LEHRHAUS Over Shabbat

Bereishit

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Amidst the war unfolding in Israel, we have decided to go forward and continue publishing articles that were previously scheduled. In this way, we hope to provide meaningful opportunities for our readership to engage in Torah during these difficult times

WICKED

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"Rabbi Ishmael taught:

If you encounter the wicked one, drag him to the study house."

I wish I could drag him to the gym.
He hates exercise and feeds me chocolate for breakfast and lunch,
or take him on a walk around the neighborhood,
tell him that I recognized that the coyote
and the burnt garbage can in the park
are all his shenanigans.

If he refuses to go to the study house,
(since we are both not exactly welcome there),
fill the pail with warm water and soap,
seat him on the broom and drag him
back and forth and side to side
to burn the demons,
(like my mother says:
"you need to ek-sor-size")
until the tiles shine your reflection.

Try sorting the laundry together, if he lets,
or open a book of fiction,
maybe *The Master and Margarita*,
maybe *Lolita*,
and read to each other.
"I, too, create beauty;" he'll insist, and "you need me!"
And you'll say: "Go to hell!"
and spend the rest of the evening playing for him on your guitar.

The next morning, you are both very hungry.
And since he distracted you last night,
no one bothered to buy milk for breakfast.
Your husband is frustrated with you,
and *he…* is more than happy to rub it in:
"that's what you get for being my pet."

Urgently, throw him in the car,
(I think he is responsible for the Toronto suburbs,
because he hates walking),
and drive him to Sobeys Kosher Supermarket.
Put on sunglasses,
against the evil eye.
Put on a mask,
to avoid scandal.
In line for the checkout, I suddenly think of hell.
I begin to regret ever coming here,
I think of how dangerously expensive everything is,
there are too many *dybbuks* hustling in line,
"At least we know who we truly are." I whisper in his ear.

He likes to crash the holiest moments,
when lighting candles,
in the eighteen minutes of confusion,
during *Shalom Aleichem*,
during *Kiddush*,
a voyeur in the bedroom,
during the *Neilah* prayer on Yom Kippur,
in the holiest part of the service,
he hovers overhead the sweating, swaying, hungry Jews
and yells to me:
"all this suffering, for what?"

He hides my keys and loses all my pens,
mismatches the socks in the house,
which, relatively speaking,
is a minor nuisance.
He tickles me during the national anthem,
pushes me to touch things in public spaces,
(I never go to museums anymore),
visits my dreams.

Recently, we have started to get along,
become friends, almost.
"Wicked," I tell him, "you know what I like about you?"
he's smiling already,
"that you are not lying to me by pretending to be good."

He starts up again: "Did you see all those people in the supermarket?"
"Some of these women really let themselves go…"
"Shut up! They are good pious mothers; I don't hold a candle to them."
"And, the new guy at the *shul*" he goes off again,
"defrauded twenty people in the community,
and instead of warning everyone about him, the Rabbi gave him an *Aliyah*—"
I walk off abruptly to grab a Maimonides from the shelf.
"You don't actually enjoy reading that...
love, for him, was an intellectual pleasure, what did he understand?"
"Wicked, do you want me to retract everything good that I said about you?"
"Go to hell!"
"Go to the devil's mother!"
"That would be you!!"

"I'm not your mother! Oh God!!!"
I give up.
It's like that with him every day now.

I was intrigued by the mothers in the supermarket.
Recently, I started watching videos on YouTube
about how to be a better woman, a better mother
and wife.
I started going to a weekly Torah class,
found a brilliant learning partner for tractate
Sanhedrin,
started working harder around the house,
keeping the kids organized,
making good lunches,
going for walks.
Even my husband was becoming proud of me.

He looked at me smugly when I was getting ready
for the class,
"You know you'll be back here soon enough," he
said.
What didn't he try to throw at me that week:
lectures by Richard Dawkins,
a seminar on Lucretius,
a close friend who tried to prove to me that God is
actually evil,
opportunities to temp colleagues,
make friends' wives jealous,
a surprise shopping spree,
illusions of grandeur,
vanity of vanities.
When nothing worked,
he lay there like a sick devil on the couch,
coughing and waiting for me to come.

"Wicked, you're right." I coaxed him,
"I know that you will never leave me alone,
but aren't you the one who always encouraged me
to do what makes me feel most alive?'"
"But aren't I what make you feel most alive?"
"But Wicked," I continued, "What if I am no longer
attracted to you?"
"I can look like anyone you want."
"That's not the thing; it's the feeling I get when…
I want to experience what it's like to feel holy,
pure."
"Then let's go to the study-house together!
You will not have to sneak in, disguised, like
Yentel,
you will enter as a woman, as Helen of Troy:
your flaming hair, your eyes, your wit, will dazzle
in the dark sea of men –"
"Stop."
"Fine, how about couples' counseling then?" He
joked, defeated.
My heart was filled with remorse.
"Wicked, you are so sweet, thank you." I said, and
gently kissed his burning forehead,
on my way out.

This poem appears in *You Were Adam*, published in 2022.

How to Feel "Sight Damage": A Case Study on Sensory Imagination and Halakhic Understanding

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Learning the section of *Hoshen Mishpat* known as *nizkei shekheinim* (neighbor damage) is like walking through a city.[1] The student is treated to scenes of citizens renovating, dumping sewage, soaking flax, hammering metal, selling whiskey in an alley, and teaching children. The attention the literature pays to sensory information means students of *nizkei shekheinim* can smell and hear the text as their minds walk through it. It is possible to feel like one is really there, where "there" is a metropolitan stew of eras and perspectives and situations: dry-heaving with Rav Yosef as he smells the bloodletters next door,[2] or peering through a window with Ramban.[3] In fact, this act of radical presence by a student is not only possible, but is an important strategy for understanding the material. Sometimes there are unaccountable discrepancies between the technical requirements of one ruling and the next. Only by being there can a student understand what makes, say, a standard measurement only *sometimes* good enough. An example of a discrepancy best solved by presence is *hezeik re'iyah* ("sight damage"). *Hezeik re'iyah* can generally be prevented with a barrier four *amot* high,[4] but, in *Hoshen Mishpat* §160 the barrier must be potentially much higher. I will explain.

In *nizkei shekheinim*, neighbors damage one another in many ways: mismanaged water disposal, noise pollution, and the buildup of hazardous material. Along with this familiar list of concerns, Jewish law places special and perhaps unique emphasis on *hezeik re'iyah,* i.e., the harm one neighbor inflicts on another simply by looking at them – especially by having the opportunity to look at them through an imprudently-placed window. What is the nature of this harm? First, the neighborly relationship degrades as curiosity slides into compulsion and prurience, a downward spiral rabbis do not believe people can prevent by willpower alone.[5] Second, the neighbor under surveillance is subject to the anxiety of not knowing when and for how long they may be watched, or what the emotional state of the watcher may be (e.g., hostility, jealousy, attraction). Such anxiety impedes a person's ability to conduct their business unselfconsciously and with their accustomed skill, an interference classically expressed as *ayin hara*.[6] There is no need to be vexed by this introduction of an apparently supernatural concern. Anyone who has had to perform an intricate task in front of a

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1 See *Shulhan Arukh, Hoshen Mishpat* §§ 153-156.

2 See *Bava Batra* 23a.

3 See *Beit Yosef, Hoshen Mishpat* § 154:5.

4 See *Bava Batra* 2b.

5 Rashba quoted in *Beit Yosef* to *Tur, Hoshen Mishpat* § 154:17.

6 See Rashi to *Bava Batra* 2b, s.v. "asur le-adam she-ya'amod, etc."

rival understands precisely the phenomenon being referenced.

Halakhah acts to mitigate *hezeik re'iyah* by regulating lines of sight, including both one's view *into* a neighbor's home and that neighbor's own view *out* of their home. Indeed, *halakhah* appears to reject any simplistic dichotomy of insiders looking out and outsiders looking in. One may not open a window in their own house with a view to their neighbor's *hatzeir*[7] if that neighbor objects.[8] A shared outdoor workspace must be partitioned if doing so is practically feasible.[9] In fact, Rosh asserts that all outdoor workspaces – shared or not – should be fenced, even if the local custom is not to fence them.[10]

It is not easy to articulate a single, universal principle to describe upon whom the responsibility for privacy devolves. If the vulnerability of two neighbors is more or less symmetrical, both of them shoulder the burden of constructing a wall. If the threat is asymmetrical, the burden is similarly asymmetrical, and the least vulnerable party is usually responsible. Thus, mitigation of *hezeik re'iyah* is a massive, multi-faceted discussion, but one fiercely grounded in direct human experience. Again and again, the questions asked are: How do humans really behave? What kind of physical structures present reasonable barriers to a curious neighbor? Because the halakhic discussion flows from real life, not from symbolic or technical concerns, it remains lucid and memorable no matter how intricate its investigations become. By vividly picturing the problem described, a student can readily understand the range of responses given by the rabbis. If a ruling is thought to make no practical sense, it is immediately called out by other voices on the page.[11]

Yet one major inconsistency is left largely unexplained. Although four *amot* is thought to be a sufficient barrier for privacy, in *Hoshen Mishpat* § 160 we learn that when one house is located under a cliff, and another house is located at the top of the cliff, the house at the bottom is obliged to build a partition up to the ground level of the top house, *plus* four *amot,* in order to prevent *hezeik re'iyah*.[12] This is a towering barrier indeed, seemingly far beyond what is normally called for. Yet, curiously, only R. Yehudah Bartseloni (a medieval halakhic codifier in Spain) holds that the cliff itself constitutes a sufficient partition.[13]

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7 This term refers to a courtyard, in the sense of the outdoor space adjacent to a dwelling. Many tasks which we now associate with indoor work were once performed in a *hatzeir* and were thus vulnerable to *hezeik re'iyah*.

8 Window regulations constitute the bulk of *Hoshen Mishpat* § 154.

9 *Ibid.* § 157:1.

10 See *Tur, Hoshen Mishpat* 157:4.

11 See the response to Rashi by *Beit Yosef* to *Tur, Hoshen Mishpat* § 154:22, especially the expression of the nature of his objection: "*ve-zeh davar murgash la-hush*" ("and this is a matter felt by the sense[s]").

12 *Shulhan Arukh, Hoshen Mishpat* § 160:1.

13 *Tur, Hoshen Mishpat* §160:2.

Visualizing the situation highlights what is confusing about it. How, from the bottom of a cliff, is one likely to spy on a property on top of it? Rosh, perhaps the only rabbi to confront this question head-on, suggests that the upper neighbor might walk right along the edge of the cliff, and therefore is unusually vulnerable to *hezeik re'iyah* even from far below.[14] This explanation does not, however, explain why §160 differs from the window-related concerns of §154, where a much lower barrier is mandated: just as the upper neighbor of §160 could walk along the edge of their cliff, so too could the indoor neighbor of §154 sit directly in their windowsill. We are left with no satisfying explanation as to why one measurement, four *amot*, is not good enough for the housing arrangement depicted in §160 along with the others from §154.

There are additional reasons to wonder at the very high barrier required in §160: the expense and technical difficulty of constructing such a massive barrier are daunting. We see in *Bava Batra* 6b that a much smaller wall of only ten *tefahim* is considered a serious structural burden which people avoid undertaking if they can. The cliff situation is all the more baffling considering that people who live on lower ground are likely to be poorer than those who live above them.[15] Why place an outsized burden on one who is least capable of bearing it?

As mentioned, *hezeik re'iyah* is a problem usually processed through the lens of common sense. As an example, we can look to the *halakhah* about building walls near other people's windows: the walls must be either higher than the window by four *amot* (the standard human body height), or lower than the window by four *amot*, to prevent one neighbor using the wall to peer in the other neighbor's window.[16] Further illuminating the focus on practical, physical concerns, we have an interesting teaching by Rav Zevid, who says that one can build a wall closer to another's building if the surface of the wall is sloped, thereby making it difficult to stand on and thus use to spy on the person inside.[17] So: why is the same standard of four *amot* not enough in §160? In other words, why is the opinion of R. Yehudah Bartseloni not the common consensus?

We can solve this problem not by abandoning visualization and common sense, but by doubling down on them. It is first necessary to query if this is really a case of inconsistency. What is the difference between a wall under a window and a larger surface such as a roof or *hatzeir* under a window, such that they have different distance requirements? As much as we have considered that it may be difficult for a person at the bottom of a cliff to spy on a household on top of the cliff, we can consider that it is all the

[14] *Hiddushei Ha-Rosh* to *Bava Batra* 1:17.

[15] In various responsa referenced in §153, we see one reason why dwellings on low ground can be undesirable: increased water damage from houses above. See, e.g., the responsum of *Rashba* quoted in *Beit Yosef* to *Tur*, *Hoshen Mishpat* §153:19.

[16] *Shulhan Arukh*, *Hoshen Mishpat* §154:21.

[17] *Bava Batra* 22b.

more difficult for the household above to keep track of what is going on below, and especially to notice any infrastructure being constructed along the face of the cliff. Because of the possibility of building unnoticed scaffolding, it could actually be easier to inflict *hezeik re'iyah* than if one had a narrow wall under a window, which would be a precarious surface on which to balance a ladder or the like. Visualize walking along a cliff near your house – you will not easily see if your neighbors are below, even if you are alert and looking out for them. Visualize the position of the lower neighbor – you have a possibly scalable surface in front of you which is nicely hidden from the view of anyone above. It is this asymmetry of vulnerability which causes responsibility to devolve onto the lower neighbor.

This very observation can be seen at work in R. Yosef Karo's ruling in *Shulhan Arukh, Hoshen Mishpat* § 154:6, that one cannot open a window in one's house onto a neighbor's *hatzeir* even if the window seems too high for a person to look through, as the neighbor might use a ladder. It is immediately apparent what is so dangerous about this situation, namely, that someone working outside the house would be unable to see whether or not a ladder had been placed against the window on the inside. It resonates with the insight of Rosh that damage is greater when one cannot reasonably anticipate it and therefore guard against it.[18]

The flip side of the coin is Rav Zevid's sloped wall. When it is actively impractical or even dangerous to spy, fewer additional barriers are required between neighbors. Here is the key to the problem of someone who simply cannot build a wall high enough to match the height of the cliff, then add an additional four *amot*. Such a person may have an effective claim that they are like someone with a sloped wall: the very reason they cannot build is the reason they pose little threat with regard to *hezeik re'iyah*.

With this in mind, it is now possible to reexamine some of the voices disagreeing with R. Yehudah Bartseloni. The disagreement may be more narrow than it first appeared. For example, *Rabbeinu Yonah* states that if the height gap between the *hatzeir* above and the dwelling below is large enough, the bottom neighbor can get by with a *mehitzah mu'etet,* a perfunctory barrier, "to demonstrate to others that he can no longer cause damage by looking." To R. Yehudah Bartseloni's basic insight, *Rabbeinu Yonah* adds a nice touch: the need for a barrier at the top that is less stable than the ground itself, which a potential spy would need to scale. Such a barrier would truly not need to be very tall to make an ascent more precarious. *Rabbeinu Yonah*'s language also reveals an element of communication. A small barrier broadcasts to the neighborhood that one is aware of one's boundaries and is committed to them. Small barriers are generally an invitation to others to consider one a "thief" or suspicious actor if one crosses the line, as seen in *Shulhan Arukh,*

[18] *Teshuvot Ha-Rosh* 100:6:3.

Hoshen Mishpat § 159:2. *Rabbeinu Yonah*'s thought is referenced by Tur[19] and adopted by *Rema*.[20] This opinion demonstrates the existence of a common ground that, where *hezeik re'iyah* would be difficult and dangerous to inflict, the requirement to build a high barrier is at the least seriously relaxed.

On the other hand, a commentator on *Shulhan Arukh*, *Sefer Me'irat Einayim* (known as *Sm"a*), suggests that R. Yehudah Bartseloni himself would concede that a higher barrier would need to be constructed if the gap between neighbors were smaller than four *amot*.[21] In other words, R. Yehudah Bartseloni's imaginative default was a situation in which it was absurd to suspect that the lower neighbor was spying on the upper neighbor, and therefore would have been open to a more stringent guard of the upper neighbor's privacy if and where spying would become plausible. The insight of *Sm"a* is that, often, formal disagreement is the product of imagining different pictures, pictures which may or may not be explicitly described in a given opinion. What goes into the production of any person's default picture of a situation is life experience, whether obvious and concrete like the architecture of one's city of residence, or as ephemeral and human as the hand gestures of one's teacher when demonstrating *this high* or *this low*.

The rabbinic discourse around *hezeik re'iyah* prompts students to be careful and curious about disagreements. When an opinion is truly surprising, the *nizkei shekhenim* material demands a thoughtful response which has as its first step an act of investigative imagination, seeking to discover and share the vantage point of the author. From that first step, others follow: discerning if this vantage point matches that of others or not, and in what ways. This process of presence is equally important for opinions which do not seem immediately confounding. Too often, students are trained to reduce halakhic disagreement to technicalities, ritual requirements which do not have to make sense. But such reduction robs us of the chance to see how the rabbis respond to real life and say things which are meaningful. By participating in the same acts of presence exercised within rabbinic literature itself, students sensitize themselves to the real life issues at stake, thereby enabling them to make authentic sense of *halakhah*.

Hevel: The Journey of an Intangible Word

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Introduction

As we begin a new cycle of Torah-reading with *Bereishit*, we come again upon the story of the first homicide. This story is much more than a sibling

[19] *Tur*, *Hoshen Mishpat* § 160:3.

[20] *Rema* to *Shulhan Arukh*, *Hoshen Mishpat* § 160:3.

[21] *Sm"a* to *Shulhan Arukh*, *Hoshen Mishpat* § 160:3. See, however, *Ketzot Ha-Hoshen, ad loc.*

rivalry, and one way to notice the scope and reverberations of this story is to pay attention to the name of its victim, Hevel. In tracing a fuller history of this word through Jewish tradition, I hope to give it texture and to illustrate just how fluid the discussion and interpretation of key words and phrases remain in our tradition.

Part I: *Bereishit*

The first time we encounter the word *hevel* is in the fourth chapter of *Bereishit*, where the first children are born. First we meet Kayin (usually rendered in English as 'Cain') and then his brother Hevel (usually rendered as 'Abel'). The story itself has spawned library shelves of commentary, but I will restrict my focus to the name of the second son, Hevel. Continuing a precedent that has already been set in the story of *Gan Eden*, this compact story raises names and their meaning to a high level of significance.[1] The name Kayin comes from the root *k.n.h.* and refers both to tools of violence[2] and to acquisition.[3] So, we know that we are meeting a person whose being will be defined by a (sometimes violent) drive to acquire—a point made even more emphatic by the fact that Kayin is not named; he is born with a name (4:1).[4] *Hevel*, by contrast, is generally understood to mean breath or vapor.[5] While no reason is given for his name, later tradition understandably sought to understand the name (and the character) in light of how it is used elsewhere in the *Tanakh*.[6] It is likely that, from a literary perspective, Kayin and Hevel are meant to be seen as direct opposites of each other. They stake out opposite professions—Kayin follows his father in working the land, while Hevel becomes the world's first shepherd—and many *midrashim* understand them, as the first brothers, to be rivals in all things.[7]

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[1] "In biblical times, a name was not merely a label, but often referred to its bearer's reputation and power or to his or her character." Radiša Antic, "Cain, Abel, Seth, and the Meaning of Human Life as Portrayed in the Books of Genesis and Ecclesiastes," *Andrews University Seminary Studies* 44, no. 2 (2006): 204 (references I Samuel 25:25 as a meta-example). See below, fn. 22.

[2] See *Brown-Driver-Briggs Hebrew and English Lexicon (BDB)* (Peabody, MA: Hendrickson Publishers, 2008), 883, which cites II Samuel 21:16.

[3] *BDB*, 888.

[4] David Fohrman, *The Beast That Crouches at the Door: Adam & Eve, Cain & Abel, and Beyond* (New Madrid, CT: Maggid Books, 2021), 107.

[5] *BDB,* 210-211. Etymologically, there seems to be agreement that *Hevel* is a cognate of the Assyrian word *ablu*, meaning "son" (like *ibn* in Arabic). See also Eliyahu Benamozegh's *Em le-Mikra* on Genesis 4:2. However, the dominant rabbinic view is to tie the name to the adjective 'transitory' (see below) and understand the etymology to be connected to breath or vapor. Everett Fox translates it as "something transitory" and connects it explicitly to the book of Ecclesiastes.

[6] Radak on Genesis 4:2, citing Psalms 62:10. As Michael Hattin states: "At the same time, the omission of any basis for Hevel's name is puzzling. Chava does not indicate what prompts her or her husband to call their second child by this name. It may be significant that elsewhere in *Tanakh*, the root HVL signifies 'futility' or 'emptiness,' such as in the recurring refrain of the Book of Kohelet/Ecclesiastes that 'all is vanity' ('HaVeL HaVaLim')... In hindsight, these various meanings certainly constitute apt descriptions of Hevel's short and unrealized life, but we must begin to wonder if there may be other implications" (*Bereishit* | Kayin and Hevel | Yeshivat Har Etzion).

[7] See, for example, *Bereishit Rabbah* (*BR*) 22:7, as well as *BR* 22:2, which understands them to be twins.

While the nature of Kayin's sin is the matter of some debate,[8] Hevel is the (tragic) hero of this story.[9] Not only is his profession taken up by almost all later biblical heroes (the *Avot*, Moses, David, etc.) but his very silence is the backdrop upon which the strong moral voice of *Bereishit* works its magic. As Rabbi Michael Hattin has argued: "For Hevel, possessions are not the gauge of a man's value and ultimate meaning is not to be found in avaricious accumulation of goods, influence or power. By declaring the futility of blinding amassment, Hevel introduces us to the possibility of transcendence, of apprehending God not through the renunciation of materiality and its trappings, but rather through their elevation."[10] Saying not a word, only copying his brother in offering a sacrifice (from his "choicest" flocks, 4:4), Hevel is passive in a complete sense.

Part II: Ecclesiastes

In some ways, the author of Ecclesiastes[11] is caught right in the middle of the worldviews of Kayin and Hevel.[12] Having clearly done a lot of acquiring in his life, Kohelet sees the futility of trying to actually leave a mark, to outlive our mortal lives (this, too, being a central challenge at the heart of the opening stories of *Bereishit*). Ecclesiastes opens with the famous line:

> *Hevel* of *hevels* says Kohelet; *hevel* of *hevels* all is *hevel*. (1:2)

While this seems to place the author firmly on the side of Hevel, we also have to note what he says just two *pesukim* later:

> A generation comes and a generation goes, and the earth stands forever. (1:4)

The only thing that outlasts us is the land itself. And this is what Kayin wanted to acquire, above all, as a worker of the land. As Rabbi David Fohrman puts it: "The earth itself outlasts us. It alone, in the world we inhabit, has the aura of permanence. And by clinging to the earth, we achieve a measure of solace against the great terror of *hevel*, or death."[13]

In order to understand how Kohelet responds to the story of the first murder, however, we must

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[8] *BR* 22:12 considers whether Kayin could have understood the idea of murder given that no human had ever died before.

[9] Some commentaries go so far as to call Hevel a *tzaddik*; see *Rabbeinu Bahya* and the *Tzror Ha-Mor* on Genesis 4:2, as well as Matthew 23:35 in the Christian Bible and *Surah Al-Ma'idah* 5:27-32 in the Quran. *Bereishit Rabbah* 22:8 calls Hevel an *ish gibbor* (hero).

[10] "Kayin and Hevel" (above fn. 6).

[11] The traditional view is that Ecclesiastes (as well as Proverbs and Song of Songs) was written by King Solomon, citing 1:1 as evidence. Scholarly opinion, on the other hand, considers this to be a pseudepigraphic text written by someone who, while wealthy, wanted to pass him(?)self off as Solomon. I will refer to the book as Ecclesiastes and the author as Kohelet.

[12] For a novel reading of the worldview of Kohelet, tying the canonization of Ecclesiastes to the school of Hillel, see Menachem Fisch and Debra Band's *Qohelet: Searching for a Life Worth Living* (Waco, TX: Baylor University Press, 2023).

[13] Fohrman, 108. See *Bava Batra* 100b for an equating of *hevel* with death.

emphasize that he is definitely responding to it.[14] Ecclesiastes as a whole could be seen as a subversive sequel of Genesis 4 (or maybe Genesis 1-4).[15] This is both due to the subjects taken up by Kohelet and, importantly, to the repeated use of the term *hevel* in the book (38 times). As Jacques Ellul put it: "The meaning of *hebel* in Genesis is especially important, since Qohelet continually refers to Genesis.… *Hebel* evolved from a concrete to an abstract meaning: it is a 'lexicalized metaphor.'"[16] If *Hevel* is the name of a character in Genesis, it has become abstract, returning to its etymological underpinnings. By the time we get to Ecclesiastes, the word itself is now a metaphor. So what does Kohelet mean when he says that something is *hevel*?

There seem to be two main schools of thought on how to understand *hevel*[17]:

1) The term is fundamentally metaphorical. In this school of thought, the term is translated as "breath" or "transience" and retains the wide array of possible meanings by sticking with the etymology we found in *Bereishit*.[18]
2) The term is fundamentally pejorative. In this school of thought, the metaphor is replaced by one (or some) of its meanings, with a distinctly negative bent. The most popular proponent of this school of thought is the Vulgate translation (4th century), which inaugurated the translation of *hevel* as "vanity" and went unchallenged in Christian society for over a millennium (until the 20th century).[19]

[14] While rabbinic literature does not make this connection explicit very often, see *Kohelet Rabbah* 6:3 for an example.

[15] The term comes from Judy Klitsner's book, *Subversive Sequels in the Bible* (Philadelphia: Jewish Publication Society, 2009), and while she does not include Genesis 4 and Ecclesiastes as an example, the same principle applies. As Klitsner puts it: "If certain gnawing theological or philosophical questions remain after studying one [biblical] narrative, a later passage may revisit those questions, subjecting them to a complex process of inquiry, revision, and examination of alternative possibilities. I call these reworkings 'subversive sequels.' Like all sequels, they continue and complete earlier stories. But they do so in ways that often undermine the very assumptions upon which the earlier stories were built as well as the conclusions these stories have reached" (page xvi).

[16] Jacques Ellul, *Reason for Being: A Meditation on Ecclesiastes* (Grand Rapids: Eerdmans, 1990), 54. Quoted by Radiša Antic in "Cain, Abel, Seth, and the Meaning of Human Life as Portrayed in the Books of Genesis and Ecclesiastes," *Andrews University Seminary Studies* 44, no. 2 (2006): 209.

[17] See Russell L. Meek's useful overview of the history of interpretation in his article "Twentieth- and Twenty-first-century Readings of Hebel (הבל) in Ecclesiastes," *Currents in Biblical Research* 14, no. 3 (2016): 279-297.

[18] "The Hebrew *hevel* probably indicates the flimsy vapor that is exhaled in breathing, invisible except on a cold winter day and in any case immediately dissipating in the air. It is the opposite of *ruah*, 'life-breath,' which is the animating force in a living creature, because it is the waste product of breathing." Robert Alter, *The Hebrew Bible: A Translation With Commentary* (New York: W. W. Norton & Company, 2019). Alter translates *hevel* as "mere breath."

[19] "Wisdom literature insisted that God's behavior is rational and that this rationality is perceptible in the bond between deed and consequence. For Qohelet the reliability of the causal nexus fails, leaving only fragmented sequences of events which, though divinely determined, must be judged random from the human perspective." Michael V. Fox, "The Meaning of *Hevel* for Qohelet," *Journal of Biblical Literature* 105, no. 3 (1986): 427. Of course, Genesis 4 is the first time in the *Tanakh* where the "bond between deed and consequence" is broken. Fox translates *hevel* as "absurd."

I ultimately view the first approach to *hevel* to be closest to that of Jewish tradition, not with respect only to *hevel* but also to *lashon ha-kodesh* generally.[20] To limit the scope of a word by translating it as "vanity" or "absurdity" is to close off the possibilities that the word untranslated (or retaining only its metaphorical meaning) might convey. This sort of univocal reading can cause the original text to be misunderstood and misapplied. As Ethan Dor-Shav notes:

> If we translate Abel's name, *hevel*, as "vanity," as readers of Ecclesiastes have long been accustomed, it is impossible to reconcile the term with Abel's acceptance by God. Indeed, the story of Abel teaches the exact opposite—the possibility of salvation despite the fleeting nature of life. Precisely because of the tragic nature of Abel's interrupted life, we learn its deepest message: In turning one's life into an offering, one is not dependent on any life circumstance, or on any achievements in the material world.[21]

In addition to the rabbinic approach, which will be discussed below, I find Russell L. Meek's approach to be quite useful. Meek notes that there is a strong intertextual link between Ecclesiastes and Genesis 1-4.[22] For *hevel*, Meek ultimately understands it to be a "symbol with multiple referents," simultaneously referring to some combination of four aspects of Hevel *'s* life, or "Abel-ness":

1. "Abel's transience";
2. "the lack of congruence between his actions and rewards";
3. "the injustice he suffers"'
4. "his inability to attain lasting value."[23]

Whether this is a positive or negative assessment of human existence is dependent at least as much on the individual reader as it is on the text. But the web of referents encapsulated by the story of Hevel in Genesis 4 (as well as the other uses of the term in *Tanakh*) must be retained to make sense of both Ecclesiastes and the later development of the term, which we will explore presently. In the case of Ecclesiastes in particular, Kohelet's repeated use of

[20] For the case of *hevel*, Meek agrees and notes that until the 20th century, the first approach was almost exclusively the domain of Jewish interpreters while the second was almost exclusively the domain of Christian interpreters (284).

[21] "Ecclesiastes: Fleeting and Timeless," *Azure Magazine* 18 (Autumn 5765 / 2004): 67-87.

[22] Contra. Katherine Dell, "Exploring Intertextual Links Between Ecclesiastes and Genesis 1-11," in *Reading Ecclesiastes Intertextually*, eds. Katherine Dell and Will Kynes (London: Bloomsbury, 2014), who rejects any strong intertextual link between Ecclesiastes and Genesis 1-11: "The whole edifice [connecting the two texts] is really based on the [*Hevel*]/Abel connection, which amounts to little more than one small echo." (7). I find this dismissal unconvincing and counter to the process by which *lashon ha-kodesh* matures that is the focus of this study. To ignore this "one small echo" is to assume that these texts happened to have this key term in common, rather than believe that we were meant to derive meaning from the shared term.

[23] Ibid., 254.

hevel underpins Kohelet's philosophy, calling us to consider the ways in which the character Hevel might have lived the life that best appreciates the transient nature of all human life.

Part III: Rabbinic Literature

As we would expect from the rabbis of the Talmudic period, the various connotations of *Hevel* are maintained in classical rabbinic literature. We find many examples of the term being used to connote air of one sort or another—concretizing the metaphor[24]—and others that maintain a negative connotation of the word.[25] However, the most fascinating way in which rabbinic literature engages with the term *hevel* is in their creation of the term *hevel peh* and its expansion into the concept of *hevel pihem shel tinokot*.

Each term appears just once in the Talmud, the first in a *sugya* on *Shabbat* 88b:

> And Rabbi Yehoshua ben Levi said: "When Moses ascended on High to receive the Torah, the ministering angels said before the Holy Blessed One: 'Master of the Universe, what is one born of a woman doing here among us?' The Holy Blessed One said to them: 'He came to receive the Torah.' The angels said before God: 'The Torah is a hidden treasure that was concealed by You 974 generations before the creation of the world, and You seek to give it to flesh and blood?... "What is man that You are mindful of him and the son of man that You think of him?" (Psalms 8:5). Rather, "God our Lord, how glorious is Your name in all the earth that Your majesty is placed above the heavens" (Psalms 8:2).' The Holy Blessed One said to Moses: 'Provide them with an answer…' Moses said before God: 'Master of the Universe, I am afraid lest they burn me with the [fiery][26] **breath of their mouths**.' God said to him: 'Grasp My throne of glory for strength and protection, and provide them with an answer… as it is stated: "God causes him to grasp the front of the throne, and spreads God's cloud over it"' (Job 26:9)."

This first step in the evolution of the term is not extraordinary on its own. We see here the application of the term *hevel*, in its metaphorical meaning, as "breath," being attached to the breath of the angels, which has a violent supernatural power

[24] The three main metaphors seem to be heat, air, and breath. For heat, see *Kohelet Rabbah* 1:2, *Bava Batra* 73a, *Gittin* 69b, *Hullin* 8a, *Shabbat* 34a-b, *Shabbat* 39b, *Shabbat* 48a, *Shabbat* 51a, *Bava Metzia* 107b, and *y. Pesahim* 7:1; for air, see *Shabbat* 41a, *Shabbat* 95a, *Bava Metzia* 36b, and *Yevamot* 80b; and for breath, see *Bava Batra* 75a in addition to the *sugya* under discussion from *Shabbat* 88b.

[25] See *Kohelet Rabbah* 11:8, *Bava Kamma* 50b-51b, *Bava Batra* 16b, as well as *Bava Batra* 100b, mentioned above fn. 13.

[26] See *Jastrow*, 326.

to it.[27] Arguably the biggest innovation we see here is that, while Genesis and Ecclesiastes use the term to refer to humans alone, the *Gemara* expands it to angels.[28] That being said, the term itself remains rooted in its biblical antecedents, focused on the metaphors used to describe Hevel's life and the breath-like nature of all life described in Ecclesiastes.

The expansion of the term to refer specifically to schoolchildren occurs 31 pages later, in *Shabbat* 119b:

> Rav Hamnuna said: "Jerusalem was destroyed only because schoolchildren there were interrupted from studying Torah, as it is stated: 'And I am filled with the wrath of God, I cannot contain it, pour it onto the infants in the street and onto the gathering of youths together, for men and women alike will be captured, the elderly along with those of advanced years' (Jeremiah 6:11)..." Rav Yehudah said that Rav said: "What is the meaning of that which is written: 'Do not touch My anointed ones and do My prophets no harm' (I Chronicles 16:22)? 'Do not touch My anointed ones,' these are the schoolchildren... 'and do not harm My prophets,' these are Torah scholars." Reish Lakish said in the name of Rabbi Yehudah Nesiah: "The world only exists because of **the breath of schoolchildren** (i.e., reciting Torah)." Rav Pappa said to Abaye: "My Torah study and yours, what is its status?"... He said to him: "The breath of adults, which is tainted by sin, is not similar to the breath of children, which is not tainted by sin." And Reish Lakish said in the name of Rabbi Yehudah Nesiah: "One may not interrupt schoolchildren from studying Torah, even in order to build the Temple." And Reish Lakish said to Rabbi Yehudah Nesiah: "I have received from my ancestors," and some say that he said to him: "I have received from your ancestors as follows: 'Any city in which there are no schoolchildren studying Torah, they destroy it.'" Ravina said: "They leave it desolate."

In this *sugya*, the Talmud is extolling the virtue—the necessity, really—of childhood

[27] In contrast to our breath, which eludes our view on all but the coldest days, as Robert Alter points out (see above fn. 18).

[28] Though the term is also applied to humans in the later midrashic collection *Kohelet Rabbah* (9:7): "'Go, eat your bread joyfully.' Rabbi Huna son of Rabbi Aḥa said: 'When the children take their leave from school, a Divine Voice emerges and says to them: "Go, eat your bread joyfully,"—your breath has been accepted before Me as a pleasing aroma. When Jews take their leave of synagogues and study halls, a Divine Voice emerges and says to them: "Go, eat your bread joyfully"—your prayer has been accepted before Me as a pleasing aroma.'" See below, *Shabbat* 119b.

education for a functioning Jewish society.[29] To explain the destruction of the Temple as being due to a lack of such education is one of the strongest ways that Rav Hamnuna could articulate how important education is in his view.[30] He is then supported by Rav Yehudah (in Rav's name), who reads schoolchildren as the referent of anointed ones, i.e., messianic figures.[31] This is all taken to its literary apex by Reish Lakish (in the name of Rabbi Yehudah Nesiah), who states that not only Jewish society, or Jewish connection to God—as epitomized by the Temple—depends on schoolchildren, but that the very existence of the world hangs in the balance.[32] However, here the choice of words stands out. While some commentators[33] read *hevel* as referring to the breath expelled while studying Torah, the choice of words requires us to take account of the range of meanings that we have seen for this word. The Talmud has many words for Torah study; why connect this central religious duty to *hevel*?

Rabbi Hayyim Yosef David Azulai (known by the acronym Hida, 18th c.), in his commentary *Petah Einayim*, connects this use of *hevel* to the next line in the *Gemara*, arguing that *hevel* here means "a voice [i.e. breath] without sin." This is a fascinating amalgam of various connotations of *hevel*, drawing both on the metaphorical breath and on the biblical character Hevel, who was without sin. Hida then goes on to quote the kabbalist Rabbi Hayyim Vital (1543-1620), who states:

> It is written in this language, of the "*hevel*" of schoolchildren, and not of the 'learning' of schoolchildren, because schoolchildren do not know what, precisely, they are learning, and they have no intention but rather are [simply] breathing from their mouths outward. And therefore we are all sustained by the *hevel* of their mouths only in this material world which is the earth. But an adult that learns Torah appropriately, with intention—regarding such a person it is written: "I have put my words in your mouth" (Isaiah 51:16)—if God, may God be Blessed, puts them

[29] As Dr. Ismar Schorsch put it: "But the ultimate expression of the centrality of Torah study in Judaism is to be found in reference to the young rather than the old. Again it is a third–century Palestinian *Amora*, the grandson of the editor of the *Mishnah*, who, in that century of instability, gives voice to a touching sentiment of universal significance: 'The world endures solely by virtue of the breath of children in school' (*Shabbat* 119b). What a contrast to the Greek image of Atlas bearing the world on his shoulders! Not brute strength but education of the young will determine the fate of a civilization. The weight of the world rests on nothing more substantial than the recitation by children of their lessons."

[30] For a general treatment of this rhetorical flourish in rabbinic literature, see "Tzarich Iyun: The Destruction of the Beit Hamikdash."

[31] Rashi (s.v. *bimshihai*) understands this interpretation to be based on children being anointed with oil, rather than reading the Talmud as naming children as messianic in any theological sense. Steinsaltz (quoting *Maharsha*), though, does support a theological read.

[32] For one contemporary artistic rendition of this moral value, consider the song "Hevel Pihem" by Kinderlach (2016).

[33] Steinsaltz, Schorsch (see above, fn. 29).

> [Torah] in the adult's mouth, he [the adult] will help grow—with strength and intention—not just the lower world that is the earth, but also the heavens will be established, as it is written: "I, who planted the skies and made firm the earth" (ibid.)—the skies, due to understanding and intention, and the earth, due to the *hevel* of their mouths. However, because adults sometimes speak needlessly and engage in slander and gossip, they end up destroying here and building there, which is not true of schoolchildren who have no wicked speech to destroy but only to build. And this is why negation language is used: "the world [i.e. the earth] is only sustained through the *hevel* of schoolchildren."[34]

Rabbi Hayyim Vital makes a number of fascinating observations that directly connect to our exploration of *hevel* as a word. First, he does not focus on the holy speech that schoolchildren are engaged in but on the *hevel* quality of their speech in general. It is transitory, mindless, passive—and therefore pure. Without naming Hevel from *Bereishit*, Vital seems to be saying that all the praise heaped upon schoolchildren in this *sugya* is due to their emulating (without conscious thought) the model of religious devotion set for them (and for us) by Hevel. In effect the Talmud is arguing, then, that without an institution dedicated to the promulgation of Torah as Torah (*Torah lishmah*), there is no hope for any individual city, for the Jewish people collectively, or for the world. It is the very immateriality of the schoolchildren's breath that is praised—the fact that their learning will not all be remembered, that it will not (directly) change their economic status, and that the teacher will undoubtedly repeat their lessons many times over. The virtue of education that is being discussed here is intrinsic. In this context, it might make the most sense to translate the phrase *hevel pihem shel tinokot* as "the babblings of schoolchildren." It is not even the intelligibility of their words—the products of their breath—that Vital is highlighting, at least not for the children themselves. The adult in the room ought to recognize, as Abaye and Rav Pappa do, that there is something unique about those babblings that is infinitely precious,[35]

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[34] Translation mine.

[35] The *Zohar* picks up on this, noting: "The mystery of *hevel* is precious! It is *hevel*, breath, issuing from the mouth, and the mystery of breath issuing from the mouth turns into a voice… Voice is composed of breath, of air and water; and everything that is made – of breath. The mystery of this breath of children becomes voice, spreading through the world, and they are guardians of the world, guardians of the city, as it is written: 'Unless YHVH watches over the city, the watchman guards in vain' (Psalms 127:1)" (trans. Daniel Matt, Pritsker Ed. IV:185-6). Matt adds, in his footnote, "Rabbi Shim'on insists, though, that when Solomon used the word, he meant not 'futility' but 'breath.'… Here, Rabbi Shim'on's paraphrase [of *Shabbat* 119b] adds 'who have not sinned,' which means, he explains, not just that they are not liable for sins they may have committed (or may have committed unintentionally), but that they have not sinned at all. These truly innocent creatures evoke divine protection for the world." (fn. 164)

in that they are unsullied by all of the crass things that adults use their mouths for.[36]

Conclusion

Following classical Jewish literature through its expansive, imaginative treatment of the word *hevel*, from the first chapters of the Torah through the 17th century, has highlighted two key points. First, the term *hevel* is an easily misunderstood term when it is translated as "vanity" or "breath" on its own, without understanding the multivalent nature of the term. Second, and more generally, there is something special—holy, perhaps—in the ways that words, phrases, and concepts evolve over time within the (somewhat fixed) confines of classical Jewish literature. Trying to tie a biblical character to the essential qualities of that character's life in the form of a single word is one of the more brilliant ways in which Kohelet explains his philosophy. By appreciating this connection—between Genesis 4 and Ecclesiastes—it becomes evident just how creative it was to apply this term to the breath of schoolchildren learning Torah in the Talmudic era. Both a retrieval of an easily overlooked biblical character and an essential teaching about the value of *Torah lishmah*, these stops along *hevel*'s journey underscore the importance of reading a word across time in Jewish literature.

As Professor AJ Berkovitz recently wrote here about another example of a line of Jewish text that evolved over time:

> What David's words [the example Berkovitz analyzes] really provide is *a microcosm of the way that tradition works*—how a single, seemingly simple line of text can stimulate conversation, stir controversy, be turned over and over, and be analogized and explained in 49 ways. For ultimately, *the life of tradition does not merely rest in single moments of exalted interpretation, but rather in its ability to retain its staying power while engendering further creativity and fostering change*. (emphasis mine)[37]

Berkovitz highlights just how critical this form of study is. In order to understand how the Jewish tradition communicates about the ideas and values that are central to Jews over the centuries, one must study across time. This may in fact be analogous to how the earliest rabbis distinguished between a Written Torah (i.e. the *Tanakh*) and an Oral Torah (i.e. the *Mishnah*, and later, the *Gemara*). In the modern world, the "Written Torah" is vast, but there is still an Oral Torah accompanying it, the methods of interpretation and contextualization of the Written Torah that have been accepted within the Jewish community (or specific sub-communities). Reading across time in this way, then, might assist the student of the Jewish canon in

[36] See *Arakhin* 15b for an acknowledgement of how difficult it is to avoid using our speech in negative ways.

[37] "Trajectories of Tradition: King David on Skin Lesions and Tent Impurities," *The Lehrhaus*, May 10th, 2023.

surfacing part of the Oral Torah.[38] Only then can we appreciate that, in our case, to speak about existentialism is to speak about Kayin and Hevel, which is to speak about the fleeting beauty of (youthful) innocence, and on and on the discussion goes, as everything is contained within it.[39]

[38] Cf. Edward Feld, *The Book of Revolutions: The Battles of Priests, Prophets, and Kings That Birthed the Torah* (Philadelphia: Jewish Publication Society, 2022), 158-162.

[39] *Pirkei Avot* 5:22.