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Remembering the Forgotten

Max Hollander has a passion for stories and ideas that speak to the human condition, and spends his time exploring the depths of Jewish tradition to find new ways of connecting with the past.

Where is Yosef?[1]

Yosef is a central figure of the Passover *seder*, hidden within its subtle details. One example is the association Rabbeinu Manoach makes between the dipping of *karpas* with the brothers' dipping of Yosef's *ketonet passim* (striped cloak) into blood (Bereishit 37:31).[2] Another is the Talmud Yerushalmi's suggestion that the four cups of the *seder* are sourced in the four times the word *kos* ("cup") is used in the cupbearer's dream in Yosef's story.[3,4] Highlighting the significance of Yosef's presence in the Haggadah, Rabbi Jacob J. Schacter has suggested that references to Yosef's story of redemption in the *seder* remind us that,

[1] I am immensely grateful for the mentorship, time, and advice of Rabbi Dr. Jacob J. Schacter, who took the time to review this piece and offer invaluable suggestions to improve it significantly. I'd also like to thank my wife, Ruthie, for tolerating my obsession with the piece, the members of the KJ community who attended the shiur where I worked out many of these ideas, and my friends Morgan Figa and Zach Beer for looking at early drafts and offering suggestions and support when I needed *chizzuk* the most.

[2] Rabbeinu Manoach on *Mishneh Torah*, Laws of Chametz and Matzah, 8:2.

[3] As opposed to the general approach that the four cups represent the four stages of redemption.

[4] Yerushalmi, *Pesahim* 10:1.

despite the orderly way in which the four cups of redemption are presented, our own paths to redemption more often resemble Yosef's long and chaotic one.[5] Alternatively, Rabbi Shlomo Kluger has suggested that Yosef's presence at the *seder* is a reminder of the baseless hatred and strife that led to our enslavement in Egypt, which shouldn't be repeated.[6]

Yosef's role in the Passover *seder* is not often raised, but it's a powerful idea and, more importantly, a reasonable one. On a night when we study our national story and instill the lessons of our past — including the mistakes that led to our enslavement — in the present, to the point that we include Yosef's own redemption in the *seder*, why is he so hard to find?

I would like to suggest that it isn't just Yosef's presence that is significant, but his absence too. Yosef's hidden, elusive, and almost forgotten role in the *seder* is an extension of the forgetfulness and neglect that plagued him over the course of his life. Our searching for him is an expression of what made us, and continues to make us, worthy of redemption.

What Makes Us Worthy?

Mekhilta de-Rabbi Yishma'eil, a third- century collection of midrashim on Sefer Shemot, records a debate between Rabbi Matya ben Heresh and Rabbi Eliezer ha-Kappar regarding why the Jews were commanded, in the days leading up to their escape from Egypt, to guard the animals designated for their respective Paschal sacrifices.[7] Rabbi Matya ben Heresh claimed that they hadn't performed any *mitzvot* that would have made them worthy of redemption, and therefore needed to do something to earn salvation. Rabbi Eliezer ha-Kappar, however, said that they had in fact observed four *mitzvot* in Egypt that made them worthy of redemption: avoiding sexual promiscuity, avoiding slanderous speech about one another, maintaining traditional Jewish names, and continuing to use Hebrew as their native tongue.[8]

This *midrash* has a complicated history. There are several versions of this passage across midrashic collections, some of which have either a different number of commandments that the Jews kept while in Egypt, or a different set of commandments. However, it is striking that, across variations, the Jews' worthiness is most often rooted in their maintenance of parts of their cultural and social memory, with some versions of this text even describing their preservation of comparatively mundane identity markers such as

[5] Rabbi Jacob J. Schacter, "Seeking Redemption in an Unredeemed World: Yosef at the Seder," in *And You Shall Transmit to Your Children:A Pesach Haggadah* (Yeshiva University, 2014) 23-30.

[6] Rabbi Shlomo Kluger, *Yeriot Shlomo: Siddur Beit Yaakov.*

[7] Shemot 12:6.

[8] *Mekhilta De-Rabbi Yishmael*, *Pischa* 5.

Jewish cuisine or clothing style as meritorious. The latter went on to play an important role in European Jewish history as a justification of the European ultra-Orthodox uniforms of the 19th century.[9] However, the oldest combination, and the one found most frequently across the textual variants, is that the Jews merited redemption because they maintained their identity through the use of their native language and names, and their memory of each other's intrinsic value through the observance of ethical treatment of one another.[10]

I would like to suggest that the emphasis on memory as meritorious above other *mitzvot*, such as Shabbat, [11] acknowledges pitfalls in Sefer Bereishit that led to the Jews' enslavement in Sefer Shemot. Mistreatment and apathy towards other human beings — especially the less fortunate, such as people experiencing homelessness — is often born out of a failure to remember their innate value as people born *be-tzelem Elokim*, worthy of kindness and love.[12] Although Jewish tradition sees a divine goal behind our enslavement in Egypt, the steps that got us there can still serve as models for behavior we should avoid in order to ensure that we don't experience another calamity of that caliber. If what saved the Jews was the memory of their national identity and the value of one another, what doomed them was forgetting those things in the first place.

Forgetfulness, as I am using it, is the neglect of people in society such as the downtrodden, and/or parts of ourselves, like our history and identity, until those forgotten things best serve us. Or, as 19th century Polish rabbi, R. Yaakov Tzvi Mecklenburg (Ha-Ketav Ve-Hakkabalah), puts it in a comment on our story that we will revisit later, "Most of the usage of forgetting is just about not putting one's attention to something, in that it is not important in his eyes to put his mind to it."[13]

The final chapters of Sefer Bereishit recall the lives of Yosef and his brothers,as well as the events that led to the Jews' enslavement in Egypt as recorded in Sefer Shemot. The narrative offers a picture of maintaining faith in a divine plan in spite of hardship, and is best summed up by Yosef himself, who attributes everything that had happened to him to God's divine plan which placed him in a position to help the rest of the world during a deadly famine.[14] By presenting Yosef's story as the

[9] Elli Fischer, "'They did not Change their Names, their Language, or their Dress': The Life-cycle of a Peculiar Midrashic Variant," in *Always Hungarian, Hungarian Jewry Through the Vicissitudes of the Modern Er*a (Ramat Gan: Bar Ilan University press, 2021), 251.

[10]ibid., 239.

[11] *Kitzur Ba'al Ha-Turim* on Shemot 1:1 suggests that the Jews were worthy of redemption by observing Shabbat and *brit milah*.

[12] Rabbi Jonathan Sacks makes a similar point in an essay on Parashat Noach, highlighting God's need to emphasize the idea of *tzelem Elokim* after humanity grew corrupt before the flood. *The Trace of God*, https://rabbisacks.org/covenant-conversation/noach/the-trace-of-god/

[13] *Ha-Ketav Ve-Hakabalah* on 41:51.

[14] 50:19-21.

precursor to Egyptian enslavement, the Torah is offering readers a picture of what treating people the way Yosef is treated can lead to. This turns the mistakes of the past into models for paths we should avoid today.[15] Additionally, should the image of a victim of repeated neglect by people who are able to help him not be sufficiently clear, the story also offers a window into the inner turmoil of a victim of that behavior with whom we can/should empathize.

What it Looks Like to Forget

Yosef is one of the most unfortunate characters in Tanakh, left forgotten, and left *feeling* forgotten, throughout much of his life by people occupying positions of status and authority—people who could have otherwise pulled him out of the various "pits" he falls into but chose not to. These moments serve as major points of progression in Sefer Bereishit that drive our story—and tragedy—forward.

The first moment of forgetfulness in Yosef's story was when he was sold into slavery after being left in the pit by his brothers. Famously, the party responsible for the sale is a point of controversy among commentators. While a majority of Jewish literature assumes that Yosef's brothers are responsible for his sale, the text doesn't explicitly attribute the act to them, nor do the brothers ever admit to any misdeed beyond deliberately neglecting Yosef and his suffering (Bereishit 42:21; 50:17).

> When Midianite traders passed by, they pulled Joseph up out of the pit. They sold Joseph for twenty pieces of silver to the Ishmaelites, who brought Joseph to Egypt. (37:28)

Rashbam (R. Samuel ben Meir) suggests that, although the brothers were last seen eating nearby, it was not they who sold Yosef.[16] While the verse notes Yosef's purchase and subsequent removal from the pit, it does not specify the seller. Furthermore, in 40:15, Yosef initially describes his situation as having been "stolen" rather than having been sold into slavery. Should this be true, the brothers' neglect would be at least partially responsible for his sale/kidnapping, leaving room for us to consider the possibility that had they actually paid attention to him, they might have taken their own advice and changed their minds.

> They said to one another, "Alas, we are being punished on account of our brother, because we looked on at his anguish, yet paid no heed as he pleaded with us. That is why this

[15] This reading was partially inspired by my time at FASPE: Fellowships at Auschwitz for the Study of Professional Ethics. The fellowship's goal is to bring cohorts of young professionals such as doctors, lawyers, journalists, and clergy at the beginning stages of their careers to Germany and Poland, to study the ethical transgressions professionals within our own fields made that allowed for the Holocaust, and to use their mistakes to inform our decisions today.

[16] Rashbam on 37:28.

> distress has come upon us." Then Reuben spoke up and said to them, "Did I not tell you, 'Do no wrong to the boy'? But you paid no heed. Now comes the reckoning for his blood." 42:21-22

The second moment of forgetfulness occurred most plainly when Yosef was thrown into prison after being falsely accused of sexual misconduct by Potiphar's wife. There, Yosef interpreted the dreams of the royal cupbearer and baker. After foreseeing the cupbearer's freedom, Yosef asked the cupbearer to remember him once he was released from prison, and to then advocate for Yosef's freedom. Sadly, the cupbearer immediately forgot him.

The text states, "Yet the chief cupbearer did not remember Yosef; he forgot him." [17] Traditional commentators address the seemingly unnecessary repetition of the verse first stating that the cupbearer had "not remembered" Yosef, and then re-stating that he had "forgotten" Yosef. Rashi, among others, sees the inclusion of this extra term as a signal of some kind of extra punishment for Yosef, having chosen to put his faith in a human being to free him rather than rely upon God. This approach emphasizes the theme of divine intervention as being paramount in the story, and almost a requirement for Yosef's survival. Yosef, this approach asserts, would not, and could not, be rescued by anyone other than God.

However, some take a more human approach to understanding the verse. Rabbi Hayyim ibn Attar, an eighteenth-century scholar known as Or Ha-Hayyim, offers the possibility that the extra emphasis on the cupbearer's forgetfulness highlights the fact that the forgetting was deliberate. To "forget" and to "not remember" can be distinguished by active and passive behaviors. To forget, Or Ha-Hayyim claims, is to actively "blot something out" of one's mind. [18] Had the cupbearer not done so, he should have at least remembered Yosef from time to time. Or Ha-Hayyim also highlights the fact that the cupbearer went so far as to forget Yosef's name [19] when mentioning him to Pharaoh. [20] Poignantly, Rashbam further emphasizes the fact that the cupbearer only remembered Yosef when Pharaoh's dreams proved impossible to interpret and it was thus beneficial for him to remember his promise.[21]

Alternatively, *Bereishit Rabbah* can be read as highlighting a natural human flaw that went into the cupbearer's actions, or lack thereof.

> "And the chief butler did not remember…": Each day, he would

[17] 40:23.

[18] *Or Ha-Hayyim* on 40:23.

[19] ibid.

[20] Bereishit 41:12.

[21] Rashbam on 40:23.

> stipulate conditions, and an angel would come and reverse them. He would tie knots and an angel would come and untie them. The Holy One blessed be He said to him: 'You forget him, but I will not forget him.' That is what is written: "And the chief butler did not remember."
> *Bereishit Rabbah* 88

This *midrash* paints a picture of the cupbearer trying to fulfill his promise to Joseph by leaving reminders for himself to tell Pharaoh about Joseph's plight, only for an angel to later dismantle them. While this text can be read as divine beings actively orchestrating events in such a way that God was Yosef's only hope for survival, it can also be a creative way of depicting the natural human tendency to easily forget the things that aren't important to us, regardless of whether or not they should be. According to this *midrash*, an innocent man is in prison and the only thing preventing the cupbearer from freeing him is whether or not a string is tied or untied. A caring and/or grateful person would have tried to free Yosef immediately! In line with Rabbi Yaakov Tzvi Mecklenburg's description of forgetting, [22] the *midrash*'s description about how easily the angel upended the cupbearer's reminders to rescue Yosef may be highlighting how little the cupbearer cared about rescuing him at all. The *midrash* subsequently lists the many characters in Tanakh who faced challenges but were saved by the divine, emphasizing that God, unlike human beings, will never forget the downtrodden.

Regardless of which of these approaches most resonates with the reader, they all highlight the human elements of forgetfulness and apathy that could have gone into the cupbearer's decision—or lack thereof—to save Yosef. Once again, Yosef was left in what he and the jailers refer to as another pit, [23] only pulled out when it best served the selfish needs of the person who took him out. Here, it was when the cupbearer needed Yosef to interpret Pharaoh's dreams. If forgetting the less fortunate, especially those who were there for you when you needed them, wasn't acceptable behavior, Yosef would have been freed long before the events of Pharaoh and his dreams unfolded.[24]

Finally, Yosef was forgotten for the third and final time, at the beginning of Sefer Shemot, after saving Egypt and the surrounding nations from starvation. We're informed that a new king rose to power "who did not know Yosef." [25] The Talmud in

[22] *Ha-Ketav Ve-Hakabalah* on 41:51.

[23] 40:15; 41:14.

[24] It is worth noting that even outside of the Yosef narrative, forgetfulness plays a subtle, yet major, role in how Jewish history transpired. In the story of Tamar and Yehudah, Tamar, after having been widowed by not one but two husbands, was left to rot in her father's household for an undisclosed amount of time until Yehudah's third son would be ready to marry her. Rashi even asserts that this excuse was just a way of pushing her away and placing her out of sight. This act of forgetting eventually paved the way to the birth of King David.

[25] Shemot 1:8.

Tractate *Sotah* records a debate between Rav and Shmuel about this verse and whether it was truly a new king from the royal line or the same king who decided to ignore the impact Yosef had on Egypt.[26] And yet, regardless of which side of that debate is true, the emotional and practical impact of these events is that Yosef, despite begging to be remembered by his brothers when they leave Egypt, is once again forgotten, this time by the Egyptian kingship and Egyptian society at large. His memory is buried in a "pit" along with his body, which the Midrash claims had been lost in the Nile.[27] To make matters worse, Yosef's legacy is tainted by an antisemitic propaganda campaign, portraying the people who had been brought to Egypt as a threat to that same nation's existence.[28] The consequences of this act of memory manipulation are obvious.

While we can acknowledge the net-positive outcome of this story, we can't ignore the human error that harmed Yosef and still harms others today. What these events underscore are the real and drastic consequences of memory and forgetfulness. In all three instances, Yosef was a victim of the whims of the powerful, and is ignored or forgotten by those who can support him but don't—until it serves their needs, if at all. Yosef's life is a microcosm of a universal experience of being forgotten and manipulated by the people who we should be able to trust. But if what happened to Yosef over the course of his life paints a picture of what being forgotten looks like, the actions Yosef undertook reveal the forgotten's inner world.

What it Feels Like to be Forgotten

Yosef's story is a story of gradual assimilation, arguably a result of his repeated experiences of rejection, being forgotten, and subsequent loneliness, not only the allure of new surroundings.

At the beginning of his story, Yosef fights for his freedom and holds onto his identity as a Hebrew raised with the values of his childhood in Yaakov's house. According to Tractate *Sotah*, he resists the sexual temptations of Potiphar's wife after having visions of "his father in the window,"[29] which urge him to maintain his allegiance to the values of his home and remain within the covenant.[30] In prison, Yosef fully identifies as a Hebrew from Canaan.[31] And yet, he eventually finds his place in the new world thrust upon him. In Egypt, he obtains a position of power as viceroy[32] and assumes a new identity, complete with new clothes and a new name, Zaphenat-Panei'ah. [33] However, the traumas of his past begin to haunt him when he

[26] *Sotah* 11a.

[27] *Midrash Tanhuma*, Beshalah 2.

[28] Shemot 1:9-10.

[29] As cited by Rashi on 39:11.

[30] *Sotah* 36b.

[31] 40:15.

[32] ibid., 41:41-44.

[33] Ibid., 41:45.

starts a family and establishes a future of his own. The Torah tells us that when Yosef had children, he named each of them after an aspect of his life:

> Before the years of famine came, Joseph became the father of two sons, whom Asenat daughter of Poti-phera, priest of On, bore to him. Joseph named the first-born Menasheh, meaning, "God has made me forget completely my hardship and my parental home." And the second he named Ephraim, meaning, "God has made me fertile in the land of my affliction." 41:50-52

The meaning of Menasheh's name is a subject of debate – and discomfort – among biblical commentators. They struggle with the idea of Yosef wanting to forget his past life in Yaakov's home, and offer readings of his childrens' names that reframe them in a more positive light.

Alshikh (16th century, Safed), interprets Yosef's words as gratitude for his ability to overcome the emotional distress of being away from his family, so that he could perform what he saw as his sacred duty to bring God down to Egypt for the eventual exile.

> For if not, I would have told my father's household. But the Lord [granted him a child] so that his father would not redeem him from his distress with all of the wealth of his house, and so that [he would not] command him to return to his land. And [then] the entire preparation of the exile which He, may He be blessed, prepared by having His Divine presence come to Egypt with Joseph…" Alshikh on 41:51

Doubling down on his interpretation of Menasheh's name as being, at its core, positive, Alshikh sees the meaning of Ephraim's name as calling attention to Yosef's loathing of life in Egypt and his desire for his father's home.

Netziv frames this naming scheme as a reference to Yosef's ability to forget the honor of his family, thereby making it easier to facilitate the fulfillment of his prophetic dreams that his family would bow down to him.[34]

Alternatively, Rav Hirsch re-interprets the word "*nashani*" to mean something completely different from its traditional translation.

> "Forgetting" is not the only meaning of nun-shin-hei. The understanding of nun-shin-hei is also [a reference to] one who is owed, to a creditor. And so the understanding of "*nashani*" would be "God has made my disaster and

[34] *Ha'ameik Davar* on 41:51.

> my father's household into creditors." That which until now appeared to me like a disaster and torture, God has made into a tool to form my happiness. I owe a great debt to my disaster and to my family...[35]

Rather than framing Yosef's life and family as sources of sorrow to be forgotten, Rav Hirsch's translation transforms them into sources of joy to be grateful for. Robert Alter also associates "*nashani*" with some form of debt collection, translating the verse as "And Joseph called the name of the firstborn Menasheh, meaning, God has released me from all the debt of my hardship and of all my father's house."[36] He supports this reading of Menasheh's name by suggesting that "such an unambiguously positive verb is a better parallel to 'made me fruitful' in the next verse."[37]

These thinkers can be broken down into two perspectives: either Yosef's naming scheme reflected a total rejection of Egyptian life, or a full embrace of Egyptian life. However, they fail to take Yosef's lived experiences into consideration when interpreting and translating these verses. Regardless of whatever bigger picture Yosef is able to recognize at the end of the story, the fact is that at this stage of his life, he'd been left for dead in a pit by his brothers and subsequently left for dead in prison. Gratitude for being able to move past setbacks that would have left many people broken and frozen is warranted, but inner conflict is expected.

Despite Alter's objection to the classical interpretation of Menasheh's name being about forgetting, on the grounds that it pairs poorly with the verse that follows, and Netziv's interpretation of Ephraim's name as highlighting Yosef's disdain for Egypt and longing for his father's home, I think the conflict inherent in his children's names is a reflection of Yosef's internal turmoil. At a life stage as momentous as childbirth and the beginnings of a family, where generally memories of one's past inform how they proceed into the future, Yosef was not able to do so. At this point, Yosef had spent over a decade without any contact with his family, and had spent years in prison waiting for his one lifeline to return for him. His memories had been tainted. He couldn't build a future with a past that discarded him, and he was left frozen between the two as a result. The conflict inherent within the names Yosef chose for his children reflect a sense of being *trapped*, a feeling that someone going through this trauma might experience: Yosef had survived the suffering of his past, but was too traumatized, despite his success, to be able to see the present and future as anything other than "affliction."[38] That kind of pain necessitates a change – a new name – in

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[35] Rav Hirsch on Chumash, Bereishit (Feldheim Publishers, 2nd edition, 2010), 770.

[36] Robert Alter, *The Hebrew Bible: A Translation with Commentary (W. W. Norton and Company, 2018),* 161.

[37] ibid.

[38] 41:52.

order to go on. But, being so distraught, Yosef needed to be given a name by someone else, rather than take one for himself, in order to find a path forward.[39]

But the past never really leaves us. It lives on in the ways we behave, the names we use, and the language we speak, and Yosef's experiences are no exception. Despite years of distance and a clear desire to forget his past, he couldn't forget it. Upon seeing his brothers in the following chapter, Yosef's memories come roaring back,[40] but we soon learn that he never really let go of them:

> They did not know that Joseph understood, for there was an interpreter between him and them. 42:23

Yosef still spoke Hebrew and, strikingly, the Midrash powerfully asserts that he taught it to Menasheh, his interpreter,[41] too. There is no greater testament to Yosef's inability to let go of the past than the fact that he taught his son, who was literally named after his aversion to his past, to speak the language of his youth.

Ultimately, Yosef is a character consumed by internal conflict, oscillating between letting go of the past that was torn away from him and embracing the future that was beginning to take shape with a lucrative position and a beautiful family – and he couldn't let go. A core element of the experience of neglect is the inability to let go of the past. During the confrontation with his brothers, Yosef constantly fought between maintaining his identity as an Egyptian and wanting to embrace his identity as a Jew by revealing himself to his brothers. He is the embodiment of his name, with a root, yud-samekh-fei, that can be used to mean both to "take away" or to "add." It is also a name that was chosen while his mother meditated on her own past and future, referencing the past disgrace that was now gone and the possibility for new life that lay ahead of her:

> She conceived and bore a son, and said, "God has **taken away** my disgrace." So she named him Joseph, which is to say, "May God **add** another son for me." 30:23-24

Yosef's story shines a light on the struggles of

[39] Starting a family can stir up old feelings. Speaking personally, my father lost his mother, father, and brother all within the span of a single year, and when he got married and I was born, he legally petitioned to have our family name changed, from the name he was born with to a new one, soon after. Like Yosef's new name, it isn't clear where it came from, and, now that he passed away, I will never know for certain. My only clue is from a friend of my father who told me that when my grandparents and uncle passed away, my father felt like he needed a new start. In a way, that fresh start began with me, born on the anniversary of the Warsaw Ghetto Uprising that my zayde participated in when he was a teenager.

[40] 42:8-9.

[41] *Midrash Rabbah* 91:8 identifies Menasheh as the interpreter.

individuals discarded by society. While at first they seek a way back, they eventually search for a path forward, only to discover that letting go of their past can be just as painful as having it taken away. It is a lonely experience. When I was in college, I had a number of encounters with individuals experiencing homelessness in New York City. On one occasion, I spoke to a formerly homeless gentleman who told our cohort of college students at Drisha that one of the hardest parts of experiencing homelessness was the isolation. He had gone months without speaking to another person or hearing someone say his name.

Even at the end of his long journey, society needs to recognize that all of the forgotten, like Yosef, still want to belong.[42] Tragically, he had to wait a very long time for that to happen.

Memory Makes Us Worthy

The story of our communal enslavement is the result of characters in Sefer Bereishitforgetting and discarding the things that keep a people together and thriving, the very things which the *Mekhilta* credits the Jews with maintaining once they were enslaved in Sefer Shemot. Victims of oppression and misfortune within society are overlooked, and the trauma and internal conflict that those victims face push them to forget who they are and where they come from.

A surprisingly appropriate parallel might be found in modern insights into the psychology of people experiencing homelessness. Victims of homelessness are the textbook definition of the forgotten and overlooked. Rabbi Abraham Joshua Heschel, when interviewing potential rabbinical students for the Jewish Theological Seminary, used to ask candidates if they'd seen "the homeless woman on 96th street… the veteran on 117th" on their way to the building from the subway. When they said no, he would ask them, "How can you become a rabbi if you don't see the human beings around you?"[43]

And much like Yosef who was taken from his home and stripped of autonomy and control, experts describe victims of homelessness as often having "lost a sense of home, community, stability, or safety." [44] Furthermore, "what homeless

[42] On another occasion, I had a routine walk from the restaurant that I worked at as a *mashgiah* in college, the formerly kosher Promenade Bar and Grill, and I passed two men experiencing homelessness on a nightly basis. Every night we would wave to each other from across the street, but one night I sporadically decided to engage with them and I introduced myself, asking them for their names. The first to speak up shared that his name was Josh, and unpromptedly shared that he had a family but that they hadn't been on speaking terms for years. He said that he was all alone and started to tear up, but the second man sitting on the ground next to him put his arm around him and said, "You aren't alone, you have me!"

[43] Ariel Burger, *Witness: Lessons from Elie Weisel's Classroom* (HarperOne, 2018), 175.

[44] "Trauma & Homelessness: What's the Connection?," (The Bowery Mission, 2024), https://www.bowery.org/updates/2024/05/trauma-informed-care/

individuals have in common is an internal, ongoing terror, as well as loneliness, despair, fear, and dread."[45] Yosef's story should prompt readers to pause and remember the members of society we often forget about: those who are falling through the cracks of our social safety nets.

Appropriately, Moshe's final act on his way out of Egypt was not gathering up his belongings or his family – it was remembering his promise to Yosef:

> So God led the people roundabout, by way of the wilderness at the Sea of Reeds. Now the Israelites went up armed out of the land of Egypt. And Moses took with him the bones of Joseph, who had exacted an oath from the children of Israel, saying, "God will be sure to take notice of you; then you shall carry up my bones from here with you."
> Shemot 13:18-19

Netziv points out that the placement of this verse doesn't seem to make sense, since Yosef wasn't buried in Succoth (where the Israelites were at the time). He posits, instead, that the Torah placed this verse here to honor Yosef.[46] Regardless of his answer, Netziv's question highlights the fact that this verse has unique significance. Perhaps, rather than highlighting the significance of Yosef, it highlights the significance of Moshe's act of remembering Yosef being his final one on the way out of Egypt. When one member of society is forgotten and left unredeemed, national redemption is impossible.

Yosef's story also highlights the internal conflict and the destruction of identity from which the forgotten suffer. There is internal conflict to being discarded, wherein the individual tries to move on but often can't actually to let go of their people and their past, much like God can't – and won't – let go of us in Exile.

> I am God, the God of your father's [house]. Fear not to go down to Egypt, for I will make you there into a great nation. I Myself will go down with you to Egypt, and I Myself will also bring you back; and Joseph's hand shall close your eyes.
> 46:3-4

Look for Yosef

Yosef's concealment in the *seder* is an expression of the ways he was forgotten throughout his life, presenting participants with an exercise to find and remember him. "In every generation, each person must see themselves as if they went out of Egypt," and, by remembering Yosef specifically, we fulfill our promise to him to bring up his bones

[45] Robert T. Muller, Ph.D., "Homelessness as Trauma," *Psychology Today* (August 16, 2013), https://www.psychologytoday.com/us/blog/talking-about-trauma/201308/homelessness-trauma-0

[46] *Ha'ameik Davar* on Shemot 13:19.

when we leave Egypt[47] every year.

However, our rededication to remembering the less fortunate doesn't end there. Maggid, the section of the Passover *seder* where we retell our foundational story of the Exodus and reaffirm our national identity, doesn't start with an in-depth analysis of the story. It begins with *Ha Lahma Anya,* an invitation to the less fortunate without *seders* of their own to join ours, and a public declaration that we haven't forgotten them. Once we *all* come to the table and recall the story of our national identity, we become worthy of redemption, and we can then sing *Le-Shanah ha-ba'ah bi-Y'rushalayim,* together.

The Light at the End of the Night Rav Hutner on the Pesach Seder and the Problem of Evil

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Introduction

R. Yitzhak Hutner, former Rosh Yeshiva of Yeshivat Chaim Berlin, is widely recognized as one of the most original and penetrating thinkers to be associated with the modern Yeshiva world. To quote Dr. Yaakov Elman, his writings include "disquisitions on the difference between the psychologies of generalists versus specialists, the tensions of the individual within human society, other problems of identity and personality, of change and renewal, the problem of mortality and other aspects of the human condition, and much more."[1] Instead of being organized around major topics of Jewish theology, however, his seminal work, the multi-volume *Pachad Yitzhak*, is centered on the Jewish holidays, as R. Hutner recognized the special power of these yearly landmarks to inspire him to share with his students matters of the mind and spirit.[2]

With an eye toward remaining faithful to R. Hutner's holiday-centered works, this essay will explore an idea of R. Hutner's as it pertains to the holiday of Pesach, but it is a topic that pervades his writings with some frequency: the meaning of suffering. Questions relating to "the problem of evil," human suffering, failure, and destruction are often discussed by R. Hutner only in an oblique or abstract fashion, but nevertheless can be shown to be lurking in the background of some of his

[47] Shemot 13:19.

[1] Yaakov Elman, "Pahad Yitzhak: A Joyful Song of Affirmation," *Hakirah* 20 (Winter 2015). For major explorations of his thought, see the works quoted in Yaakov Elman, "Rav Isaac Hutner's Pahad Yitzhak: A Torah Map of the Human Mind and Psyche in Changing Times," in Stuart Halpern, ed., *Books of the People: Revisiting Classic Works of Jewish Thought* (Jerusalem: Maggid Books, 2017), and more recently the dissertation written by Alon Shalev, to be adopted by Brill as *Rabbi Yitzchak Hutner's Theology of Meaning* (forthcoming).

[2] R. Hutner believed that ideas pertaining to the essence of Torah life must be transmitted in the context of celebrating that Torah life especially over the holidays. In *PY*: *Iggerot* #12, R. Hutner describes how "receiving the teacher's presence during festivals" enables students to understand the teacher's perspective and live by his example, rather than merely receiving specific teachings. Cf. *PY: Iggerot* #91, where he refuses to forgive a student who neglected to spend the High Holidays in the yeshiva environment, and *PY: Pesach* 51:4, noting the "special nobility" of structuring one's service of God around festivals.

most well-known ideas. By examining R. Hutner's understanding of this issue, particularly through the context of the Pesach *seder*, we may gain insight not only into his theological framework but also develop an appreciation for how the Pesach holiday itself can provide spiritual nourishment for confronting personal and national tragedies.

The Seder rituals and the text of the Haggadah are framed by the essential *mitzvah* of the night: *sippur yetziat Mitzrayim*, the biblical commandment to retell the story of our departure from Egypt. As with every *mitzvah*, the precise details of its fulfillment are dictated by multiple *halakhot*, but the definition of the *mitzvah* is relatively clear; on the first night of Pesach, there is a certain content that should be imparted to one's children or audience: the narrative telling of how God redeemed our nation from the Egyptian bondage.

Additionally, however, the Torah legislates not only the content but also the manner in which this story is told. As stated in the Gemara (Bavli Pesachim 116a), the storyteller is supposed to provoke his children to ask questions that will elicit the telling of this story, and even someone sitting alone reciting the story in solitude must ask questions of himself/herself regarding what happened on this night.[3] This *halakhah* pertains to the *manner* of storytelling that a person must engage in, but there is also another detail regarding the story itself. The Mishnah (Pesachim 10:4) states that the story arc must follow a particular trajectory, "beginning with disgrace and ending with praise"—either the disgrace of slavery and the glory of redemption, or the disgrace of "our forefathers began as idolaters," culminating with our present dedication to the true religion. The narrative must take the form of the nation's Egyptian journey, which began in the darkness of exile and culminated in God's glorious redemption.

Thus, R. Hutner points out that both in form and in content, the mitzvah of *sippur yetziat Mitzrayim* follows a pattern of developing from ignorance to knowledge, from difficulty to resolution. This set of requirements cries out for an explanation: why must our experience of the good necessarily be preceded by darkness? While he doesn't explicitly categorize them as such, a careful reading of *Pachad Yitzhak* [subsequently: *PY*] on Pesach, *Maamar* 17, reveals – or, at least, hints – to three distinct but interconnected approaches to understanding why a discussion of Israel's suffering must precede talk of its redemption. These approaches of R. Hutner to explaining the procedure of *sippur yetziat Mitzrayim* are not only relevant to the story of our long-ago national suffering in Egypt, but also pervade R. Hutner's writing as part of his theological understanding of suffering more generally as functioning within the divine plan.

[3] R. Hutner (*PY: Pesach* 5) observes that this requirement may also be hinted at in the verses from Tehillim (114:6), used for Hallel, which describe the Egyptian Exodus with questions: "what is with you, O sea, that you flee?"

1. Suffering as Contrast: Appreciating Light from the Darkness

Basing himself on a section in the work of Maharal (*Gevurot Hashem*, Ch. 52), R. Hutner first explains this framework for telling over the Pesach story as reflecting a general principle regarding God's providence. Maharal writes:

> "The praise which is preceded by condemnation is a greater praise, just as the day is preceded by night,"[4] because "perfection is not to be found at the beginning of anything in this world... it is not appropriate in this world to have the light at its beginning."

The emphasis that Maharal places on "this world" will be explored later, but R. Hutner understands that at the most basic level, this is a statement about the ability to appreciate 'the light' by contrasting it with darkness. Something perfect, Maharal teaches, can only be praised if there is an acknowledgment that it could have been imperfect. This corresponds to the cosmic order established at creation, where "evening preceded morning" (*erev kodemet laboker*) and "first there was darkness and then light" (*me'ikara hashukha v'hadar nehora*). Thus, Maharal explains that the structure of the *seder* narrative reflects a profound theological truth about how God's blessing is manifest in the world: it can only be appreciated against the backdrop of a prior absence.

The perfect metaphor for this phenomenon is one that is in fact much more than a metaphor: it is the manner of teaching by question and answer. To quote R. Hutner:

> "It is clear that for any idea which we have incorporated into our beings as a resolution of our doubts or as a solution to our questions, the 'praise' is much greater than what it would have been had this realization come about simply, without preceding doubts or problems. Anyone who is involved in intellectual matters knows that many times an answer is more in need of the question than the question is in need of an answer."

A truth, a profound knowledge, can only be properly appreciated if it is an answer to a question, because the acknowledgement of the question makes the seeker aware of the *need* for a resolution; it creates a thirst for the knowledge, a hole that the missing puzzle piece must be fitted into. The method of question and answer is thus the perfect format for retelling the story of Pesach; it is the model for appreciating the light by way of darkness, for recognizing the "praise" of redemption by way of contrasting it with the disgrace of exile and idolatry. Just as the story itself must be told "from disgrace to praise," it

[4] On "day following night" in R. Hutner's thought as it relates to the theme of this essay, see *PY: Shabbat* 13

must be told in a manner consistent with that message, by way of question and answer.

I once heard a teacher of mine, who had learned in Yeshivat Chaim Berlin under R. Hutner for many years, share a story related to this aspect of R. Hutner's educational philosophy: speaking to someone who was preparing for a role as a teacher of Torah, R. Hutner advised him to never provide answers to students "until their tongues were white with hunger" in desperation for hearing the answer. In other words, to properly appreciate the solution to a problem, you must first fully explore the nature of the problem. An even more illustrative demonstration was a story my teacher told about himself: in an early Gemara *shiur* of his, he began discussing a well-known question of Rabbi Akiva Eiger, saying, "Rabbi Akiva Eiger has a problem here," and a student interjected, "So if he has a problem, let him deal with it!" The student's attitude, if not his impetuousness, is appropriate: there is no value in hearing an answer to someone else's question unless you are bothered by the same difficulty.

Applied to the theological question of suffering, this first approach would suggest that life's difficulties serve as an educational contrast that allows for a deeper appreciation of subsequent joy and blessing. Just as someone who is experiencing pangs of starvation will be so much more thankful for getting food to eat, so too we cannot properly appreciate the value of God's redemption without first appreciating how necessary it was, how awful the exile. It is this lack that must be discussed on Pesach night, and it is also the means through which the story is told; it must begin with questions, with "difficulties," or *kushiyot* in Hebrew – a word that denotes both hardships and inquiries.

This principle—that appreciation requires contrast—is deeply rooted in Jewish tradition. Rashi, commenting on *Bereshit* 2:5 about why God had not yet sent rain upon the earth, explains: "What is the reason it had not rained? Because 'there was no man to work the soil,' [the text of verse in question], there was no one to recognize the goodness of rain. When man came and understood that they were necessary for the world, he prayed for them and they fell, causing trees and vegetation to grow." The Maharal of Prague elaborates on Rashi's explanation by referencing a teaching of the sages: "It is forbidden to do good to a person who does not recognize the good, and therefore as long as man did not exist—it did not rain." According to this view, the very capacity to recognize and appreciate a blessing is a prerequisite for its bestowal; God created Adam hungry and lacking food so that he would know to thank God when it arrived.

Rav Hutner's application of this concept to the Pesach *Seder* is not so distant from that of Rambam in his Guide for the Perplexed (3:43), who explains why the celebration of Pesach includes the consumption of bitter herbs along with the sacrificial meat: "It consists in man's always remembering the days of stress in the days of prosperity, so that his gratitude to God should become great and so that he should achieve humility and submission." He applies the same principle to the festival of Sukkot, where dwelling

in temporary booths reminds us of our previous state of deprivation before entering "richly ornamented houses in the best and most fertile place on earth, thanks to the benefaction of God," which we can appreciate by recognizing its contrast. By experiencing the "disgrace" of our past, we become capable of truly valuing the "praise" of our redemption.

2. Suffering as Creative Destruction: Breaking Down to "Build Back Better"

It is hard to imagine that human suffering exists only as an appreciation tool, and R. Hutner indeed provides another approach even in the same passage explored above, *PY: Pesach* 17 (although, as mentioned above, he does not explicitly distinguish between them). This second approach views suffering not merely as a means for contrast to heighten subsequent appreciation, but as a necessary precondition for creating something greater. According to this understanding, the disgrace with which we begin the story of the Egyptian exile is not simply the dark backdrop against which redemption shines more brightly, but the suffering is itself the device through which redemption could sprout. Much like a construction crew must first demolish an existing structure to make room for a more expansive and magnificent building, certain forms of suffering serve as a catalyst for rebuilding something greater than what existed before.

To explain this in the context of *sippur yetziat Mitzrayim*, R. Hutner once again looks to a passage from Marahal, this time describing the very beginnings of the exile. The verses in the Torah which introduce the book of *Shemot* begin with the deaths of Yosef, his brothers, "and that entire generation" (Shemot 1:6). R. Hutner explains that the demise of Yaakov's sons was necessary for the nation to move forward; only through their deaths could the Jewish people start proliferating at miraculous rates. Here too, R. Hutner references Maharal, who explains (*Gevurot Hashem* Ch. 12) that because Yaakov's descendants at the start of the Egyptian exile numbered seventy, a number signifying perfection, they could not have begun multiplying as rapidly as they did to reach the symbolic national number of 600,000 men without first 'breaking' the prior perfect number of seventy: a prime example of destruction for the sake of construction.

This insight reveals a profound pattern in divine providence: sometimes, what appears to be a setback is actually necessary for progress toward a greater state of being. This principle applies not only to national history but to individual spiritual growth as well. In a well-known letter to a discouraged student (*Iggerot Pachad Yitzhak*, #128), R. Hutner challenges the common misperception that great Torah scholars achieved their stature without struggle:

> "We have a terrible disease among us. When we discuss the greatness of our Torah giants, we deal with the final summary of their greatness. We speak of their perfection as if they emerged fully formed from the Creator's hand… The wise know well that the intent

> of the verse 'seven times the righteous will fall and rise' (Mishlei 24:16) is not that despite falling seven times, the righteous person rises. Rather, the very essence of the rising of the righteous is through the seven falls."

R. Hutner rejects the hagiographical portrayal of "*gedolim*" (prominent Torah giants) as having been born perfect. Instead, he insists that their greatness came precisely through their struggles and setbacks which provided the catalyst for building something greater.

This dynamic of "creative destruction" appears elsewhere in R. Hutner's writings as well. In several places throughout his works, R. Hutner references the concept of "*bittulah zehu kiyyumah*," the idea that the nullification of Torah is its fulfillment, highlighting instances when an apparent act of 'nullification,' of destruction, allows for the flourishing of something greater.[5] This phrase appears in a Talmudic discussion (Menachot 99a-b)[6] concerning the episode of Moshe breaking the tablets, to emphasize the fact that this very literal "destruction of Torah," the smashing of the engraved words of God, ended up re-establishing the Torah. R. Hutner elaborates on this concept in his discourse on Chanukkah (PY: Chanukkah 3), where he develops the profound and counter-intuitive idea that Torah can actually be increased through its loss:

> "The Sages said that had the tablets not been broken, Torah would never have been forgotten from Israel (Eruvin 54a). Thus, we find that the breaking of the tablets also caused the forgetting of Torah. From here we learn a wonderful innovation [*hiddush nifla*]—that it's possible for Torah to increase through the forgetting of Torah, to such an extent that one might receive commendation for causing Torah to be forgotten… Behold, the Sages said that three hundred laws were forgotten during the mourning period for Moses, and Otniel ben Kenaz restored them through his dialectical reasoning [*pilpul*]. These words of Torah, of dialectical reasoning to restore the laws, are precisely the words of Torah that increased only through theorgeting of Torah… All the differences of opinion and competing approaches are expansions and glorifications of Torah that are born specifically through the power of Torah's being

[5] *PY: Shavuot* 5, 13:3-6, 18:15-19, 40:6, *PY: Chanukah* 3, 8

[6] The original phraseology of the Gemara according to the standard Vilna edition and all available manuscripts is *bittulah shel Torah zehu yesodah*, "nullifying Torah is its establishment," but R. Hutner preferred the version of this phrase as it appears in *Sefer Hassidim* #952.

forgotten."[7]

Just as the Egyptian exile created the conditions necessary for national growth from seventy to six hundred thousand, the destruction of the Torah through forgetting its laws creates space for the intellectual creativity of the rabbis to expand the Torah.[8]

3. Suffering as Purification: A Prerequisite to Godliness in an Imperfect World

In these first two approaches' discussions as to how to understand human suffering, we have yet to contend with what Scripture itself seems to emphasize most frequently: suffering as divine punishment, inflicted by God as retribution for the sins either of an individual or for the nation as a whole. While R. Hutner does not deny that God inflicts suffering upon people as punishment, he also hints to a related but distinct concept: especially when it comes to the national destiny of the Jewish people, suffering is a necessary component of receiving divine goodness at a mystical-metaphysical level.

Returning to our central text in *Pesach #17*, R. Hutner cites a mystical secret in Ramban's commentary to a puzzling verse in Vayikra (26:11), which includes among God's blessings that He will bestow upon Israel when it is perfectly righteous a promise that, "I will place My dwelling among you, and My soul shall not reject [*ga'al*] you." At first glance, it seems rather strange to think that God would 'dwell among you' but nevertheless still 'reject you,' and so Ramban translates this word *ga'al* according to a secret of the Torah:

> I do not know what the reason is for this, that the Holy One, blessed be He, would say that if we keep all the commandments and do His will, He will not reject us… But this matter is a secret of the secrets of Torah: [God] says that He will place His dwelling within us and the spirit from which the dwelling comes will not purge [*ge'al*] us, like a utensil that is purged in boiling water. Rather at all times your clothes will be white and new.

The promise that at some future time, God's "dwelling among the people" would not involve "purging" implies that, during other periods of Jewish history, God's presence (*Shekhinah*) among His people does indeed necessitate a process analogous to the purging of vessels through boiling water. R. Hutner's citation of this Ramban in the context of *sippur yetziat Mitzrayim* indicates that the Egyptian exile and bondage was part of this purification process. This is the "disgrace" with which the Seder narrative begins, with the story of great national tragedy that was necessary

[7] R. Hutner's paradoxical celebration of the loss of Torah knowledge precipitated by Moshe's smashing the tablets was anticipated by R. Yosef Dov Halevi in *She'elot u-Teshuvot Beit Halevi*: Derashot, Derush #18. Cf. Introduction of R. Naftali Zvi Yehudah Berlin to *Ha'amek She'eilah* and the Introduction of R. Shimon Shkop to *Sha'arei Yosher*

[8] Another application of this idea can be found in R. Hutner's explanation of the psychological re-creation necessary for the process of repentance. See *PY: Rosh Hashanah* #29 among other places.

not only because it helped us appreciate God's salvation, and provided the opportunity for growth on a psycho-spiritual level, but was also necessary on another level which Ramban associated with esoteric teachings, a secret of the Torah.

Elsewhere, R. Hutner clearly differentiates between a "psychological" explanation for suffering's purifying power and a mystical-metaphysical one. As a matter of historical interest, it is worth mentioning that this discourse was elaborated upon by R. Hutner during Rosh Hashanah and Yom Kippur of 1970, mere days after his own harrowing experience as a hostage when Palestinian terrorists hijacked TWA Flight 741 as he was returning from Israel to New York.[9] In one of these pieces, *Pachad Yitzchak* on Yom Kippur (#12), R. Hutner addresses the question of how suffering can effect atonement even without repentance. He first cites a psychological explanation from Rabbi Avraham Grodzinsky, one that is characteristic of the Mussar theology of Slobodka where he taught: even without improving a person's character traits, the experience of physical suffering causes a person to identify less with their material bodily needs. Although he respects this approach, saying that these words are "worthy of he who had expressed them" (a reference to Rabbi Avraham Grodzinsky's own sterling character as well as his terrible fate at the hands of the Nazis), Rav Hutner finds it insufficient.

Instead, Rav Hutner develops a metaphysical approach: he proposes that suffering inherently depletes the cosmic forces of evil in the world, because the force of evil is at the root of human suffering while simultaneously being the same force that drives people to sin, thereby creating barriers to divine revelation. He even goes on to use this idea to explain the logic behind the Jewish conception of Hell, for "it is the same law that applies equally in both the world of bodies and the world of souls," where the suffering of the soul, even in a realm where no repentance or self-improvement is possible, is still going to act as a purification device allowing for the soul to subsequently be entered into the domain of God's glory.

It is this more mystical explanation for suffering that Rav Hutner sees as being particularly relevant to the national history of the Jewish people. The historical experience of the Jewish people has been filled with suffering; in one instance, Rav Hutner makes special note of the fact that a potential convert to Judaism must acknowledge that joining the Jewish people in exile is '*a bitterer gesheft*,' a bitter endeavor (*Maamarei Pahad Yitzhak: Pesach* 46:7). Our forefather Jacob was not called "Israel," the true spiritual progenitor of the nation that would bear his name, until engaging in a wrestling match that left him injured (*PY: Chanukkah* 2). Both of these points are used by Rav Hutner to demonstrate that the exile, and the suffering that comes along with it, constitute

[9] Reuvain Roth (ed), *Reshimot Lev: Rosh Hashanah ve-Yom ha-Kippurim,* Brooklyn, 2000. See headings for discourses given in the year 5731.

the very essence of Jewish identity: they are part-and-parcel of Israel's divinely ordained purpose.[10]

In *PY: Pesach* 46-48, R. Hutner distinguishes between two modes of global divine providence, of how God provides goodness to the world in general: *chesed vitur* (grace through concession) and *chesed mishpat* (grace through justice, or 'justified' grace),[11] and writes that this transition occurred between the moment of the Exodus from Egypt and the revelation at Mount Sinai fifty days later.

Under a regime of *chesed mishpat*, divine blessing is calibrated to the worthiness of its recipients. In an earlier elaboration of this concept (*PY: Rosh Hashanah* #4), R. Hutner connects this with the concept of "*ge'on Ya'akov,*" the pride of Jacob, by saying that only the descendents of Jacob are able to withstand such restrictions on divine beneficence:

> God's governance by the standard of dealing stringently "like a hair's breadth," that applies uniquely to the Jewish people viewed as "Your people are entirely righteous," and therein appears the pride of Jacob, for through its service of God it brings into existence the world [of strict Din] that was unable to endure in the order of creation.

The implications of this theological framework for understanding Jewish suffering, perhaps especially if applied to Israel's first national experience of suffering under Pharaoh and the Egyptian taskmasters, closely parallels Ramban's esoteric teaching about God's "purging" of Israel. In both discussions, R. Hutner refers to "imperfections," perhaps not sins worthy of harsh punishment in the conventional sense, but barriers to divine goodness nonetheless. Just as vessels require purification through boiling water to remove their impurities, the Jewish people require purification through suffering to become worthy vessels for divine presence under the system of *chesed mishpat* until they have been completely perfected. Once that process is

[10] In various forms, the idea that national suffering and especially Israel's exile is beneficial on some cosmic level is pervasive in Jewish thought, beginning with Yeshayahu chapters 52-53 (see rabbinic commentaries *ad. loc.*). For some earlier examples, see *Kuzari* 1:113-115, Radak to *Yirmiyahu* 11:4 regarding the Egyptian exile, and R. Ovadiah Seforno to *Bereshit* 28:14 (based on *Bereshit Rabbah* 69:5, and echoed by *Kli Yakar* and *Ha'amek Davar* there). Sources that were likely direct influences on R. Hutner's thinking include Maharal, *Netzah Yisrael* Ch. 15-16 and Ch. 35; R. Moshe Chaim Luzzatto, *Derech Hashem* 2:3 & *Da'at Tevunot* #54 and #146; R. Zadok ha-Kohen of Lublin, *Resisei Laylah* #17, *Pri Tzaddik* to *Parashat Va-Ethanan*, *Dover Tzedek, Likkutim* 4:77 (a likely source for Rav Hutner's *PY: Purim* 34 discussed below); R. Yehuda Leib Alter of Gur, *Sefat Emet, Pesach* 5631; perhaps also traditional commentaries on Gemara including R. Ezekiel Landau, *Tzelach* to Pesachim 50a and 56a, R. Yaakov Ettlinger, *Arukh La-Ner* Sanhedrin 96b. On how Maharal and R. Moshe Chaim Luzzatto influenced R. Hutner, see Shalev's dissertation p. 112-152 (although Shalev does not cite R. Hutner's explicit praise of Luzzatto in *Maamarei PY: Sukkot* 99:8). For R. Zadok ha-Kohen's and R. Alter's influence, see Elman, "Rav Isaac Hutner's "Pahad Yitzhak"."

[11] In a somewhat unusual (but not unique) fashion, R. Hutner's reference to this idea has a recursively self-referential quality to it: in both *Pachad Yitzhak: Pesach* #46 and #48, R. Hutner quotes himself from *Pachad Yitzhak: Shavu'ot* 8:4, which itself is a quote from *Pachad Yitzhak: Rosh Hashanah* #4!

complete, at the end of days, “your clothes will always be white,” as Ramban had quoted, indicating a metaphorical state of purity when no more suffering will be necessary, which will come only once history has reached its ultimate denouement.

Rav Hutner’s Applied Theodicy

R. Hutner applied this way of thinking to both national and individual experiences,[12] but the concept of suffering as purification for the Jewish people takes on special significance when considered in relation to the greatest tragedy of modern Jewish history—the Holocaust. In 1977, *The Jewish Observer* published a translated discourse by R. Hutner entitled “‘Holocaust’: A Study of the Term and the Epoch It's Meant to Describe," which was described by the editors of the paper as articulating a “*Daas Torah* perspective” on the Holocaust. The article aroused a good deal of controversy for (among other things), R. Hutner’s peculiar interpretation of historical events, his opposition to the use of the term "Shoah" or "Holocaust," and his strident anti-Zionism.

What had been somewhat lost in the shuffle, however, at least at the time, is the extent to which R. Hutner's ideas as expressed in this article cohere with his thought more generally.[13] In the concluding passage of the *Observer* article, Rav Hutner states:

> It should be needless to say at this point that since the *Churban* [destruction] of European Jewry was a *tochacha* phenomenon, an enactment of the admonishment and rebuke which Klal Yisroel carries upon its shoulders as an integral part of being the *Am Hanivchar* — G-d's chosen ones — we have no right to interpret these events as any kind of specific punishment for specific sins. The *tochacha* is a built-in aspect of the character of Klal Yisroel until

[12] On the connection between the two, see *Maamarei PY: Sukkot* 52:10. In a letter to a student experiencing life’s travails, R. Hutner ‘praises’ him for experiencing hardship as an inspiration towards repentance (*Iggerot PY*: #106, see also #253). Regarding national suffering, aside from his article on the Holocaust, see *Maamarei PY: Sukkot* 107 which the editors note was “likely” delivered during the Yom Kippur War.

[13] See Lawrence J. Kaplan, "Rabbi Isaac Hutner's 'Daat Torah Perspective' on the Holocaust: A Critical Analysis" (*Tradition* 18(3), Fall 1980). Kaplan challenges various aspects of the article, and reads R. Hutner as implicitly blaming the Holocaust on the "sin" of Zionism. However, Kaplan's interpretation stems from a somewhat selective reading which mostly dismisses the article's concluding paragraph reproduced above. In a later article, "A Righteous Judgment on a Righteous People: Rav Yitzhak Hutner's Implicit Theology of the Holocaust" (*Hakirah* 10, 2010), Kaplan is thus forced to posit a contrast between "that essay's explicit, more public and polemical, and, ultimately, rather conventional theology regarding the Holocaust" and "Rav Hutner's implicit, more private and non-polemical theology on the subject" (103). See Gamliel Shmalo, "*Radikaliut Philosophit B'Olam HaYeshivot*" [Philosophical Radicalism in the Yeshiva World]. *Hakirah* 19 (2015) for a more coherent interpretation of the *Observer* article and its context within Haredi thinking on the Holocaust.

> Moshiach comes and is visited upon Klal Yisroel at the Creator's will and for reasons known and comprehensible only to Him.

This idea is remarkably consistent with what we have seen, especially regarding the third, more mystical, approach towards the meaning of suffering in R. Hutner's thought. Just as his discussion of the Egyptian bondage in *Pachad Yitzchak* on Pesach presents suffering not as punishment for specific transgressions but as a necessary purification process for the nation, his treatment of the Holocaust follows the same pattern. The reference to "*tochacha*" (divine admonishment) as "a built-in aspect of the character of Klal Yisroel" parallels his conception of suffering as an inherent part of Israel's special relationship with God under the system of *chesed mishpat*.

R. Hutner's approach towards the value of suffering can be understood according to any of the three models referenced in *PY: Pesach* #17, but seems to accord best with his view of suffering as an integral part of Jewish chosenness. As it appears throughout his writings, this view points towards R. Hutner's response to the problem of evil; he proposes not a philosophical solution but what we might call an eschatological one. For R. Hutner, all suffering is purposeful, but its meaning will not be fully understood until the end of days. A foundation for this perspective is cited by R. Hutner here in *PY: Pesach* #17 in the name of Rabbeinu Yonah:

> One who trusts in God must accept in the depths of his being that the darkness will be the reason for the light (*she-yiheh ha-hoshekh sibat ha-orah*), as it says (Micha 7:8) 'for I have fallen and will arise; though I sit in darkness God is my light,' and the Sages have said, 'if I would not have fallen, I would not have arisen; had I not sat in the darkness I would not have had light.'

This passage reveals that for someone who believes that God is both good and in control of the fates of humanity, it must be the case that those fates are aimed at ultimately bringing goodness. In the parable of the sages, darkness is not merely a prelude to light or even a useful contrast that makes light more appreciable—it is actually the *cause* of light, the condition that makes illumination possible. The relationship between suffering and redemption is a causative one.

Salvation that came by means of difficulty, redemption through exile, is precisely the salvation that is celebrated on the holiday of Pesach – and indeed, according to R. Hutner, is at the heart of nearly all the holidays.[14] Sukkot commemorates not the original clouds of glory

[14] See *Maamarei PY: Pesach* 16:18-19, where R. Hutner states explicitly that the unifying feature of the three pilgrimage festivals is precisely this point (elaborated upon, with respect to Pesach only, in *PY: Pesach* 15). In *PY: Yom Ha-Kippurim* 21, R. Hutner adds to this concept that the celebration of the holidays is also meant to prefigure the celebration of God's actions at the end of days. See also *PY: Pesach* 54, reproduced also as *PY: Shabbat* 2

that accompanied the Israelites upon leaving Egypt, but the clouds which were returned to them after they had sinned with the Golden Calf and subsequently repented (*PY: Sukkot* 19); R. Hutner notes regarding Shavuot that it celebrates a holiday of broken tablets, and the act of smashing the tablets was only later revealed to be a positive development (*PY: Shavuot* 18:17), Purim represents the ability to recognize God even when He is hiding His face in exile and operating through natural means (*PY: Purim* 34), and so on.

Most importantly, however, it is this form of salvation through difficulty that will be celebrated at the end of days, in the Messianic Era. The question posed by the problem of evil will be resolved at the end of days, not through philosophical argumentation but through a transformation in the fundamental nature of reality that will retroactively reveal how all of history's suffering was an expression of divine love preparing us for an unimaginable good.[15] In *Maamarei PY: Sukkot* 31, R. Hutner identifies the primary difference between this world and the World to Come as being precisely in the realm of theodicy: "The fundamental difference between the conduct of this world and the conduct of the Garden of Eden is that in this world the path of the righteous is bad for him and the wicked is good for him. But in the Garden of Eden, the clear conduct of the righteous is good for him and the wicked is bad for him."

Recognizing this truth in an unredeemed world is not fully possible. R. Hutner frequently cites the Gemara (*Berachot* 48b) teaching that "This world is not like the World to Come. In this world, on good tidings one says 'Blessed is He who is good and does good' and on bad tidings one says 'Blessed is the true Judge.' But in the World to Come, all will 'be good and do good'... Only 'on that day, the Lord will be One and His name One'."

Yet, the Jew is called to cover his or her eyes, to ignore the apparent reality of evil and nevertheless declare that God is One, orchestrating events so as to move history towards a glorious ending. As R. Hutner explains in *PY: Pesach* 60, the recitation of the *Shema* prayer requires closing one's eyes because complete acceptance of divine sovereignty necessitates "cleansing the heart from all kinds of complaints against the conduct of Providence." This cleansing comes through recognition that "there is nothing here but the Good and the Beneficent," even when current experience suggests otherwise.

On Pesach, we can recount the narrative of our time in Egypt with joy only because we know how the story ends. Yet we must not neglect to begin at the beginning, with the terrors of slavery, to demonstrate that we could not have achieved the great heights of redemption without first experiencing profound suffering.The experience of the Pesach Seder can thus be so uplifting precisely

[15] This idea appears in too many of R. Hutner's writings to cite, but see especially *PY: Rosh Hashanah* 11, *PY: Pesach* 60, and *PY: Purim* 10

because it begins with the disgrace of bondage and the difficulties of questions. In this pattern lies the challenge of willfully blinding ourselves to the reality of suffering, to the deepest and most difficult question of faith in exile, but it can also serve as a profound comfort—the assurance that just as the Egyptian bondage was necessary for redemption, so too will history's sufferings ultimately be revealed to be catalysts for salvation, when "at evening time there shall be light." (Zechariah 14:7). Experience of the Pesach Seder even in the darkest times, when God's providence is in question, serves to instill within us the faith that our current exile and suffering—all the bloodshed and all of the tears—are somehow, in a presently unfathomable way, moving us toward a brilliant future.

Buying Jewish Whiskey

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Introduction by Chaim Saiman

In his classic 1941 law review article, "Consideration and Form," the legal theorist Lon Fuller explained that the need for contractual formalities is inversely related to the substantive grounds of the transaction. "Where life has already organized itself effectively," argued Fuller, "there is no need for the law to intervene." But when the business rationale is less apparent, formalities become necessary to draw attention to the legal implications of the undertaking.

*Reading this article as a first-year law student, I recall excitedly scribbling "*mechiras chametz*" on the margins of the page. Indeed, the annual ritualized sale perfectly encapsulates Fuller's thesis. Few of us bother to reflect on the halakhic status of transactions undertaken in the course of daily life. Jewish law willingly incorporates commonplace practices such as handshakes, signing contracts, or simply paying by credit card or Venmo in order to validate a transaction or sale. But when economic logic is absent, formalities arise. The sale of* hametz *transforms into a ritual act where virtually every formality known to both Halakhah and American law is invoked. In recent years, rabbis have even added a ceremonial component, inviting their communities to witness the transaction, using it as an educational opportunity to explain the laws of Pesah as they relate to the sale of* hametz*.*

I met professor Nate Oman many years ago, and we quickly bonded over our mutual love of contract law, legal theory, detailed points of legal analysis, religion, and the joys and complexities of living a religious life in the modern world. Nate is one the nation's leading contract law theorists and commercial law scholars. He is also a committed Latter-day Saint (Mormon), and a keen observer of religious life who has written on Mormon history and theology. In his review of my book, Halakhah*, Nate admitted to some "holy envy" over the fact that, for Jews, the study of Talmudic contract law*

is a spiritual endeavor that brings us closer to God. Ashreinu mah tov helkenu.

Nate would have loved and excelled in yeshiva, but it might have gotten tricky when it came time for shidduchim*—though in truth, Nate came pretty close to the* kollel *life when he spent a semester living in Ma'alot Dafna during his position as a visiting professor at Hebrew University. But since yeshiva was not an option, I thought of the next best thing—Nate would serve as the gentile designated to purchase our* hametz*.*

Nate visited my family last Erev Pesah *and was amazed that all my children were industriously cleaning and vacuuming the house after the* hametz *breakfast. (I assured him that this occurs exactly once a year). I then brought him over to my friend, Rabbi Itamar Rosensweig, a* Maggid Shiur *at YU,* Haver *of the Beth Din of America, and legal philosopher who has written extensively on modern applications of commercial Halakhah. R. Rosensweig acted as the agent for his* kehillah *in Lower Merion, PA, to sell* hametz *to Nate. We then went off to the communal* hametz*-burning which, per recent custom, included music and dancing—all overseen by the local fire department.*

Nate's reflections showcase cross-faith interactions at their best. Just as Alexis de Tocqueville in his famous 19th-century Democracy in America *used his outsider status to help Americans better understand themselves, Nate's sensitive reflections draw on jurisprudence and comparative theology to offer a deeper understanding of our own practices. Nate helps us to see that, more than merely a ritual or a sanctioned loophole, the sale of* hametz *teaches us something important about the nature of Halakhah and Jewish life.*

– Chaim Saiman

In a lovely spring garden in suburban Philadelphia, I handed cash and a handkerchief to my friend's rabbi. It was the first time that I, an observant Latter-day Saint (Mormon), had ever purchased whiskey. (Latter-day Saints are prohibited from consuming alcohol, although they are permitted to own it.) For the next two weeks, however, I would own a large store of booze, along with a number of half-used boxes of breakfast cereal, and a lease on a very nice apartment in Jerusalem. At the suggestion of my friend Chaim Saiman, I had agreed to act as a friendly gentile, purchasing the unused *hametz* (leavened foodstuffs) and its storage locations that the members of his synagogue were prohibited from owning during Passover. At the conclusion of the holiday, I could—if I so chose—sell the whiskey back to its original owners.

As law professors, Chaim and I share an interest in jurisprudence, law and religion, and contracts. As observant believers, we are both fascinated by the place of religion in the secular world and the way that adherents manage the negotiation between tradition and modernity. The result has been a years-long running conversation on law, contemporary politics, faith and commerce, and—inevitably, given Chaim's dual training in yeshiva and law school—Halakhah, the vast corpus of

Jewish law. When Chaim explained to me that prior to Passover it was possible to avoid the need to dispose of one's whiskey and other valuable *hametz* by selling it for the duration of the holiday to a gentile, I had a new ambition. Legal scholars have long studied how parties use contracts to bargain around troublesome rules. I was fascinated by the idea of contracting around divine law. When I explained to another friend and faculty colleague why I was driving from southern Virginia to Philadelphia in the middle of the week, he said, "Law, religion, and contracts. It's like a religious ritual specifically designed for Nate Oman."

As I understand it, the legal basis for my trip to the Pennsylvania garden begins with Exodus 12, which describes the first Passover and sets forth the rules to be followed thereafter. In verse 15, the text reads: "Seven days you shall eat unleavened bread. On the first day, you shall remove leaven from your houses. For if anyone eats what is leavened, from the first day to the seventh day, that person shall be cut off from Israel." The exposition of this rule in Jewish law begins with the earliest halakhic text, the second-century CE compilation known as the Mishnah. The rabbinic debates recorded there explore the contours of the rule in Exodus. To ensure compliance, the house must be scoured for *hametz* with a candle, and all leavened products must be burned. To deal with any residual *hametz*, one must go through the legal ritual of disclaiming ownership, declaring that the *hametz* is now dust and therefore owned by no one. The debates in the Mishnah were then subject to further commentary and debate in the Talmud. The Talmud in turn has been continuously analyzed and systematized, a process that continues unabated to the present. When must the ritual search for *hametz* begin? What constitutes *hametz*? (For example, alcohol distilled from grain is included in the prohibition, although it's not necessarily apparent that this would be the case.) And the questions continue with countless debates on each issue over the centuries. As I understand it, the well-established consensus among Orthodox exegetes is that an observant Jew is not allowed to own any *hametz* during Passover, nor can *hametz* be stored on the property of a Jew. Centuries ago, however, a problem arose for Jewish distillers. They owned large amounts of *hametz*, but government regulations made it difficult to simply destroy their stock for Passover. Thus was the workaround of the sale to a friendly gentile born, a workaround gradually expanded to all of those who wished to avoid burning valuable *hametz* every spring.

While seemingly baroque to a nonbeliever, the layering of these rules over the centuries illustrates a basic structure of the religious condition. To be a believer in the modern world is to live in a strange land. It is not that modernity is relentlessly hostile to faith. It is far easier for minority religious communities to live faithfully in contemporary liberal democracies than in any other kind of regime in human history. Our society, however, is not constructed around religious faith. As the Catholic philosopher Charles Taylor has pointed out, secularity isn't so much a society from which faith has been extracted as much as one in which faith is optional. Within secularity,

faith is contingent in a way that it wasn't for previous generations both because of social pressure to religiously conform and because, in a real sense, a life without faith was unthinkable. Most people simply lacked the necessary conceptual machinery to consider a world without the God of their fathers. Secularity is the loss of that sense of necessity and the construction of a social world that aspires to be indifferent to religion. A believer, however, lives in a world where the reality of God continues to sit at the center of existence. The mismatch of the world of belief and the world of secularity constitutes the experience of faith in modernity.

Jewish law provides a marvelous example of this dynamic. Every legal system creates an imaginary world. The common law, for example, imagines a world divided by clear lines of property and planted thick with the obligations of tort and contract. The world in which we actually live never quite corresponds to the law's imagined reality. Legal remedies strive mightily to bring the two into alignment, but good lawyers understand that this effort will always fail in the end. There will always be a gap between legal entitlement and what the legal system can actually deliver as a practical matter. For example, when a promisor breaches a contract, the law aims to give to the victim of breach a sum of money that will put the victim in as good a position as they would have been had the contract been performed. However, we know that there are some things for which money is never an adequate substitute, and courts will not award damages that cannot be fixed with certainty. The result is that the law cannot deliver in reality the imagined world of legal rules. Halakhah is a particularly extreme version of this dynamic. To study the Mishnah and the Talmud is to enter into an occasionally fantastical jurisprudential world. In this world, the Temple continues to stand in Jerusalem, and pious Jews bring their offerings to the priests to perform the sacrificial rituals. The land is dotted with sanctuary cities and other legal oddities. The Sanhedrin continues to sit, and the intricacies of its procedures mete out justice to Israel. All of these laws continue to be studied in exhaustive detail in modern *yeshivot*.

To call the world of Jewish law imaginary or fantastical is not, I hope, to insult or belittle it in any way. It is only to point out the way that Halakhah creates an entire world whose existence would not be guessed by a foreigner to the legal texts. However, after a lifetime of devotional Talmud study, it is a world that lawyers and hedge fund managers in suburban Philadelphia—members in good standing of America's technocratic elite—can enter with ease.

The life of Orthodox Judaism in part seems to be an effort to inhabit the world of Halakhah in the face of a social world that is very different from the one envisioned by the law. Part of how one does this is simply by studying, discussing, and debating the law. Indeed, there is a real sense in which much of Halakhah exists in order to be studied. For anyone who has even a passing familiarity with a functioning legal system, it is clear that much of Jewish law exists as a vehicle for jurisprudential discussion rather than as a system of operative

rules. But the halakhic world isn't inhabited purely through classroom debate. One also enters that world by following those rules of Jewish law that have been blessed by tradition and experience with concrete practical significance. Indeed, as I understand it, much of the work of response and commentary over the two millennia since the Mishnah was first written has been an effort to mediate and manage the tension of living simultaneously in both the world of Halakhah and the concrete world of any particular historical moment. In other words, as a living practice, Halakhah is a way of being a Jew in a world where being Jewish is optional. There is thus a sense in which Orthodox Judaism, far from being an insular or reactionary retreat from secularity, represents a kind of virtuoso performance of faith in a secular world. Indeed, Jews have been living in a secular world, in Taylor's sense, for far longer than Christians. They are better at it. They have more experience.

I think that this kind of performance is on display in the effort to bargain around God's law. There is a temptation for both believers and critics to imagine faithfulness in fundamentalist terms. There is some pristine original template for living the faithful life, and "real" religion consists of unbending adherence to its strictures. Such fundamentalism, however, is an illusion. The pristine template never actually existed; it is always a past constructed after the fact with the troublesome bits excised from memory. More importantly, fidelity is always dynamic, a matter of managing allegiance to an evolving tradition that is continually both resisting and accommodating the world. Even those who purport to be following a fundamentalist path are doing this. The question for a believer is thus always this: how does one adapt a tradition while accepting its authority and maintaining fidelity to it?

One can think about this question by analogy to the process of legal change. The great 19th-century jurist and historian Henry Sumner Maine claimed that legal systems change in one of three ways: by legislation, by equity, or by fiction. Legislation is an idea familiar to laypersons, but equity and fiction in the legal context have specific meanings. Equity refers to a loose interpretation of a rule in order to achieve substantial justice. Fiction refers to the process of adapting legal rules by agreeing to pretend that their conditions have been met when in fact they have not. Good Victorian that he was, Maine thought in terms of progress, with fiction being the most primitive form of legal change and legislation representing the most advanced stage. Like most Victorian narratives of progress, this one doesn't hold up terribly well to scrutiny, but Maine was onto something in his taxonomy. These are, in fact, the ways in which legal systems change in practice. Applied to divine law, however, the tool kit can become fraught.

Christians are generally fond of equity. They purport to look beyond the surface of rules to see their inner spirit, a spirit that can be applied with considerable flexibility. Hence, Christians read the Hebrew Bible through the lens of Paul's hyper-abstraction in which the true "spirit" of the rule can be its negation. To take an extreme example,

Paul argues in his epistles that the true spirit of circumcision consists in not being circumcised. This allows for flexibility, to be sure, but one can understand the skepticism of a Jewish reader as to whether Paul is in fact being true to the law revealed on Mount Sinai. Indeed, one of the vices of Christian spirituality is its tendency to abstract from tradition. All historical contingency falls away in the search for a transcendent and universal spirit. This creates a constant risk of self-negation. I suspect that this is especially true for the kind of Evangelical Protestantism that dominates much of American Christianity. Essentially Calvinist in its theology, American Evangelicalism often emphasizes spirit over law and the personal, subjective experience of being saved over the demands of liturgy or strict behavioral codes. This subjective focus can risk a drift toward a stance of "spiritual but not religious." A certain numinous psychology can replace theology, and the language of therapy and self-help can eclipse the drama of sin and repentance.

Mormonism presents a similar danger of self-negation, but it does so through religious legislation rather than equity—the first of Maine's mechanisms for change. Latter-day Saints are marked as heretics from Christian orthodoxy in part by their belief in living prophets and continuing revelation. They affirm that the President of the Church—currently a man named Russell M. Nelson—is a "prophet, seer, and revelator." In theory, he can receive revelations from God that would rank in equal authority with scripture, and at various points in their history, the Latter-day Saints have accepted additions to their canon from modern prophets. The idea of a hierarchy that can speak with God and speak for God opens up the possibility of religious legislation in a way that doesn't exist, I suspect, for most Christians and Jews. To be sure, the hierarchy's claim to such expansive authority risks abuse, and a god who replaces one revealed law with another revealed law may be puzzling. If one risks the paradox of an eternal God whose demands can change, however, the mechanics of religious accommodation, even religious revolution, become easier.

The approach taken by my tradition has its own risks and pitfalls. On one hand, it can tend toward a dysfunctionally expansive fundamentalism in which every statement of the ecclesiastical hierarchy or institutional church becomes freighted with the authority of divine revelation. The result is that a belief that would seem to promise an unusually dynamic form of religion can, in practice, become rigidly conservative and sclerotic. Ironically, however, an opposite danger also exists. Continuing revelation locates the present between a past filled with revelations that have been superseded and a future filled with revelations that have yet to be given. This creates a dynamic that has a tendency to dissolve all religious claims in the present, particularly religious claims embedded with the concrete experience of the Latter-day Saints themselves. In effect, any revelation can in theory be superseded by a future revelation. Indeed, Latter-day Saint history provides examples of such superseding revelations, most spectacularly in the 1890 revelation ending polygamy, which superseded

revelations from the 1830s and 1840s commanding its practice. In effect, all claims to authority in the present can be treated as provisional because they could be reversed by a yet-to-be-received revelation in the future. Thus what begins as an apparently extreme claim to authority can ironically turn on itself with the authority of the future claimed against the authority of the present by invoking the example of the past.

Armed with an appreciation for the dangers of equity and legislation, legal fiction looks more attractive. The rabbi to whom I conveyed the cash in exchange for the *hametz* insisted on the juridical reality of our transactions. The moment was embedded in a series of legal formalities designed to emphasize the complete transfer of the *hametz* to my ownership. I was assured that I had every right to take and consume the whiskey if I wished to do so. He made it clear, for example, that I had the right to enter the Jewish homes whose pantries I had leased and make off with my cheerios and booze. The exchange was structured as both a cash sale and a bartered exchange (handkerchief for whiskey) to eliminate any difficulties under Jewish law as to my ownership. It turns out there is some doubt as to how to make a binding contract with a gentile, and the redundant contractual structures were a response to that ambiguity.

I was also told that for the transactions to be valid as a matter of Halakhah, they must also be valid under the governing non-Jewish law. Accordingly, I signed a document that purported to be a sale of goods under Pennsylvania law. On this latter point, I will admit to some skepticism. Despite Chaim's diligent lawyering, title to the *hametz* may have remained with the original owners under Pennsylvania law. Our mutual understanding of the deal looked much more like a lease or a secured loan than a sale. While we were careful not to say so, it was understood by all present that I would be selling the *hametz* back at the end of Passover. There is a long legal tradition of using dummy sales for transactional purposes other than the transfer of property. Perhaps I was really just renting the *hametz* for a short period or, alternatively, making a small cash loan with future advances secured by the *hametz* as collateral. Both are real possibilities under American commercial law, which tends to treat transactions according to their economic reality rather than according to the labels that parties give them. This is a potential problem, as with both a lease and a secured loan my Jewish friends would retain title to their *hametz* during Passover.

To be sure, there are enough doctrinal complications in the contract Chaim drafted that it might survive the acid wash of the American law's functionalism. Under the so-called parol evidence rule, courts have a limited ability to consider the context in which a contract was negotiated if the agreement was reduced to a written document. Thus, the messy reality of our transaction might elude an American court that would otherwise be tempted to treat our sale as a loan. Certainly, one could argue in good faith that the contract has enough validity under the secular law to be valid under Jewish law. Still, the entire transaction had

more than a whiff of the legal fiction about it, a mass of formality designed to say that we are doing one thing while actually doing something very different.

In my mind, it is the double-mindedness of the legal fiction that is brilliant. Sitting in the suburban garden in Philadelphia, it was impossible not to feel the authority of Jewish law. Indeed, several members of the synagogue were there to witness the transaction with their children for precisely that reason. The forms and signatures literally had no other purpose than to comply with the demands laid down in Exodus. The dynamics of equity and legislation that tend to erase the very traditions from which they spring were wholly absent from the transaction. If anything, the very particularity of the legal formalities mitigated against the Christian danger of dissolving religion into spirituality. Legal formalities work precisely because they are strange and serve no purpose outside of the law. The purpose of a formality is to clearly differentiate to participants between actions that have a legal significance and those that do not. No one, for example, accidentally files a real estate deed in their local circuit court without understanding that they are performing a legal act. There is always a risk, however, of legal formalities becoming too familiar. As a legal formality becomes widely used outside of the legal context, it decays, losing the ability to differentiate between legally significant action and legally irrelevant action. In order to work, a formality must be weird. When the law at issue is divine, properly functioning legal formalities will be oddities that make it impossible to forget the claims of God. They are ritual acts that exist only to comply with divine law. At the same time, there is a sense in which the entire transaction of selling the *hametz* existed to avoid the harsh requirements of that law. The continuity of the suburban whiskey collections were maintained. The fiction manages the problems of fidelity and evolution, allowing the tradition to change without negating itself.

There are, of course, limits to bargaining around God's commands. A law that collapses completely into fiction is terminally ill, but judiciously used legal fictions create a suppleness that allows one to bend without breaking, change without forgetting. This is precisely the challenge of secularity. A world in which religion is optional is one in which it can be forgotten. The threat to religious survival in secularity is less the polemics of the irreligious than the indifference of those who have forgotten how to be religious at all.

As a gentile and a Christian, I think that there is much to learn from Jewish law when it comes to negotiating evolution required by modernity. The danger of Protestant or Mormon strategies of evolution is that they lend themselves to forgetting. Protestantism can exalt a subjective encounter with the spirit in a way that can all too easily dissolve into subjectivism. The idea of continuing revelation, on the other hand, tends to render every Latter-day Saint claim to authority contingent, gnawing away at its own foundations in a way that risks the collapse of the entire tradition. There are virtues to ritual, formality, and fiction that both traditions would be wise to find

ways of cultivating. The very oddity of selling Jewish whiskey to a Latter-day Saint makes the forgetting of tradition impossible. It's part of the genius for change without forgetting that has made the survival of Judaism possible in a world that for Jews has been secular since at least the destruction of the Second Temple in 70 CE. A healthy respect for and fascination with that success, along with my friendship with Chaim, led me to the garden in Pennsylvania and will, I hope, lead me to buy more Jewish whiskey in Passovers to come.

Next year in Philadelphia!

This essay is adapted from one originally published in Wayfare Magazine.

Put a Mirror on Your Seder Table

Leah Sarna is the spiritual leader of Kehillat Sha'arei Orah in Lower Merion, PA and on the faculty of the Drisha Institute for Jewish Education.

Editor's Note: This piece was published in April 2024.

This is the year to tell the stories of enslaved Jewish women.

Every year, Jews around the world sit around their seder tables and tell stories of our slavery in Egypt. The Haggadah describes the point of these gatherings: "a person is obligated to see himself as if he left Egypt." We tell these stories in order to weave ourselves into them – women too, for we were also part of the miracle.

But what was slavery like for those women? The Haggadah and even the Exodus narrative itself only provide hints. In previous years I didn't notice the absence.

This year we all know better. We know that women on October 7th were treated differently from male victims, subjected to rape and sexual exploitation. Even the United Nations envoy focusing on sexual violence has confirmed that there are reasonable grounds to believe that Hamas continues to inflict rape and sexualized torture against the remaining female hostages.

The Torah's story provides scant detail about the female experience. We know that mothers had their boys ripped from their arms and thrown into the Nile. We also know that those bereft mothers were then available as wet nurses. Pharaoh's daughter does not think twice about giving her new son to a Hebrew wet nurse.

The Haggadah contains more: wives and husbands, forcibly separated – *perishut derech eretz*. The Midrash adds another level of color. It notes that only baby boys were thrown into the river, and asks: "Why did Pharaoh need to keep the females alive?" Here is the response: "This is what they would say: 'We will kill the males and take the females as wives,' because the Egyptians were engulfed with lewdness" (*Shemot Rabbah* 1:18).

Because the Egyptians were engulfed with lewdness.

Three non-conflicting stories begin to emerge. One: Jewish women and Jewish men were forcibly separated, perhaps so that Jewish women would be sexually available to Egyptian men. When they birthed daughters, the Egyptian enslavers permitted the girls to live so that they too might grow up into sexual slavery. The Midrash records that the Israelite women fought against Egyptian lechery with success, saying that "the Lord will testify" that they defended themselves from adultery (*Bamidbar Rabbah* 9:14). But they had to fight for it, and their success is astonishing. That same Midrash puts this surprise into the voice of "the nations," who claim about the Israelites in the desert: "Are they not the children of the Egyptians? Were not the women enslaved in Egypt just as the males were enslaved?" These "nations" assume that slavery for women meant rape – making their children "the children of the Egyptians." The Midrash refutes this claim, but by raising the question even only in the voice of "the nations," the midrashic authors express how unusual, even miraculous, it is that the Jewish women were able to evade the Egyptian men. The Torah only names one Jewish woman who conceived with an Egyptian man: Shelomit bat Divri. Rashi (Leviticus 24:11) spells out the implication: she was the only victim. Every other child born to an Israelite woman in Egypt had an Israelite father.

Two: When the enslaved Jewish women birthed sons, the sons were killed, and the postpartum mothers, without babies of their own to nurse, were available in ready supply as wet nurses to Egyptian babies.

And what were these women doing with the rest of their time? Three: The Midrash also tells us (*Shemot Rabbah* 1:11) that "they would exchange the labor of men for women and the labor of women for men." Those women were working in hard physical labor.

Over and above the details of their enslavement, our *midrashim* are awash with stories about Jewish women in Egypt fighting to create Jewish babies. Rabbi Akiva says that the Israelites were redeemed from Egypt on the merit of these righteous women, the *nashim tzidkaniyot* (*Shemot Rabbah* 1:12). The wives crept out to the fields where their husbands were forced to sleep. They brought them food to eat, and then used mirrors to seduce them. The Midrash tells the details of this seduction (*Tanhuma, Pekudei* 9:1): "The women would say: 'I am more attractive than you,' and the men would reply: 'I am handsomer than you.'"

In light of the above, the heroism of this story is even more apparent. These exhausted and terrified women looked in their mirrors and tried their hardest to feel beautiful, even after they had been threatened and terrorized by their Egyptian oppressors. They could look at themselves in these mirrors, find healing in their reflection, and initiate sex with autonomy, control, and a joyful tease of "I am more attractive than you!" Once freed, the women donated those mirrors to the

Tabernacle, which became a part of the laver for washing (Exodus 38:8) – because the mirrors were *already* a source of purity. These mirrors had purified these heroic women of the traumas of Egyptian lechery, allowing them to take charge of their own sexuality for long enough to copulate with their husbands and ensure the perpetuation of the Jewish people.

For our female hostages, today's reality is worse than what our foremothers faced in Egypt. In Egypt, nearly all of the Jewish women could (perhaps miraculously) avoid the sexual advances of their enslavers. The *nashim tzidkaniyot* in Egypt were, in a way, the lucky ones. In nearly every other instance of Jewish oppression since those times, including today's, this has not been the case.

One focus of the Seder night is that Jewish history repeats itself. But that does not mean that Egyptian slavery was the singularly worst thing that has ever befallen the Jewish people. At many junctures in Jewish history, Jews have had it worse than we did in Egypt. The Israelites in Egypt were neither hungry, thirsty, nor homeless. They had medical care. From the perspective of the newly-freed slaves, life as free wandering nomads in the desert could well be worse than their slavery. They couldn't even imagine what horrors would befall their descendants. In a prayer composed to commemorate the Warsaw Ghetto Uprising at the Seder, the authors describe the Nazi oppressors as "seventy times worse than Pharaoh."

In the middle of telling the story on the Seder night, we raise our glasses in a toast, commemorating that "in each generation, they stand against us to destroy us, but the Holy One, blessed be He, rescues us from their hand." Hamas, and their global sympathizers, are only the latest iteration. With hostages still held and enslaved in Gaza, and with Israel still at war, this year, as we give thanks for the past, we will also re-cast this statement as a demand: *rescue us now, again.*

The real story of the *nashim tzidkaniyot* past and present is not a child-friendly story, but it is one that all adults in our community must know and internalize as a co-equal part of our Passover story, as we remember past redemptions and pray for a current one. Even if you cannot tell this story at your Seder, I want to recommend that you put a mirror on your table. When you look at it, remember the suffering of our righteous female ancestors, and remember that, through these mirrors, their autonomy was miraculously returned to them. Recall the historic suffering and endurance of Jewish women past and present, and let us hope and pray that that same healing will someday be found by our brothers – and especially sisters – in Gaza being tortured today.

The Power of Secrets: Jacob, Laban, and the Passover Haggadah

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The French artist Nicolas Vleughels (1668-1737) depicts one of many moments of tension between Laban and Jacob.[1] A thin space splits the canvas in half, spatially communicating the adversarial nature of their relationship. Laban opens his arms in an indecipherable plea that meets Jacob's gesture of self-defense and anger. The sheep in the right-hand corner are on Jacob's side of the canvas, perhaps foreshadowing his exceptional sheep breeding to collect his rightful earnings. Hanging from the balcony as if floating above his father, it seems that one of Laban's unnamed sons displays his arm in a sign of strength and support. Rachel and Leah are also on opposite sides of the canvas. Leah stands beside her father, the elder daughter of soft eyes, who in the biblical story is vanquished by the beautiful, younger daughter with a matrimony of deceit. Rachel weeps into a cloth.[2] Laban is taller than Jacob, more fully clothed and closed while Jacob's body is open and exposed. Jacob's posture of vulnerability that Vleughels captures with his brush is in evidence throughout the Jacob/Laban narratives and may provide an answer to a niggling, difficult question: Why is Laban mentioned in the *Haggadah*?

Laban in the *Haggadah*

The introduction of Laban marks the beginning of the *Haggadah*'s overview of Jewish history. All storytellers select the moment their story begins. Using Laban to frame the Exodus story is a curious literary decision, almost a distraction from the main order of business at every *Seder*:

> Go and learn what Laban the Aramean wanted to do to our father Jacob. For Pharaoh had issued a decree only against the male children, but Laban wanted to uproot everyone, as it is said: "The Aramean sought to destroy my father, and he went down to Egypt and sojourned there, few in

[1] "Jacob, Laban and Rachel" (31cm by 38cm), oil on paper, currently held in a private collection. Date unknown.

[2] The woman weeping may alternatively be Leah, humiliated at this moment by her new husband's obvious disdain, reflecting this excoriation: "When morning came, there was Leah! So he (Jacob) said to Laban, 'What is this you have done to me? I was in your service for Rachel! Why did you deceive me?'" (Genesis 29:25). The artist would not likely have known the *midrash* cited by Rashi, *ad loc.,* that Rachel was complicit in the wedding ruse out of compassion for her less eligible older sister. *Megillah* 13b records Rachel's internal dialogue: "'My sister may now be put to shame,' and she, therefore, readily transmitted these signs to her."

> number, and he became there a nation – great, mighty and numerous" [Deut. 26:5].

Suddenly and with only the context that in "every generation, they rise to destroy us," the *Haggadah* mentions Laban. Comparing Laban to Pharaoh seems odd. Pharaoh tried to kill all male infants. There is no indication in Genesis that Laban intended to kill both male and female children or any children at all. "*La'akor et ha-kol*," to uproot everything, suggests a desire to decimate a people in its entirety: its members, heritage, and values. There was not actually much to uproot at this stage, just a large family in its third generation without a long history or any laws. Whatever we think of Laban's character when we read the Genesis narratives that tell his story, we never accuse him of destroying the Jewish people. Only in the *Haggadah* is this claim made.

To amplify our problem, according to a plain reading of the biblical text, Laban is depicted as a warm and demonstrative patriarch on several occasions. When Jacob arrived, Laban was quick to meet him: "On hearing the news of his sister's son Jacob, Laban ran to greet him; he embraced him and kissed him, and took him into his house" (Genesis 29:13). Later, when Jacob, his wives, and children fled, Laban is depicted as affectionate but distraught: "And Laban said to Jacob, 'What did you mean by keeping me in the dark and carrying off my daughters like captives of the sword? Why did you flee in secrecy and mislead me and not tell me?'" (Genesis 31:26-27). Even discounting Laban's claim to send the family off with "festive music, with timbrel and lyre," it is difficult to regard Laban as more hard-hearted than the callous Pharaoh. We hear the pathos Laban expressed at the family's departure - "You did not even let me kiss my sons and daughters good-bye!" (Genesis 31:28)- and cannot help but feel some sympathy for Laban's situation.

If anyone uprooted a family at this point, it was actually Jacob, who fled with his wives and children and uprooted Laban's universe. Jacob created a subterfuge to expand his flocks to literally fleece Laban. Successful, Jacob then abruptly evacuated: "Jacob kept Laban the Aramean in the dark, not telling him that he was fleeing – and fled with all he had…" (Genesis 31:20-21). In *Kinship and Marriage in Genesis: A Household Economics Perspective*, Naomi Steinberg observes that although Rachel and Leah fought a fertility war for Jacob's attention, when they parted from Laban, there was no contention between them. They colluded with their husband against their father.[3] Rachel even stole Laban's household idols. "Why did you steal my gods?" (Genesis 31:30) Laban petitioned. His household gods taken, Laban was deprived of worship, a

[3] Naomi Steinberg, *Kinship and Marriage in Genesis: A Household Economics Perspective* (Minneapolis: Fortress Press, 1993), 101-102.

solace in dark moments such as these.[4] As we hover on the surface of Genesis, Laban does not strike us as an uprooter. Despite his obvious dishonesty and exploitative nature, there is a sense that Laban, too, is a man who suffers great losses.

Jacob in Laban's House

Laban's warm greeting and doleful parting with Jacob are endearing bookends to chapters filled with Laban's deceit, a dynamic apparent from the moment Jacob entered Laban's territory. Jacob arrived at a well covered by a stone after sleeping on stones, and would later make an altar of stone. Stones are emblematic of the "hard and unyielding nature" of Jacob's life.[5] At the well, Jacob greeted strangers waiting to graze their flocks: "My brothers, where are you from?" (Genesis 29:4). There was foreboding in his casual familiarity; the men neither acted fraternally nor extended the hospitality to strangers in sharp contrast to that associated with Abraham and his progeny. The men barely spoke, a portend of the poor communication to come: "'Do you know Laban, the son of Nahor?' They said, 'Yes we do,'" (Genesis 29:6) without offering to introduce the two. Curt and unkind, they left the difficult work of stone removal to a stranger.

Jacob then did what he continued to do throughout his tenure in Laban's house: work hard despite the sloth of others.[6] Jacob had an added incentive to remove the stone. Rachel, his charming first cousin, had to graze her sheep.[7] Upon meeting, Jacob kissed Rachel and then broke into tears. This was not a sensual kiss but a tonic of intimacy. This man of great strength ran away under the shadow of death and deceit to be swept into a refuge of love. Removing the stone, an act of extraordinary service, made Jacob feel worthy again of God's blessing and earned him the respect of family. Despite tricking his father and

[4] The "*teraphim*" were likely not objects of worship but estate deeds. See Barry Eichler, *Indenture at Nuzi: The Personal Tidennūtu Contract and its Mesopotamian Analogues* (New Haven: Yale University Press, 1973) and Moshe Greenberg, "Another Look at Rachel's Theft of the Teraphim," *JBL* 81:3 (1962): 239-248, reprinted in his *Studies in the Bible and Jewish Thought* (Philadelphia: Jewish Publication Society, 1995), 261-272.

[5] Robert Alter, *The Art of Biblical Narrative* (New York: Basic Books, 1981), 66.

[6] Later, we see similar behavior from other minor characters, Laban's sons. We have no record of their industry, only their indignation. In unison, they complained to Laban: "Jacob has taken all that was our father's, and from that which was our father's he has built up all this wealth" (Genesis 31:1). They made no mention of how long or hard Jacob worked to build up Laban's vast holdings.

[7] Scott B. Noegel in "Drinking Feasts and Deceptive Feats: Jacob and Laban's Double Talk," discusses linguistic puns throughout the Jacob narratives. The verse "Behold, Rachel, his daughter is coming with the sheep" (Gen. 29:6) plays off Rachel's name, "ewe lamb," with the Hebrew – *"ba-ah,"* is coming – playing off the sound of a lamb, suggesting, Noegel contends, that "she was grazing." Alternatively, lamb/sheep images foreshadow how entangled Jacob's future would be with Laban's flocks, both progeny and sheep. See *Puns and Pundits: Word Play in the Bible and Ancient Near Eastern Literature* (Bethesda, MD: CDL Press, 2000), 164-165.

brother, Jacob was still capable of goodness.

Laban then came to greet Jacob, the latter hoping to secure a place of honor and affection in his uncle's home. "Laban said to him, 'You are truly my bone and flesh'" (Genesis 29:14). What more could a young man displaced from his own home desire? Laban described their relationship using the same words Adam used in his first observation about Eve (Genesis 2:23). It seemed that in his desperate hour, Jacob had found genuine shelter.

After a month-long stay, Laban's true colors surfaced; we glimpse the first of Laban's cruelties in the face of Jacob's vulnerabilities when the latter proposed a more long-term relationship with the family. Despite having two eligible daughters, Laban discussed wages with Jacob, not marriage. It was Jacob who boldly made the suggestion, presenting himself as a hard-working suitor. Laban reacted without enthusiasm: "Better that I give her to you than that I should give her to an outsider. Stay with me" (Genesis 29:18). Laban neither praised Jacob nor regarded the match as advantageous. It benefited Laban exclusively, captured in the words, "Stay with *me*" instead of "stay with her."

Laban, ever the cunning, saw in Jacob's bid a chance to pawn off his older, less beautiful daughter. Jacob at this point, however, was oblivious to Laban's crafty nature. Being accepted in the family may have surpassed any capacity for suspicion. Only later did Jacob ask, "Why did you deceive me?" (Genesis 29:25). That it was not the custom of the younger to marry before the elder could have been communicated to Jacob earlier. We can imagine Laban's possible retort, "I deceived you because you are a man who understands a thing or two about deception." The question – why did you deceive me? – will be the ever-present query that undergirds the narrative and offers us insight into Laban's strange role in the *Haggadah*.

Empty-Handed Jacob

One verse, innocuous and often ignored, may explain the severe criticism Laban receives on the *Seder* night. It does not appear when Laban and Jacob were in open turmoil, but, paradoxically, when the two first met. After Laban's initial encounter, he took Jacob into his house, and Jacob "…told Laban *everything* that had happened" (Genesis 29:13). Medieval exegetes are divided in their explanation of the exchange. Rashi on 29:13 suggests Jacob revealed to Laban why he had come; Jacob was forced to do so because of Esau's anger. Rashi then adds a detail not conveyed in the text: all of Jacob's money had been taken from him, explaining why he showed up to Laban's house without gifts. Rashi's grandson, Rabbi Samuel ben Meir, on the same verse opts for a simpler, less dramatic explanation: Jacob told Laban that "his father and mother had sent him to members of the family."

Abraham Ibn Ezra on 29:13 takes a different view. Jacob's "everything" in this verse refers to words of blessing that Jacob lavished on Laban. Laban's hug, his kiss, was everything a fugitive could hope for: the whole-hearted sanctuary of a relative stranger in a time of self-doubt, confusion, and

grief. Jacob, in this reading, reciprocated with words of continuous praise summed up with the biblical word "*ha-kol*," everything.[8]

This "everything" also could have obliquely referred to the everything that Jacob would one day receive as the now-primary beneficiary of Isaac's inheritance (and as the expert sheep breeder in Laban's house). Although he arrived with nothing, Jacob was sure to tell Laban that he would one day inherit everything to enhance his status in his uncle's eyes. The French thirteenth century exegete, R. Hezekiah ben Manoah, on 29:13 takes this approach and weaves various interpretations together: "'*He told Laban in detail about all these events*' - how he had acquired the birthright and subsequently the blessing, in order that Laban would agree to give him Rachel in marriage. He also told him that he had been forced to flee from his brother Esau in order to explain why he arrived empty-handed." Nahum Sarna, in the *JPS Torah Commentary to Genesis*, does not believe Jacob would have been so forthcoming: "It is hardly credible that Jacob reported that he cheated his own brother and father. More likely, he told how his parents had sent him to find a wife from among his kinfolk and that his misadventures on the journey had brought him empty-handed."[9]

We do not know from any explicit biblical verse that Jacob brought nothing with him, yet this is assumed by all of these commentators, both ancient and contemporary. They surmise that since no mention is made of any gifts - as was true of Eliezer when seeking out a wife for Isaac[10] - that Jacob had nothing to give. Laban was present during Eliezer's gift-giving (Genesis 24:50), and may have expected more of his sister's progeny than to send a son to visit with nothing in hand. In *Understanding Genesis*, Sarna underscores the "glaring contrast" between Abraham's earlier well-laden entourage and "Jacob's precipitate, lonely flight, on foot and empty-handed" to emphasize that Jacob put himself in this predicament.[11]

How Much is Nothing?

Jacob's appearance without all the trappings associated with his father Isaac's betrothal signified more than an empty purse. Jacob was an empty being. What, after all, did Jacob have to

[8] I am grateful to Andrew Borodach and Michael Herskovitz who offered a number of insights on this essay. Michael drew my attention to the use of the word "*ba-kol*" in Genesis 24:1; Abraham, near the end of his life, was blessed with "everything." This "everything" is regarded as a reference to offspring (see Rashi *ad loc*.) that could have a similar nuance here. Jacob told Laban here that he was searching for a bride, which allowed Laban to manipulate the situation to serve him.

[9] Nahum Sarna, *The JPS Torah Commentary/Genesis* (Philadelphia: The Jewish Publication Society, 1989), 203.

[10] See Genesis 24:22: "When the camels had finished drinking, the man took a gold nose-ring weighing a half-shekel, and two gold bands for her arms, ten shekels in weight." Later, even more gifts were presented, "The servant brought out objects of silver and gold, and garments, and gave them to Rebekah; and he gave presents to her brother and her mother" (Genesis 24:53).

[11] Nahum M. Sarna, *Understanding Genesis: The Heritage of Biblical Israel* (New York: Schocken, 1972), 186.

offer? In principle, he had his mother's love and a birthright, but Jacob could not access either without risk to his life. Jacob had nothing because, at this point in his story, he was nothing, only an amalgamation of fears about his past and future with a promise from God that must have felt thin and remote. When Laban put Jacob to work, he understood that what Jacob had to offer was only himself, his raw ambition, and his diligence.

The Italian scholar, Rabbi Samuel David Luzzato, comments simply that the "everything" from verse 29:13 is all the peril that occurred to Jacob in his short life: "All of the reasons that he fled." Jacob came to Laban's house choked by a story of his failings. And it is Jacob's failings that hold the secret to Laban's true evil. Jacob likely *did* tell Laban everything that he did and all that resulted from his mishaps and poor judgment. It must have been an immense relief to unburden himself. After all, Laban called Jacob his flesh and bones; Laban showed Jacob love when Jacob was only able to feel self-hate, cringing at his duplicity and weathered by self-recrimination. We can imagine Jacob falling into his uncle's arms as a safe haven, buffeted from his problems while slipping away to the edge of his known world. And then Jacob's secrets tumbled out of him. He told Laban of his misdeeds before Jacob knew anything of Laban's true nature - how, in the future, Laban would hold Jacob's secret as a powerful weapon through which to exploit his relative and future son-in-law. Laban knew that if Jacob could lie to his father on Isaac's deathbed, Laban could hold this lowest of moments against his future son-in-law, torturing Jacob with guilt, burdening him with extra work as a penance, making him feel unworthy, keeping Jacob small and unimportant in his household and depriving him of all the rights that the blessing Jacob stole promised him.

Anita Brookner opens her novel *Look at Me* with an observation about all revelations: "Once a thing is known it can never be unknown."[12] In this "everything" that was Jacob's confession, he revealed too much. He shared with Laban the "everything" that he had shared with no one else. The "everything" had Jacob traveling the familiar contours of his sin, his collusion with his mother Rebekah, the whispers, the minimal attempts at resistance, all of it outlined in Genesis 27. In that chapter, we are in the room with mother and son just before all would change in this small family. Rebekah charged Jacob to mimic Esau, even though the two were nothing alike. When Jacob tried to refuse, he was met with Rebekah's dismissiveness: "But his mother said to him, 'Your curse, my son, be upon me! Just do as I say and go fetch them for me'" (Genesis 27:13). She then prepared the clothing, dressed her son as if he were but a child and put the food into Jacob's hands, while her son stood passively.

"Who are you?" Isaac asked Jacob. Jacob knew exactly who he would forever be to his revered, blind father: a cheat, a liar, and a trickster. Jacob's smooth skin was too smooth and slippery in this dialogue. Did Jacob believe Rebekah when she

[12] Anita Brooker, *Look at Me* (New York: Vintage Books, 1983), 5.

told him the curse would be upon her, as if existential states were transferable? Jacob may have sensed he would ultimately bring a curse upon himself for his dishonesty, a human stain not easily removed. Arriving at Laban's house with a chance to work, marry, and reinvent himself, Jacob may have thought that with his confession, by spilling everything, he could put the curse down at Laban's doorstep. Yet in that everything, Jacob made himself dangerously susceptible to ill treatment, naked but for his truth. He kept no secrets. Like his depiction in Vleughels's painting, Jacob was exposed while Laban was covered.

Perhaps all of the deception Jacob suffered at Laban's hand was a direct consequence of initially admitting his own misdeeds and opening himself up to the ferocious and consuming power that Laban would suddenly have over him. Exploiters know that those most vulnerable make easy prey. Those who hold secrets without telling any of their own create an imbalance of power in a relationship; those who spill their deepest insecurities can become prey to blackmail and manipulation.

Jacob's revelations, far from liberating him, actually created a trap from which he struggled to escape. Jacob's willingness to do his mother's bidding and cede his moral autonomy laid him bare for Laban to do the same, as Shmuel Klitsner observed: "Through the act of relinquishing his moral autonomy and disassociating from his own identity (I am Esau), Jacob has become a man whose life is not his own."[13] Telling someone secrets gives them power. Jacob willingly gave Laban command over him, an act he would later come to regret.

Back to the *Haggadah*

Pharaoh was never regarded as the Bible's characteristic enemy. When he enslaved the Jews and sought to reduce their number by having male infants thrown into the Nile, he did so out of a genuine military conundrum. The Israelites, through their sudden population growth, were becoming to Pharaoh a fifth column; Egypt was unprotected. His solution, though brutal, was to rid the people of male strength, the very strength that might one day challenge his authority.

Contrast this to the biblical enemy we mention regularly and with disgust: the Amalekites. We despise them for attacking the weak and commit, without a touch of irony, to erase them from memory by recalling them regularly. "I will utterly blot out the memory of Amalek from under heaven!" (Exodus 17:14). The reason is unclear until we get to Deuteronomy, where we read:

> Remember what Amalek did to you on your journey, after you left Egypt—how, undeterred by fear of God, he surprised you on the

[13] Shmuel Klitsner, *Wrestling Jacob: Deception, Identity, and Freudian Slips in Genesis* (Teaneck, N.J.: Ben Yehuda Press, 2009), 91. Klitsner supports this reading by showing how Jacob's defining decisions were made by someone else. Laban, rather than Jacob, decided on his bride. Rachel and Leah decide their children's names. Even when he has a family and flocks of his own, "…he oddly still sees himself as disenfranchised," p. 93.

> march, when you were famished and weary, and cut down all the stragglers in your rear. Therefore, when the Lord your God grants you safety from all your enemies around you, in the land that the Lord your God is giving you as a hereditary portion, you shall blot out the memory of Amalek from under heaven. Do not forget! (Deuteronomy 25: 17-19).

The Amalekites were evil because they attacked those with no ability to fight back. The famished, the weary, and the straggler were all fair game to those who devalued human life. Had Pharaoh desired, he could have killed all the Jews in Goshen by throwing every newborn into the Nile's maw, but Pharaoh's driving reason was to guard his people and himself, not to destroy the Jews.

In the *Haggadah*, when Laban is compared to Pharaoh, Laban is deemed the more corrupt of the two. Pharaoh wanted to rid himself of the strong. Laban wanted to destroy the weak, to exploit a vulnerable Jacob who confessed all. Even moments when Laban seemed charming or bereft are suddenly open to reinterpretation. Was Laban trying to look and act as vulnerable as Jacob, but only more so, to have the upper hand yet again?

Jacob came to the brink of losing his entire earlier identity and promise in service to Laban's material needs. After decades, Jacob would have become fully assimilated to Laban's ways. Jacob was already dreaming of sheep; the mystical dream ladder covered in divine angels was now a distant memory. Jacob realized that his relationship with Laban had soured, yet it was only God who interposed: "Jacob also saw that Laban's manner toward him was not as it had been in the past. Then the Lord said to Jacob, 'Return to the land of your fathers where you were born, and I will be with you'" (Genesis 31:2-3). It was time for Jacob to understand that although Laban had power over him, Jacob still had choices to make, and God was the ultimate authority.

Had God not intervened, we recite in the *Haggadah*, we would still be slaves in Egypt. But had God not intervened and sent Jacob back to the land of his ancestors – our ancestors – the Israelites would never have gone down to Egypt in the first place. Jacob would have been fully absorbed in Laban's house and his habits because of his failure to protect himself. Uprooted and helpless, Jacob's secrets could have led to his ultimate undoing. The desire to tell all must be weighed against the need to say nothing. Silence, too, is power.

Secret Weapons

In her poem, "Privacy,"[14] Lee Upton writes:

> Privacy is a kind of power, that must be obvious.
> Who cares? One of my friends said.
> I tell everyone everything about

[14] Lee Upton, "Privacy," *The New Yorker* (April 29, 2019): 46.

myself, she said.
And that's when I knew she was the one
who told my secret.

When we share our weaknesses, frailties, and secrets, we lose a certain kind of control over ourselves, over our narrative, over the construction of our personal identities. The choice to reveal our deepest selves to another can creates closeness and strengthen a relationship at the very same time it skirts danger. The impulse to connect often overrides the impulse to protect. The worry is that our failings will be used against us and weaken us further. In loving relationships, admissions of failure are part of emotional reciprocity; we express weakness to connect with another through our shared vulnerabilities. But in a non-loving relationship and to those who would use our frailties against us, such admissions can become our undoing.

Sissela Bok in *Secrets: On the Ethics of Concealment and Revelation*, observes that, "Whereas every lie stands in need of justification, all secrets do not. Secrecy may accompany the most innocent as well as the most lethal acts; it is needed for human survival, yet it enhances every form of abuse."[15] When the burden of keeping our secrets and the confidences of others weighs heavily upon us, and the words are about to tumble out, we remember Jacob and tuck our inner treasures far from sight. The temptation to reveal all is overwhelmed by the desire to preserve a fragile privacy, to trust in quiet dignity. "Whoever goes about slandering reveals secrets, but one who is trustworthy in spirit keeps a thing covered" (Proverbs 11:13).

[15] Sissela Bok, *Secrets: On the Ethics of Concealment and Revelation* (New York: Pantheon, 1983), xv.

Magid, Moshe, Story-Telling, and Story-Living

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Towards the end of the *Magid* section, the *Haggadah* states: "*Be-khol dor va-dor, hayav adam lir'ot et atzmo ke-ilu hu yatza mi-Mitzrayim,*" In every generation, one must see himself as if he came out of Egypt.

Why must we see ourselves as if we personally left Egypt? Is it not enough that one follows the commandment of *sippur yetzi'at Mitzrayim*, telling the story of leaving Egypt? Why must one not only be a storyteller of the Exodus, but also become part of the story?

We can gain some insight by juxtaposing the story of Moshe's personal ascendancy to leadership, with the story of the Israelites' ascendency from slavery to revelation. Analyzing these stories together and seeing the striking similarities

between them, shows that Moshe not only helped shape the Israelites' Exodus story, he also personally lived it.

The national story of the Israelites in Egypt begins with Yosef's strong ties to Pharaoh and the Egyptian palace. Likewise, Moshe's early life in Egypt takes place in Pharaoh's palace. Moshe then leaves Egypt in a hurry, "*Va-yivrah Moshe,*" after killing an Egyptian. He names his son "*Gershom*," *"ki ger hayiti be-eretz nokhriyah*," because I have been a stranger in a strange land (Shemot 2:15, 22). The Israelites also leave Egypt in haste and are constantly reminded that "*Gerim hayitem be-Mitzrayim*," they were strangers in the land of Egypt (Shemot 22:20).

At the end of Moshe's personal journey to leadership, he experiences a transformational, divine revelation through fire, at the burning bush on top of Mount Horev. He is told not to come too close, "*Al tikrav halom*", to the revelation, for the land on the mountain is too holy (3:5). The people, upon leaving Egypt, encounter God on that same mountain, Horev, also called Mount Sinai, where, as Moshe describes in Devarim, *"Panim be-fanim diber Hashem imakhem ba-har be-tokh ha-esh*," face to face God spoke to you on the mountain from amidst the fire (Devarim 5:4). The people, similarly to Moshe, are told not to climb or touch the mountain (Shemot 19:12).

Finally, on the mountain, Moshe is given three *otot,* signs, that God is with him: his staff turning to a snake, his hand getting leprosy, and water turning to blood. He descends the mountain after accepting his mission to lead the people. These very people too are given an *ot*, a sign on the mountain: "*Akh Shabtotai tishmoru*," My Sabbaths you shall obey, "*ki ot hu beini u-veineikhem le-doroteikhem*," for it is an *ot*, a sign, between Me and you throughout the generations (Shemot 31:13). Here the children of Israel also accept their mission stating, "*na'aseh v-nishma*," we will do and obey (Shemot 24:7).

Moshe's ascendancy out of Egypt to leadership with its climactic, transcendental, encounter with God at the burning bush then, is a harbinger of the people's own passage out of Egypt towards their transcendental encounter with God on Mount Sinai.

According to Ramban (Shemot 4:19), Moshe makes a concerted effort to keep his story parallel to the story of the Israelites even after the episode of the burning bush, when he moves his wife, Tziporah, and their sons out of comfortable Midian in order to join the people of Israel who are slaves in Egypt. Moshe realizes that only by bringing his family down to become part of the people's story will the people of Israel fully believe that he sees himself as one of them, plans to truly redeem them, and genuinely has their best interests at heart. Only by continuing this shared story, will he be trusted to lead the people forward.

One of the roles of a leader is to be a storyteller, to be able to articulate the history, identity, values

and emotions of the people. Moshe, however, went one step further by not only telling the people's story, but also by living it.

Now we can better understand the verse in the *Haggadah*, *"Be-khol dor va-dor, hayav adam lir'ot et atzmo ke-ilu hu yatza mi-Mitzrayim*," In every generation, one must see himself as if he came out of Egypt.

By seeing ourselves as if we personally left Egypt, we, like Moshe, demonstrate that we are not only ready to transmit the Jewish people's story, but also help shape and lead it's future.

By Whose Blood Do We Live?

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Exodus 12:2-3, 6 reads:

> This month shall mark for you the beginning of months; it shall be the first of the months of the year for you. Speak to the whole community of Israel and say that on the tenth of this month each of them shall take a lamb to a family, a lamb to a household … You shall keep watch over it until the fourteenth day of this month; and all the assembled congregation of the Israelites shall slaughter it at twilight.

In these verses, God commands Moses to instruct each Israelite family to take what would become the paschal lamb on the tenth of the first month, four days before it was to be slaughtered. The Israelites are told to keep watch over the lamb from the tenth to the fourteenth of the month. Then, they are to slaughter it.

Why, we wonder, was it necessary to take and keep watch over the lamb for those four days? For that matter, why was it necessary to command this as part of the process at all? The commandment could have been limited to the offering of the lamb, which would necessitate each Israelite to acquire the lamb beforehand on logistical grounds.

The Midrash (*Mekhilta de-Rabbi Yishmael*: *Bo*, *Mesekheta d-Piskha* n. 5) offers some insight:

> Why did Scripture require that the paschal lamb be taken four days before its sacrifice? Rabbi Matia b. Heresh would say: Behold, it says "Now when I passed by you, and looked upon you, and, behold, your time was the time of love" (Ezekiel 16:8). The time arrived for The Holy One to fulfill the promise made to Abraham our father that He would redeem his sons, but they had no *mitzvot* to busy

themselves with in order that they might be redeemed! As it says, "Your breasts were fashioned, and your hair was grown; yet you were naked and bare" (ibid. 16:7); that is, nude of the *mitzvot*. The Holy One (therefore) gave them two *mitzvot*: that of the paschal lamb and of circumcision, that they should busy themselves with them in order that they be might be redeemed. As it says, "And when I passed by you, and saw you wallowing in your blood, I said to you: In your blood, live; I said to you: In your blood, live" (ibid., 16:6). And furthermore it says "As for you also, because of the blood of your covenant (I send forth your prisoners out of the pit wherein is no water)" (Zechariah 9:11). Therefore, Scripture required that the paschal lamb he taken four days before its sacrifice: for we are rewarded only for deeds.

In the first response to this question, Rabbi Matia ben Heresh deploys a midrash (cited by Rashi on Exodus 12: 6) on a celebrated passage in Ezekiel 16, in which the prophet describes how a passer-by rescues an abandoned infant girl, washing and swaddling her, bringing her home, and eventually, when she grows up, marrying her. The story is taken as a metaphoric retelling of God's salvation of Israel in Egypt, in which Israel is pictured as a helpless babe dependent on divine intervention.

Several features of the Ezekiel passage indicate that it is indeed referencing features of the Egypt narratives, most prominently the reference to God's seeing and passing-over (*va-e'evor alayikh*) the infant, evoking Exodus 12:23. In Ezekiel's telling, the Passover story is a tale of grace, in which God saves Israel the helpless babe, raises her, and marries her (See *Keritot* 9a).

Rabbi Matia, however, inverts the order of the verses in Ezekiel, working backwards from verse 8 to 7 to 6. This inversion, coupled with his midrashic interpretations of those verses, creates an inversion of Ezekiel's message as well: Israel is saved, not out of grace bestowed to an undeserving and helpless foundling, but because they have earned salvation via their performance of *mitzvot*. According to the parallel recension of this midrash in *Pirkei De-Rabbi Eliezer* 29, the *mitzvah* of the paschal sacrifice, exemplified in the smearing of its expatiating blood on the doorposts and lintels, is literally co-mingled with the blood of the related *mitzvah* of circumcision (for only circumcised males were allowed to eat of the lamb).

According to the midrash, the Israelites merited God's "passing over" because of the *mitzvot* of the paschal sacrifice and circumcision. Similarly, the *Mekhilta* argues, the Israelites are instructed to extend their performance of the commandment of the paschal lamb to a four day enterprise. In the words of Ezekiel, by our blood we live—that is, by our *mitzvot*.

In part, I would argue, the notion that the blood of

circumcision protects the Israelites during Passover is generated by the similarities between Exodus chapter 12 and earlier in chapter 4, in which Moses is attacked by a mysterious destructive power and is only saved when his wife circumcises their infant son and touches ("*va-taga*," paralleling "*ve-higatem*" of Exodus 12:22) Moses with the bloody foreskin. Moses, the bloody bridegroom, is saved by virtue of the *mitzvah* and blood of circumcision. The *Mekhilta* here expresses this relationship by transposing a feature of chapter 4 (the protective application of circumcision blood) onto the narrative of chapter 12, co-mingling the bloods and stories.

Yet there is more to this midrash. The claim that the *mitzvot* of circumcision and the paschal sacrifice saved—indeed, are necessary for saving—the Israelites from death, stands in stark contrast to a competing claim circulating at the time. This is found in Justin's *Dialogue with Trypho*, Chapter 111:

> [O]ur suffering and crucified Christ was not cursed by the law, but made it manifest that He alone would save those who do not depart from His faith. And the blood of the passover, sprinkled on each man's doorposts and lintel, delivered those who were saved in Egypt, when the first-born of the Egyptians were destroyed. For the passover was Christ, who was afterwards sacrificed, as also Isaiah said, 'He was led as a sheep to the slaughter.' And it is written, that on the day of the passover you seized Him, and that also during the passover you crucified Him. And as the blood of the passover saved those who were in Egypt, so also the blood of Christ will deliver from death those who have believed. Would God, then, have been deceived if this sign had not been above the doors? I do not say that; but I affirm that He announced beforehand the future salvation for the human race through the blood of Christ.

In this reading, the blood on the doorposts signals the blood of Jesus, which saves from death all those who would otherwise be cursed by the law. The commandments kill; only faith in the Christ vivifies. An understanding of Jesus as the paschal lamb, whose blood expiates, is found in the Gospels, e.g., *Matthew* 6:26-28:

> And as they were eating, Jesus took bread, and blessed it, and brake it, and gave it to the disciples, and said, take, eat; this is my body. And he took the cup, and gave thanks, and gave it to them, saying, Drink ye all of it; for this is my blood of the new testament, which is shed

for many for the remission of sins.

In fact, *I Corinthians* 5:3-8 states all this much more explicitly: "Purge out the old leaven, that ye may be a new lump, even as ye are unleavened. For our passover also hath been sacrificed, even Christ." The *Mekhilta* here counters precisely this claim. The blood of the literal paschal lamb, metonymic of *mitzvot* in general, are the only source for 'salvation.' It is only the law, that is, which can redeem. Hence, the conclusion of the midrash: "Rabbi Matia ben Heresh's argument that we may redeemed only through deed—i.e., *mitzvot*—stands in opposition to the Pauline notion that redemption is achieved not by deed (works), but via faith in Jesus:

> Knowing that a man is not justified by the works of the law, but by the faith of Jesus Christ, even we have believed in Jesus Christ, that we might be justified by the faith of Christ, and not by the works of the law: for by the works of the law shall no flesh be justified (*Galatians* 2:16).

If this analysis is correct, this explanation provides yet another explanation for the claim that the blood of circumcision—and not only of the lamb—was painted onto the lintels of Israelites' homes. The necessity of circumcision for entry into the covenant and people of Israel, after all, is denied (at least for Gentiles) by Paul (for example, in *Galatians* 6:15; *Colossians* 2:11). Rather than salvation achieved via belief in the 'Paschal Lamb, ' through whose blood we are redeemed, for the *Mekhilta*, we are redeemed via the blood of the literal paschal lamb and the blood of the circumcision 'in the flesh;' or, more broadly, via *ma'aseh*—in other words, via the work of *mitzvot*.

Schrodinger's Hametz

Leah Cypess is the author of numerous fantasy stories and novels.

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Rabbi Katz had never approved of quantum *hametz* zappers, and it was not because he considered it part of his job to disapprove of newfangled things. On the contrary: he had a *ke-zayit*-measuring app on his phone, he believed the hyperspace drive was a possible sign of the Messianic Era, and he contributed heavily to the researchers who traveled back in time to retrieve lost manuscripts by Rav Yehuda He-Hasid.

It also wasn't because he disapproved of shortcuts. It was true that he had once viewed anything faster, easier, and more popular with deep suspicion. In his old age, though, he'd come to appreciate the opportunities for new *humrot* that changing technology provided.

Still, he wasn't fond of gadgets that made everyone else's life easier, but made *his* life harder.

And the *hametz* zapper was definitely one of

those.

In the past, people had started preparing for Pesach months in advance. His own mother, he often told his children, had made him eat outdoors in the snow for two weeks both before *and* after Pesach! He remembered it fondly: the scrubbing, the sweeping, the steaming, the endless reading of articles telling them that (a) they were doing too much, it didn't have to be so hard, and (b) there were a dozen more things to do that they had never even considered.

Those had been simpler times.

But the *hametz* zapper, according to its inventor (and also the OU, the Star-K, and the CRC), could take care of all that in *minutes*. Thirty seconds to set the quantum field, two minutes to remove all *matzah* from the home (the *hametz* zapper couldn't distinguish it from leavened bread, a fact that had caused great crises of *emunah* for some), and—*zap!* (the literal sound the device made)—the zapper broke the *hametz* down into its subatomic particles. Which, according to many *poskim*, was sufficient, *bedieved*, to destroy them.

No more cramming into tiny pizza shops! No more subsisting on grilled chicken and potato starch! You could do all your Pesach cleaning the day before Pesach! (Or the day before you started cooking, if you didn't live close to Pomegranate.)

And that was exactly what people did.

Until they discovered, twenty-four hours before Pesach, that their *hametz* zapper was supposed to be pre-tested, because, due to unavoidable quantum fluctuations, a quarter of them didn't work.

And then—*then* —they called the rabbi.

In the four years since the *hametz* zapper had gone on the market, Rabbi Katz had given up all of his usual *erev Pesach* activities. He no longer prepared *afikomen* hiding places. He no longer made his famous quadruple-egg *kugel*. He no longer added to his long-running lecture series of *divrei Torah* on the first two pages of *Maggid*.

Instead, he answered panicked questions about *hametz* zappers.

He had grown resigned to that. Previous rabbis, he figured, had felt the same way about dishwashers, microwaves, and teleportation. None of those things had gone away.

But *this* question—on *Hol ha-Moed*!—was enough to make him consider whether some of the signatures on that *hametz* zapper ban had actually been real.

"We should have read the instructions more carefully!" the man on the phone admitted, after introducing himself as Mr. Schwartz. "But you know how erev Pesach is! After my wife pressed the button, we assumed it was *done.* We didn't

realize we had merely translocated the *hametz* into its quantum bag!"

"I see," Rabbi Katz said, adopting what he thought of as his soothing tone. He had great confidence in the effectiveness of this tone, despite a complete lack of evidence that it had ever worked. "So the *hametz* is still in the bag?"

"Yes! And no!"

"You don't know?"

"No, I mean it both exists and doesn't exist!"

"Ah," Rabbi Katz said. "I see. I'll have to consult a physicist, and then I'll call you back." He could tell his caller was modern Orthodox, because the man addressed him in second person singular; and his modern Orthodox congregants were always impressed when he said he would consult a scientist.

They seemed to think he had a control board with the numbers of experts in every field, all of whom were happy to spend hours explaining how their specialties meshed with *halakhah*.

What he in fact did, after hanging up, was pull up Wikipedia.

He was halfway through an article about Einstein's early interest in Talmud (having gotten a little sidetracked) when the phone rang again. Perhaps Mr. Schwartz had texted some other rabbi while waiting, and Rabbi Katz was off the hook? Rabbi Katz picked up the phone, cleared his throat, and said, "I was investigating —"

"My wife just got home," Mr. Schwartz said. "She's a physicist. Would that help?"

In the end, it was deemed best for Rabbi Katz to visit the Schwartzes at their home. They met on the front porch, where Mrs. Schwartz explained, over a plate of various potato starch confections, that reality doesn't exist. ("Ah, yes," said Rabbi Katz. "As the *Mikhtav me-Eliyahu* already knew.") At the subatomic level, everything exists only as a range of probabilities, until observation forces the probabilities to choose one reality.

"The zapper is based on those quantum probability waves," Mrs. Schwartz finished up, around a mouthful of macaroons, "so until we open it and look inside to see whether the *hametz* has been broken down, the probability waves haven't collapsed into an actual, observable reality. So right now, the *hametz* both exists and doesn't exist."

"Hmm," Rabbi Katz said warily. Clearly, they had left the realm of R' Dessler behind. This sounded either like *kefirah*, or like something the Rambam might have said.

"So you see the problem," Mr. Schwartz said. "If we open the zapper, and the *hametz* is there, we'll have owned it on Pesach. In which case, it needs

to be burnt. But we'll only have a split second before the *hametz* dissolves into subatomic particles. At which point, it can't be burnt."

"Ah," Rabbi Katz said.

"On the other hand, if the *hametz* isn't there, it was *never* there!"

That sounded like it would be best.

"But if we look, we force one reality to happen," Mrs. Schwartz said. "In which case, we're actually making the *hametz* exist on Pesach!"

Which was probably an *issur de-oraita*. At least.

"Are we sure this whole quantum probability thing is true?" Rabbi Katz said suspiciously.

The Schwartzes exchanged glances. Mrs. Schwartz said, "Yes. I'm sure."

"More or less sure than you are about evolution?"

Mrs. Schwartz cleared her throat. "There are numerous experimental and mathematical proofs."

"Besides," Mr. Schwartz said, "quantum theory refutes the previous scientific claim that the world is completely deterministic. It's evidence for the existence of free will."

"Oh." Rabbi Katz made a mental note to use that concept in a *shiur* sometime. "Okay. Give me a moment."

He buried his face in his hands. For several minutes, all was silent. Mrs. Schwartz wondered if it was possible that Rabbi Katz was both napping and not napping.

Then Rabbi Katz looked up, his face alight.

"Quantum, shmantum. This is simply a question of whether uncertainty cancels certainty, and the Talmud has already dealt with the issue." He thrust his thumb into the air. "The quantum trigger is exactly the same as a weasel!"

Mr. Schwartz frowned. "But the whole point there is that a weasel might eat some *hametz* and leave the rest over."

Rabbi Katz brightened. "Aha! You know the *gemara*."

The *gemara*, indeed, discussed the question of what happened if a weasel ran into a house with *hametz*, then ran out without the *hametz*. It addressed issues of certainty, uncertainty, weasels' eating habits, and also ancient burial customs, tithes, and the laws of ritual purity (similar, in many ways, to Rabbi Katz's earlier internet-browsing research). It would certainly simplify things, Rabbi Katz thought, if he didn't

have to explain all that.

"But based on that *mishnah*," Mr. Schwartz said thoughtfully, "don't you think quantum probability waves are more equivalent to the dwelling place of a star-worshipper?"

On the other hand, maybe it wouldn't simplify things at all.

"Although, the *hametz* zapper is *intended* to get rid of the *hametz*," Mr. Schwartz went on.

"Perhaps that means we should rather analogize it to the storehouse of a dead sage?"

That particular *mishnah*, Rabbi Katz knew, ended with the phrase *Ein Sof Li-Davar* (*there will be no end to the matter).* Clearly, that was not just a reference to the multiverse theory.

"There's only one choice," Rabbi Katz said firmly. "You have to open the *hametz* zapper and force one version of reality to take place. If there's no *hametz*, we can all breathe a sigh of relief. And if the *hametz* is there, at least you will have destroyed it in the process of opening the zapper."

Mrs. Schwartz squared her shoulders. "All right."

She disappeared into the house and emerged with the *hametz* zapper, which looked sort of like you would expect a *hametz* zapper to look, except a lot more colorful—the children had covered it with Trader Joe's stickers. She took a deep breath and pressed a small blue triangle on the side.

Both men leaned forward. Three sets of breath were held.

Nothing happened.

"Maybe you have to press harder," Mr. Schwartz said.

"No, that's not it," Rabbi Katz said. "Those buttons are so sensitive that a stiff enough *sheitel* can accidentally turn them on." Mr. Schwartz raised his eyebrows, and Rabbi Katz shook his head. "A story for another time. You just have to plug it in."

"Plug it in?" Mrs. Schwartz repeated.

Rabbi Katz stared at her. "You didn't realize that you have to plug it in?"

"I'm a physicist," she said defensively, "not an engineer."

"If you never plugged it in," Rabbi Katz said, "it never worked. There's no *hametz* in there at all, because the *hametz* zapper did nothing."

Mrs. Schwartz looked embarrassed. "I'm sorry to have bothered you."

"Don't be sorry!" Rabbi Katz assured her. "I'm happy to have clarified the subject of quantum mechanics as it applies to the laws of Pesach." In fact, his next lecture for AMillionOnlineShiurim.com was practically written, which would leave him time to make another *kugel*.

"Wait," Mrs. Schwartz said. "If the *hametz* zapper never worked at all—and I was relying on it to clean for Pesach—don't I now have a much bigger problem?"

"Bigger," Rabbi Katz said, "but simpler."

He gave the Schwartzes the number of a rabbi in Israel who specialized in Pesach leniencies, then walked out the door, already mentally composing his second (and probably far more popular) *shiur* on The Dangers of Technology.

Song of the Sea: Making a Space for Joy and Sorrow

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Five months into the pregnancy, our twins were diagnosed with a rare disease[1]. Despite our best attempts to intervene and remedy the situation, the condition caused a host of complications. It eventually led to their premature delivery and deaths just a short time later. The weeks and months that followed were extraordinarily difficult. In the aftermath of tragic loss, one quickly discovers that despite attempts to move on, a reservoir of pain remains just underneath the surface. It doesn't take much to breach the fragile barrier that holds grief at bay. Perhaps it is the sight of a newborn child or a family with young twins playing together. When the pain breaks through, it threatens to overwhelm and drag one beneath its depths. As I approached the first *yizkor* after their passing, my fear was that this too might become one of these moments. I did not want that to be the case. The last day of Pesah is a day of rejoicing and a day in which we dream of redemption. I was fearful it would become another moment when the world drains of its color and the weight of my loss nearly suffocates me.

Rabbinic commentators have long noted the incongruity of reciting *yizkor* on the festivals. If the *mitzvah* of *simhat yom tov* nullifies all public expressions of mourning, how is it possible that we can dedicate time on the festival to remembering our pain and loss? Various answers have been suggested[2], but I would like to propose the following: We recite *yizkor* on festivals in order to recognize that true joy must always live side by side with our loss. No matter how joyful we may

[1] This essay was originally delivered as a *yizkor* sermon on the last day of Pesah. It took place just a few months after the loss of our twin boys, who had been born extremely premature and failed to survive.

[2] For example, according to the Levush (*Orah Hayyim* 490) *yizkor* is recited on the last day of *yom tov* because the torah reading for that day is "*kol ha-bechor*." This sections includes a call for those making *aliyah l-regel* to bring an offering or gift of some kind, which was later interpreted as an injunction to give *tzedakah*. From this developed the practice to make a pledge for *tzedakah* on the last day of the festival which would often be done in the memory of a loved one.

be on the festivals, our pain cannot be erased, and attempting such emotional erasure would be nothing more than self-deception. Rather, experiencing authentic joy requires us to acknowledge our pain. The festivals inevitably force us to confront this reality, for what other time is there on the Jewish calendar that we yearn more to be with our loved ones?

This notion is beautifully expressed in a profound reading of the Song of the Sea offered by Avivah Zornberg[3]. Her essay, "Songline Through the Wilderness" helped shed light on my own experience and allowed for me to look at the Biblical narrative in a radically different fashion. The standard approach to the Song understands it to be an expression of unambiguous joy. When all hope appeared lost, when the Jewish people faced the dark waters in front of them and Pharaoh's army at their backs, God miraculously split the sea and created a path for the Jewish people to walk forward. The Egyptians pursued them, only to perish as the ocean waves came crashing down upon them. After hundreds of years of slavery, the Jewish people finally witness the vanquishing of their oppressors. At this climactic moment (Exodus 14:31), "the Jewish people see the great hand that God inflicted upon the Egyptians, they are in awe of God, and they have faith in God and Moshe, His servant." God has utterly proven Himself. Their tormentors had been punished. All of their pain and suffering had been washed away by the waters of the Red Sea. As slaves, all they could utter were unarticulated cries of misery, but now they are able to find the words to sing with pure faith and joy. That this interpretation is both beautiful and appealing is beyond question; We all yearn for the moments when we can finally let go of our pain and embrace only the good. This desire is at the heart of all our prayers for redemption and it is particularly appropriate for the end of Pesah.

But there is another way to read this story. It is challenging, but better suited to the difficult reality of living in an unredeemed world. In her essay on the narrative, Zornberg cites the striking opinion of Rabbi Barukh ha-Levi Epstein, the nephew of the Netziv, who argues, that in fact, the Jewish people did not sing after having emerged victorious from the Red Sea. Instead, they sang while still marching through its waters pursued by Pharaoh's army. If this is indeed the case, Avivah Zornberg points out, then the Song of the Sea cannot be understood as a song of pure joy and triumph, but rather as a song fraught with tension. The Jewish people must sing in full view of their oppressors. They must sing while their future is still uncertain, wondering whether they will indeed make it to the other side. The song does not deny their pain. Instead, they must find the strength to sing while still bearing the psychological wounds of slavery. Under these circumstances, the Song of the Sea must embody the complex reality of joy and pain living side by side. Until the final and complete redemption

[3] Avivah Gottlieb Zornberg, "Songline Through the Wilderness," in *The Particulars of Rapture: Reflections on Exodus* (New York: Schocken Books, 2001).

takes place, joy and pain have no choice but to co-exist. If this was true for Jewish people at the Red Sea, how much more so for us. Even on the festivals, days of rejoicing, we carry our losses with us. To deny our pains would be inhuman, and in doing so, we would fail to experience the true joy that we are called to feel on these days.

These themes are also evoked by the contemporary poet Christian Wiman in his startlingly powerful spiritual memoir, *My Bright Abyss*. The book chronicles his cancer diagnosis along with the slow and painful process of treatment. It captures his struggle to bring together the strands of faith that provided a lifeline for Wiman, and in doing so, it offers a meditation on what it means to live life when death stares one in the face. The author is keenly aware that even after recovery, the agony of such an experience leaves an indelible mark on us. He writes, (*My Bright Abyss* p. 19):

> Sorrow is so woven through us, so much a part of our souls, or at least any understanding of our souls that we are able to attain, that every experience is dyed with its color. That is why even in moments of joy, part of that joy is the seams of ore that are our sorrow. They burn darkly and beautifully in the midst of joy, and they make joy the complete experience that it is. But they still burn.

When we recite *yizkor*, there is a part of our souls that burn. However, that doesn't prevent us from singing. In fact, if we recognize that the Jewish people sang while still marching through the Red Sea, we come to understand another important truth: There are times when we sing not as a result of our joy but rather to serve as a lifeline that prevents us from drowning. In the same essay on the Song of the Sea, Zornberg quotes a teaching by Rebbe Nahman of Breslav[4], a religious thinker deeply familiar with the spiritually devastating impact of pain and loss. His writings are full of references to the presence of sadness and depression within the spiritual life. He understood, Zornberg writes, that

> When one enters this wasteland a sense of worthlessness vitiates all capacity to live and to approach God. The objective facts may well be depressing; introspection may lead to a realistic sense of inadequacy and guilt. But this then generates a pathological paralysis, in which desire becomes impossible.

According to Rebbe Nahman, the only way to remove oneself from such a situation

[4] *Likkutei Moharan* 282.

> is a kind of spiritual generosity- to oneself as well as to others. One should search in oneself for the one healthy spot, among the guilt and self-recrimination. This one spot, which remains recognizable, must exist. If one reclaims it, one then has a point of leverage for transforming one's whole life.

This teaching is based on a verse from Psalms (37:10) "A little longer (*V-od*) and there will be no wicked man; you will look at where he was and he will be gone." Instead of "a little longer" as in a moment of time, Rebbe Nachman reads this *V-od* as the one place where goodness and joy can still be found within us.

It is the role of song to help us find that one place, and then another. Once we are able to find one note, the power of song connects us to more and more. Zornberg further explains that through

> [d]rawing those fragmentary, disjointed moments into connection with one another, one creates a song: a way of drawing a line through the wasteland and recovering more and more places of holiness.

In perhaps the most powerful words of the entire essay she notes that

> [m]usic arises from joy, but the power of true singing comes from sadness. In every *niggun* there is the tension of the struggle between life and death, between falling and rising… the thin line of melody selects for goodness and beauty but it is given gravity by melancholy…

She concludes by observing that for Rebbe Nahman, "song opens the heart to prayer." He cites another verse from Psalms, "I will sing to my God while I exist (*be-odi*)- "with my *od*, with that surviving pure consciousness of being alive."

Rebbe Nahman's teaching is an important lessons for Pesah, a holiday of song. During Pesah we sing *Hallel*. We sing at our *seder*s. We read the Song of Songs and the Song of the Sea. All these different songs reflect the tremendous joy that is a fundamental part of the holiday. But, we should not forget that they are also songs of complexity through which we can also hear the harmony of pain and loss.

We lost our twins just days before *Shabbat Shirah*, the Sabbath of Song, when the Song of the Sea is read. At the time, I found comfort in a *midrash* that during the Song of the Sea, even the babies

still inside their pregnant mothers raised their voices in song with the Jewish people[5]. It enabled me to realize that even in the short time that our twins were present in our lives, they too were part of the Jewish people. They contributed their voices if only briefly to the Divine symphony that we strive to sing. Rebbe Nahman teaches that even their absence is part of the song. Absence when consciously remembered creates its own unique form of presence, and if we listen closely, we can hear how even the absence of our loved ones adds to the harmony of the Jewish people.

Why is it that we recite *yizkor* on *yom tov*? On the one hand, we do it in order to acknowledge that our pain must have a seat at the table with our joy. But we are also permitted to allow ourselves to dream of a day when we will celebrate our holidays without *yizkor*. We dream of a day when our pain will be washed away and our scars will finally heal. We dream of redemption, a dream deeply appropriate for the last day of Pesah. We dream of the day when we will gather with all our loved ones, those both present and absent, in order to recite the words from the *seder*. As it says in the *Haggadah*, we will sing in order "to thank, praise, pay tribute, glorify, exalt, honor, bless, extol, and acclaim God who has performed all these miracles for our fathers and for us. He has brought us forth from slavery to freedom, from grief to joy, from mourning to joy , from darkness to great light, and from subjugation to redemption." On that day we will finally set aside our pain and loss to recite a new song before God, Halleluyah.

Moses in the Teiva: An Act of Hope or Despair?

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The Talmud (*Sotah* 12a) presents a very different picture of Moses' family than what seems to emerge from a simple reading of the book of Exodus:

> Amram…when he saw that the wicked Pharaoh decreed, "Every son that is born you shall cast into the Nile," he said, "We are struggling in vain." He arose and divorced his wife…His daughter said to him, "*Abba*, your decrees are worse than Pharaoh's. Pharaoh decreed only on the males, but you decreed on the males and the females. Pharaoh decreed only in this world, but you [decreed] in this world and the world to come. Pharaoh, who is wicked, there is a doubt whether his decrees will be fulfilled or not. You, who are

[5] *Sotah* 30b.

> righteous, your decrees will certainly be fulfilled…" He arose and brought back his wife.[1]

The image is of parents who had lost hope, who had despaired of any purpose of having children in face of Pharaoh's cruel decree. But this presentation seems to contradict the description in the Torah itself of parents who made every effort to hold onto their baby for as long as possible:

> The woman conceived and bore a son; she saw that he was good, and she hid him for three months.[2] When she could hide him no longer, she got a wicker basket (*teiva*) for him and caulked it with bitumen and pitch. She put the child into it and placed it among the reeds by the bank of the Nile[3]" (Exodus 2:2-3).

Far from despairing, the special basket they make to save the life of the baby seems to display a degree of hope far in excess of what the average Israelite in Egypt had at the time.

It is true that the verses in the Torah mention only the mother building and placing Moses in the *teiva*. One might plausibly suggest that the Talmud is picking up specifically on Amram's absence from the story to highlight his lack of hope in comparison with the rest of the family–his daughter who convinced him to remarry and have more children and his wife who attempted to save their son's life through the *teiva*. However, since the Talmudic passage makes no explicit contrast between husband and wife--only between father and daughter--I think it is fair to assume that the two parents were on the same page.[4] Under this assumption, though, the contradiction remains when reading the Torah verses in tandem with the Talmudic passage: the two parents who had despaired of all hope for future children also hopefully built a *teiva* to save their son.

It may be that the Talmud understands that Amram and Yokheved's hope, which resulted in constructing the *teiva* for Moses, only emerged after the conversation with their daughter Miriam. As the Talmud portrays, these parents had given up all hope of having future children to the extent that they separated. But once their daughter Miriam inspired them to reunite and not despair of future children their hope was rekindled, to the extent that they built a *teiva* on the small chance that it could save their son's life, as the verses in the Torah convey. However, no textual source is brought to support the notion that Miriam was the

[1] All Talmudic translations are my own.

[2] New JPS translation with modifications.

[3] New JPS translation.

[4] I believe the Torah mentions only the mother because she did the physical actions of acquiring the *teiva*, putting the baby in it, and carrying it to the river, while the Talmud mentions only the father because they saw him as the patriarch and default decision-maker for the family. Therefore, neither should be taken to imply that the other parent was not in agreement with the decisions being made.

source of their hope. More importantly, a subsequent passage in the Talmud indicates that if Miriam had indeed inspired them to hope once again, this hope was rather short-lived:

> [Miriam] said, "In the future, my mother shall give birth to a son who shall save Israel." When Moses was born, the entire house filled with light. Her father arose and kissed her on the head. He said, "My daughter, your prophecy has been fulfilled!" When he was cast into the Nile, he arose and smacked her on the head and said to her, "My daughter, where is your prophecy [now]?" This is the meaning of the verse, "His sister stood at a distance to know what would be done to him (Exodus 2:4)." [She wanted] to know what would be in the end with her prophecy.[5]

This passage provides the first hint of a textual source for the understanding that Miriam had more hope in her brother's ability to survive than her parents did. "His sister stood at a distance to know what would be done to him." It was only his sister, only Miriam, who stood there to see what would happen, who had hope that he might encounter a fate other than death. Where were his parents? They had seemingly lost hope. But how could that be? How could the parents who made him the special basket to protect their son in the river suddenly lose hope that it might be effective?

We tend to take for granted that the purpose of the basket was to protect the life of baby Moses. After all, what else would be the purpose of such a thing? The Torah even hints at this by calling it a *teiva*, the same word used for Noah's ark (Genesis 6:14), which protected him from the waters of the flood. But maybe this wasn't the function of the basket. Archaeologist Richard Freund writes:

> Walking through the Cairo Museum on my last trip to Egypt, I noticed on display small baskets for infants that were generally thought of as "burial baskets."…The mother of Moses placed him in a burial basket and then placed the basket in the Nile as a cheap and meaningful burial for a child that Pharaoh had ordered to be "cast into the Nile."[6]

Yokheved and Amram were not trying to save Moses with the basket. If we follow Freund's theory, they were actually trying to give their son a decent burial. They sought to preserve his humanity by giving him the burial that was denied to the other Jewish baby boys who were just tossed in the river. But actually saving his life was beyond what they could imagine. The Torah may

[5] *Sotah* 13a.

[6] Richard Freund, *Digging Through the Bible* (Lanham: Rowman & Littlefield, 2009), 58.

be hinting to the reader that the basket would ultimately save his life by using the word *teiva*, but at the time that it was made the only one who realized its life-saving potential was Miriam. Moses' parents put the basket in the river. They said what they presumed to be their final goodbyes and went home, having despaired of the life of their child. Only the young Miriam stayed behind. Only she believed there might yet be hope for her baby brother.

It is likely that the authors of these passages in the Talmud were more familiar with ancient Egyptian burial practices than a more modern reader would be. Once we understand that the basket was never intended to save Moses' life, the contradictions between the Talmud and the simple reading of the text disappear. His parents were not hopeful and optimistic as we initially thought. While Miriam was able to convince them to remarry and try to have more children, they never believed that a wicker basket could save their son from his fate. They had indeed despaired of protecting their son from Pharaoh's cruel decree, and so they "buried" him in the basket and left him in the river. Armed with this knowledge, along with the textual anomaly of only the young Miriam waiting to see what would happen, the rabbis of the Tamud were able to creatively imagine what the rest of the story might have looked like in a way that gives us deep insight into the different responses of Moses' family members to this seeming tragedy. The rabbis show us the striking contrast between Miriam's extreme hopefulness and trust in God and her parents' more pragmatic and accepting approach to life's unfortunate circumstances. With this new understanding of the *teiva*, the Talmud's story fits beautifully with the text of the Torah and brings the internal dynamics of Moses' family to life.

A Temple in Our Days: A Long-Overdue Conversation

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The Desire for the Temple

In recent decades, Israeli society has seen the emergence of a new phenomenon within its religious sector, a new movement which aspires to rebuild the Temple, if not immediately, then in the foreseeable future. This movement, which encourages people to ascend to the Temple Mount and engages in a wide variety of educational activities, constitutes a dramatic religious, theological, and historical shift in Jewish life. At the heart of this shift lies the attempt to breathe life into a messianic vision of the Temple—to spread the desire to rebuild the Temple and restore sacrificial worship. This movement seeks to instill in the hearts and minds of Jewish believers the sense that sacrificial worship in the Temple is in fact the

ultimate form of religious worship (*avodat Hashem*).

Traditionally, Jews saw the Temple as an object of prayer and yearning but believed that its construction should be left in the hands of Heaven, to be carried out at the End of History. This new movement, however, is turning the vision of a restored Temple into a realistic goal to be attained via human endeavor. The Temple has spent the last two thousand years inhabiting Jewish memory, ritual life, and mythological language, but, through the activism of these Temple visionaries, it has returned to real life.

For generations, common practice by all manner of observant Jews forbade ascending to the Temple Mount. Then, in 1996, the Rabbinic Council of Judea and Samaria put out a call for people to ascend to the Temple Mount, while of course observing all Jewish laws involved.[1] This kicked off a significant wave of Jewish ascents to the Temple Mount and, today, hundreds of rabbis permit ascending to the Temple Mount and even encourage their congregants to do so.

The Temple organizations are also engaged in a variety of activities aimed at centering the idea of the Temple in public consciousness. These activities aim at implanting the Temple vision in the hearts and minds of the community, but also at developing and transmitting the knowledge that would be necessary for building the Temple with all its vessels and implements. These organizations even train Priests (*kohanim*) and Levites in the details of their roles within the sanctum. Their educational endeavors take a variety of forms, including seminars, exhibits, conferences, rituals, lectures, parades around the Temple Mount, printing prayer books with images and visual aids depicting the Temple and its worship, children's books, and more.

These endeavors have been broadly successful and have drawn many people to the movement. The number of Jews ascending to the Temple Mount has increased year over year.[2] Public support—even in the secular and traditionalist (*mesorati*) sectors—has steadily grown both for ascending to the Temple Mount and for praying there.[3] Once marginal, Temple Mount activists are now an integral part of the religious-nationalist elite. Even the internal discourse around the Temple in Religious Zionist study halls

[1] Decision of the Rabbinic Council of Judea and Samaria, Shevat 18, 5756. The lone voices which previously called for ascending to the Temple Mount—including rabbis who made use of painstaking investigations into the permitted and forbidden spaces upon the mount—were isolated, exceptional cases. See Shlomo Goren, "The Temple Mount," in *Meshiv Milhamah*, vol. 4 (Jerusalem: *Ha-Idra Rabbah*, 2005); Zalman Koren, *The Courtyards of God's House* (Jerusalem: *Tzur Ot*, 1977).

[2] According to police records, approximately 37,000 Jews ascended to the Temple Mount in 2019. According to records from the *Yeira'eh* organization, more than 30,000 of them went up for religious-nationalist reasons. The numbers shrank in 2020 due to the COVID-19 pandemic, but the number rose again in 2021 to almost 35,000.

[3] According to a 2015–2016 survey by the Israel Democracy Institute, 31–47% of Israelis who self-identify as secular support Jews praying on the Temple Mount. Among religious Israelis, that number goes up to approximately 80%.

(*batei midrash*) has expanded beyond all previous scales, including a vast collection of essays, books, and lectures.

Motti Inbari, Haviva Pedaya, and others, have analyzed the origins and causes of this new focus on the Temple and the Temple Mount, and why it has emerged in this specific historical moment.[4] Inbari claims that the movement emerged in the wake of the Oslo Accords and reflects a common pattern taken by messianic movements as recognized in messianism research: moments of dissonance between historical reality and messianic vision lead to crisis, causing many believers to double-down on their devotion to the vision and to attempt to restore the progression of history to its messianic path. Pedaya describes similar processes, but she focuses on the Disengagement from Gaza and Northern Samaria as an event that intensified the call for restoring the Temple and the Temple Mount. She further claims that some Temple Mount activists maintain a redemptive vision wherein they attribute to the Temple Mount and to their activism a mystical capacity to reorganize reality itself in accord with their redemptive vision. These mystical and redemptive motives do not suffice to explain the movement, however. Temple Mount activists are also clear-eyed political actors who believe that any concession of Israeli land will lead the Jewish people to lose hold of the Temple Mount, failing the test of this historical opportunity to set in motion the future of the Temple. For instance, R. Eliezer Melamed claims that, in principle, ascending to the Temple Mount ought to be forbidden. It is only in order to contest the dominant presence of Muslims on the Mount that it is, in fact, permitted for Jews to ascend to the Temple Mount.[5] A number of rabbis even ruled—quite radically—that not only may Jews ascend the Temple Mount, they may even walk across *every inch* of its surface, including those places where *halakhah* absolutely otherwise prohibits it. This is because the purpose of ascending to the Temple Mount is to create Jewish presence on the Mount as part of the struggle for control over it, and it therefore falls under the halakhic category of acts of "conquest" (*kibbush*).[6] The movement's attempt to realize its messianic vision therefore cannot be reduced to a purely religious project. It serves also as part of a political strategy in a struggle for sovereignty and dominance. That being said, when it comes to the

[4] Motti Inbari, *Jewish Fundamentalism and the Temple Mount* (Jerusalem: Magnes Press, 2008); Haviva Pedaya, interview on the Ir-Amim website, http://www.ir-amim.org.il/he/node/1711/; Sarina Hen, *Rapidly in Our Days: Shifts in the Religious Nationalist Public's Relationship to the Temple Mount* (Sde Boker: The Ben Gurion Institute for the Study of Israel and Zionism, 2017), 86-88.

[5] Eliezer Melamed, "The Place of Our Temple in Israeli Sovereignty," *Be-Sheva* 666 (17 Heshvan 5776).

[6] Shlomo Goren, "The Temple Mount," 28-29; Yisrael Ariel, "The Commandments of the Temple Mount in this Era" in *Rise and Ascend: A Collection of Essays and Readings Regarding the Temple Mount Today* (Alon Shevut: Zomet, 2002), 211.

Temple and the Temple Mount, attempting to distinguish between religious and political motivations is a project doomed to failure; for most of the Temple Mount activists, the two are inextricably intertwined.

We should note that, alongside the new focus on the Temple and the Temple Mount, there have been people who oppose the movement, citing traditional halakhic prohibitions and theological claims in tandem with geopolitical concerns. The primary ideological divide between the Temple movement and its opponents concerns how and when the Temple vision should be realized, whether it will be built by God (*bi-dei Shamayim*) or by human hands (*bi-dei adam*), etc.—not the content of that vision itself. Both groups yearn for a day when the Temple will be restored to its place, and the sacrificial worship will be observed in all its minutiae, just as before the Temple was destroyed. Neither group is willing to grapple directly with the problems this vision sets before contemporary religious Jews. Ironically, while Religious Zionist study halls echo with discussions of the Temple and the Temple worship to an unprecedented degree, there is very little in the way of deep discussion of the content of the Temple vision and the challenges it represents.

We Need to Talk About the Temple

Taking the religious vision of the Temple seriously means grappling with deep theological, moral, and even aesthetic issues. These are not questions we can push off until the end of history (*le-atid la-vo*); they are burning contemporary problems which we have to deal with now, before the vision of the future is realized. The Temple vision destabilizes and challenges prevailing Jewish practice, with potentially radical implications for the religious experience, theology, and faith of the modern believer.

Historically speaking, we must keep in mind that the Temple(s) and the sacrificial worship only physically existed for a fraction of the time Jews have been living their religious lives. Over the two thousand years since the destruction of the Second Temple, the Jewish tradition took shape in its absence—as did the religious lives of Jews. The Jewish sages developed worldviews, customs, and practices, creating a whole alternative way to be religious. The sages explicitly described many of these practices—such as prayer, Torah study, and acts of kindness (*gemilut hasadim*)—as substitutes for the Temple worship, or even as superior to it.[7]

For Jews who seek to draw close to their God, the Jewish tradition created a comprehensive, all-encompassing religiosity, providing a sense of divine closeness, a religious vision of the future, and rites and rituals meant to help realize that vision. Judaism's comprehensive religious praxis commands a person to observe certain rituals and to live a life of devotion. It awakens within them yearnings for the sacred, inspiring within them a desire for closeness to God, and directing them to

[7] See note 17 below.

live an ethical life as part of a religious community. Judaism today provides everything the contemporary believer needs in order to live a full, religious life.

That being said, the vision of the Temple is present in every corner of the Jewish tradition. The Temple was imagined as the *axis mundi*, the primary channel between heaven and earth—*the* place where one could attain closeness to God. The sacrificial worship in the Temple was not just one more form of Jewish ritual practice; it was uniquely capable of bringing a Jew into contact—and connection—with God.[8] After the destruction of the Temple, the sages embedded and enshrined the memory of the Temple and the sacrifices—as well as the mourning for its loss and the hope for its restoration—into Jews' everyday ritual life. They made texts about the Temple and sacrifices into a significant portion of the Jewish canon, and wove images of the Temple and sacrifices into their utopian visions of the messianic era.

In this manner, over the course of generations, Judaism developed a split between the actual experience of daily religious life and the vision of the Temple embedded in the rituals themselves. While this religious experience is itself full and rich, the specific content of this religious language expresses the desire for a totally different form of worship: the sacrificial worship in the Temple. The intensity of this split results from the way that the Temple worship is not only opposed to the prevailing tradition, but is also deeply foreign and threatening to it.

Religious Jews throughout history have found different means of coping with this tension: the power of prevailing custom and commitment to it, physical distance from the geographical space of the Temple, the unrealistic nature of trying to plan to realize the Temple vision, and mental distance from the space as a result of the halakhic prohibitions against going there and of the theological texts which grant the Temple tremendous symbolic and mythic dimensions. Now, however, we have much greater access to the Temple Mount. Partisans of the Temple vision refer to the idea of the Temple as "*samukh ve-nir'eh*," literally "nearby and visible," because of how attainable the dream now seems. There is a massive, multi-channel educational project aimed at spreading the Temple vision into popular consciousness and restoring the Temple from the realm of myth to real life. There are people claiming that we can and should be actively fulfilling the commandment of building the Temple. The delicate balance created and maintained over generations has thus been destroyed.

I want to have a conversation wherein we think deeply and seriously about the content of the Temple vision and the challenges it presents. The conversation is meant for anyone who cares deeply for the Jewish tradition and who sees value

[8] Daniel R. Schwartz, *Priesthood, Temple, Sacrifices: Opposition and Spiritualization in the Late Second Period* (Jerusalem: Hebrew University, 1979), 46-49, 172.

in maintaining or preserving it. I primarily have in mind those faithful upholders of the living tradition, those who feel the dissonance between the act of daily prayer and the words they say in that prayer—words which seek to restore sacrificial worship—between their deepest religious intuitions and their fundamental commitment to rabbinic Judaism, on the one hand, and the realization of the vision of the Temple, on the other.

The Challenge of Returning to "The Place" (*Ha-Makom*)

Daily religious life, as shaped by the Jewish tradition after the destruction of the Second Temple, contains no one specific, concrete space wherein an individual can encounter God. The Jewish encounter with God takes place primarily within a person's consciousness, in the moment when they perform a religious act, without depending on, or being mediated by, a holy space. The roots of this religious experience run deep within the tradition, finding their anchor in a theology which challenges the idea that a transcendent, infinite God could ever have self-limited into a specific place. Lacking a "place," religious worship focuses on the direct relationship between a person and their creator. In this model, a person's holiness derives from their actions and behavior, not from the place in which they stand, nor from any other external factor. This is the critical distinction between contemporary religious experience and how people in the era of the Temple understood religious experience—as something local to a specific, geographic place where individuals could go to encounter God. Although the Jewish tradition does maintain the idea of holy spaces, the religious experience of the modern believer can take place anywhere.

The Challenge of Sacrificial Worship

The form taken by worship in the Temple presents even more difficult challenges for the modern Jew. A gaping abyss separates how we think of religious experience today from the sort of religious experience expected by those who want to bring back sacrificial worship. Jewish sacrificial worship came to an end with the destruction of the Second Temple, and pagan sacrificial worship in the region was outlawed by the Roman Empire when the Empire became Christian in the fourth century CE. Over the centuries, sacrificial worship came to be rejected and seen as strange throughout the cultural, religious, and geographic spaces of all three monotheistic religions.

Sacrificial worship is deeply foreign to contemporary believers in a variety of ways. The desire to sacrifice or offer something to God—for the sake of atonement for sin, as a gesture of gratitude, in order to effect change in reality, or as a symbolic act of self-sacrifice—is indeed familiar to the modern religious person, both personally and as part of their religious tradition. But the idea of giving something *physical* to God is not—in fact, it comes across as deeply strange. Over the course of history, the individual's *self*-sacrifice in the act of fulfilling God's will replaced the act of sacrificing something physical to God. Giving to poor people, widows, orphans, and strangers—to whom God commanded we give charity and engage in acts of

kindness—replaced giving gifts to God. In the absence of the Temple, imitating God (*halikhah bi-derakhav*) and performing acts which embody religious devotion took the place of sacrificial worship. These historical and ritual changes correspond to a theological change: modern believers do not worship the sort of God to whom one would give a physical gift. The God who wants offerings of grain and meat is worlds apart from the God who seeks the actions and spirit of the individual. This shift naturally creates an entirely different kind of relationship between God and the believer.

Another deeply foreign element of the sacrificial worship which the Temple activists wish to restore is the mediation of worship via the priesthood—the people who actually perform the sacrifices. Shifting from an unmediated, individual worship of God to a mediated, hierarchical form of worship would create distance between the individual and God, and would harm their sense of having a personal connection to God.

Beyond how foreign sacrificing animals is to modern believers, it also strikes them as religiously and ethically problematic. The idea that the brutal, violent act of killing an animal, burning its flesh, and sprinkling its blood constitutes sacred worship designed to bring a person closer to God is hard to imagine. Even just on an aesthetic level, we recoil from the thought that the site of holiness and divine encounter would be a slaughterhouse. Look at how much effort modern society puts into hiding the meat processing industry from view! We can barely tolerate the ethics and aesthetics of the process as something which provides us with food. We certainly cannot imagine it as religiously valuable. An unbridgeable chasm separates the Sages' glowing depiction of priests up to their knees in the blood of sacrifices (*Pesahim* 65b) from the religious experience of the modern believer.

We see sacrificial worship as fundamentally similar to pagan worship, and it makes us uncomfortable. Even if we can make theoretical distinctions between the two forms of worship, they look too similar in practice, as the Jewish tradition itself notes.[9]

From a theological perspective, restoring the Temple and the sacrifices would threaten to breathe new life into anthropomorphic ideas about God. Any activity which emphasizes God's presence in some physical sense risks becoming the first step on the path to anthropomorphism—and the slippery slope to idolatry. This is no

[9] See *Leviticus Rabbah* 22:8; Maimonides, *The Guide for the Perplexed* III:32; Guy Stroumsa, *The End of Sacrifice: Religious Transformations in Late Antiquity* (University of Chicago Press, 2012), 66.

theoretical concern; it has real historicalprecedent, such as the recurring prophetic critiques of idolatry in the Temple.[10]

Traditional Worship vs. Worship in the Temple

The reappearance of the Temple vision raises questions about the relationship between the imagined and expected worship in the Temple and actually existing Jewish religious praxis. The Temple vision contains an implicit expectation that contemporary religious praxis, in whole or in part, will be replaced by sacrificial worship—"the worship of God in its ideal form."[11] Returning to a sacrifice-first model of worshiping God would be a revolution, one which would be expected to overturn traditional Jewish religious praxis.

To highlight the difference between these two forms of worship, imagine how Yom Kippur looked in the Temple in contrast to how it has looked in the generations since the destruction of the Second Temple. Today, Jews primarily experience Yom Kippur as a day when they stand before God as individuals seeking atonement for their sins, hoping for forgiveness from, and purification before, God. Their primary means in this quest are fasting, repentance, prayer, and charity (*teshuvah, tefillah, u-tzedakah*). These tools help them experience an inner process of spiritual transformation and purification from sin. This experience takes place in the penitent's heart, but also between the penitent and God. In contrast, Yom Kippur in the Temple is entirely about the actions of the *Kohen Gadol*, the High Priest, which aim at receiving atonement before God. The day's worship (*seider ha-avodah*) succeeds or fails based on whether or not he fulfills the sacrificial rituals with exactitude in all their meticulous detail, and on this rests the promise of atonement from sin. Neither the individual Jews nor the religious community as a whole are in any way involved in the process.

It is hard to imagine that these two forms of worship could coexist in any way. The possibility that Temple worship might become dominant—whether via intentional activism or as a result of natural processes—and marginalize contemporary Jewish religious worship is very real. The dramatic cultic experience, combined with nostalgic desires for the restoration of what it sees as a national golden age, is much more seductive than today's religious routines.

Traditional Jewish Theology vs. Temple Theology

Religious worship always exists within a theological context which provides its theoretical underpinnings. The two theological contexts of the Temple worship and contemporary religious Jewish praxis could not be more different. Here, I want to highlight this difference by way of three specific concepts: "The holy man," "the religious

[10] See Jeremiah 7:9-10; *Yoma* 9b.

[11] Yisrael Ariel, *Temple Mahzor for Yom Kippur* (Koren Publishing, 2019), 9. As Ariel further clarifies, "The sacrificial rites of Yom Kippur are so precious to God that no prayer could ever equal them" (ibid., 130).

act," and "the indwelling of the Divine."

The idea of **the holy man**—an idea which has its roots in the Hebrew Bible and in rabbinic literature, in medieval Jewish theology, in Jewish mysticism, and in Hasidism—is one of the fundamental influences on the religious experience of Jews today. It has taken many forms throughout history, but its fundamental claim is that an individual—or any individual—can be holy in such a way that they are the highest purpose of religious life, and, as such, constitute an *axis mundi*—an alternative locus of holiness to the Temple. We can find a powerful expression of this claim in R. Moshe Alshikh's commentary on the biblical verse, "And I will dwell in their midst" (Exodus 25:8). Alshikh's interpretation makes the individual into the primary locus of holiness in which the divine presence can rest.[12]

The very purpose of **religious practice** in a Temple reality would be fundamentally different from its purpose in the prevailing tradition. In the Temple model, religious practice is directed toward serving and influencing God, God's actions, or the world. In the rabbinic tradition, the purpose of religious practice is "to walk in God's ways"—the human being is the object of religious service, and the goal is the spiritual, psychological, and moral transformation that a person must bring about within themselves and their environment in order to become sanctified.[13] A Temple reality would shift the focus of sanctity from the individual back to the physical Temple and redirect the focus of religious practice from the individual to God.

The concept of **the indwelling of the Divine Presence** (*Shekhinah*) expresses believers' expectations of what the process of restoring the Temple and its service will bring, but it also illustrates the theological gap between the two different forms of worship. The appearance of the Temple is associated with an anticipation of the appearance of divine spiritual and material abundance; a transformation on the national, universal, and even cosmic levels; an intensified experience of closeness to God in personal religious experience; and the return of divine revelation in the relationship between God and humanity. Indeed, some argue that there is an inseparable link between the Temple and revelation.[14] According to this model—in the theological space where the Temple and its service existed—the source of religious authority is tied to

[12] Commentary of Rabbi Moshe Alshikh to Exodus 25:8, s.v. "ve-asu li mikdash": "'And I will dwell in *their* midst,' as opposed to having written 'In *its* midst.' I heard that we learn from this that the primary indwelling of the divine presence is in the individual, not in a structure, as the verse says, 'in *their* midst' … God desires to dwell, not on earth, but in each member of the Jewish people, whom he makes primary…"

[13] Yair Lorberbaum, "From the Temple to the Individual: Shifts in the Locus of Holiness in Rabbinic Literature," *Daat* 86 (2018), 395.

[14] Rachel Elior, *Temple and Chariot, Palace and Palaces in Ancient Jewish Mysticism* (Jerusalem: Magnes Press 2002), 216-218; Michael Schneider, *The Appearance of the High Priest – Theophany, Apotheosis and Binitarian Theology: From Priestly Tradition of the Second Temple Period through Ancient Jewish Mysticism* (Los Angeles: Cherub Press, 2012), 117; Haviva Pedayah, *The Name and the Temple in the Teachings of Isaac Sagi Nahor: A Comparative Study of Early Kabbalistic Texts* (Jerusalem: Magnes Press, 2011), 12.

revelation, and is fundamentally different from that of the rabbinic tradition. If the desire to return to the Temple is indeed bound up with the expectation of revelation and its restoration as a source of authority, then the upheaval anticipated with the realization of the Temple vision will perhaps be even greater than imagined, undercutting the very foundations of prevailing practice and tradition.

Beyond this, the accumulated historical experience of the two Temple eras simply does not live up to the dramatic expectations of the Temple Mount activists. The historical reality of those eras was far from religious and ethical perfection. The prophets constantly criticized the institutions of the Temple, the priests, and the sacrifices, for their part in the terrible socio-ethical state of the nation. Some of the prophets even claimed that the sacrifices directly contributed to the degraded state of society outside the temple.[15] Rabbinic literature is rife with depictions of the widespread corruption in and around the Temple toward the end of the Second Temple era. The promise that the Third Temple might somehow be dramatically different from existing social and spiritual reality, and that the whole world will as a result undergo some sort of spiritual elevation, falls apart in light of the historical realities of the first two Temple eras.

An Alternative Vision for the Temple Today

In light of the challenges presented by the Temple vision, I believe that we must find an alternative religious vision of the Temple.[16] Instead of the vision of a physical temple—built of wood and stone; its worship, of flesh and blood—I propose a new focus for our religious dreams and a new vision for what ideal religious worship should look like. This vision is based on the biblical vocations of "You shall be holy" (Leviticus 19:2) and "You shall be, for me, a kingdom of priests and a holy nation" (Exodus 19:6). Rooted deep in the very beginnings of the tradition, this vision sees holiness as the bridge between human beings and God, and therefore as possessing the potential to fill the role of the Temple as the a*xis mundi*. Having come down to us throughout the generations, this vision fits well with the religious mindset of the modern believer, as well as with the character of their religious worship, values, and beliefs.

Paraphrasing the rabbis' comments about the Temple worship and its replacements, I would say

[15] Cf. I Samuel 16:22; Jeremiah 6:20; Ezekiel 8; Amos 5:22; Micah 6:7; and many more besides.

[16] This, in contrast to both the Temple Mount activists and their opponents, mentioned above, who would leave the building of the Temple in the hands of Heaven.

that there is an alternative form of worship—a better, more important form of worship—available today as well.[17] After the destruction of the Temple, the rabbis laid the practical and conceptual foundations for Jewish life in the absence of the Temple, and they provided a different answer to the everyday concerns evoked by the loss of the Temple and the sacrifices. From a historical perspective, they were wildly successful. Generations of Jews stayed loyal to the tradition, passing on their heritage from one generation to the next, transmitting down to us a rich, elevated religious world. Just as they did then, we, today, must provide an alternative to the Temple, one that will enable generations of Jews to continue to be loyal to their heritage in the future.

Pushing the vision of a physical temple from the space of realistic events to the messianic End of History, or into purely symbolic space, is nothing new to the tradition. The concept of "The Heavenly Temple" (*mikdash min ha-shamayim*) embodies exactly such a move. It denies any human agency in the construction of the Temple, subtly cutting "building the Temple" out of the list of commandments. Over the centuries, the vision of a physical temple took on mythic and symbolic dimensions which, to a significant degree, changed the idea of the Temple from something real to something spiritual and symbolic.[18] To suggest that we should frame our vision of the Temple as a fundamentally spiritual vision of the connection between the individual and God is to merely continue this trend.

This is not about the real tensions that often exist between Judaism and the broader world or Western values, etc. The Temple and personal holiness are two important concepts which both emerge from within the Jewish tradition and, in their depths, they contradict one another. Different theological systems have attempted to bridge between them in different ways, but they all ultimately fail—the religious depths of the desire for the Temple, on the one hand, and holiness embodied in human life, on the other, are just too different. On the holiness model, worship embodies a person's individual responsibility for themselves, their society, and God within the

[17] Cf. *Avot de-Rabbi Natan, version B*, ch. 2 (Schechter Edition), 22; *The Fathers According to Rabbi Nathan*, trans. Judah Glodin (Yale University Press, 1955), 34: "Once, as Rabban Johanan ben Zakkai was coming forth from Jerusalem, Rabbi Joshua followed after him and beheld the Temple in ruins. 'Woe unto us!' Rabbi Joshua cried, 'that this, the place where the iniquities of Israel were atoned for, is laid waste!' 'My son,' Rabban Johanan said to him, 'be not grieved; we have another atonement as effective as this. And what is it? It is acts of loving-kindness, as it is said, *For I desire mercy and not sacrifice* (Hos. 6:6)'."

[18] Regarding the spiritualization of the worship of God at the end of the Second Temple Era, see Dov Schwartz, "Priesthood and Monarchy in the Hasmonean Period," in *The Congregation of Israel: Jewish Self-Rule Throughout the Generations* (Hebrew), ed. Yeshayahu Gafni (Jerusalem: Zalman Shazar Center, 2001), 73-74; regarding the spiritualization and democratization of worship after the destruction, see Stroumsa, *The End of Sacrifice*, 72-73.

world (*tikkun olam*). Temple worship—with its own conceptions of holiness, to be sure—transfers that responsibility to a mythic realm focused on procedures that regulate and rectify the divine metaphysics of the cosmos—a *tikkun* of a very different sort. The rising trend of Temple Mount activism seeks to make us choose between them—and, specifically, to choose the latter—a choice with dramatic ramifications for the personality, spirituality, and ethical responsibility of the modern believer, as well as for society as a whole and for the future of the Jewish tradition.

While the idea of individual and societal holiness has deep roots in the Jewish tradition, it will naturally require some "translation" for our generation—necessitating a serious, far-ranging conversation about what holiness means and what it demands of us. The "*mitzvah*" of the moment is to try to envision holiness in the context of Jewish sovereignty and sovereign responsibility—issues we have not confronted in 2000 years. We can expect to disagree with one another in how we answer these difficult and critical questions, but it is these questions that constitute the proper Temple vision for our day—not any others—and we must study the relevant *halakhah* carefully. We cannot let the vision of a physical temple distract us from our responsibilities in this historical moment: building the Temple of Holiness and perfecting its worship.