tree, and I ate.*

How can this reaction fit with Rav Henkin's reading?

Or HaChayyim provides what I think is a very productive approach.

ונראה שכוונת האדם היא שלא ידע דבר
כי אם האשה הביאה לפניו המזומן ואכל
ואינו חייב לשאול על המוגש לפניו – דבר זה מנין?
כי הלא כל הארץ לפניו היא מלאה מעדנים אשר נטע ה'
ודקדק לומר "אשר נתת עמדי" –
שלא לחייבו לחפש ולדקדק אחריה לדעת המובא לפניו
כיון שהאשה הלז נתנה ה' עמו לעזר ולהועיל
ואין רע יורד מהשמים
ואין לו לבדוק אחריה, כי מן הסתם מעשיה נאים.

*It seems correct that the intent of the man is that he knew nothing of the matter
other than that the woman brought before him something ready to eat, and he ate.
He was not obligated to ask about what was set before him – where did this come from?
All the land is before him filled with the delights which Hashem had planted!
He was precise in saying "whom You gave to be with me" –
not to obligate him to search and be precise after her to know what was brought before him.
Since this woman was given by Hashem to be with him to help and be effective,
and no evil descends from Heaven,
and he should not have investigated her deeds, since the default was that her deeds were fitting.*

The fruit, Or HaChayyim suggests, was not visually distinguishable. Adam had no idea what he was eating! When G-d confronts him, he responds that Eve was vouched for by G-d, and thus surely there was no reason to mistrust her testimony.

So what should Adam have done? One witness is sufficient with regard to prohibitions, such as kashrut. This is true regardless of gender. Indeed, many rishonim say that the basis for the principle that one witness is believed in such matters is that people should be able to trust the kashrut of their spouses and hosts without resorting to halakhic detective agencies.

I suggest that the proper frame for this story is poetic justice. Adam was correct to trust Eve's kashrut; he was wrong to mistrust her maturity and judgment. By refusing to treat her as an equal when conveying the law, he taught her to mistrust him. Once she no longer trusted him, she saw no reason to live up to his trust in her. He was punished not because he trusted her, but because he had mistrusted her.

We should think long and hard about whether that narrative is playing out again today in communal conversations about women and halakhah.

I submit that young men and women who internalize this reading of human creation will seek to build a society in which Torah is always a shared resource, and in which Torah decisions are made collaboratively

and transparently to the extent possible. If you agree, and think that this describes the Torah society that you want your children to live in, please share, print, and otherwise disseminate this essay as widely as you can.

The Dangers of Knowledge Addiction

October 8, 2015

In eleventh grade, my rebbe turned to our class and said: “Whoever doesn’t understand that the Garden of Eden is a metaphor/*mashal* – is an idiot.” That moment has been a useful religious bulwark for me over the years. It also gives me space to focus on the more important question: a metaphor for what? And how should I go about answering that question?

One might think to search for the *nimshal* that best accounts for all the details of the *mashal*. But (as Maimonides warns) narrative metaphors often include details that are not directly significant to meaning. The *mashal* has its own literary integrity, and some details may be necessary for the story to work even though they don’t affect the *nimshal*.

Moreover, *meshalim* have two, diametrically opposed, pedagogic purposes. One is *kedei lesaber et ha’ozen*, to relate complicated or abstract ideas to concrete human experience. The other is to convey knowledge to the worthy and ready while denying it to the unworthy and unready. A useful technique for accomplishing the second purpose is the “red herring,” the inclusion of a seemingly significant but actually meaningless detail. So the “omnisignificant” interpretation may fit the text best, and yet be inaccurate or superficial, silver filigree disguising a golden apple.

Reading Chapters 2-3 of Genesis, I tend to focus on the Tree of Knowledge, Good and Bad, and build interpretations of the Garden inductively, rather than trying to deduce the nature of the Tree from the overall Garden. And so it is a great joy to come across a genuinely new (to me) interpretation of the Tree, and even more so to share it with you. Rabbi Itzile Volizhin, in his remarkably original Torah commentary *Peh Kadosh*, says the following:

ומעץ הדעת טוב ורע לא תאכל ממנו
כי ביום אכלך ממנו מות תמות
ופשוטו שעפ”י דרך הטבע כך הוא

דבר שאדם חושק בו תמיד ומתאוה לו למאד, ואז אפילו הדבר טוב לו ואוכל בגודל תשוקתו, יכול להיות שמזיק לו מאד, ויוכל לגרום לו מיתה. ואף שאינו מת תיכף, אך מפני שבכל יום ויום ובכל שעה ושעה הוא הולך וקרוב למוות, ע”כ יקראו לו כבר מן עת האכילה מת

וכן ביום אכלך ממנו – היינו מאותו יום ואילך – מות תמות – פ’ מעט מעט, כי בכל יום ויום הוא קרוב למיתה יותר ויותר כי באמת שקודם אכילתו מעץ הדעת לא היה עדיין מיתה בעולם, ומן עת האכילה, שאז נגזרה עליו מיתה, הלא הוא מתקרב בכל יום ויום אל המות

ועל כן אומר הכתוב בכפל לשון מות תמות – היינו בכל יום אתה מתקרב אל המות וד”ל

And from the Tree of Knowledge, Good and Bad – you must not eat from it, because on the day of your eating from it you will die, yes die:

The peshat of this is that this is the natural way: something that a human being continually yearns for and desires extremely, even if the thing is good for him, when he eats it to the great extent of his aspiration, it may greatly damage him, and can cause his death. Even though he does not die immediately, since every day and every hour he comes nearer to dying, he can be called dead from the moment of eating.

Thus on the day of your eating from it – meaning from that day on – you will die, yes die – meaning little by little, because each and every day he comes more and more near to death.

Because the truth is that before he ate from the Tree of Knowledge death was not yet in the world, but from the time of the eating, at which point death was decreed upon him, he indeed comes nearer each and every day to death.

Therefore the Torah says redundantly die, yes die, meaning that every day you come nearer to death. Enough said, for those with understanding.

Now the phrase “enough said, for those with understanding” suggests that Rav Itzile’s interpretation itself has an exoteric and esoteric component. Let’s see how much of that we can unpack. Exoterically, he resolves the problem of Adam’s failure to die *on the day* he ate the fruit by positing that he *began the*

process of and the march toward dying. This interpretive move can be accomplished without saying anything about the nature of the fruit; mortal beings are by definition always on the march toward dying, and processes are notoriously difficult to define. But R. Itzile goes further; he says that while eating the fruit generated mortality, it did not generate **inevitable** mortality. Adam would still have lived forever had he been able to resist the fruit the next day, or the next, or the day after that. But one taste of the fruit made it impossible for him to ever resist it for long, and eventually he overdosed.

I think the textual clue here is that it is *the Tree of Knowledge, Good and Bad*. Most readers understand this to mean “*knowledge of good and knowledge of bad*,” but Rav Itzile is perhaps more precise in choosing “*knowledge that is both good and bad*.” This in turn raises the question of how something can be simultaneously good and bad, to which he responds with his own metaphor of addiction.

So far, so good. Now we must ask: why is it the *Tree of Knowledge*? Perhaps knowledge is a red herring, and addiction per se is the original sin; R. Eliezer of Metz in his *Sefer Yereim* posits that the *ben sorer umoreh* (the rebellious son) is executed *al shem sofo*, because of what he is yet to do, because he is an addict, and the Torah knows that uncontrollable addiction leads inevitably to robbery and murder. But while the *Yereim* is a tempting read of the rebellious son, I am nervous about taking the metaphor that literally. Addictions can at least sometimes be broken; Deborah Klapper just today referred me to studies that suggest that a positive social environment significantly improves prognosis. And I find it very hard to believe that knowledge is red herring. So what we are really looking for is a type of knowledge that is dangerously addictive.

We don't have to look very far. Here is *Berakhot* 28b:

תנו רבנן
כשחלה רבי אליעזר, נכנסו תלמידיו לבקרו
אמרו לו: רבינו, למדנו אורחות חיים ונזכה בהן לחיי העולם הבא
אמר להם: הזהרו בכבוד חבריכם, ומנעו בניכם מן ההגיון, והושיבו בין ברכי תלמידי חכמים, וכשאתם מתפללים – דעו לפני מי
אתם עומדים, ובשביל כך תזכו לחיי העולם הבא

A beraita:

When Rabbi Eliezer fell ill, his students entered to visit him.

They said to him: Rabbeinu, teach us the paths of life and we will thereby merit The Coming World.

He said to them: Be careful of the honor of your colleagues; restrain your children from hahigayon; place them between the knees of scholars, when you pray – know before Whom you stand; and for this you will merit the life of the Coming World.

The mystery term here is *hahigayon*, which seems etymologically to refer to some form of intellection. Rashi comments: “משום דמשכא – לא תרגילום במקרא יותר מדאי, משום דמשכא /From *hahigayon* – do not familiarize them with Scripture overmuch, because it attracts them.” The study of Written Torah is addictive, as a brilliant satire in *Hamevaser* pointed out years ago. But this does not mean that it should not be learned, just that it should not be learned overmuch. I suggest that this means that one should not try **overmuch** to learn the text of Torah without reference to Oral Torah, traditionally attested interpretations. Might *peshat* be the knowledge that Rav Itzile attributes to the Tree?

On this reading, the metaphor of Genesis is self-referential. To seek to understand the Tree, one must first recognize that one cannot understand it without help from others who already do so. One must honor the knowledge of one's friends, and train children to respect tradition.

Three uncautionary notes in conclusion:

1. Rabbi Eliezer is often represented as particularly devoted to traditional knowledge. Perhaps Rav Itzile has recreated Rabbi Eliezer's understanding of the metaphor, but the bulk of Jewish Tradition has adopted others' understandings.

2. As Rabbi Itzile implies, the knowledge of the Tree is good, perhaps essential. Perhaps forewarned is forearmed, and we can taste it without becoming addicted.
3. All the other trees of the garden were simply good to eat. There is no religious danger in addiction to knowledge, so long as we do not become convinced that the individual or collective human literary sensibility is the measure of all things.

A Talmudic Notion to Retry the Snake

October 14, 2014

G-d to Adam: Have you eaten from the tree that I commanded you not to eat from?!
Adam: The woman that you placed together with me – she gave me from the tree, and I ate.
G-d to Eve: What have you done!?
Eve: The snake seduced-me-astray, and I ate.
G-d to the snake: Because you did this, you are cursed . . .

There is a rhythm to this dialogue, of increasing impatience. G-d asks Adam an extended question, receives an extended answer; asks Eve a curt question, receives a curt response; asks the snake no question at all, and no response is recorded. Read *k'b'yakhhol* (as if it were possible) psychologically, the Torah makes no statement about relative guilt or innocence. The snake receives no opportunity to defend itself simply because G-d has heard too many excuses already. Anyway, all three defendants are punished, and we have no way of knowing whether Adam and Eve's displacements of responsibility lessened or worsened their punishments.

Or: The snake had nothing to say in self-defense. Or: The snake sincerely repented and was prepared to accept the consequences of its actions. Or: The snake was unwilling to legitimate what it saw as an unjust and biased forum by speaking. Or: The snake was so powerful a rhetor that G-d could not allow it to speak, lest He be swayed, or: lest the audience in His court be corrupted, (fallen angels are not unknown to Jewish tradition). But are those fears legitimate reasons to silence a defendant? In this, the first trial in history, should the Judge of all the land not do justice?

Rav Shmuel bar Natan, citing Rabbi Yonatan (*Sanhedrin* 29a), goes yet one step further. "How do we know that one does not make arguments on behalf of a seducer-to-idolatry? From the primeval snake." Not only did the snake not get to speak in self-defense, G-d did not argue on its behalf. The clear implication is that G-d had valid arguments to make for the defense, but did not make them, and G-d's behavior is a proper model for our own behavior in trials of seducers-to-idolatry. Perhaps the intention is that one should not make purely technical arguments on behalf of a seducer-to-idolatry, but of course one must make arguments that suggest the accusation is false. Still, this is dangerous territory.

The Talmud relates Rav Shmuel bar Natan's position to a statement of Rabbi Simlai, but Rabbi Simlai seems to point in quite different directions: "The snake had many arguments to make, but did not make them. Why did The Holy Blessed One not make the arguments for him? Because he did not make the arguments." Here it seems clear that the snake *chose* not to speak. But what is the sense of G-d being silent because the snake was? Had the snake spoken, no Divine argument would have been necessary!

The common assumption of Rav Shmuel bar Natan and Rabbi Simlai is that there is a technically valid defense for the snake. If the snake represents the eternal *yetzer hora*, perhaps that defense should remain unstated. But the Talmud chooses to state it nonetheless. "What could he have said? 'If the words of the master and the words of the disciple contradict, whose words must one heed? The words of the disciple.'" Human beings always have the direct responsibility to obey G-d, and nothing anyone says should be able to persuade them otherwise. We sin only when we choose to be persuaded, and no one else should be held responsible for our choices.

This allows a new explanation of Rav Shmuel bar Natan. Perhaps the only argument that we may not make on behalf of a seducer-to-idolatry is that he—and by implication, we—cannot be held to account for the effects of our own decisions on those of other people. Freedom and influence can coexist.

Tosafot point out, however, that every talmudically knowledgeable seducer-to-sin can now make the argument themselves. Surely we cannot wish to punish only the ignorant seducers! Their response is that the snake had not been directly commanded not to seduce-to-idolatry, and so could be held liable only for consequences, whereas post-Sinai Jews have been so commanded, and so are liable for disobeying G-d

regardless of the success of their attempts at seduction. (This may be hyper-technical casuistry, or fascinating moral philosophy, or both.)

But Tosafot's position is difficult to square with the Talmud's use of this argument elsewhere as the basis for the rule *אין שליח לדבר עבירה*, which exempts principals for crimes committed by agents at their behest.

A note to Siftei Kohen (*Choshen Mishpat* 32:3) brings this discussion back to our narrative. If a principal sends an agent to damage someone else's property, only the agent can be sued. But does the principal have any moral responsibility? The note argues:

1. moral responsibility is idiomatically described as *חייב בדיני שמים* (liable in the Heavenly court);
2. the snake was surely tried in the Heavenly court;
3. the Talmud says that this argument would have worked to get the snake acquitted.

Therefore the argument works in Heavenly court, and so principals do not bear even moral responsibility for the damage caused by their agents.

A note to Mishneh l'Melekh (*Laws of Murder* 2:2) sharply limits this claim. It argues (on the basis of *Kiddushin* 43a) that principals escape moral responsibility only if the agent directly and immediately derives benefit from sin, and they do not, as for example when the agent eats a forbidden food: "We have never found in the Torah that A benefits and B is held liable."

But this seems morally tone-deaf. The evil of the seducer-to-sin is magnified, not diminished, when the seducer has no motive other than causing the agent to sin. Moreover, both notes to my mind are literarily tone-deaf. The core assumption of Rav Shmuel bar Natan is that the trial of the snake is a valid model for *human* justice.

Tosafot and Ritva offer additional qualifications. Tosafot notes that the principal is liable for an agent's sin of *meilah* (misuse of sanctified objects) because the sin actually happens before the benefit, when the object is picked up with malicious intent. Ritva asserts that the principal is liable if the seduction took the form of action rather than mere speech.

Rabbi Meir Shapiro dazzlingly reads these legal discussions into our narrative. His starting point is that since the Torah describes the snake as the slyest of creatures, it would certainly have thought of all available legal arguments, and made them. So why did it mistakenly believe that this argument was unavailable?

In Genesis 3:3, Eve tells the snake that G-d had ordered the humans not to **touch** the Tree of Knowledge of Good and Evil lest they die. (She was apparently misinformed by Adam, who disastrously added a "Rabbinic" prohibition when instructing her without making clear that he had done so.) Why is this error relevant to the story? Rabbinic tradition records that the snake physically shoved Eve against the tree. When she did not die, she lost faith, and was willing to eat too.

What the snake correctly guessed, and Eve did not, was that G-d did not mean that violating His command would lead to immediate death; He meant only that it would make them mortal. (I hope in some future context to address why the snake understood G-d better than Eve did.) But the snake believed, with Eve, that G-d had forbidden touching the tree.

So at the trial, the snake thought that the sin happened when Eve touched the tree, and that it had caused her sin through its action. Under those circumstances, if one accepts Tosafot and Ritva, the argument that Eve should have listened to the master rather than the disciple was unavailable.

G-d, however, knew that the sin was the eating, meaning that Eve derived benefit from the sin, and so the snake should not have been held liable according to Mishneh l'Melekh. Further, her eating came as the result of the snake's words (in 3:5; the shove happens between 3:4 and 3:5), not its actions, and so the snake should not have been liable according to Ritva either. But G-d chose not to enlighten the snake.

If the snake reads Talmud, a motion for retrial is doubtless on file.

The Origins of Human Deception and Divine Disclosure in Sefer Bereishit

by Aliza Libman Baronofsky (SBM 2006)

October 14, 2014

Is it in the nature of humans to be truthful?

The human beings created in Genesis Chapter 2 blame others. They lie. They obfuscate. How could beings infused with the Divine spirit stray so rapidly and so completely?

I suggest that the theme of human deceit and trickery pervading the book of Genesis parallels the episodes where God discloses, reveals, and lays plain his goals, objectives and plans. *God discloses; people deceive.* With proper treatment, these four words can form an overarching schema that underlies and informs every story in the book.

The first critical scene of human deception occurs after Adam and Chava eat the fruit. In a childlike manner, they hide from God (Genesis 3:8):

וַיִּתְחַבֵּא הָאָדָם וְאִשְׁתּוֹ, מִפְּנֵי יְהוָה אֱלֹהִים, בַּתּוֹךְ, עֵץ הַגֵּן

Do they think they can do so successfully? Or is the impulse to run away from one's mistakes an innate characteristic? Adam has not been conditioned in this regard. He knows nothing of consequence and punishment, yet he hides to cover his tracks.

When God pursues Adam and says "איכה", "Where are you?," he responds "את-קלך שמעתי בגן" "I heard your voice in the Garden." The wordplay is striking. Most other places the words "שמע" and "קול" appear juxtaposed, they refer to heeding or listening, most notably in 3:17. Hashem punishes Adam because he listened to his wife ("שמעת לקול אשתך") when he should have listened to God, a fact that becomes readily apparent when Adam hears the voice of God ("את-קלך שמעתי").

Further, when Adam and Chava eat from the tree, God expresses a concern that they have become like divine beings (Genesis 3:22): "הן האדם היה כאחד ממנו, לדעת, טוב ורע." Knowledge of good and evil makes us become divine. How is this then connected to the human impulse to lie, to hide, to blame others?

The second critical story of human deception comes to expand on and illuminate its predecessor. In Genesis 3, one could argue that Adam did not actually lie, strictly speaking. He hides from God and blames his wife. But he does not actually lie.

In Genesis 4, God intervenes early, but the humans don't act any better. When Cain's sacrifice is rejected by the Lord, God speaks to him. Psukim 6-7 are incredibly difficult to interpret but amount to some sort of warning by God to Cain to avoid sin, which is lying in wait. Just as God told Adam and Chava to refrain from eating from the Tree of Knowledge, he warns their son Cain to avoid the temptations of jealousy.

The story plays out in a predictable way. Cain, like his parents, gives in to sin. God asks him, too, a question by way of confrontation. Cain, too, gives an answer that is meant to deflect his guilt. The famous "השמר אחי אנכי" – "Am I my brother's keeper?" can be seen as more deceptive than his parents' reply – Adam and Chava blame others for their wrongdoing, but don't attempt to cover it up. Once they realize they cannot hide from God, the jig is up and they don't deny what they ate.

The two sins might seem unrelated, but they both involve trespass onto the parts of the divine that are not ours by right. This explains God's comments in 3:22 as well as the terrible nature of Cain's sin – only God decides who may live and who may die. In both stories, therefore people wish to be like God in precisely the ways that are not permitted to them, while refraining from emulating His straightforward honesty.

From these early stories, it would seem that the urge to lie, to deny, and to cover one's tracks is primal. These urges are an animal part of human existence that derive from a desire for self-preservation. And because these urges are instinct, they can presumably be overcome by those with the self-control that God

demands of man. God himself tells Cain, “הלוא אם-תיטיב, שאת”, which can be interpreted as a promise that if people try, they can conquer their emotions. After all, Cain is at this moment angry that his offering was not accepted. God has come to intervene because of Cain’s emotional state. He is telling Cain, “You know what the right thing to do is.” Yet Cain knowingly chooses the wrong thing and believes, for a time, that he can successfully cover it up.

Alternatively, we can posit that if humans had never eaten of the Tree of Knowledge, they would not have known that they could lie, and would have remained in the garden, with eternal life, but without the divine knowledge of good and evil. In this second scenario, humans would have been both more like the animals they rule (lacking the knowledge from the Tree) but also more divine in their purer existence in the garden.

As we read the rest of Sefer Bereishit, we see this template repeated: God clarifies the criteria for success and warns people not to violate the boundaries He has set out, but His creations lie and trick and cheat, resulting in their centuries of slavery in Egypt.

Is there a remedy to our baser instincts or are we doomed to sin, to lie and to cover up? Certainly, we can conclude by suggesting that God is truth, and the pursuit of God is therefore the pursuit of truth. Towards the end of this week’s parsha, we begin to see this remedy pursued in the description of the birth of Enoch: “אז הוּחַל, לְקַרָּא בְשֵׁם ה'” (Genesis 4:26). We must call out in the name of the Lord and strive to be like Him in the ways that are permitted to us. With Rosh Hashana not far in our rearview mirror, it behooves us to focus on honesty, including straightforwardness and integrity in our personal relationships and business dealings, for these are the lessons of Sefer Bereishit that we should internalize.

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