

June's Lehrhaus Over Shabbat is sponsored by Lauren and David Lunzer to commemorate the 26th yahrtzeit of David's mother, Beila Raizel bas HaRav Binyamin, on 28 Sivan.

## THE TRIPLE THREAT TO SOCIAL ORDER

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Consider the following biblical scenario:

1. A man violates a commandment
2. The violation is recognized
3. The man is brought to Israel's leader to administer justice
4. Israel's leader seeks God's help
5. God instructs the leader in the administration of justice
6. The entire people take part in a public stoning (*r-g-m, a-b-n*) of the man

This scenario commands our attention, not just because it describes a form of justice that is alien to modern sensibilities, but also because it occurs three times, thus suggesting that each is an example of a larger paradigm.

The first instance of this paradigm, which stands out as the only narrative in the second half of Leviticus, is that of the blasphemer ([24:10-23](#)). The second, which is presented between the Sin of the Scouts and Korah's Rebellion towards the end of this week's Torah portion, is that of the wood-gatherer ([Numbers 15: 32-36](#)). And the third, which pertains to the traumatic aftermath of the humiliating defeat by 'Ai that occurred in the wake of Israel's miraculous conquest of Jericho, is that of the booty-thief Achan ([Joshua 7](#)).

The three stories differ from one another in many respects. Perhaps most notably, whereas for the wood-gatherer, the six elements are discrete steps that occur in the order presented above, in the case of the blasphemer elements 1 and 2 are fused (the blasphemy takes place in public and so is immediately recognized) and in the case of Achan, elements 4 and 5 precede element 2: the violation (Achan's taking from the Jericho war booty despite explicit instruction that it is consecrated to God) is not known by Joshua until its consequences (military defeat at the hands of 'Ai) cause Joshua to

seek God's help; God then informs Joshua as to the nature of the violation and instructs him both in the investigative process (a public casting of lots that first identifies the guilty tribe, then the clan, then the household, then the guilty man) and in the punishment that must be meted out.

Yet despite these and other differences,<sup>1</sup> the resemblances among these stories stand out, especially given the lack of any other biblical stories that resemble them to a significant degree. In particular, there are no other biblical stories that focus on the violation of a commandment by an otherwise unknown man, and no other stories that describe an authorized judicial process leading to a public stoning.<sup>2</sup> That these two elements are linked by the same four additional elements (in largely consistent order) further reinforces that they should be read together. Thus we should not be surprised to find that they are linked in a midrash included in *Avot de-Rabbi Natan*:

There are three people who lost their claim to this world (i.e., their

lives) but who claim their legacy in the world to come: the wood-gatherer, the blasphemer, and Achan.<sup>3</sup>

Quite strikingly, this midrash suggests not only that the three stories are instances of a common paradigm, but that there is more to these stories than meets the eye. This idea is reflected also in notably sympathetic midrashic interpretations (and the textual hints underlying them) that direct our attention to the selflessness of Achan's confession, the wood-gatherer's potentially good intentions, and the blasphemer's lack of rights.<sup>4</sup> More generally, this midrashic tradition suggests that if we read these texts together, we will find that they impart a *common lesson*, one which is apparently an important one given that it is repeated three times, and which is expressed in three distinct if complementary ways. But what is that common lesson, and how is it reinforced by the variations?

In what follows, I offer an answer to this question, one that builds on prior *Lehrhaus* essays pertaining

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<sup>1</sup> A difference across the three cases when it comes to the stoning is that whereas with the blasphemer and wood-gatherer, it is God who orders the stoning, in the case of Achan, Joshua adds the stoning to the fire-destruction ordered by God). In addition, "everything that belongs to (Achan)" is also destroyed (7:15), whereas in the other two cases, only the individual sinner is punished. Another important difference is that only in the case of the wood-gatherer is it explicitly stated that he died.

<sup>2</sup> To be sure, there are several stories of *illegitimate, non-judicial* stonings. Also, stoning is a punishment in various laws, some of which are presented in narrative form.

<sup>3</sup> *Avot de-Rabbi Natan*, edited by Solomon Schechter, Vienna, 1887. P.126.

<sup>4</sup> On Achan, see *B. Sanhedrin* 43b and see David Curwin, "[Goral-Can We Let God Roll The Dice?](#)" *Tradition* 53:2 (Spring 2021): 51-67. On the wood-gatherer, see [Tosafot on Bava Batra 119b](#) and see my analysis of the textual foundation in Ezra W. Zuckerman Sivan, "[How to Curtail Pernicious Social Competition](#)," *Lehrhaus* (July 29, 2019). On the blasphemer, see Rashi on Leviticus 24:10 based on the *Sifra*, ad loc, and for textual hints, see Elliot M. Kramer, "[Overlooked Bible: Episode 14 - The Blasphemer](#)."

to the wood-gatherer<sup>5</sup> and that is informed by modern social science. In short, each of these stories describes how the community of Israel successfully defended itself against one of three fundamental threats to social order:

- In the Achan story, the threat is *greed*
- In the wood-gatherer story, the threat is *fear (of greed)*
- In the blasphemer story, the threat is *rage*

To elaborate, let's first see these three distinct threats to social order in the language of game theory. Then let's see how they are captured by the biblical accounts, as well as why each of these stories reflects the larger threat to social order faced by Israel at the time of the narrative: status competition (in the case of Achan); resource competition (in the case of the wood-gatherer); and boundary maintenance (in the case of the blasphemer).

### The Games People Play and Threaten Social Order

Just like the Hebrew Bible, contemporary social science uses a paradigmatic vignette to convey insights about social cooperation: the "prisoner's dilemma" (PD), which was first invented by Rand Corporation mathematicians in the 1950s and has ever since served as the touchstone for scholars and teacher seeking to understand why cooperation is often so elusive and fragile.

The basic PD story centers on two men who are brought in by the police for questioning. The police

have enough evidence to make sure each will serve a light sentence—say 2 years. But if the police get one of them to confess, that prisoner will go free but the other will be convicted of a more serious crime—say one that entails a 10-year sentence. And if police pressure gets them both to confess, each will then get a *somewhat* lighter sentence—say 5 years.<sup>6</sup>

### Classic Prisoner's Dilemma

	Prisoner B stays silent ("cooperation")	Prisoner B confesses ("defection")
Prisoner A stays silent ("cooperation")	Each serves 2 years	Prisoner A: 10 years Prisoner B: goes free
Prisoner A confesses ("defection")	Prisoner A: goes free Prisoner B: 10 years	Each serves 5 years

Assuming the prisoners are rational and seek only to maximize their time as free men (and assuming they play the game only once and will never see each other again), there is only one stable (or "Nash") equilibrium outcome of such a game: *each prisoner confesses and each serves five years*. To see why this is, consider the following argument one of the cops might make to one prisoner while the cop's partner is interrogating the other prisoner in a separate interrogation room:

*Don't you like freedom? Just tell us what you did and you're free as a bird!! But you better hurry!! If your buddy fesses up first, you'll be*

<sup>5</sup> *Op cit.*, and see Ezra W. Zuckerman Sivan, "[Between Shabbat and Lynch Mobs](#)," *Lehrhaus* (June 15, 2017).

<sup>6</sup> This and subsequent tables are derived from the presentation of the PD on [Wikipedia](#).

*worthless to us! Oh, you think your so-called buddy is going to be loyal to you? I've seen a million guys like him— all he cares about is himself! Any minute from now, my partner is gonna knock on the door and tell me your supposed buddy has sung like a canary. He's not an idiot— he wants to be free— just like you!! Why should it be him and not you?!*

The pressure on each prisoner is obvious. But before we examine the cop's argument, it is important to recognize the wider implications when someone defects from a cooperative agreement. Consider Moses's response to Reuben and Gad when they ask to settle in the Transjordan:

And Moses said to the children of Gad and the children of Reuben, 'Should your brothers come to war while you remain here? And why do you dishearten the children of Israel from going over into the land which the Lord has given them?'

[\(Numbers 32:6-7\)](#)

Moses is not simply standing on principle; he is worried that Reuben and Gad's defection will lead the other tribes to do likewise. Beyond reminding us how the prospect of cascading defections undermining cooperative agreement often justifies

vigilance about the first defection, the case of Reuben and Gad is helpful also because it presents us with a clear motive for them to defect: to acquire choice land. More generally, this motive reflects perhaps the most obvious motive for violating a cooperative agreement: what social scientists refer to, quite simply as "greed." In the PD above, the greed motive is in the bolded words of the cop: the desire for freedom. In fact, Reuben and Gad's request is arguably a better illustration of greed, since here they would be gaining something that they never had, whereas the prisoners aren't so much gaining something as avoiding the loss of something they had previously (their freedom).<sup>7</sup>

Having clarified the greed-based threat to social cooperation, let us now clarify the other two.

The first is what sociologist Ko Kuwabara calls "fear of greed."<sup>8</sup> To appreciate it, let's go back to the cop's attempt to pressure the prisoner, focusing on the underlined words. Observe that after an initial appeal to greed, he takes a second tack, by stoking the prisoner's *fear*— of the other prisoner's greed. The idea is to get each prisoner to become fearful that he cannot count on his "buddy."

The distinctive motivational force of this fear is hard to see in the basic PD because it is fully intertwined with each prisoner's greed motive. But fear of greed can be seen more clearly with a version of the PD designed by Kuwabara.

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<sup>7</sup> Thanks to Simeon Seigel for highlighting this distinction.

<sup>8</sup> Ko Kuwabara, "Nothing to fear but fear itself: Fear of fear, fear of greed and gender effects in two-person asymmetric social dilemmas," *Social Forces* 84:2 (2005): 1257-1272.

Fear of Greed Dilemma (cf., Kuwabara 2005)

	Prisoner B stays silent ("cooperation")	Prisoner B confesses ("defection")
Prisoner A stays silent ("cooperation")	Prisoner A: 2 years Prisoner B: 1 year	Prisoner A: 10 years Prisoner B: goes free
Prisoner A confesses ("defection")	Prisoner A: 2 years Prisoner B: 3 years	Prisoner A: 5 years Prisoner B: 2 years

To motivate this scenario, imagine that the cops have more incriminating information on prisoner A than on prisoner B: Each prisoner thus faces the prospect of prison time, but A is going to the slammer for at least two years no matter what. And he could do even worse– imprisoned for 8 more years– if his buddy B confesses yet A remains silent. Meanwhile, not only does prisoner B face only 1 year if they both remain silent, he can go completely free– if he confesses while his buddy A remains silent. As one begins to put oneself in the shoes of each prisoner, the instability of their cooperative agreement is palpable.

But note that it is not just prisoner B who can be expected to defect. It is true that Prisoner A *will not gain his freedom from confessing*: he will still have to serve at least two years. But would you expect him to remain silent? Will he rely on the loyalty of Prisoner B, who could go free if he confesses, and at most loses three years of freedom if they both confess? Not if he is rational! In short, whereas the incentive for Prisoner B is 'greed' (going free!),

Prisoner A has an incentive to defect even without a greed incentive. The reason is that he has good reason to fear the consequences (another 8 years in prison) if he remains silent but B acts on his greed incentive by confessing.

Finally, let us consider the third threat to social order. To appreciate this third threat, we must remember that not everyone is so rational. Better yet, even people who are generally quite rational may act irrationally depending on the situation. In particular, consider another version of the 'two brought in under suspicion of a crime' situation in which the cops have solid evidence that the prisoners committed a serious crime together. Here is a possible payoff matrix:

Fear of Retribution Dilemma

	Prisoner B stays silent ("cooperation")	Prisoner B confesses ("defection")
Prisoner A stays silent ("cooperation")	Each serves 20 years	Prisoner A: 60 years Prisoner B: 20 years
Prisoner A confesses ("defection")	Prisoner A: 20 years Prisoner B: 60 years	Each serves 50 years

There are two differences between this game and the previous one: i) the sentences are considerably higher, with no option to go free; and ii) they are fully symmetric, with neither prisoner gaining anything by confessing. Thus both greed and fear of greed are eliminated. Rationally speaking, there is no dilemma in this "fear of retribution" game. If each player cares only about maximizing their years of

freedom, they should not confess.

But the long prison sentences bring to mind the possibility that one or more of the prisoners may be very upset with the other for having led them to this predicament. If that is the case, their agreement to remain silent might still be highly unstable. The question is how disciplined will they be, and will this discipline be undermined if one or both of the prisoners' *rage* at the other is sufficiently inflamed? In fact, if they are indeed filled with rage at one another, it might actually be smart for the cops to keep the two prisoners in the *same* room, to stoke these flames. "Let's tell each of them that it was his buddy who let us on to them, and let's let 'em at each other!" might be the cops' logic. The prisoners might be able to stay silent under that scenario, but this will require them to temper their desire for retribution even when they may feel they have little to lose.

The idea is that social order can be destabilized by persons who are acting in a manner that is technically irrational in that neither party stands to gain, but where one or both of them are overcome by the feeling that only by harming the other (and/or themselves) will an otherwise unrecognized injustice be recognized. As analyzed by sociologist Jack Katz, road rage is perhaps the most salient example. Its social logic— *how dare you act as if I don't exist; I will 'mess' you— and even myself— up to make sure you— and the world— see me!—* can be intoxicating, however irrational it might be.<sup>9</sup>

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<sup>9</sup> Jack Katz, "Pissed Off in L.A.," in *How Emotions Work*, (Chicago: University of Chicago Press, 1999), 18-86.

### The triple threat in Biblical stories

Let us now see how each of the "triple threats" to social order— greed, fear of greed, and rage-fueled irrational retribution— is at the center of each of the Hebrew Bible's judicial public stoning narratives.

The case of Achan is the most straightforward, as the text provides an explicit accounting of his motive, which he himself expresses:

Achan answered Joshua, "It is true, I have sinned against the Lord, the God of Israel. This is what I did: I saw among the spoils a fine Shinar mantle, two hundred shekels of silver, and a wedge of gold weighing fifty shekels, and I coveted (*ehamdem*) them and took them. They are buried in the ground in my tent, with the silver under it."[\(Joshua 7: 20\)](#)<sup>10</sup>

Achan is confessing not only to having violated the explicit instruction not to take from the spoils of Jericho ([Joshua 6:17-19](#)), but to having violated the tenth commandment's injunction: Thou shalt not covet ("*lo tahmod*").

We can also discern a deeper motivation than material wealth. In particular, the lottery process by which Achan comes to be identified seems designed to emphasize his *social identity and status*. We are

<sup>10</sup> Translations of Bible verses are drawn from resources on sefaria.com, with author's adjustments.

told at the beginning of the chapter (7:1) that the booty-thief is “Achan, the son of Karmi, son of Zavdi, son of Zerah.” Seemingly to reinforce the message, the lottery first separates out the offending tribe; then the offending clan; then the offending household; and then finally the offending man. Moreover, the text (7: 15, 24-25) seems to indicate that his entire family was subject to the stoning. It would appear that the motivation for the coveting is a desire for enhanced familial status. At some point, the mantle and the riches would be on *display*, after all. Accordingly, a Talmudic discussion of the Achan story asserts that his family was aware of what he did and bore some culpability.<sup>11</sup>

But if greed is the motivator in this story, it does not seem to be the motivator behind either of the other two stories. Rather, the wood-gatherer revolves around fear of greed, whereas the blasphemer is a story of rage. Let’s see why.

As I have argued,<sup>12</sup> the key to unlocking the story of the wood-gatherer is to suppose for a moment that it has nothing to do with Shabbat. After all, the one mention of Shabbat in the story seems only to provide temporal context; just as the opening verse of the story (15:32) notes where it happened (“the wilderness”), it also notes when it happened: “the day of Shabbat.” This context cannot be merely an extraneous detail. But it is nevertheless just context for the story, not the story itself. The text of Numbers 15 consistently refers to him as the *mekoshesh*, the ‘wood-gatherer,’ not the “Sabbath-violator.”

So let us imagine for a moment that it was just any day, and consider the following question:

*What would it take for you to regard the action of gathering wood as a great crime, such that you would want the miscreant to face severe punishment?*

The answer is clear: The wood would have to be public property that is very valuable, likely because it is rare and useful— especially, for cooking and/or for heat (see I Kings 7). In the language of modern social science, the wood-gatherer is a particular kind of defector or free-rider known as the “commons raider”-- someone who cheats on cooperative agreements for managing competition for scarce, life-giving resources. Classic examples are grazing areas, watersheds, and fisheries. At the start of the recent pandemic, it included erstwhile mundane commodities such as hand sanitizer, masks, and toilet paper. And under some conditions, it’s wood. This is something that would have been easily recognizable by anyone familiar with life in a barren wilderness; thus Moses (13:10) asks the scouts, “is there wood” in Canaan? To drive home the point, here’s a quote from a Chinese villager, who when interviewed by political scientist Lily Tsai around 2010, expressed wistfulness for the way justice was done during the Chinese Cultural Revolution:

In those days, if you dared to cut down a single piece of wood, you would be put in prison. There was someone from the village who cut

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<sup>11</sup> *B. Sanhedrin* 44a.

<sup>12</sup> Zuckerman Sivan, “[Between Shabbat and Lynch Mobs.](#)”

one small tree down. He was criticized fiercely and made to stand in the public square holding up the log on his shoulders.<sup>13</sup>

But if the harsh social sanctioning of a wood-gatherer can now be better understood, this leads to the next question: Why would anyone risk it?

Greed *can* be a sufficient motivator for this— for instance, perhaps after gathering the wood, the wood-gatherer could resell it for a great profit. There was indeed some of that behind the pandemic hoarding. But that was not the main motivator then, nor was it the main motivator in rural China under Communist rule. What is more, whereas one can impress others with the kind of loot that Achan stole, wood is rarely a status signal.

But this kind of hoarding does make sense on *defensive grounds*, when one has good reason to fear that *others* will be tempted to raid the commons. This is why the Shabbat matters for the story. Just as the wilderness context makes wood extremely precious and thus invites fear that others will raid the commons, the context of Shabbat exacerbates this fear because it raises the question of who is monitoring the commons. If the commons is unattended, it might make good sense to raid them

before someone else does. Why should I be the sucker? If I am not for myself, who will be for me?

This *fear of greed* logic helps explain why the wood-gatherer is not named in the story, whereas Achan's identity is so heavily stressed. When the motivation is essentially defensive, it is not about promoting one's name. It also helps explain why the wood-gatherer was found in the first place. If on Shabbat one was not supposed to "leave one's place" ([Exodus 16:29](#)), why were members of the community able to "find a man gathering wood on the Sabbath day" ([Numbers 15:32](#))? Perhaps *they themselves* were there out of fear of others' greed.

Finally, we come to the blasphemer. There seems to be nothing to gain from "piercing" (*nokev*) the community by uttering God's name in vain and (thereby) cursing.<sup>14</sup> It seems utterly irrational. But there is a motivating context: a *public fight between two men*. Motivation for this fight seems to be hinted at as well: tensions around membership in the community. Think again about road rage; sometimes we are so incensed about being treated like we don't exist that we lash out by attacking others in a manner that flagrantly violates community norms. Who among us hasn't felt that way; and when we felt that way, who among us has succeeded in stifling the urge to strike back at the

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<sup>13</sup> Lily Tsai, [When People Want Punishment: Retributive Justice and the Puzzle of Authoritarian Popularity](#), (Cambridge, 2021), 117.

<sup>14</sup> It is ambiguous in the text whether the blasphemer took two problematic actions or just one. While the text describes him

as 'the *mekallel*' ("curser"), the initial description of the action seems to say that this curse amounted to "piercing the name." To complicate things further, the concluding statutes (24:15-16) distinguish between "cursing *elohav*" and "piercing the Lord's name," neither of which maps cleanly into the initial violation.



injustice done to them, however futile and risky it might be?

We are introduced to the blasphemer with a highly unusual presentation of his identity. On the one hand, like the wood-gatherer and unlike Achan, his personal name is never given. It seems then that he is not motivated by the pursuit of status or of greed more generally; nothing in the narrative hints that he has something to *gain*. On the other hand, unlike Achan and unlike the wood-gatherer, the *collective affiliations* of both the blasphemer and his antagonist are highlighted. In particular, we are first told that the blasphemer is the child of a mixed marriage, “the son of an Egyptian man” and “son of an Israelite woman”; two verses later, we are further informed that this mother is Shlomit bat Divri, from the tribe of Dan. The spotlight is thus on the protagonist’s mother, rather than on himself. And we are told only that his antagonist is “the Israelite man.”

As has been noted by many commentators, the text seems to be hinting that the blasphemer was driven to anger by the efforts by “the Israelite man” to engage in what sociologists call “boundary maintenance”-- i.e., determining who does and does not have a legitimate claim to membership in the community.<sup>15</sup> The protagonist’s purported illegitimacy in turn seems rooted in his *mother’s* actions. Thus, the scenario seems to be one in which the protagonist loses his cool when made to feel like an outsider due to his mother’s problematic

marriage to an Egyptian man, whereupon the protagonist lashes out in rage by striking out not just against his antagonist but at the values of larger community the antagonist represents. One can even imagine why he might be angry at God Himself for apparently authorizing his social marginalization, and certainly at the human leadership that *claims* God as having authorized his marginalization. In retribution for the erasing of *his* name, the enraged man attacks God’s name– which Israel is committed to sanctifying.

The blasphemer may generally be powerless, but he retains the power to make his voice heard throughout the camp. And so he does what may be the one thing he can do to strike back at the injustice he perceives is being done to him – ‘pierce’ the social agreement about what can and cannot be said in public. Ultimately, the social cohesion of any community or organization depends on its ability to control who speaks publicly on its behalf, and in spaces that define the community.<sup>16</sup> Conversely, the failure to curtail public speech that dramatically flouts communal norms threatens to shatter those norms and the community itself. Note that there is usually a gap between speech and action such that someone who speaks publicly against community norms undermines them only if community members act to violate those norms. But blasphemy is different. Blasphemy *directly* shatters associated speech norms since these norms pertain to speech itself. Put differently, the sacredness of God’s name is extremely fragile; nothing backs it other than the

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<sup>15</sup> See e.g., Rashi, S. R. Hirsch, *ad loc.*

<sup>16</sup> See Robert F. Freeland and Ezra W. Zuckerman Sivan, “[The Problems and Promise of Hierarchy: Voice Rights and the Firm](#),” *Sociological Science* 5 (March 5, 2018):143-181.

community's discipline in refraining from uttering God's name even while paying deference to God, via symbolic actions and *indirect* speech. It is a delicate balancing act.

Thus, the blasphemy carries a threat similar to that of the wood-gathering and the loot-hoarding, at least once those sins become known: each represents a defection from fragile cooperative agreements that threatens to undermine *others' commitment* to those agreements, and thereby the entire community's. If it is legitimate for someone to take advantage of the fact that everyone is resting and go raid communal resources, how can anyone stay home? And if it is legitimate to take what one likes from war booty, why wouldn't everyone do so? And if anyone can say whatever they like in the middle of the camp, what does the community even stand for? Does it even exist? The motives in each case— greed, fear of greed, and honor— may be distinct, but these three threats to social order are of a piece.

Note finally how each story seems to reflect the distinctive source of fragility emblematic of the

moment in Israel's history when that story is presented. I have elsewhere discussed<sup>17</sup> how the threat of pernicious social competition associated with the allocation of duties and resources associated with the conquest and settlement of the land runs through the book of Numbers, including that of the wood-gatherer. In that story, the distinctive fragility may come from the fact that, in the wake of the Sin of the Scouts, the people are effectively placed on death row, condemned to wander in the wilderness and never receive the promised land allocation in Canaan. Recall in this regard the midrash ([Tosafot on Bava Batra 119b](#)) that the wood gatherer had a worthy goal: to counter the theory circulating in the camp that the Torah no longer applied to them; they needn't keep Shabbat.<sup>18</sup> The wood-gatherer story thus reasserts the importance of upholding social cooperation to preserve its benefits for *future* generations, if not for ourselves.

As for the Achan story, it is noteworthy that it seems to reference so many of the stories in Numbers that are about greed, fear, and pernicious social competition more generally.<sup>19</sup> As such, it seems to

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<sup>17</sup> See Zuckerman Sivan, "[How to Curtail Pernicious Social Competition](#)." See also Ezra W. Zuckerman Sivan, "Sister Act: How a Biblical Legal Petition is Meant to Curtail Pernicious Social Competition," *Jewish Family Law Association Journal* 32 (2023), forthcoming.

<sup>18</sup> Zuckerman Sivan, "[How to Curtail Pernicious Social Competition](#)."

<sup>19</sup> Besides the wood-gatherer, chapter 7 of Joshua seems to reference the following incidents in Numbers (with the exception of one, with distinctive linguistic linkages): a) the cravers (compare [Joshua 7:13](#) with [Numbers 11:18](#)); b) the Sin

of the Scouts (compare [Joshua 7:2](#) with [Numbers 13:2](#), [Joshua 7:3](#) with [Numbers 13:18](#), [31-33](#), [Joshua 7:2](#) and [7:5](#) with [Deuteronomy 1:24](#) and [1:28](#), [Joshua 7:6](#) with [Numbers 14:6](#), and [Joshua 7:7](#) with [Deuteronomy 1:27](#)); c) the defiers (compare [Joshua 7:4-5](#) with [Numbers 14:40-45](#)); d) the land-allocation lottery (compare [Joshua 7: 14-18](#) with [Numbers 26:52-56](#), in this case with no linguistic link); e) Reuben and Gad's bid to settle the Transjordan (compare [Joshua 7:7](#) with [Numbers 32: 16-19](#)); f) the consecration of booty in the war against 'Arad (compare [Joshua 7: 12-13](#) with [Numbers 21:1-3](#)); and g) the management of booty from the war against Midian (Compare [Joshua 7: 21](#) with [Numbers 31:50](#), and [Joshua 7:25](#) with [Numbers 31:10](#)).

be something of a capstone, whereby the lessons learned in the wilderness are reinforced upon entry into the land. It also seems especially attuned to a source of social competition Israel would have been largely able to avoid till then: the accumulation of material possessions on private land. Whereas Achan hid the booty “under the ground, in my tent,” this had not been possible previously. And of course, as the Israelites would settle in their new tribal territories, inequality in material possessions would likely grow.

As for the blasphemer, it seems important that the story is related just after Israel receives the elaboration on its distinctive mission as a “kingdom of priests and holy nation” ([Exodus 19:6](#)) in the form of the “holiness code” (i.e., the second half) of Leviticus. This code begins, “Be holy for I am holy” ([Leviticus 19:2](#)). But this mission depends on maintaining high standards of behavior— including taking great care in referencing God’s name (“You shall not swear by my name falsely, neither shalt thou profane the name of thy God: I am the Lord”; [19:12](#)). And the elevation of the people to such an exalted status raises questions about who is on the inside and the outside of the group.

Accordingly, the set of statutes and punishments presented between the adjudication of the blasphemer and his stoning ([24:16-22](#)) begins and ends with the same refrain, whereby it is emphasized that in both the particular case of “he who pierces God’s name” and the general case (“one legal standard there shall be for you”), the punishment is to be applied equally to “the stranger,

as for one of your own country” ([Leviticus 24:16, 22](#)), concluding with a refrain that defines the holiness code more generally: “for I am the Lord your God.” This seems meant to address the source of tension that underlies the conflict between the blasphemer and his antagonist, a tension that seems to naturally arise in the context of Israel’s mission to be a holy nation.

### **Conclusion: The Defector is Us and the Cooperator is Them**

We have seen that the Hebrew Bible’s triptych of stories about threats to social cooperation represents a literary paradigm that, like the modern prisoner’s dilemma, gives us insight into the fragility of social order. What is more, by cluing us into three distinct threats to cooperative agreements, this paradigm gives us more fine-tuned guidance than the PD does. Moreover, whereas the PD describes a cooperative agreement whose stakes seem relatively low (only the freedom of the two accused is at stake), the stakes in the biblical stories are much higher. If God’s name is given free expression in public spaces, the very basis for Israel’s mission to be a holy people is untenable. If the commons can be freely raided on Shabbat, there can be neither Shabbat nor the Shabbat cycle (i.e., the week); and its role as a bulwark against social competition is neutralized. And if soldiers are free to compete with one another to amass war booty, how will social cohesion (necessary for waging war against determined foes, and for living in harmony after the war) be maintained? Thus, whereas we may have difficulty identifying with the blasphemer, the wood-gatherer, and Achan, it seems

straightforward to identify with the *threats* to social order each represents.

Let us conclude by noting two additional strategies the biblical text seems to employ in order to encourage readers to identify with these stories and thus appreciate the associated threats to social order. The first is that each protagonist seems to be an “everyman,” one who stands for the entire people. This is perhaps clearest in the case of the wood-gatherer since he is not explicitly named; his relevance lies only in the fact he is apparently an Israelite, or perhaps simply that he raids Israelite communal resources. And the same obviously goes for the blasphemer’s antagonist— “the Israelite man”— who in some sense is the true driver of the story. Finally, while Achan is explicitly named, the text seems strongly to suggest that he is not alone in his sin. Consider the opening:

The children of Israel committed a trespass in regard to the consecrated property. And ‘Achan, the son of Karmi the son of Zavdi, the son of Zerah, of the tribe of Yehuda, took of the consecrated property. And so the anger of the Lord burned against the children of Israel.’

It is unclear whether Achan was the only sinner or not. What *is* clear is that the text is going out of its way to tell us that in one way or another, Achan’s actions were representative rather than exceptional. Accordingly, the lottery process seems designed to encourage onlookers (and the reader) to think first that the booty-thief could have been a member of

*any tribe*; then that it could have been someone from *any clan*, then any *household*, and then *any man*.

Each story thus seems to be presented in such a way as to hint that *any of us* could succumb to the allure of material or status gain; could give in to the fear that others would succumb to this allure; or could be overcome by rage at those who would deny our standing or legitimacy in the community. And when it comes to the blasphemer, it is perhaps even easier for us to imagine ourselves as the antagonist; who among us has not been motivated to defend our community’s boundaries, working to keep out those who would presume to access communal status and rights even though they (in our minds) are undeserving?

The second strategy the Bible employs for getting us to see ourselves as having a role in countering threats to social order is to inform us that everyone took part in the stonings. Here, Moses helps us out with insight into this logic, when he details what must be done if someone tries to lure a community member into idolatry:

If your brother— even your own mother’s son— entices you; or (equally) if he (the enticer) is your son or daughter, or if (she is) the wife of your bosom; or if he is your friend who is (so close) he is like your very soul— (appeals) to you in secret, saying, “Come let us worship other gods” ... do not assent or give heed to any of them. Show no pity

or compassion, and do not cover up the matter; rather, you shall surely kill them. Indeed, your hand shall be the first to be upon that person, while the hand of the people shall be last. ... And all Israel will hear and take heed, such that they will not continue doing such evil things in your midst. ([Deuteronomy 13:7-12](#))

The logic of threat and response here— as well as in the Bible’s ‘triple threat’ paradigm— is clear and powerful; it is what is known in modern social science as the “second-order free rider problem,” whereby norms go under-enforced (thus undermining social order) because such enforcement itself requires cooperation and there are strong incentives to defect from such cooperation. “Snitches wear stitches,” we learn early in life. And we also learn various versions of the Talmudic dictum, *kol haposel, b-mumo poseh*<sup>20</sup>— “he who alleges that others are of impure or disqualifying lineage, this is a sign they themselves have problematic lineage.”<sup>21</sup> Better to be quiet about others’ motives (*Why couldn’t the Israelite man leave Shlomit’s son alone? What was he trying to prove?*) lest you invite others to ask questions about

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<sup>20</sup> *B. Kiddushin* 70a. Jesus’s line “he who is without sin should cast the first stone” (John 8:7) is perhaps the most well-known Christian articulation of this logic. Notably, if Moses here (and the biblical triple threat paradigm in narrative form) are making the case for why extreme norm enforcement is sometimes necessary, this gospel story and this rabbinic dictum are expressing the worry of what happens when this logic is taken too far.

*you.*

The general problem is that when we enforce social norms, we often risk hurting ourselves. I have noted some of the least sympathetic reasons for making us unwilling to risk norm enforcement (that we might be ostracized, that we may be suspected of ulterior motive), whereas Moses is pointing to what may be the most compelling reason for this: if the norm-violator is someone we love, we will want to avoid hurting them.

This seems to be an important element in Achan’s case; his family members likely knew what he had done— he had done it for *them*, after all! This brings up a related reason for why we may be reluctant to enforce norms, which is reflected in the story of the wood-gatherer; as with hand-sanitizer or toilet paper, fear of greed is the most compelling justification when it’s to protect or support one’s *loved ones*. Accordingly, it would seem that no one stopped him from leaving his tent on Shabbat. Conversely, the blasphemer may have been provoked by overzealous efforts to enforce social boundaries by someone who had ulterior motives to gain status via his Israelite status.<sup>22</sup> Thus, all three of these sins can thus be traced to problems in Israel’s

<sup>21</sup> Minjae Kim and Ezra W. Zuckerman Sivan, “Faking it is hard to do: Entrepreneurial norm enforcement and suspicions of deviance,” *Sociological Science* 4 (2017): 580-610.

<sup>22</sup> A longstanding theme in sociological literature is that aggressive boundary-drawing often comes from relatively low-status members of a dominant group. A classic illustration is Bruce Kapferer, “Norms and the Manipulation of Relationships in a Work Context,” in *Social Networks in Urban Situations: Analyses of Personal Relationships in Central African Towns*, ed. J. Clyde Mitchell (Manchester:

social organization whereby some norms were under-enforced and others over-enforced. More generally, when we look carefully at each sinner's motivation and the conditions that encouraged them, we find larger communal failures.

But if the Bible's "triple threat paradigm" is like the prisoner's dilemma in holding sobering lessons for us to contemplate, the conclusion of each episode also provides us with inspiration. For instance, the blasphemer story concludes with reinforcement of the importance of social inclusion for everyone in the community.<sup>23</sup> And the wood-gatherer's action seems to inspire the daughters of Zelophehad's courageous initiative to mitigate a much greater tragedy of the commons involving the allocation of land.<sup>24</sup>

As for Achan, the Talmudic discussion<sup>25</sup> can be read as suggesting a wonderfully ironic twist when juxtaposed with the prisoner's dilemma. In particular, a close reading of the text indicates that he confessed his sin despite no promise of freedom (in fact he got the opposite!) and with the "cop" in question possessing no incriminating evidence. To the contrary, Joshua used an investigatory process (a lottery) Achan could easily have undermined by challenging its illogic, and by doing so, he would have undercut the legitimacy of Israel's (lottery based) system for allocating land! Thus, Achan had

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University of Manchester Press, 1969), 181-244.. This suggests the possibility that the reduction of the antagonist's identity to "the Israelite man" is meant to imply that other than the fact that he was a full Israelite, he was of low family status ("bad *yihus*"). And so he had a motive to reinforce the Israelite/non-Israelite boundary.

Israel's fate in his hands. But instead of doing the "greedy" thing, he confesses! Moreover, he fingers no one else even though the text hints very loudly that many others did what he did. Achan then is the rare person who irrationally *cooperates* to maintain the social order despite strong incentives to defect!

Thus, however alien and troubling the Biblical "triple threat paradigm" stories may be at first glance, they have a great deal to teach us about the threats to social order and how we might counter them. Rather than conflating the motives of greed and fear as the PD does, and rather than seeing the matter in strictly rational terms, the Hebrew Bible identifies three distinct motives— greed, fear of greed, and rage-fueled, irrational retribution. And it also situates each reason in a particular moment in Israel's history where it would have been especially vulnerable to each reason and where the defection could have led to a catastrophic undermining of the larger social order and the collective mission it supports. Finally, it not only provides us with insight into why things can fall apart, but also models on which we may be inspired to build in the hopes that these scenarios remain in our past.

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<sup>23</sup> Kramer, "[Overlooked Bible: The Blasphemer](#)."

<sup>24</sup> Zuckerman Sivan, "[How to Curtail Pernicious Social Competition](#)."

<sup>25</sup> *B. Sanhedrin* 43b, and see Curwin, "[Goral](#)."

## WHY THEY MET RAHAB FIRST

*Abe Mezrich is the author of three books of poetry on the Torah: The House at the Center of the World; Between the Mountain and the Land Lies the Lesson*

**W**ho else would a Canaanite be  
but a lone whore?

But then again, why did she hide those Israelites /  
*titzpino* / תצפנו  
tucking them at night beneath the branches  
like a mother tucking children in for bed

or like Moses' mother,  
hiding / *hatzpino* / הצפינו  
her baby  
from all the cruelty of Egypt?

\*

What do you mean when you say:  
That sinful people?

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