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VAYEITZEI

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Shades of White: A Fresh Look at Lavan's Relationship With Yaakov

Yitzchak Etshalom

Parashat Vayeitzei (Bereishit 28:10-32:3) is one Masoretic parashah, one single story that traces Yaakov's years in exile. This story has two central characters—Yaakov and Lavan. Important as Rachel and Leah may be, they play secondary roles throughout much of the narrative. From Yaakov's first moments in Haran he is associated with Lavan, and their immediate relationship only concludes in the last verses of the *parashah*. His relationship with Lavan, more than with anyone else, defines Yaakov's time in Haran. Consider his words to Esav—*im Lavan garti...* "I have sojourned with Lavan" (Bereishit 32:5).

The Midrash has trained generations of Jews, from their first Passover Seders, to look at Lavan with a jaundiced eye, and as the "bad guy" in his relationship with Yaakov; he was, after all, "worse than Pharaoh." Not knowing of the moon-cult prevalent in those days in Haran (so that we could make the Lavan-Levana connection—see Loewenstamm in *Encylopedia Mikrait* 4:421), sharper ears have noted the irony of such a deceptive man being named "white." The Midrash picks up on this irony and, already at the point of Lavan's first mention in the text, suggests an interpretation of his name as an adjective. R. Yitzchak reads "Lavan" as an adjective describing his physical beauty—*"paradoxus"*—a splendidly white man. Dissenting is R. Berekhya, who sees it as a description of his inner character: He was *meluban b'resha*, meaning that his evil was transparent and obvious (Bereishit R. 60:7).

As a result of how Lavan is developed Midrashically, making him the "Aramean who tried to destroy my father" (but see Rashbam and ibn Ezra at Devarim 26:5 for the "Peshat" reading), even his earliest actions are eisegetically viewed with cynicism. For example, when we first meet him, Lavan runs to greet Avraham's slave and we read this action as driven by his greed and venal interest rather than hospitality (cf. Rashi at Bereishit 24:29). Similarly, when Yaakov first arrives in Haran, Lavan's warm greeting and embrace is read as a surreptitious search for hidden gold and jewels (cf. Rashi at Bereishit 29:13, following Bereishit R. 70:13). We are, therefore, not surprised to find him turning on Yaakov at the end of their relationship, treating him as an arch-enemy.

However, if we take a straightforward look at the story as it unfolds, reading the text on its own terms (with a bit of help from period texts), a different picture may emerge—one that does not alter our final assessment of Lavan, but which may illuminate how his relationship with Yaakov unfolded. Although I have no interest in rehabilitating Lavan's reputation, we may be able to see his actions in a more favorable light and more clearly understand his motivations.

I. Yaakov's Arrival

When Yaakov first arrives in Haran, the first member of his extended family that he meets is Rachel, who is tending her father's flock (29:6). Rachel is, at the time, a young girl; we could safely assume that she is seven years younger than marriageable age. After all, her father Lavan agrees to give her hand in betrothal to Yaakov, who would only marry her seven years later, having worked off this debt. That means that for the next seven years, Rachel would be

unavailable to any other man, yet not married to Yaakov and unable to begin bearing children.

It is important to note that in the ancient world—and, in some parts of our world today—girls were married close to or at the onset of puberty. This is for several reasons, including the need to have as many children as possible to help with the household estate, as well as the relatively high mortality rate of both young children and mothers during childbirth. There was no good reason to "waste" childbearing years; perhaps, as a result, there was no place in society for a woman over the age of 12-13 outside of the context of her marriage. Adolescence was not recognized as a legitimate period of transition, and pursuit of both education and vocation were limited, for the most part, to the first few years of one's life (if at all, in the case of education).

According to the social norms of the time, it stands to reason that Lavan would not enter his daughter into a relationship in which she would be unable to contribute to the family for seven potentially productive years. It therefore seems that Rachel is, indeed, a young girl when Yaakov arrives in Haran and meets her. This is significant chiefly because it demonstrates that Lavan has neither sons nor wealth—each of which will change dramatically over the years in which Yaakov works with him. These changes will subsequently affect the relationship between Lavan and Yaakov.

Why is this young girl herding the flock? In Tanakh narratives, we are accustomed to seeing young girls as water-drawers (e.g. Bereishit 24, 1 Shmuel 9:11-13). They only appear as herders in a circumstance in which there are no boys in the family (e.g. Shemot 2). The reasonable conclusion is that Lavan has no sons at this point, so his daughter is tending his flock. In addition, we may conclude with fair certainty that Lavan's estate is not large and that the family is not wealthy. Living in a herding environment, if they were indeed wealthy they would have a large flock, with more sheep than one young girl could handle. It is also reasonable to posit that if they were of means the family would be able to hire herders to control the grazing, rather than use their own children for that task.

The picture of Lavan's household, as we see it now, is that of a man with two young daughters, living on a relatively small estate. From all appearances, it seems that at the time when Yaakov first arrives, there is no wife/mother in the family. When Yaakov's first meeting with Rachel ends (with that famous kiss), she runs to her *father's* house to report what happened. In contrast, in the parallel story one generation earlier, Rivkah ran to her *mother's* house to report about the wealthy, thirsty stranger with gold jewels. We never do hear about Lavan's spouse—but this appears to change at some later point, as we will see further on.

When Yaakov first arrives at the house, Lavan acts hospitably towards him, taking him in (Bereishit 29:14); it seems from Lavan's words to Yaakov that the latter immediately went to work herding Lavan's flock. (We would assume that, at this point, Rachel is relieved of these duties.) After the first month, Lavan says: "Indeed, you are my brother—shall you work for me for nothing? State your fee!" (v. 15). In other words, Yaakov has been working for Lavan without recompense (except for room and board). As stated above, a straightforward read of the verses (without prejudice regarding Lavan) presents him in a positive and somewhat charitable light. Yaakov's answer shifts the conversation from straight wages to marriage—"I

will work for you for seven years for Rachel, your younger daughter" (v. 18). Lavan is agreeable and Yaakov goes back to work, and the seven years go by quickly—"they were as a few days in [Yaakov's] eyes, due to his love for her" (v. 20).

II. The Marriages

Even if we were ready to view Lavan with equanimity until this point, it is usually the marriage scene that sets our blood boiling against him. Yet again, however, a careful reading of the text presents Lavan in a positive light. In this case, it may even mar our view of Yaakov.

When the time is up, Yaakov approaches Lavan and says: "Give me my wife that I may come unto her (i.e. have relations with her)" (v. 21 – see Beresihit R. 70:18 re: this coarse wording). At no point in this brief demand (!) does Yaakov mention Rachel by name. Lavan gathers the people of the area and makes a feast. He gives Leah (with Zilpah as a handmaid) to Yaakov, who doesn't realize until morning!

Before going further, two points about that night must be explained. First of all, Yaakov's inability to recognize that he married Leah and not Rachel, in spite of the already noted physical differences between the sisters, tells us something about Yaakov's behavior during the intervening seven years. Evidently, Yaakov had little to do with either Leah or Rachel during that time, and wasn't familiar enough with Rachel to be able to tell that he married another woman. This seems a bit odd on the face of it, as seven years is a long time and, on a small estate, we would think that the people would see each other often. We will address this further on.

The second point is that the irony of Yaakov being fooled about a younger/older child in the dark was not lost on the *baalei ha-nidrash*. In Bereishit Rabbah (70:19), a long Midrashic passage telling the details of that fateful night concludes with a stinging statement: "Behold, she was Leah!: [Yaakov] said to her: 'Deceptive one, daughter of a deceptive one—all night, I called out "Rachel" and you responded to me!' [Leah] answered back: 'Is there a barber without students? Wasn't your father calling out "Esav," and you responded to him?'"

This last question drives home a point which is a variation on the subtle rebuke Lavan delivers to Yaakov when he complains about the switched bride: "Such is not done in our place, to give the younger one before the older" (v. 26). On an overt level, Lavan is reprimanding Yaakov for not having paid attention to—or, perhaps, deliberately ignoring—the customs of a region where he has lived for seven years: younger daughters are not married off before their older sisters.

Parenthetically, this point can teach us a bit more about the family. Leah was not much older than Rachel, such that when Yaakov first arrived, they were both pre-marital age, and it was assumed that by the time the seven years were complete, Leah would have been married. Lavan is excoriating Yaakov for his insensitivity to local custom and, perhaps, to Leah herself. Underneath this rebuke is another, delivered through this pointed Midrash. "Perhaps in your place, you substitute the younger for the older and steal their rightful place in the family, but we don't do that here!" Note that Yaakov has no comeback to this rebuke. One way or the other, he accepts it.

Lavan's subsequent agreement, allowing Yaakov to marry Rachel after the seven-day celebration with Leah, seems a bit odd. Why would he want both of his daughters to be married to the same man? This is putting all of his eggs in one basket. What if something happens to that one son-in-law or if he proves to be less than trustworthy? In addition, as the story bears out, having two sisters married to the same man is a recipe for disharmony. We will revisit this issue below.

III. Departure

The text is silent about Yaakov's relationship with Lavan throughout the childbearing narratives until the birth of Yosef. At that point, Yaakov approaches Lavan and asks permission to return to his home, a strange request indeed. Why does Yaakov need Lavan's permission to leave at all? The result of this request is an interim agreement for Yaakov and Lavan to split the flock and to have all sheep born with specific markings go to Yaakov. The agreement is struck and Yaakov is successful in getting his spotted flock to out-reproduce Lavan's flock, and Yaakov becomes wealthy—all of which should be good news for Lavan, as this wealth will be enjoyed by his daughters and grandchildren.

The beginning of chapter 31 introduces heretofore unheard-from characters into our narrative—and that is the catalyst for the sea change in the relationship between Yaakov and Lavan.

> And [Yaakov] heard the words of Lavan's sons saying: 'Yaakov has taken all that belongs to our father, and from our father's possessions has created all of this wealth. [Immediately:] And Yaakov saw that the face of Lavan was no longer with him as it was in the days before. (31:1-2)

This verse is enough, on its own, to support our basic thesis: the relationship between Yaakov and Lavan was a good one until now. But what changed things?

The answer is straightforward: the appearance of "*bnei Lavan.*" In the intervening years, while Yaakov was becoming a mighty herder and father of a dozen children, Lavan was also blessed with sons (perhaps with a new wife). These sons had grown up and are now agitated that this outsider stands to inherit their estate. (I am working under the assumption that Yaakov spent significantly more than 20 years in Haran and that these boys were born after he married Leah and Rachel. See *Between The Lines of the Bible, vol. 1* chapter 16.) Blood being thicker than water, Lavan favors their position and no longer looks at Yaakov with a friendly eye. This leads to Yaakov, with God's explicit command (v. 3) and his wives' reluctant agreement (v. 16), to sneak his family out of Lavan's home and to head south to the Gilead mountains and to his own home.

Importantly, one odd event occurs just before the family sneaks away. Rachel steals her father's household gods (*teraphim)* (v. 19) and then hides them when her father catches up with Yaakov and inspects all of the tents to find these idols (v. 34). What motivates Rachel to steal them, and why is Lavan so angry about that theft that it becomes the focal point of his *riv* (dispute) with Yaakov?

One final point: During that dispute at Gilead, Lavan utters a seemingly odd declaration—"The girls are my daughters, the boys are my sons…" (v. 43). What is he

claiming here about his daughters and grandsons? In addition, when he and Yaakov make their separation agreement, Lavan makes Yaakov swear that he will not marry any other women "in addition to my daughters" (v. 50). We understand his interest, but by what right does he make this demand?

IV. From The Archives

Over the past two centuries, numerous archives have been unearthed from ancient libraries and royal courts throughout the Middle East, chiefly in Iraq (Mesopotamia) and Egypt. These documents have revealed countless details about marriage and divorce, religious practices inheritance—every area of life as it was lived then. These archives, which famously include the Code of Hammurabi, the Sennacherib Prism and other "famous" finds, are of great interest to the student of Tanakh, as they have the potential to illuminate much about both narrative as well as legal texts in the canon.

In 1926, Professor Cyril John Gadd published a text found in the archives of Nuzi, an ancient city near Kirkuk, in modern-day Iraq (*Revue d' Assyriologie* XXIII, 1926, pp. 126-127). It is a contract in which a man with no sons adopted another man as his heir. The contract stipulated that the new "heir" was to care for his new "father" for the duration of his life. If the "father" subsequently had sons, then they would divide the estate equally with the adopted heir—but only the natural son would inherit the father's household gods. One of the conditions of the "adoption" was that the heir was to marry the paterfamilias' daughter, and was forbidden from marrying any other woman; if he did so, he would forfeit the "father's" property. (see Prof. Cyrus Gordon's application of this find to our story in BASOR [the Bulletin of the American Schools of Oriental Research] #66, April 1937, pp. 25-27).

Taking this contract in hand and reading the story in a straightforward manner, the relationship takes on a very different hue and, perhaps, the *Biblical* Lavan (as opposed to the *Midrashic* Lavan) can be better understood. Let's trace the relationship through again, keeping the contractual background in mind:

When the two first meet, Lavan has no sons and sees Yaakov as his adopted "heir." Yaakov's desire to marry one of the daughters only makes that all the more convenient. When, seven years later, the older daughter remains unmarried, Lavan brings her to Yaakov and they are married. Yaakov's insistence on marrying Rachel may have been a request on his part to be able to divorce Leah, but from Lavan's perspective, this is a perfect solution. Both of his daughters – his only children – will marry his heir who will inherit the estate, which continues to grow through Yaakov's diligent work.

Although it may be Yaakov's desire to return to Canaan and rejoin his parents (and claim his Divinely promised land), that catalyzes a subtle change in the relationship (we might posit that, at this point in time, Lavan's sons have already been born and that Yaakov realizes that the terms of the contract will soon change). The full-blown conflict that comes to a head at the standoff at Gilead only comes when Lavan's sons come of age. In the meantime, Yaakov is still able to remain there comfortably. That all changes when Lavan's sons grow up and begin agitating for their portion in a future inheritance and complaining about Yaakov's portion. Lavan's claims, "the daughters are my daughters etc.," are actually anchored in Mesopotamian contracts, as we see from the Nuzi archives.

We can also understand Rachel's theft of the *teraphim* in this light and Lavan's great agitation about it; she was taking a token which served as a claim on the estate—a title deed, as it were. Perhaps she had hopes that the family or the next generation would return and be able to stake a claim to the now successful estate and wrest it from her younger brothers.

V. Back To Lavan

The *ba'alei ha-midrash* taught deep and enduring lessons, many of them by presenting Biblical characters in "caricature light," as completely pure and noble or completely devious and evil. A careful read of the Midrashic corpus reveals that nearly all Biblical characters are presented with greater nuance and shading than commonly thought. To bring two examples, Esav's honor for his father, expanded and detailed in the Midrashim, as well as rabbinic rebukes of Yaakov beyond what the text states, demonstrate that even the Aggadic tradition presents textured characters, heroes with flaws and fallen sons with redeeming and even exemplary qualities.

Nonetheless, the overwhelming approach of a traditional student is to read the stories with the caricature in mind. To paraphrase Rashbam (at Bereishit 37:2), we are so accustomed to reading text through the lens of the Midrashim, which teach the most important and enduring lessons, that we overlook "Peshat," the straightforward read of the text.

Stripping away the Midrashic overlay of Lavan's demonic personality and reading the story on its own terms, against a 2nd millenium BCE Near Eastern background, we see that the "good/evil" divide that is usually assigned to Yaakov and Lavan, respectively, may have to be reassessed. Is every move that Lavan makes clearly driven by greed and murderous intent? Hardly. Is every step that Yaakov takes motivated by altruism and honor? Perhaps, and perhaps not. As we watch our Bereishit heroes grow, we also see them adjusting after their errors and learning from their mistakes. And as we see our Midrashic villains develop, we have to be cognizant that the story that the Tanakh tells about them is far more nuanced and shaded.

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Team of Rivals: Building Israel Like Rachel and Leah

Ezra W. Zuckerman Sivan

This week's Torah portion (Genesis 28:10-32:3) includes the first and most sustained encounter with two of the matriarchs: Rachel and Leah. Given their association with the leading tribes of Israel, these two matriarchs' names resonate through Jewish history. But if we read the text in an effort to identify with and be inspired by these forebears, we face quite a challenge. Who among us can relate to life as one of two sisters married to the same man? In prohibiting such a marriage later in the Torah (Leviticus 18:18), the Torah seems to describe the marriage to the second sister as a way of *tormenting* (*litzror*) the first. Clearly, Rachel and Leah were put in a very difficult position, one that thankfully seems quite alien to us. And if their predicament is so foreign it is hard for us to identify with it, it is even harder for us to be inspired by their response to this predicament.

The Torah provides unusually detailed insight into the two sisters' motives as they compete for primacy. Leah's rationales for the names of her first three sons include prayers that the birth of these sons should help her — the"hated" wife (Genesis 29:30-31) win Jacob's love. After Leah gives birth to her fourth son, Rachel is described as "jealous" of Leah and she insists to Jacob that he must "give [her] sons" or she might as well die (Genesis 30:1). She then offers her maidservant, Bilhah as a concubine to Jacob and a surrogate mother for herself, and she dedicates the name of the second of Bilhah's sons to "triumph over my sister" (Genesis 30:8). But Leah counters Rachel by also offering her maidservant as a concubine/surrogate, and Zilpah has two sons on Leah's behalf. There is then an unusual twist in the rivalry: they consummate an unusual deal whereby Leah trades the *duda'im* (flowers or weeds, which evoke "love" via the root *dud*) she was given by her firstborn son Reuben to Rachel in return for a night in Jacob's bed. This leads to three more children for Leah—two sons and a daughter. At this point, God (who had tipped the balance to Leah at the outset, having sympathized with her plight as the "hated" sister/wife) finally grants Rachel a son too. In naming him Joseph (*Yosef*), Rachel credits God with "gathering (*asaf)* in her disgrace." But her rivalrous tendencies are apparently yet to be quieted; she also prays that God should "add (*yosef*) another son for me (Genesis 30:23-24)."

At first glance, there is little in this bitter rivalry to excite our admiration. But an enigmatic verse at the climax of the book of Ruth suggests we take a deeper look. This verse stands out as it is the only reference to Leah and the only joint reference to the two sisters outside of Genesis.[1] As such, it would seem to offer rare ancient commentary on the sisters' relationship. What we find is startling. In particular, at the very end of the story, when Boaz has risen to the occasion and redeemed Ruth through the rite of *yibbum* (levirate marriage), "the people and the elders at the (Bethlehem city) gate respond" to the request to affirm the rite as follows (Ruth 4:11):

[1] There are two other references to Rachel: I Samuel 10:2 and Jeremiah 31:15. R. David Fohrman's analysis of the latter verse in "Tisha B'Av and the Story of Rachel's Tears" shows how it too is an inner biblical allusion that illuminates the story of Rachel and Leah.

> "'Witnesses (we are). May the LORD make the woman who is coming into your house like Rachel and like Leah, the two who built up the House of Israel! Prosper in Ephrathah and perpetuate your name in Bethlehem!'"

On the simple reading of Rachel and Leah's story, this blessing to Boaz—that God should make Ruth a "builder of the house of Israel (i.e., Jacob), just as Rachel and as Leah were"— is hard to understand. Who would want their wife to be like these two bitter rivals?

But maybe there is more to their rivalry than meets the eye. In the following, I will show that this enigmatic verse in Ruth is a thread that if pulled, unravels the tapestry of bitter rivalry we see at the surface, and thereby reveals a Rachel and Leah with whom we can identify and be inspired.

The Two (Female) of Them (Masculine)

Let us begin by considering how Rashi (France, 1040-1105) draws upon Ruth 4:11 to illuminate Genesis 31:4: "And Jacob called Rachel and Leah to the field, where his flock was." The scene described in the latter verse transpires after Jacob has worked for an additional six years beyond the fourteen initial years he worked in return for the right to marry the sisters. Jacob prospered in the preceding six years, as he had taken advantage of revised terms whereby Jacob could keep some of Laban's flocks if he met certain onerous conditions, Laban seems to resent Jacob's success however. God then appears to Jacob and instructs him to return home to Canaan. At this point, Jacob does not do what he did the first time he decided to return to Canaan—turn to Laban and ask his father-in-law to "give [his] wives and children that [he] worked for (Genesis 30:26)." This time, he calls Rachel and Leah to the field and asks them to accompany him to Canaan. As do many commentators, Rashi notices that Jacob calls to Rachel before Leah. Rashi draws on Ruth (4:11) to explain:

> "'And he called to Rachel (and to Leah)'—(to her) first and then to Leah, because she is the principal of the household, because it was for her that Jacob married into Laban's family. And even her descendants recognize this, as we see that Boaz and his court from the tribe of Judah say, "Like Rachel and like Leah who both built, etc."

Rashi is suggesting that it is especially notable that the people of "Bethlehem, Judah" (Ruth 1:1) would give Rachel primacy, since their tribe descended from Leah's fourth son. This deference by Leah to Rachel presumably begins in the sisters' response to Jacob, where Leah appears to follow Rachel's lead (Genesis 31:14): "And Rachel answered with Leah, and they said to him (Jacob)."[2]

But beyond calling our attention to Leah's deference to Rachel, Rashi's commentary is also noteworthy because his quotation from Ruth (4:11) includes a mistake.[3] In particular, he uses the word "*shteihen*" rather than "*shteihem*" for "the two (of them) who."[4] This deviation from

[2] Later (Genesis 44:27; 49:31), Jacob would refer to Rachel and Leah in terms that suggest that only Rachel was "his wife."

[3] This mistake also appears in a midrash (Tanhuma) from which Rashi may have been drawing.

[4] Dr. Yael Ziegler, *Ruth: From Alienation to Monarchy* (New Milford, CT and Jerusalem: Maggid Books, 2015), 435-38, also highlights the importance of the word *shteihem* in her excellent review of commentary on this

the original text in Ruth is understandable, since *shteihen* is grammatically correct. It means roughly "the two of them—the females." But that is not the word used in the text of Ruth 4:11. Strangely, the word used in Ruth, *shteihem*, is is an ungrammatical mix of female ("the two—feminine") and male ("of them-masculine").

To be sure, there are various times in the biblical text that male forms are used for females and vice versa. But the mix of female and male in the same word is striking, especially since the word is extraneous: if the word had been left out, it would have read straightforwardly as "like Rachel and like Leah who built up the house of Israel." The text seems to be going out of its way to add a word that is grammatically incorrect! What is more, there is only one other time in the entire Hebrew Bible where this ungrammatical word appears, and it is just a few chapters earlier, during one of the most dramatic moments in all of biblical literature: when Naomi finally relents and allows Ruth to accompany her on her return journey from Moab (Ruth's homeland) to Judah (Naomi's homeland). The phrase there (Ruth 1:19) is "and the two (female) of them (masculine) walked (together)."

We seem to have uncovered an intertextual triangle. The construction of "the two of them (masculine/feminine) like Rachel and like Leah" in Ruth 4:11 seems to be pointing to two other locations in the bible:

> (1) The pivotal moment when Ruth and Naomi cemented their partnership (Ruth 1:19), leading to Ruth's union with Boaz and the siring of the Davidic line (that climaxes in the only other verse in the Hebrew Bible (Ruth 4:11) with an ungrammatical masculine/feminine "the two of them"); and
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> (2) The scene discussed above (Genesis 31:4-14) when Jacob called to Rachel and Leah and asked them to go with him to Canaan, and Rachel and Leah answered in the affirmative (here Jacob's speech is surrounded on either side by a phrase marked by a "Rachel… Leah" refrain).

Put differently, Ruth 4:11 seems to be hinting that the pivotal scene between Naomi and Ruth sheds light on the earlier encounter between Jacob and Rachel and Leah in the field. It may also be hinting that this encounter is more important than we might have thought.

Moreover, the idea that the book of Ruth is asking us to consider the link between the two scenes is greatly bolstered once we notice how the two scenes fit into the larger arcs of two parallel narratives:[5]

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verse. Her approach is complementary to the approach I develop here in that she argues that the text is emphasizing the unification: the descendants of Lot (Ruth) and Abraham (Boaz) are unifying just as Rachel and Leah had united. Ziegler does not remark on the ungrammatical nature of the word though, nor on the intertextual triangle that forms the heart of my suggested approach.

[5] There are several additional broad themes that transcend these stages and are common to the two narratives, but do not necessarily fit into a sequence. One is the central role played by fields in each narrative. Another is that the key protagonist women are referred to as "foreigner" (*nokhriah*). A third is that the roles of parent and grandparent are contested or blurry in each story. In particular, Rachel and Leah insist that the children belong to them, while Laban insists they are stolen from him. By contrast, Naomi regrets not being able to give her daughters-in-law a child. (Later, Naomi nurses Ruth's child as if it is her own, but she obviously does not claim 'ownership'.)

a. A man (Jacob, Elimelekh) migrates to the east due to difficulties in Canaan.

b. Two eastern women are wed by the migrant (Jacob) or his sons (Mahlon, Chilion).

c. Two wives must consider whether to leave their homeland/parents' house and god to accompany a migrant (Jacob, Naomi) back to Canaan. The dilemma is whether to leave close family in the east for God and unknown, distant kin in the west.

d. Women take initiative to induce men to act according to their advantage, at the time of the wheat harvest (*ketzir hitim*);[6] in each case, there is reference to a transaction with the root s-k-r: *sakhor-sekhartikha/ maskurtekh.*[7]

e. Dispossession of land and legacy is a key turning point in each narrative.[8]

f. Witnesses reinforce rites that settle relationships and inheritance for the future.[9]

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[6] See Ruth (2:23) and Genesis (30:14). Each reference stands out: in Genesis it is odd because it has no importance in the story and the household were shepherds, not farmers. In Ruth, it is puzzling because the rest of the narrative refers to the barley harvest. This link may be the basis for the midrashic idea (*Bereishit Rabbah* 72:2) that Reuben—like Ruth—picked *duda'im* because he was taking care to avoid taking from the choice parts of the wheat field. Indeed, quite remarkably, the very same midrash includes the suggestion that the *duda'im* were barley kernels, based on the reasoning that "barley at the time of the wheat harvest is *hefker* (i.e., of no value)." While not explicit, it is hard to believe this midrash is not based on a reading of Ruth 2:23 in light of the surrounding context, which seems to be the end of the barley harvest (cf. *Lekah Tov* on Ruth II, 23). Note finally that there is another biblical narrative in which the wheat harvest is the occasion of a proposed switch of a "hated" daughter and a "loved" daughter (see Judges 15), and two other stories referencing wheat harvest are occasions of monumental significance for the future of Israel (restoration of the tabernacle in I Samuel 6:13 and acceptance of monarchy in I Samuel 12:17). The only other reference to the wheat harvest in the Hebrew Bible is used to mark the time of the holiday of Shavuot (Exodus 34:22), which is understood to mark the monumental event of Sinai.

[7] This word (*maskoret*) appears in the Hebrew Bible only in these two stories—three times in Genesis 29-31 (referring to deals between Laban and Jacob) and once in Ruth. We have already noted how the trade of the *duda'im* seems to be a reversal of Jacob-Laban deal when the sisters were treated as objects. Ruth (2:12) also affirms female agency. In particular, Boaz wishes Ruth that she (as agent) will be given "full recompense from the Lord the God of Israel for having come and sought refuge under his wings." This is her first encounter with Boaz, which she soon (with Naomi's help and in the name of God) will parlay to her (and Boaz's) advantage.

[8] Rachel and Leah's response to Jacob— "Have we still a plot (*helek*) and inheritance (*nahalah*) in our father's household?" (Genesis 31:14)—is their rationale for following him to Canaan. And Ploni Almoni cedes the role of levir to Boaz because he is interested in "the field plot" (*helkat ha-sadeh*) (Ruth 4:3) but does not want to devalue "my inheritance" (*nahalati*) (4:6).

[9] In Genesis, witnesses mark the separation between the eastern wives and their parents (there are seven references to witnesses [including in the word *Gal'ed*] in Gen. 31), whereas in Ruth, witnesses (3 mentions in 4:9-11) mark the attachment of the eastern wives to the family of the migrant.

g. The return-migration party is finalized in roughly the same location: in Gilead, at the edge of the plains/fields of Moab.[10]

h. By the time they reach their final destination, one of the wives (Rachel, Orpah) is gone (dead, returned home).

i. Bethlehem is the setting for a birth (Benjamin, Oved) that marks the climax of both stories.

Gaining Agency and Female Power Like Men

Beyond their importance in their respective narratives, what does the scene when Ruth "cleaves" to Naomi teach us about the scene when Rachel and Leah stuck by Jacob? And how does the masculine/feminine "*shteihem*" shed light?

One possibility may be derived from R. Moshe Alshech (1506-1600, Safed), who suggests (Ruth 4:11, *ad loc.*) that in traveling over a long and dangerous road without male protectors, Ruth and Naomi had to act like — and perhaps even assume the guise of — two men. He further offers that this is why the remainder of the verse describes how the Bethlehem townsfolk were astonished when they saw the two women (referring them to them once again in the feminine form). "This is Naomi?" This woman who (together with another) is acting like a man? This interpretation is attractive because the theme of collective female agency and power runs through the book of Ruth. Examples include not only how Naomi and her daughter(s)-in-law rebuild the family and initiate a return migration to Canaan, but also (a) how the townsfolk of Bethlehem are represented by women (Ruth 1:19; 4:14); (b) how Naomi eloquently articulates her bitter life experience in a way that evokes the patriarch Jacob (compare Ruth 1:20-21 with Genesis 47:9); (c) how Ruth takes the initiative to gather food (Ruth 2:2-3); (d) how well Ruth the foreigner acquits herself in dialogue with the nobleman Boaz (2:10-17); (e) how Ruth and Naomi work together to induce Boaz to take up his role as levir (2:20-3:5); and (f) how well Ruth executes this sensitive plan (3:9-3:15). Note finally how the Book of Ruth closes with a remarkable event that echoes the story of Rachel and Leah: Ruth's son Oved is named collectively by the womenfolk of Bethlehem (Ruth 4:14-15). The book of Ruth resounds with (collective) female agency in the service of God and legacy.

Now observe this very same theme in the story of Rachel and Leah. Just as Naomi and her daughters-in-law begin their story as mere accompaniments of their husbands but later emerge as the agents who move the narrative forward, Rachel and Leah make no decisions of their own at the beginning of the story but later become full-color individuals whose choices shape the unfolding story. As in the book of Ruth, this may be symbolized by the fact that

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[10] In Genesis 31:23-54, the location is explicit—the Mountain of Gilead—and it is made symbolically meaningful via a play on the name for the monument used to symbolize the treaty: *Gal'ed*. That Gilead is located between the plains/fields of Moab and the Jordan (i.e., precisely where Ruth and her daughters-of-law were in Ruth 1:7-18) can be derived straightforwardly from the discussions of Gilead in Numbers 26 and in various passages in Deuteronomy.

they are responsible for naming children.[11] Only after Rachel dies in childbirth does Jacob get the chance to name a son (offering "Benjamin" instead of Rachel's "Ben-Oni"; Genesis 35:18). Otherwise, it is the sisters who name their children — a role that throughout Genesis is a sign of agency and authority.[12] Consider also how the trade of *duda'im* for Jacob illustrates the sisters' transformation from objects to subjects. Once Rachel was offered as payment (*maskurtekha*; Genesis 29:15) to Jacob, and Jacob was surprised to find that Leah was the actual recipient of his love. Now, Jacob learns that *he* has been offered as payment (*sakhor sekhartikha*; Genesis 30:16) to Leah so that Rachel can enjoy a (filial) symbol of love meant for Leah.[13] He is now the object and they are the subjects.

But the Rachel-Leah story is not just one of increasing agency but of increasing *power*. In the terms of modern social science, power is a function of relative dependence:[14] An individual is powerful when she has many alternative exchange partners from whom she can obtain what she needs (so she is not dependent on anyone) and those exchange partners have no alternatives to the individual (so they are dependent on her).

Thus consider Laban when Jacob arrives in Haran. He has flocks, access to pastoral land, and daughters, as well as political influence. By contrast, all Jacob has to offer is a young man's strong back and fertility. Since Jacob is presumably not unique in this regard, Laban is able to strike a very hard bargain: seven years of labor as Laban's shepherd in return for Rachel's hand in marriage. And after replacing Rachel with Leah, Laban is then able to use his political influence to force Jacob to accept an even worse deal than the original bargain: , he must work another seven years if he wants Rachel as his second wife. Eventually, however, Jacob gains some degree of power relative to Laban. It turns out he is an excellent shepherd; thus, once his fourteen years of bondage are over, he has some leverage to strike a better deal with Laban than he had before. Moreover, just as Laban was originally more cunning and resourceful than Jacob anticipated, Jacob turns out to be more cunning and skilled (in animal husbandry, with apparent divine help) than Laban anticipates, allowing him to craft a deal he can work to his advantage. This by no means exhausts Laban's power, however. When Jacob flees with Rachel and Leah and their children, Laban and his entourage catch them easily and are apparently in position to force the house of Jacob to return to Haran.

Yet now consider the sisters' rise in power and how they use it help the house of Jacob overcome Laban. It goes without saying that Rachel and Leah begin the story with little power. But this soon begins to change. The first stage is marked by success in enlisting their

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[11] Naomi even renames herself "Mara (Ruth 1:20)," reflecting a degree of agency found nowhere else in the Hebrew Bible.

[12] This is exemplified by cases when God chooses (new) names for characters much as a master might name a slave.

[13] See Rabbi David Fohrman's analysis (*op cit.)* for insightful analysis of the link between the trade of the *dudai'im* and Laban's switch of Leah and Rachel.

[14] The classic reference in the sociology literature is Richard M. Emerson, "Power-Dependence Relations," *American Sociological Review* 27 (1962):31-41. See also Ray E. Reagans and Ezra W. Zuckerman, "Why Knowledge Does Not Equal Power: The Network Redundancy Tradeoff," *Industrial & Corporate Change* 17 (2008): 903-944.

fathers' maidservants as surrogate mothers who bear children on their behalf. As the story of Sarah and Hagar indicates, this tactic can backfire, with the surrogate defying her mistress; but Rachel and Leah succeed in mobilizing Bilhah and Zilpah as loyal foot soldiers for their causes.[15] The second stage is the story of the *duda'im* . Here they begin to gain *collective* power. While on the surface the trade reflects their rivalry, at a deeper level it reflects the fact that if they act together, they are in position to dictate terms to Jacob. Collectively, they control access to all four women as well as what is becoming the most valuable resource in the household: the fealty of the sons (represented by the *duda'im*). As a result, it is no surprise that Jacob turns to *the two of them* when he wants to return to Canaan. Our intertextual triangle points to a moment when two women control the household and national destiny.

Moreover, not only dothe sisters decide use their power on Jacob's behalf, they also use it to thwart Laban. Laban's first explanation for why he does not force Jacob's household to return to Haran is that God has warned him against "attempting anything with Jacob, from bad to good" (Genesis: 31:29; cf. 31:24). But after failing to recover the idols that Rachel had stolen from him and hidden beneath herself in a camel saddle, he adds a second explanation: "What can I do about my daughters or the sons they have borne?" (Genesis 31:43). This is a remarkable statement of concession, in part because it is a non sequitur: his prior remark was a complete denial of Jacob's claim: "The daughters are mine, and the sons are mine, and the flocks are mine—everything you see here, is mine."[16] While Laban declares rightful ownership of Jacob's household in the first half of the statement, he concedes in the second half that effective control now belongs to his daughters. It can be no accident that his final encounter with them was with the defiant words of Rachel that end Laban's search for the idols: "I cannot rise before you because the way of women is mine" (Genesis 31:35).[17] Laban here concedes that the daughters have a source of power he cannot master.[18] The final stage of the story is also telling: Laban strikes a treaty whose effect is to *cement the daughters' power* relative to Jacob: Jacob may take no more wives (who might compete with the sisters and thereby reduce his dependence upon them). Whereas the sisters were once instruments to further Laban's power, they are now able to overcome him on behalf of Jacob's household and they are even able to turn him into an instrument for reinforcing their own power.

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[15] To recall, Sarah had tried but failed to be "built up" via the maidservant and would-be Hagar, but had lost control over her (Genesis 16:1-15). Tellingly, it was Hagar who named Ishmael, while Sarah saw Ishmael as a threatening her status rather than enhancing it (Genesis 21:9-10). On the other hand, Rachel saw the children of the maidservants as enhancements rather than threats.

[16] Various commentators struggle with why Laban pulls back from pressing his claim here. Some suggest Laban was overcome by mercy (e.g., Nahmanides, *ad loc.*) while others (e.g., *R David Zvi Hoffmann,* ad loc.) suggest Laban knew his argument was weak. I believe that there is more textual evidence for my proffered interpretation.

[17] This line is generally understood as a reference to menstruation. But if so, it remains unclear why she could not get up. And it is important that this is not literally what she says. She could have made a more direct reference to menstruation (they are both adults, after all). What she literally says is more general and perhaps hints at a more general power that women have over men because of their role in the reproduction process, including a special relationship with their sons.

[18] Arguably, it is just Rachel who is here demonstrating power over Laban. Her words (see above) and his response to Jacob suggest she is representing both sisters however. It remains unclear to this author what motivated Rachel and why she acted alone.

Power for What?

To this point, we have seen how Ruth seems to be indicating that Rachel and Leah were more effective and powerful agents in "building of the house of Israel" than we might have imagined. Moreover, it seems admirable that they were able to transcend their rivalry and work together as a team. But to what end? Surely, empowerment for its own sake is no virtue. And if they were working to promote the "household of Israel," how and why?

To address this question, let us return to the link between the scene when Ruth refused to abandon Naomi and the scene when Rachel and Leah pledged not to abandon Jacob. Consider the counterfactuals pertaining to each moment. In the case of Ruth, the alternative is explicit in the text. She could have heeded Naomi's warning that Ruth had no prospects for a husband and children in Judea and she should therefore return to her parents and homeland in Moab, just as Orpah had. Moreover, since Naomi's family had brought her such bad luck in the past and her God had apparently done little for her, why should Ruth remain loyal to Naomi? It is thus remarkable that Ruth is as attached to Naomi as a loving wife is to her husband and she is so eloquent about her connection with her God (Ruth 1:16-17):

> "Wherever you will go, I will go; wherever you will lodge, I will lodge; your God is my God; Where you die, I will die, and there I will be buried. Thus and more may the LORD do to me if anything but death parts me from you."

The text does not dwell on what the alternative would have been for Rachel and Leah. But there are at least two salient counterfactuals. First, they too could have stayed in Haran; after all, this is exactly what Laban demanded that they do. He insists that, perhaps because Jacob arrived penniless and therefore without a dowry, none of his possessions really belongs to him. To be sure, if we read the story through a traditional lens, it seems obvious that Rachel and Leah should reject the evil Laban and side with their beloved husband. But there is in fact nothing in the text to indicate that they love Jacob[19] and there is to this point no indication they blame Laban for having tricked Jacob. And what would have happened had Rachel and Leah told Jacob that they were not willing to go to Canaan with him? Presumably, their sons would have sided with them, and their grandfather would have supported and encouraged this. Moreover, this might have reinforced their growing power over their father, and they might have negotiated better terms for themselves.

Now consider a second counterfactual: only one of them could have stayed. Most likely, this would have been Leah. Her oldest son was already thirteen; and by calling Rachel before he called Leah, Jacob is essentially declaring that he will continue to treat her as the secondary wife. It would thus have been quite reasonable for Leah to refuse to accompany Jacob and keep her nine children (including the two boys born to Zilpah) at home. On her own, she would have had quite a bit of power in Haran. Leah's decision to stay would have been devastating to Jacob, who clearly wanted to keep his entire family intact. But to accompany Jacob, she would have had to transcend her feelings of slight by Jacob and rivalry with her younger sister and to take her chances on an unknown land. Thus, just as it would have been

[19] Jacob is described as loving Rachel (Genesis 29:18; 29:30). Leah is also described as wanting Jacob to love her (29:32). But nowhere is either described as loving *him*.

natural for Ruth to stay in Moab, it would have made eminent sense for Rachel and (perhaps especially for) Leah to say in Haran.

But they do not follow the natural, easy course. Like Ruth, they issue a remarkable declaration of fealty to their husband and his foreign God (Genesis 31:14-16):

> "Have we still a share in the inheritance of our father? Surely, he regards us as foreigners, now that he has used up our purchase price. Truly, all the wealth that God has taken away from our father belongs to us and to our children. Now then, do just as God has told you."

On the surface, this is not as uplifting a pronouncement as Ruth's declaration to Naomi. Rather, this is an expression of rejection of their father and what he stands for, as well as a declaration of their own rights relative to Jacob: Jacob recounts to Rachel and Leah that God told him that what he earned was rightfully his and not Laban's; they are insisting instead that it is theirs. Clearly, they are deeply resentful of their father for dispossessing them. It is also possible that they are not happy with the role Jacob played, though they do not blame him; perhaps they recognize that he was as powerless as they were. In this key respect, Rachel and Leah resemble Ruth: they are able to see beyond their partner's surface limitations. This is especially the case for Leah. Just as it is remarkable that the young and fertile Ruth is willing to follow the lead of the elderly Naomi, it is impressive that the older and the seemingly more powerful sister (she with many more and older sons) is willing to defer to the younger sister by embracing the role of secondary wife. To do this after having suffered as the "hated" wife/sister for so long is so striking as to defy explanation.

It is possible that the key lies in their Ruth-like devotion to Jacob's God. Throughout Genesis, recognition of God, especially with the four-level Tetragrammaton, is a sign of moral righteousness. The key test facing the various characters is whether they will recognize authority that is greater than themselves (see Genesis 14:19-22; 20:11). Leah certainly meets this standard from the very beginning. In naming her first, second, and fourth sons she effectively "calls out in God's name" (Genesis 12:8; 13:4; 21:33; 26:25); the fourth son's name, Judah, derives from "I will thank the Lord" (Genesis 29:35). And while Leah and Rachel then reference the secondary name of God, *Elohim*, in naming most of the next seven children (biological and surrogate), Rachel invokes the Tetragrammaton in providing the second rationale for the name of Joseph (the eleventh; Genesis 30:23-24). Finally, while each of these testimonies to their relationship with God reflect their individual needs and desires, their response to Jacob describes a *joint* relationship between God and "us and our children." It seems then that their ability to see beyond their immediate circumstances and to avoid becoming intoxicated with their own power may derive from their success at forming a (Ruth and Naomi like) partnership rooted in a shared recognition that there is a source of justice and authority beyond themselves, one associated with Jacob/Israel.

Conclusion

In this essay, I have discussed an intriguing link between the book of Ruth and the Rachel-Leah narrative and presented the case that Ruth is hinting at an image of Rachel and Leah that is quite different and more inspiring than what appears on the surface. Rather than two rivals caught in a tortured version of an alien, ancient institution, what emerges instead is something more relatable and admirable: two women who overcome extremely

challenging circmustances to achieve something significant for themselves and for their families. Like Ruth, Leah and Rachel did not take the easiest, most natural course of action. But without this willingness to cut against the grain, it is hard to see how the "household of Israel" would have been "built."[20]

Perhaps more importantly, when we see Rachel and Leah through the eyes of Ruth, they come across as exemplars to emulate. They adopt a new faith brought to them from a foreign land by migrants who have also brought them a great deal of trouble. But they somehow succeed in looking beyond the migrants' faults and embracing a God who transcends place. They begin the story as mere powerless objects, but take initiative to become effective and powerful. Key to that transformation is the formation of an alliance with another woman who would have been powerless without the alliance. And for both Leah and Ruth, the women achieved great names for themselves via their descendants, even while taking actions that, in the short term, required them to abase themselves. Thus, while the ancient rites that defined these women—polygamy and *yibbum*—seem foreign to us today, a close reading of the biblical text furnishes compelling reasons to identify with them and be inspired by their example.

This essay is dedicated in loving memory of the author's maternal aunt Helyn (Brenner) Reich, whose yahrzeit is observed on the 8th of Kislev, and who was an exemplar of a strong Jewish woman in the mold of Rachel and Leah, and of her namesake Hannah. May her memory continue to serve as a blessing.

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[20] As I noted in my recent *Lehrhaus* essay "The King's Great Cover-Up and Great Confession," while the institution of *yibbum* is ostensibly meant to promote the legacy of the dead husband, a review of the *yibbum* stories in the Hebrew Bible reveals that *yibbum* actually tended to promote the legacy of the bereft women (and their lineage) who had to take matters into their own hands in order to induce powerful men to do the right thing. It is accordingly no surprise that after likening Ruth to Rachel and Leah, the Bethlehemites go on to reference Peretz and her mother Tamar (with Judah in a seemingly secondary role; Ruth 4:12).

Politics from the Pulpit: An Epistemological Reflection

Rabbi Dr. Don Seeman

We live in a time of extreme and increasing partisanship in American politics, and this may pose special challenges for rabbis and other public religious intellectuals. Should I eschew politics from the pulpit altogether as a pragmatic effort to serve a politically diverse community? Or should I feel called upon to adopt what some have labeled a "prophetic voice," speaking forcefully in the name of Torah for a set of conclusions that may be more or less in line with those adopted by one of the warring factions of contemporary American civil life? As a personal matter, neither of these feels particularly authentic or useful. How can I self-righteously claim the authority of Torah for positions that can only be loosely accommodated, in the vast majority of cases, by the classical sources that define our tradition? And how, on the other hand, can a Torah divorced from the pressing issues of our day—refugees, national defense, taxation, and civil rights—be considered in any way a Torah of life? The pragmatic issues faced by rabbis in the field are real, but I want to take a more reflective approach to thinking about the different valences of Torah that we teach. What might a coherent philosophical account of the problem of "politics from the pulpit" look like?

To start, I am in agreement with Rabbi Jason Herman, who also writes for *Lehrhaus* that rabbis make better sages than prophets—that the halakhic tradition itself is so full of nuance and sophistication that it cannot be reduced in good faith to mere Democratic or Republican talking points. Yet while I think that this goes without saying, I also think it does not go far enough. I will argue that there is also a more conceptual and epistemic rationale for emphasizing that while political discourse may fairly draw upon the wisdom of sources in our tradition, it cannot claim its *authority* from them in any immediate way because there simply is no unitary Jewish or rabbinic view of some of the most important contemporary issues we face. Moreover, the corollary of this approach is that religious leaders have a duty to demonstrate a degree of epistemic humility—the opposite of "prophetic" stridency— in claiming the authority of Torah to confront these issues.

How do we know what we claim to know about Jewish responses to complex moral issues? Within the constraints of this short essay, I want to propose that three different kinds of *mitzvot* exemplify three different answers to this question. The first two are familiar from the writings of Saadiah and Maimonides, who each sought to explicate the relationship between divine purpose and human understanding through their account of reasons for the commandments. While they insisted that the Torah's commandments have reasons that humans can and should explore, they also described the epistemological limits of human reason and the dangers of ignoring those limits with respect to commanded practices, whose forms have already been detailed and fixed in Halakhah. Some medieval theorists of Judaism however also recognized a third category of discretionary activity whose specific form, especially in the arena of communal governance or politics, was left unfixed and open to human deliberation. Here the epistemological problem is rather different - not merely the understanding of reasons for actions that the Torah has already mandated, but also the wise determination of goals and strategies that emerge over time. I will invoke a teaching of Rav Kook to support my argument that these discretionary goals and strategies - which we often

refer to as "politics"- are no less sacred than the fixed *mitzvot* we otherwise observe, but that they defy by definition the kinds of certainty that would normally allow us to speak in a prophetic voice.

I

In his *Book of Beliefs and Opinions* (*Emunot ve-De'ot*), the tenth century Baghdadi Gaon, R. Saadiah ben Yosef suggested that the commandments of the Torah could be divided into two broad classes, which he referred to as "rational" (*sikhliyot*) and "traditional" (*shimiyot*) commandments respectively. A simplistic reading might lead one to conclude that only some commandments can be considered rational while others lack reason, and this is one reason that Maimonides in his *Guide of the Perplexed* later rejected this language, even as he continued to build on Saadiah's formative distinction. As the philosopher Lenn E. Goodman has summarized Saadiah's position, "calling some commandments rational does not imply that the rest are not… but only that those so singled out are rational *par excellence*, since their rationality is transparent."[21]

Prayer, for example, may be considered a rational commandment because the duty to give thanks for good that has been rendered is obvious and intuitive to thinking people, and the act of prayer—though not necessarily the choice of a specific liturgy—is a direct expression of that good. The prohibitions of murder and theft, similarly, may be considered rational because these prohibitions are direct expressions of a desire to prevent certain kinds of harm to individuals and the social fabric in which human beings may flourish. The requirement to support the most vulnerable members of society through some kind of redistributive practice (*tzedakah*) also seems like a fairly transparent (and therefore "rational") expression of the Torah's purposes.

Even today, people rarely challenge the reasonability of these commandments, and the bulk of rabbinic teaching is in the fixing of their seemingly more arbitrary details: how often should a person pray, how much *tzedekah* should they give and to whom, and under what circumstances does the law allow for the prosecution of thieves and murderers? To the extent that the details of observance are described, debated, and eventually fixed in the rabbinic corpus, these are obvious matters for today's religious leaders to expound in their communities, and to invoke the authority of Torah in promoting or defending. While there is undoubtedly some discretion built into the details of their performance, the general outlines have been pretty well fixed.

The same may be said of the so-called "traditional commandments," which includes those whose essential purposes may seem undetermined or even arbitrary from the perspective of human reason. Dietary laws may have perfectly valid rationales, for example (Maimonides, for example, thinks that they help train human beings to curb their appetites for sensuous pleasure), but the specific prohibitions of pork and shellfish rather than beef and salmon might appear arbitrary, especially to people who like pork and shellfish. These are the commandments, according to one frequently cited rabbinic saying, upon which the evil inclination and non-Jewish nations frequently cast aspersions (see *Yoma* 67b). Here the relationship between act and purpose is indirect or even opaque, and this is especially true of many commandments that were dismissively labeled "ceremonial law" by some modern

[21] L. E. Goodman, *God of Abraham* (Oxford: Oxford University Press, 1996), 170.

Jewish reformers.[22] Like the so-called rational commandments, the "traditional" ones too were debated and articulated in great specificity by the rabbinic tradition, and here I follow writers like Maimonides, R. Samson Raphael Hirsch, and R. Kook, who all thought that the pedagogic responsibility of teachers and rabbis included not just the responsibility to teach the details of their observance but also to search out their reasons to the extent of human capacity.[23] The law should be observed on its own intrinsic authority but it should also ideally be embraced for the great good that it brings to the world. Or, as Maimonides writes at the end of his *Hilkhot Temurah*, "Let everyone who is able to give the Law a reason give one!"[24] Unlike the expressly rational commandments in which the intent of the law may be clearer than the details of its performance, here the details may actually be less opaque than the reasons or intent that can only demonstrated through a dynamic intellectual process of reasoning that starts *from* the law as given.

Though the epistemic regime governing our understanding of rational and traditional commandments differs quite a bit, they are similar in that both have reasons according to Saadiah and Maimonides, and both are spelled out in great detail through the normative process of Talmud Torah (study) and *pesikah* (jurisprudence) that define rabbinic Judaism. Religious leaders are authorized to teach these as matters of Torah that have been defined through the generations, within the real but limited pluralism that has always defined halakhic decision-making. It is a task that requires some skill and expertise and, as Rabbi Herman convincingly shows, it cannot be reduced to a collection of contemporary sound bites in support of an immediate political agenda. To the extent that Judaism matters to politics more broadly, it matters precisely because the commandments teach us something unique and irreducible to the ideological programs of the moment, however important those may be. Halakhic and aggadic teachings can inform contemporary political debates but they can rarely settle them - they are more likely, on the contrary, to *unsettle* contemporary political orthodoxies.

Yet here is the rub, because if this view seems to challenge the immediate relevance of Torah to the resolution of contemporary political disputes (i.e., there is no authoritative Torah view on how many Syrian refugees the United States should welcome, or whether lowering taxes on citizens and corporations is a good idea), it also threatens to render the world of politics devoid of ethico-religious import. If the Torah cannot resolve civil disputes about gun control, abortion rights, or tax policy, doesn't that deprive these matters, from a committed Jewish standpoint, of sacred significance? That concern may be what leads some religious leaders who are neither prophets nor the immediate descendants of prophets to nevertheless adopt a prophetic, oracular style when they speak about matters they consider important, as if they are speaking with the full and unambiguous authority of Torah behind them. This has become a significant problem on the political left as well as the political right, and leads me to wonder if there is another option for how we might think about this problem. How can we

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[22] Abraham Geiger, "On Renouncing Judaism," in Max Weiner ed., *Abraham Geiger and Liberal Judaism: The Challenge of the Nineteenth Century* (Cincinnati: Hebrew Union College, 1981), 283-293.

[23] See Don Seeman, "Reasons for the Commandments as Contemplative Practice in Maimonides," *Jewish Quarterly Review* 103 (2015): 298-327; and idem., "Evolutionary Ethics: The *Taamei Hamitzvot* of Rav Kook," *Hakirah* (forthcoming).

[24] *Mishneh Torah, Hilkhot Temurah* 4:13.

appreciate the importance of politics, from a religious point of view, without immodestly claiming to predetermine outcomes on the basis of religious authority?

II

Already in the Middle Ages, some rabbinic writers developed an understanding of political or temporal governance that by necessity outstripped the normal rules for halakhic governance of individuals and small communities. Maimonides himself notes, in his *Laws of Kings and their Wars* that the duly-appointed Jewish king enjoys wide discretionary powers under Halakhah for the conduct of "discretionary wars," levying of taxes, and provision of justice outside of normal judicial channels. This already complicates efforts to apply Talmudic rulings on matters like war, taxation, or capital punishment in any clear and transparent way to the activity of the state. At least some important voices in the rabbinic tradition understood that matters of broad state policy required a high degree of discretionary authority that is often glossed over in attempts to claim religious authority for particular policy outcomes.

In an influential 14th century essay, R. Nissim of Girona develops an elaborate theory of "the king's law," explaining the basis of this discretionary power in more detail than Maimonides' code would have allowed.[25] And in his 15th century biblical commentary, Don Yitzhak Abravanel takes issue with Maimonides' limitation of executive authority to the monarch, suggesting wistfully that perhaps when the Messiah comes the Jews will be ruled by a democratic authority like the one that provided haven for exiled Iberian Jews in Venice, for which he seeks biblical support in the council of elders appointed by Moses at his father-in-law's behest, as well as the prophet Samuel's critique of the Israelite request for a king. None of this is exactly dispositive to current concerns, but it may be sufficient to demonstrate that these leading theorists of Judaism understood the need for public policy and state governance that exceeds the technical expert competence of rabbis.

By itself, this is an important corrective to approaches that claim something like oracular authority to determine the correct outcome on political matters. But it does not directly address the elimination of religious meaning from political life that I raised earlier. For this, I wish to turn briefly to Rabbi Abraham Isaac Kook (1865-1935).

While he worked hard to establish the Jewish community in the Land of Israel on a firm halakhic foundation (and looked forward to the resumption of an authoritative Sanhedrin), Rav Kook was surrounded by many secular Zionists, whose idealistic contributions to the governance of society took place outside of Jewish religious norms. I think this is the context in which the following extraordinary excerpt from *Arpelei Tohar,* the only one of his notebooks published unedited during his own lifetime, should be read:

> The improvement of society (*tikkun ha-medinah*) in general and of the body in particular is among the most exalted expressions of sanctity, which because of the very excess of sanctity, cannot be explicitly revealed in a form that has

[25] See Itzhak Brand, "Religious Recognition of Autonomous Secular Law: The 'Sitz im Leben' of R. Nissim of Girona's Homily (no. 11)," *Harvard Theological Review* 105 (2012): 163-88. On this matter, see also chapter nine of Chaim Saiman, *Halakhah: The Rabbinic Idea of Law* (Princeton: Princeton University Press, 2018).

> external expressions of holiness. Rather, the light that is in [this improvement] and accompanies it, is as if complete.[26]

The lack of a fixed form for actions taken toward the improvement of society differentiates them from most standard *mitzvot*, but does not render them any less sacred. On the contrary, says Rav Kook, it is the very excess of sanctity that prevents them from being fixed and standardized. The "light" in them is not inferior, but "complete." And this implies a certain degree of political pluralism as different individuals or groups reason in good faith about what a *tikkun ha-medinah* might look like. Without mentioning them by name, Rav Kook is building here on sources like Nahmanides' commentary to *Deuteronomy* 6:18, which teaches, "Do what is good and right in the eyes of the Lord." There is no room to demonize people whose understanding of how to achieve the good and the right might differ, within reason, from one's own.

Rav Kook, moreover, seeks to unveil the sanctity in human society as a whole:

> [T]he exalted extensions of this [light] in specific actions for the betterment of society and the individual body are analogous, with respect to *mitzvot*, to the obligatory fringes (*tzitzit*) while culture as a whole is like the entire garment (*tallit*). The fringes cause the sanctity that is hidden in the garment as a whole to be revealed… while the sacred and commanded activities symbolize human activity in general for the betterment of the individual and the collective. They bring to expression the hidden light deep within all human culture, and bring that revelation to its proper place, demonstrating the light of eternal vitality that enlivens everything, even the temporal and temporary.[27]

Actions "for the improvement of society in general and of the body in particular" are *not* religiously neutral. To the contrary, they can be analogized from the perspective of all human culture to the *tzitzit* or ritual fringes, which demonstrate the hidden sanctity of the *tallit* as a whole. Political actions intended for the good and betterment of temporal society may seem secular because the form they take is shifting and discretionary, but they are *mitzvot in the deep sense* that they channel G-d's light into the world, which is itself sacred. The *tzitzit* reveal the hidden holiness of the garment, while *politics* reveals the hidden holiness of human culture as a whole. This is a breathtaking application of Jewish mystical consciousness to ordinary human affairs. But what does it tell us about politics from the pulpit?

For one thing, it means that issues of political concern are also matters of religious concern to the extent that they deal with deliberation over actions taken for the betterment of society, *tikkun ha-medinah*. "Those who say that religion has nothing to do with politics," as someone once said, "have no idea what religion means." Yet this does not in most cases justify the perception that religious expertise and the authority that comes with it can be usefully marshalled to end political debate or to determine which, among a relatively broad panorama of potential choices, is the "Jewish one." It isn't just that Jewish law is complex and

[26] R. Kook, *Arpelei Tohar* (Jerusalem: R. Tzvi Yehuda Kook Foundation, 1983), 6-7. Translation mine.

[27] Ibid.

imperfectly attuned to the needs of any given moment in our political life but rather because the form of broad actions for the betterment of society are often unfixed and discretionary by design. While there are certainly *some* political choices that seem outside the pale of any reasonable Jewish position, there is little evidence to support that this applies to most of the hot-button issues of our current time over the shape, for example of the First, Second, and Fourteenth Amendments governing speech, guns, or privacy (and by extension, abortion). Indeed, abortion is a good example of an issue that has been extensively adjudicated under the normal rules of halakhic practice, but where those rulings too do not apply in any simple or unproblematic way to considerations of what policy is best for society as a whole. There are good prudential reasons why one might take a strict view of abortion as a matter of individual Halakhah, yet believe that social policy ought to be lenient or the other way around. Rabbis and other religious leaders may not always be the best judge of these realities.

Personally, I feel blessed to live in a modern Orthodox community that retains its political diversity while self-segregation seems increasingly to be the norm in American life. I am also happy that my community is normally skeptical of rabbis and religious leaders claiming undue expertise or authority in political matters purely by virtue of their being rabbis or religious leaders. While Saadiah's "traditional commandments" are those in which there is an indirect or relatively opaque relationship between the practice and intent of the *mitzvah*, *these* commandments, which we might call *tikkun ha-medinah* commandments, are unfixed or underdetermined in their *intent* as well as their form, inasmuch as we maintain legitimate differences of opinion about goals as well as strategies. Do I seek to maximize free speech or inclusiveness, economic equality or the dynamism of a free market? Which will make society better for my community and others? These are not questions that can be clearly answered by Jewish law, let alone vague (yet often vociferous) invocations of "Jewish values."

For rabbis and teachers of Torah, the epistemic regime I have tried to sketch here mandates a degree of circumspection not just because it's politically savvy to keep one's options open or avoid offending congregants, but because we ought not to claim authority that is not ours. Personally, I prefer to use other settings than the pulpit to speak about political matters. In my community, we used *seudah shelishit* to speak about some recent controversies, because I wanted to be clear that these were matters for reasoned give and take, rather than pronouncements from on high. It wasn't a perfect solution and I could imagine using the pulpit in a careful way to raise issues without predetermining their outcome. But as the political discourse in this country continues to heat up, can't we at least expect rabbis and religious leaders to avoid demonizing their political opponents, in the name of Torah, from the pulpit and elsewhere? To make clear the real basis of the authority for the positions they take? The mantle of prophetic authority sits too heavily on those who merely have strong opinions to share.

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