LEHRHAUS

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Will Day School Be Affordable Again?

Rafi Eis

Introduction

In the decade since the Great Recession brought the day school affordability crisis front and center, we are nowhere near solving it. While some schools froze tuition for a few years, only one school significantly lowered its tuition. Every other school increased its tuition. Will we be able to solve the affordability crisis?

This distressing topic however, can't undermine our primary principles. Oscar Wilde famously defined a cynic as 'a man who knows the price of everything and the value of nothing.' Similarly, when discussing the distressing topic of the high cost of Jewish day school, it becomes too easy to think that the whole Jewish day school endeavor costs too much. No matter the cost of Jewish day school, however, it is worth the price. No other institutional Jewish experience has anywhere near the same level of teaching, inspiring, and forming the next generation of committed Jews. Dr. Jack Wertheimer's exhaustive study proves it. These formative years require the unique environment of Jewish day school. Literally, Jewish day school is invaluable.

The Rise of Tuition

In 1995, the average annual K-12 Jewish day school tuition was $5,700, which would be $9,100 today when adjusted for inflation. But other than most yeshivish and Hasidic schools, which have kept pace with inflation, day schools have generally doubled or tripled tuition! Why has tuition grown far faster than inflation?

At the most basic level, we grossly underfunded Jewish day schools in 1995. At that time, New York and New Jersey spent $9,000 per public school student, which is 45% more than the $5,700 previously mentioned! This discrepancy in funding becomes more pronounced when we realize that Jewish day school provides a dual curriculum with at least a 20% longer day and sometimes 50% longer, depending on age level and school type. The Avi Chai report from the mid-1990s decries the woeful state of school financing and the report's primary medium-term goal is to infuse the day school system with additional funds. That has now been accomplished.

Already in the year 2000, Dr. Wertheimer writes about the substantial new investment in Jewish education and that it then cost $10,000 to educate a day school student. To understand the current cost of Jewish day school, we need to put it in context. New York and New Jersey currently spend more than $18,000 per pupil in

public school. With its dual curriculum program, a day school tuition in the New York metropolitan area which is in the mid-$20,000 range is proportional with the geographic K-12 education industry. We are using the data for the New York metropolitan area, which has the highest geographic concentration of schools, but fully understand that the affordability crisis applies to day school families nationally. The context of day school affordability must begin by comparing the local day school tuition with the state's public school cost per student.

The above history does not make day school affordable. Too often, however, people complain about the cost of day school without an appreciation of what their children are receiving. Solving the affordability crisis requires an understanding of school costs and revenues. Both of those likely need to change to make day school affordable again. To do this, we need to understand the reason for the increased costs.

#1: Schools are Better

Jewish day schools have gotten more expensive because they have also gotten a lot better. Schools offer much more individualized attention and opportunities through a wider range of course offerings, which means more teachers and smaller class sizes. An AP Calculus BC course or an advanced Talmud track, for example, only enroll a handful of academically elite students. Schools also provide more robust services for students with additional learning, organizational, or behavioral needs. To provide these opportunities and support, school personnel are now far more credentialed, with a much higher percentage having a Masters' degree or PhD. Previously, much of the learning support staff acted as tutors by filling in the gaps in student knowledge and skill; now they tend to be trained specialists who can also address the underlying language acquisition and organizational issues. Many schools also employ full time mental health professionals.

Beyond classroom learning, schools also place great value on informal education like *Shabbatonim*, clubs, contests like color war, and increased competitive sports with destination tournaments. Some schools also offer adult education programs to bring parents and children together in a holistic way. For the stage after high school, schools offer robust college guidance and Israel guidance departments. These courses, programs, and services require expert staff.

All these additions also require greater direction, organization, alignment, and oversight. Schools have therefore hired more administrators to ensure that the right courses are being offered, are being implemented properly, do not conflict with other school offerings, and that the correct students are being properly serviced by these programs. Alongside increased individualized programs, parents also need personal

guidance as to which programs and courses are best for their child. A basic principle of management is that the more an organization does, the more effort it must make to do it properly, including schools.

Twenty five years ago, Jewish schools fit into the parochial school model. As the overall day school community became wealthier and raised its expectations from schools, the schools instituted more robust programs—APs and course electives, informal education, clubs, sports teams, destination sports tournaments, college and Israel advising departments—and have entered the category of the independent school.

#2: Respectable Teacher Compensation

Growing up in the 1980s, my image of a Jewish day school teacher was of them driving around in a beat-up station wagon. Reports have their salaries in the $20,000 range with minimal benefits. That would be less than $35,000 in 2018. While we do not have public data about teachers' wages over the past three decades, anecdotally, teachers now live much more respectably. They live in the communities they serve and they drive new-ish minivans. Simply put, schools have gotten more expensive because instead of being paid on the low economic end, teachers are now paid a middle-class salary, competing with the market rate for excellent teachers in that area.

Accompanying the rise in teacher salary is the offering of health and retirement benefits to teachers, which schools anticipated would add about 5% to their budget. Pension costs are capped and matched to employee contribution. That has therefore stayed the same and probably makes up 2% of a school's budget. Health insurance premiums, on the other hand, correlate with our healthcare costs which have risen over 170% between 2000 and 2018! While we now know the increased cost of health insurance, schools did not anticipate this level of increase when they offered the benefit. This probably added an additional, unanticipated 10% to a school's budget. It should be noted, that the Affordable Care Act, as of 2016, mandates schools with over 50 full time employees to offer health insurance.

 # 3: Industry Trends

Jewish day schools are part of the education industry and are impacted by the trends of the industry. If we would adjust NY/NJ per student spending from 1995, NY/NJ spending should be around $14,400, yet it is over $18,000. The increased cost of university has far outpaced inflation. Many of these costs stem from the additional staff and services described above, but it also includes improvements to physical

plants and increasing technology expenditures. In other words, the cost of all education has greatly exceeded inflation.

#4: Stagnant US Salaries

While the costs of day school have been rising significantly, the salary of the average parent has not risen in parallel. While salaries rose in the 1990s, since 2000 they have either stagnated or risen modestly, aside from the top 1%. The median salary just rose above its level in 2000. School budgets in, say, 2003 assumed rising wages like in the 1990s, even though that was no longer the case. Even moderate tuition increases of 3% per year makes day school unaffordable if wages stay the same.

The expenditures enumerated above explain the major rise of school tuition, as staff salaries and benefits make up about 75-80% of a school's budget. With tuition being the primary and most stable revenue source of a school, schools collect these costs through tuition.

Where Do We Go From Here?

On the one hand, defining affordable day school can seem like a purely financial question about the relationship of family income, average family size, and the cost of day school. On the other hand, this can be hard to define since priority of values and other lifestyle choices—type of house and neighborhood, automobiles (number and vehicle type), travel, summer camp, and food all impact a family's perception of their economic needs. Each family will answer these questions differently, especially since the cost of day school has led to more people entering high earning careers, with their immense time commitment and stress. As an example, a person stated to me that day school should be affordable enough to allow for an annual family vacation.

As the median salary is basically at 2000 levels and the upper middle class salary is moderately higher, we will define affordable tuition at an average of around $14,000, since that is basically the per child expenditure in 2000 adjusted for inflation. To reiterate, this is currently less than New York and New Jersey's cost per student for a single curriculum education.

The above factors apply to every day school with an affordability crisis. The impact of each factor will differ based on location and each community will define affordable tuition based on local income levels and cost of living. Housing costs and quality of life are different, as are competitive teacher salaries. A state's cost per student is easily found online. If a day school's tuition is proportionate with the local public school's

spending per student, then only the solutions below will make the day school affordable, not "cutting waste" or "lowering costs."

How do we get back to affordability while still compensating teachers in a respectable manner and without sacrificing attention to students with individual needs? It is easy to discuss these three issues in isolation, but any proposed solution will have to address them together.

Obviously, there are two ways to make day school more affordable: by reducing expenses and increasing non-tuition revenue.

Reducing Expenses

#1: Going Back in Time?

While it is critical to understand how we got here, the way down from high tuition is not necessarily to reverse our steps and become a parochial school again. Yeshivish and Hasidic schools have lower tuition because their costs are lower. They compensate their teachers poorly, have a high student-teacher ratio with fewer course options, and have much less individualized support. Their parochial school models stems from their communities expectations and quality of life. We cannot so easily mimic their low cost.

Schools, however, could instill more discipline in their budgeting process by incorporating Zero Based Budgeting, which assumes zero dollars in expenses and then each budget line item needs to be justified as if it were a new addition in each year. This prevents accepting the previous year's expenditures as a basis for the next year's budget, which leads to increased costs, by grandfathering in old costs.

#2: Paying off the Mortgage and Other Non-staff Efficiencies

In general, day schools have little waste, especially when looked at as a per student cost. Much effort has been expended to find efficiencies in Jewish day school: email instead of paying for postage, schools combining their purchasing power together, and running a capital campaign to pay off the school mortgage. These can lead to significant reductions in a school budget and lower tuition.

These efforts should be applauded, but only address the 20-25% of the schools budget that is not staff-related.

#3: Technology/Blended Learning

Blended learning, where classrooms combine teachers and virtual learning, can make school much more affordable, reducing costs by as much as 35%. On the technology side, much of a teacher's job—recording attendance, disseminating and assessing basic knowledge, for instance, can be automated. This, in turn, frees the teacher to support more students than before. The student-teacher ratio can be increased and schools can reduce the size of their faculty. Students will have less time with teachers, but the quality of the student-teacher interaction is higher and more individuated, especially as the teacher receives continuous data in real time. The school can do the same with less.

One important caveat is that the data collected and reported back to the teacher by the online program needs to be based on standards, like Common Core, against which the data can be compared and analyzed. Second, online programs mostly teach and test for content at the lower levels of Bloom's taxonomy, like memorization and description. Creativity and analysis are best taught by teachers.

Increasing Revenues

#1: Increasing Enrollment

It can seem very reasonable to assert that tuition will be reduced with more students filling empty seats. While it is true that many classes have empty seats, those seats are not easily filled. At least in the Orthodox community, day school attendance is about 90% of the available market, with the other 10% not attending due to specific circumstances. Some students need a level of special education that only public school offers, and some want the boutique academic programs of elite private schools. We should note that anecdotally it seems that there is significant enrollment at the less expensive, right wing schools that is not based on the espousal of a particular ideology but because they are simply cheaper. It will require significant resources to enroll these students in Modern Orthodox schools. In short, the pool from which Modern Orthodox schools can increase enrollment to significantly boost revenue is exceedingly small.

The Avi Chai report on the financing of Jewish day schools from 1997 emphasizes that larger schools do not save money per student. My experience as a school administrator during a period of 30% enrollment growth tells me as well that that remains true today. The programmatic additions to attract and accommodate those additional students often equal the tuition revenues they bring in. The empty seats that need to be filled are in already existing classes; the creation of new classes and programs offsets the additional tuition revenues.

Further, a school increasing its enrollment by adding additional segments of the population, whether to the right or left, will impact school culture. Dramatic culture changes to attract other student populations can also lead to the loss of the base population.

#2: Endowments and Mega Funds

Endowments and Mega Funds can also lower tuition. The amount of revenue needed to make tuition affordable is quite high. For instance, if a 400-student school wants to lower tuition from $25,000 to $14,000 without reducing expenses, it would need an additional income of $4.4 million per annum. Suppose the school has an endowment of $20 million earning 4% interest per year. The interest would allow a reduction of only $2,000 per year, and if the principle is used to defray tuition, the endowment would be depleted within a decade. For this strategy to be effective, much larger endowments are needed, like the Generations Fund in Montreal, which has raised over $80 million dollars, and offers income based tuition subsidies for middle class families.

#3: Other Revenue Streams

Schools are generally large and well-equipped facilities that stand empty for much of each weekend, the holidays, and the summer. Renting out school facilities during these times are another potential, albeit most likely modest, revenue stream.

#4: Vouchers and Tax Credits

Vouchers and tax credits have the potential to completely change the dynamics of Jewish school financing and solve the affordability crisis. A full voucher that will pay for all General Studies salaries and costs, including classroom usage, could reduce tuition by over 60%! Getting a voucher system implemented involves numerous political steps and depends on a particular state's political climate. The amount of the voucher, who is eligible to be paid by the voucher, and who is entitled to receive the voucher will determine whether vouchers make a slight dent in the affordability crisis or solve it altogether.

The Orthodox Union has done incredible work in bringing millions of government dollars into Jewish day schools. The Great Recession first created a sustainability crisis, where many schools questioned their ability to stay open, and the OU helped save the day by guiding schools to receive the maximum of existing funds and advocating to maintain and increase non-public school educational funds. Their

efforts, however, have not made schools affordable for many families, mainly because their successes were in areas of security grants and STEM education, not in securing an Indiana model voucher system in those states with the largest Jewish communities.

#5: Whole Community Dues

A repeated suggestion is the establishment of a communal super organization to collect school revenues from all community members. Instead of schools collecting tuition as a user pay model, where the enrolled family pays tuition, all community members would pay annual dues to support the synagogue and schools. The impracticality of these models should be obvious at two levels. First, we have no ability to enforce payment from individuals and families who do not have school-enrolled children. Communities want to invite new members in, not create financial barriers to entry. Families that have already paid tuition will want to accumulate their wealth for other reasons. Second, the disbursement of communal funds will invariably lead to infighting, as schools cost different amounts and every school has immense fundraising pressure.

More fundamentally, American religious communities are structured to offer choice of school and of place of worship. We pay to the institution that validates and promotes the values that we believe are right for our family and society. Developing a community-based model will limit people's choice of school and synagogue, and it is precisely the American model of religious disestablishment and competitive marketplaces that has allowed our institutions to grow and thrive. Non-competitive communal institutions, like *eruvin*, *mikva'ot*, and *bikur holim* societies generally remain separate organizations that are not bound to particular schools and synagogues. Umbrella organizations, like Federations, have a broader, but looser community, whereas the community-based model outlined above would require a much tighter relationship between institutions. The most obvious way to share resources would be for synagogues and schools to share a building, as they both need a sanctuary and classrooms. Their main usage days do not conflict, and yet every community has its share of reasons as to why the synagogue and school do not share a property.

Results Matter

Communities and organizations have embarked on many well-meaning initiatives that have generated additional revenues for schools and created significant savings. They have not made tuition affordable, let alone lower. Significant energy has been devoted to solutions of limited or no impact, like obtaining security and technology

grants. We have outlined eight strategies above, and none of them should be ignored, even if their potential impact is limited. Every bit helps. Three of them—return to a 1990s parochial education, blended learning, and vouchers—have the potential to make tuition affordable again in the long term, and only the latter two can lower tuition while maintaining educational excellence. Therefore, though we should take a multi-pronged approach, our primary efforts should be geared to advocating for vouchers and to implementing excellent blended learning tools in all subjects.

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After *Lag*: Two Readings on The 'Self-Praise' of Rabbi Shimon bar Yohai

Josh Rosenfeld

Lag Ba-omer has passed, and by now the largest gathering of Jews in the world has dispersed from the tomb of Rabbi Shimon bar Yohai (Rashbi) in Meron. The celebration, or *hilula*, at Meron has merited its own texts and liturgy, centered around *piyyutim* of effusive praise for the mystical hero of the day—so effusive, in fact, that it can leave even the most ardent believers with an uneasy feeling. This discomfort is compounded by statements attributed to Rashbi in rabbinic literature that appear to be self-praise, or *hitpa'arut*. This is at odds with expectations of how a *tzaddik*, certainly one of Rashbi's caliber, should express himself.

Two approaches lie before us. On one hand, we can accept such statements, and their later iterations in songs like *Bar Yohai*, authored by the 16th century Libyan kabbalist Rabbi Shimon Lavi, at face value. However, the seemingly unthinking acceptance of such *hitpa'arut* by masses of fellow Jews can amplify our unease. Alternatively, one may opt to take a hermeneutical stance that assumes there is far more than meets the eye when a *Tanna* like Rashbi appears to indulge in self-aggrandizement. By means of two short texts, I wish to demonstrate the latter approach and show how it yields a more nuanced portrait of Rashbi, thus enabling us to deepen our connection to this *tzaddik* and the festival that has materialized around him.

Full disclosure is in order: I encountered the two texts in a pocket-sized book entitled *Shivhei de-Rashbi* ("The Praises of Rashbi"). It is not a book that announces itself with gold-leaf and faux leather, nor is it adorned with various letters of approbation that often occupy the first 30 pages of contemporary *seforim*. By all appearances, the author wishes to remain anonymous. However, inside is a tidy piece of Torah scholarship, including extensive footnotes and endnotes.

The first section is a compilation of rabbinic writings about or involving Rashbi and his son, Rabbi Elazar. It includes stories, praises, and even halakhic discussion. They are mostly taken from the tenth chapter of *Pesikta de-Rav Kahana*, a 7th century midrashic compilation from the Land of Israel. The first passage reads as follows:[1]

> Rabbi Hizkiyah [said] in the name of Rabbi Yirmiyah. This is what Rabbi Shimon bar Yohai would say: I have seen those of our generation destined for the world to come, and they are few. And if there are thirty of them, I and my son are among them. And

[1] Variants appear in *Sukkah* 45b and *Sanhedrin* 97b (though without the last line; readers are invited to consider why). *Shivhei de-Rashbi* cites parallel texts in *Hashmatot ha-Zohar*, no. 17 and *Zohar Chadash, Vayera.*

> if there are ten of them, I and my son are among them. And if there are two of them, I and my son are among them. And if there is only one, it is me.

As mentioned, the central question arising from this text is how to understand what on its face seems like an utterance unbecoming of a *tzaddik* like Rashbi. It stands to reason that the key to the message of this text lies in how we try to answer this question.

First, we must address an issue with Rashbi's statement. How could it be that Rashbi has "seen those of our generation destined for the world to come," yet afterward be unsure of their number? The entire passage is explicitly constructed as a parallel to Avraham's bargaining on behalf of the people of Sodom, but in that case, Avraham did not know how many righteous people inhabited the city. Here, Rashbi says "I have seen"—yet does not know their number.

Rabbeinu Hananel (commentary on *Sukkah* 45b) writes that Rashbi's initial statement indicates he did not know the exact numbers, but was able to conjecture that whomever was "destined for the world to come" was a member of a rarefied group. This is because Rashbi saw their place in the world to come, and it was small. In a similar vein, R. Meir ha-Levi Abulafia (*Yad Ramah*, *Sanhedrin* 97b) writes:

> It stands to reason that we are not talking about Rashbi actually seeing [these people]; otherwise, why wouldn't he know who they were and how many. Rather, it means to communicate that Heaven revealed to him through Divine inspiration, or in a dream, or through angelic messenger that there are very few righteous people on this level, yet they did not let him know who or exactly how many they were.

A third approach, which also demystifies the statement, is taken by Rashi (*Sukkah, ad loc.*, s.v. "*ra'iti*"). Based on an assessment of his generation's behavior, Rashbi understood that such 'ascendant individuals' ("*benei aliyah*") are few. Taken together, the commentators understood Rashbi as making a pedagogical statement and not necessarily mere reportage of facts. Rashbi is telling us something about the nature of righteousness and the personal perspective of the *tzaddik*.

Rashbi's uncertainty about the numbers of these special *tzaddikim* is part of his certainty that he must be one of them. At stake is not only the question of who will merit the world to come, but who justifies the existence of *this* world by earning a place in the next. And indeed, everyone should believe that the fate of this world rests upon them (see Rambam, *Hilkhot Teshuvah* 3:8). If there is only one *ben aliyah* in the entire world, a *tzaddik* needs to maintain faith and individual courage that they are the one. This level of personal responsibility is a

hallmark of the true *ben aliyah*.[2] Rather than a statement of fact—"here are those destined for the world to come; I am one of them"—we have a more perplexing statement that combines doubt about others and faith in oneself. Rashbi is expressing the mindset of the *tzaddik* who recognizes that they cannot depend upon others to justify the world's existence, that the matter is solely dependent upon them. This is more explicit in Rashbi's statement to his son after they emerge from their cave the second time: "My son, you and I are sufficient for this world" (*Shabbat* 33b). Thus, Rashbi's halting statement above is not meant to be understood as spiritual braggadocio, but rather a reflection of certainty in one's individuality and spiritual path. Ultimately, one can rely on no one else in their Divine service: "if there is only one, it is me."

A second, more challenging text appears earlier in *Pesikta d'Rav Kahana*.[3] Rashbi's apparent self-praise here also seems to come at the detriment of another rabbi mentioned in the story:

> Rabbi Hizkiyah said in the name of Rabbi Yirmiyah: Eliyahu, may he be remembered for good, and Rabbi Yehoshua ben Levi were sitting and reviewing their learning. They arrived at a heavenly teaching of Rabbi Shimon bar Yohai. At that moment, Rashbi happened to pass by. They said to one another: here comes the author of this *halakhah*, let us arise and ask [his intent]. They arose and asked. Rabbi Shimon bar Yohai said [to Eliyahu]: what kind of a man is with you? [Eliyahu] responded: this is Rabbi Yehoshua ben Levi, and he is the leader of the generation. [Rashbi] asked [Eliyahu]: and has the rainbow appeared in the clouds during his time? [Eliyahu] answered him: yes. [Rashbi] said to him: if the rainbow has appeared in his time, he is not fit to see my face.

In this short story, not only do we see another instance of apparent self-praise, but is also seems to come at the expense of the Rabbi Yehoshua ben Levi, the leader of his generation. The story is further striking when the characters involved are considered. Eliyahu, the biblical prophet, is studying Torah with Rabbi Yehoshua ben Levi, a third century *amora* of the Land of Israel. Rashbi, a *tanna* of the second century, happens to pass by. According to pseudo-Rashi on *Bereishit Rabbah* (s.v. "*havu yatvan*"), Rashbi had long since passed. In this fact lies the key to understanding Rashbi's troubling refusal to reveal himself to Rabbi Yehoshua ben Levi and Rashbi's apparent predilection for self-praise in general.

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[2] See Rabbi Nahman of Breslov, *Likkutei Moharan* no. 5: "everyone must say that the world was only created for my sake, which means that if the world was created for my sake, I need to take notice and see constantly to the rectification of this world, and to repair its flaws - to pray for it." Much has been made of the *hitpa'arut* of Rabbi Nahman himself, but it should be pointed out that many of the seemingly self-aggrandizing statements attributed to Rabbi Nahman are similar to those of Rashbi. The connection between Rebbe Nahman and Rashbi runs far deeper, however. The introduction to *Likkutei Moharan*, Rebbe Nahman's masterwork, is essentially a paean to and an appeal to the teachings of Rashbi.

[3] A parallel text appears in *Bereishit Rabbah* 35:2.

Eliyahu and Rabbi Yehoshua ben Levi share spiritual affinities. Eliyahu ascended to the heavens in a whirlwind (while alive; see 2 Kings 2:11), and is traditionally understood to weave in and out of this world and the next. The Talmud (*Ketubot* 77b) relates that Rabbi Yehoshua ben Levi also entered *Gan Eden* while alive, attesting to his own unique greatness. How could it be that a figure of Rabbi Yehoshua ben Levi's caliber, to whom Eliyahu casually reveals himself, is somehow not fit to even see the face of Rashbi? Compounding this issue is Eliyahu's prior revelation to Rashbi himself. After Rashbi and his son had secluded themselves for twelve years, it was none other than Eliyahu who stood at the entrance to the cave to let them know that "Caesar has died and his decrees are annulled."[4] Clearly Rashbi would have well understood the level of an individual who merits a revelation of Eliyahu, and yet he still refuses to speak with Eliyahu's study partner.

The indirect relationship between Rashbi and Rabbi Yehoshua ben Levi spurs us to look for a deeper understanding of Rashbi's statement. First, what does Rashbi intend to find out when he asks if a rainbow appeared in the days of Rabbi Yehoshua ben Levi? Rashi (*Ketubot, ad loc.*, s.v. "*im kein*") explains that the rainbow is a sign of God's covenant that the world will not be destroyed, and a generation that merits a complete *tzaddik* has no need for such a sign. It is worth pointing out that in the parallel text in *Ketubot*, Rashbi speaks to Rabbi Yehoshua ben Levi directly, after Eliyahu has introduced another living person to the heavenly academy. However, the *gemara* in *Ketubot* adds that Rabbi Yehoshua ben Levi was not completely forthcoming with Rashbi, because indeed no rainbow had actually appeared in his day. The reason he answered Rashbi in the negative was because he did not wish to take too much credit for himself as a righteous person.

Given this context, it seems that Rashbi is actually reflecting on the nature of his own personal righteousness rather than denigrating that of Rabbi Yehoshua ben Levi. A defining feature of Rashbi's righteousness is that it flourished in isolation. This is what lies at the root of Rashbi's opinion in *Berakhot* (35b) that one should leave behind the mundane concerns of this world to be involved solely with Torah study. The *gemara* there concludes that this approach was only feasible for extremely rare individuals. This is also why Rashbi cannot tolerate the sight of people engaging in ordinary worldly pursuits when he exits the cave for the first time. For this, Rashbi and his son are severely rebuked by Heaven and banished to the cave once again, for another twelve months. It is none other than Eliyahu who invites them out, helping guide a 'reformed' Rashbi and Rabbi Elazar out into the world.

We might surmise that the presence of Eliyahu together with Rabbi Yehoshua ben Levi serves to remind Rashbi of their previous interaction. In fact, according to a number of commentators on the text as it appears in *Bereishit Rabbah*, Rashbi doesn't simply "pass by" them, but rather it is Eliyahu and Rabbi Yehoshua ben Levi who seek out Rashbi at the

[4] *Shabbat* 33b; Maharal (*Netzah Yisrael*, ch. 29) writes that Eliyahu often visited Rashbi in the cave.

entrance to his *burial* cave.[5] Rashbi is perhaps indicating to Rabbi Yehoshua ben Levi that, while alive, he had learned a lesson from Eliyahu and was encouraged to emerge into a mundane world, yet now there is no need to do so. Read this way, Rashbi is criticizing himself rather than engaging in self-praise. Rashbi recognizes what may have been termed the spiritual flaw in his righteousness during his lifetime—his need for seclusion and the enormous, almost unbridgeable chasm between his personal spirituality and that of ordinary people. If not for Rabbi Yehoshua ben Levi's *havruta*, perhaps Rashbi would never have exited the cave. Rashbi must know that this member of the living has internalized that message well from Eliyahu, as attested by the fact that Eliyahu introduces him to Rashbi as "the leader of the generation." If so, it is not so much a question of merit but instead a question of propriety for Rabbi Yehoshua ben Levi and Rashbi to interact at this juncture. They will not directly interact until Rabbi Yehoshua ben Levi is escorted into heaven by Eliyahu, as related in *Ketubot* 77b. Even there, Rashbi sits alone upon a pile of golden pillows, yet we also find out that in fact Rabbi Yehoshua ben Levi was at the level of a rainbow-blocking *tzaddik* as Rashbi.

While difficulties with these texts remain, it is clear that statements by Rashbi that superficially appear as *hitpa'arut* yield fascinating depth when considered with an interpretive eye that rejects the possibility that such an individual would utter simple self-praise. I would be remiss if I left out that the impetus to write this emerged from studying one of these texts with a friend, who reacted with an insult to Rashbi's character. This might be understandable if these statements are taken at face value, but the honor of Torah demands that we adopt a manner of study that minimizes our own personal *hitpa'arut* as much as possible when encountering them. Rashbi is traditionally seen as the 'father' of Jewish mysticism, the esoteric Torah. While it is true that the readings presented here are by no means conclusive, it can be argued that the entirety of our mystical tradition rests upon reading in between the lines, moving beyond the words on the page, and coming within grasp of the ineffable secret reserved for the adept.

How fitting a tribute to Rashbi to attempt to do the same with these texts as well.

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[5] See Rabbi Hanokh Zundel ben Yosef, *Etz Yosef, ad loc.*

Between Shabbat and Lynch Mobs

Ezra W. Zuckerman Sivan

Introduction

In synagogues around the world this Shabbat, chapters 13 through 15 of the book of Numbers will be read. Given that the first two of these chapters relates the "sin of the scouts," an event that had monumental significance for the fate of the Israelites (compelling them to delay their arrival in Canaan until a whole generation had died out, some 38 years later); and given that most of chapter 15 is devoted to legal material, it is understandable that little attention is usually paid to a short narrative that is embedded among this legal material—that of the "gatherer of wood" on the Shabbat:

> While the Israelites were in the desert, they discovered a man gathering wood on Shabbat. The ones who found him gathering wood brought him to Moses, Aaron and the entire congregation. Since it was not specified what must be done to him, they placed him under guard. God said to Moses, "That man must die. Let the entire congregation pelt him with stones outside the camp." The entire congregation took him outside the camp, and they pelted him to death with stones. It was done as God had commanded Moses (Numbers 15:32-36).[6]

This story raises a series of questions concerning its placement in the text and how it adds to earlier discussions of the Shabbat and its violation.[7] But putting such questions to the side for the moment, let us ponder the most obvious question of all: *Why is Shabbat-violation such a terrible deed that it requires public stoning?* There are numerous textual indicators that the wood-gatherer's action was a violation of the highest order; but why?[8] And did the

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[6] Translation is from Rabbi Aryeh Kaplan's *Living Torah*, with the word עדה translated as "congregation" rather than "community." As deployed by other translators, the former seems more appropriate given that it suggests something more organized, as reflected by the root יעד, involving timing or coordination.

[7] For review of these questions and recent treatments, see Tzvi Novick, "Law and Loss: Response to Catastrophe in Numbers 15," *The Harvard Theological Review* 101 (2008): 1-14; Simeon Chavel, "Numbers 15,32–36 – A Microcosm of the Living Priesthood and Its Literary Production." in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions*, eds. Sarah Shectman and Joel S. Baden (Zurich: TVZ, 2009), 45-55; and Sharon Rimon, "The Stick-Gatherer," *Yeshivat Har Etzion*: The Israel Koschitzky Virtual Beit Midrash.

[8] Such indications include: (a) the strong series of intertextual links to the story of the blasphemer (Leviticus 24:13-23), which is the only other episode of public stoning in the Pentateuch (see Rimon op cit.); ; (b) that the story of the wood-gatherer appears to be the climax of a set of mandated responses to legal transgressions, as it occupies the space reserved for sins of the highest order—"intentional communal" sins (Novick, *op cit.*, 6-8); and (c) that the story is sandwiched between a discussion of those who violate "all the commandments

punishment really need to be so harsh? To be sure, it is standard practice in observant Jewish communities to limit the communal rights of public Shabbat-violators, and there are even some locales in which rocks have been thrown at passing automobiles. But public execution? The puzzle of this harsh punishment can perhaps be best appreciated by recalling Rabbi Abraham Joshua Heschel's moving portrait of the "love affair" between the Jewish people and Shabbat. Insofar as the institution of Shabbat is sustained today, it is largely out of love for the "joy of Shabbat" (Isaiah 58:13) rather than by the fear of sanctions for non-observance. Why, then, must an institution that can be sustained by love be upheld by fear?

In this essay, I will argue that the wood-gatherer represents the individual whose self-centeredness threatens to unleash intense social competition that could undermine a nascent and fragile social institution (Shabbat) and the God-centered congregation it is meant to bolster. I will further suggest that this can be supported by two complementary approaches: an "external" approach, based on the use of theory and evidence from outside the text, and by an "internal" approach, based on reading strategies that help decipher messages that are subtly embedded in the text.[9]

The External Approach: Historical Context and Social Scientific Theory

To get to the heart of the matter, imagine a scenario *on a weekday* in which one might get very angry—and rightfully so—at someone who gathers wood. It is not difficult to invent such a scenario. Suppose first that wood is a very precious commodity, which would be the case if it is hard to find and the only source of fuel to provide warmth or cook food. And now suppose that the wood does not belong to the gatherer, and so he is stealing it.

To be more specific, let us suppose that the wood belongs to no one in particular—it is part of the public domain or the "commons." There is a large social science literature on the "tragedy of the commons," as it represents a particularly acute and prevalent version of a "social dilemma"—a situation where the best outcome for everyone would be to "cooperate" in supporting a public good but each individual would be better off in the short term by "defecting" and looking out for her own interests.

In particular, if a public resource—a fishing ground, a grazing area, a watershed, etc.—is sufficient for everyone in the long run only if it is not depleted in the short run, each person confronts a difficult problem: *How can I be sure that everyone will make do with her share? And if I can't be sure, how can others be sure? Wouldn't it make sense to take just a little bit more as insurance? Hmm ... but if others think likewise, maybe I should grab even more ...* And of course, matters are even worse if some individuals truly disregard the public good and care only for

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that God gave" (Numbers 15:22-23) and the provision of a tool (*tzitzit*) for preventing the the violation of "all my [God's] commandments" (15: 39-40). Hence the rabbinic idea (*Exodus Rabbah* 25:12) that Shabbat-violation is "equivalent" to violating all the commandments.

[9] For this distinction, see Rabbi David Fohrman, "Two Perspectives on Genesis."

themselves. These conditions are what the seventeenth century English philosopher Thomas Hobbes famously called "the state of nature," a world where life is "solitary, poor, nasty, brutish, and short" because individuals fight in a "war of all against all." Hobbes also famously prescribed a troubling solution for this situation—a strong state or "Leviathan" that is given coercive powers to enforce adherence to social pacts and prevent the unraveling that would occur if each member of society were left to defend his or her own interests.

Having established why the gathering of wood might have been considered a big deal by Israelites in the wilderness regardless of the day of the week; and why strong punitive measures may have been necessary to prevent a free-for-all that might destroy the commons, consider now two reasons why such a raid would have been an especially big deal on Shabbat.

First, the seven-day week in general, and Shabbat in particular, was a brand new social institution. The week is a purely human institution, one that cycles independently of the rotation of the celestial bodies (unlike the lunar month and the solar year). And as noted by Eviatar Zerubavel in his review of the scholarly literature, nothing remotely resembling the seven-day week, and certainly not the "Jewish week" (i.e., a seven-day cycle rotating independently of natural cycles and climaxing in a day of rest) was observed by any of the other peoples of the ancient near east.[10]

Second, the fact that the seven-day week was new meant that it had a fragility that we cannot appreciate today. Today, Shabbat may be supported by a large Shabbat-observant community out of love, but that love affair took many years to cultivate and it is supported by the accumulation of thousands of years of culture—liturgy, songs, feasts, and social practices. These traditions, which have evolved with the times, help to mitigate the challenge of socializing children and converts into the community of Shabbat observers. And since today the seven-day week is now so institutionalized in general society that it seems like a feature of the natural world, Shabbat-observant Jews are largely in sync with the non-Jewish world. But none of this would have been true at the time of the Exodus.[11] To convince someone to observe the Jewish week would have meant to convince them to sharply decouple themselves from the rhythms of the larger society. Since no one had yet observed Shabbat, it would have been unclear why they might want to do so.

Moreover, attempts to coordinate observance of the Jewish week would have had to

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[10] See Eviatar Zerubavel, *The Seven-Day Circle: The History and the Meaning of the Week* (Chicago: University of Chicago Press, 1989). The literature since Zerubavel has done nothing to undermine Zerubavel's conclusions.

[11] This would even have been true if Shabbat had been introduced hundreds of years later than the traditional dating. It was not until the first century CE that anyone besides Jews observed the seven day week.

confront sharp social dilemmas. Consider: if everyone closes down their stalls in the market for Shabbat, the economic profit goes up for those who open their stalls (cf., Nehemiah 13:14-22; Jeremiah 17:19-27). Similarly, if everyone goes to sleep and leaves the commons unattended, this increases the economic incentive to go out and raid the commons. The gatherer of wood is therefore a superb choice as a narrative vehicle for representing the threat posed by Shabbat violators. The wood-gatherer not only poses a threat to the community's ability to preserve social order, whereby he exploits the community's rest on Shabbat to raid the commons; he also poses a direct threat to Shabbat itself while it is in a highly fragile stage of development. If it is not clear to everyone that there will be sharp penalties for raiding the commons while everyone is resting, why wouldn't anyone consider doing the same thing, if only out of fear that everyone else will do likewise? Who could blame them? The survival of their families might be at stake.

Textual Evidence: Shabbat, Faith, and Social Competition

To this point, I have addressed the episode through the lenses of historical context and modern social science. But does the text of the Hebrew Bible provide support for this approach? One indication that it does can be culled from Moses's instruction to the scouts (Numbers 13:20), to find out "whether or not there is wood in (Canaan)." This seems to reinforce the sense that wood was a precious commodity in the wilderness. A second indication is that the text does not actually say that the wood-gatherer was stoned for violating Shabbat; rather, it can be read to mean that he was stoned for *gathering wood*. The connection to Shabbat might be simply that he had the *opportunity* to steal from the commons because everyone was home resting![12]

It is also important to observe that the Pentateuch (consistent with scholarly understanding) presents the seven-day week as a brand new institution. While the story of creation is told as having occurred in seven days, culminating with God's "cessation" ("*shabbating*"), the noun "Shabbat" is not used there. In fact, nowhere in Genesis does the text suggest that Adam or any of his and Eve's descendants knew about the seven day week. The first mention of the week as an institution relevant to *humans* is in Exodus, when Moses explained why a double portion of manna fell on the sixth day: the following day would be Shabbat when no manna would fall, and they are instructed to place the extra aside for safekeeping (Exodus 16:23). And since the Shabbat/week was new and they were expected to soon be entering a land where it was unknown, it is understandable that the emphasis in the Exodus version of the Decalogue is on "remembering" ("*zakhor*") Shabbat: the institution was still new and fragile. By contrast, forty years later, when Moses addressed a generation that had grown up with their lives governed by the seven-day cycle of manna/Shabbat, the emphasis was on "keeping" ("*shamor*") Shabbat (see Hizkuni and Benno Jacob *ad loc.*).

[12] This is consistent with the Rabbis' difficulty in identifying exactly which of the 39 forbidden categories of labor on Shabbat was broken by the wood-gatherer (see *Shabbat* 96b).

Beyond the foregoing textual indications, I contend that a close reading of the story of the wood-gatherer, alongside three other texts in the Hebrew Bible, not only provides support for the offered interpretation, but lends depth and nuance to the historical and social scientific treatment I have offered.

Support from the Manna in Exodus 16

First, consider how the Pentateuch's treatment of the manna suggests how the Shabbat is a bulwark against pernicious social competition. In particular, two supernatural features of the manna—that each person came away with as much as they needed regardless of how much they collected (Exodus 16:17), and the miracles concerning storage (the manna spoiled if stored over a weeknight [16:19-20]; but Friday's double portion could be stored for Shabbat [16:22-25])—directly neutralize social competition generally, and specifically the competition that would otherwise undermine the Shabbat. The people's instincts, as recounted when they first saw the manna, was to hoard it [16:20]; and their instinct when the manna did not fall on Shabbat was to worry that it would never fall again, and thus go out and collect it even when they had enough for that day [16: 27-28]. Were these instincts to have free reign, there surely would have been a "tragedy of the commons" and no observance of the Shabbat—no week! And so these instincts were miraculously nullified.

From this standpoint, it is intriguing to consider why it is that the first Shabbat-violators were merely admonished (16:28) whereas the wood-gatherer received capital punishment. There are clear intertextual links between the two episodes, suggesting that they are meant to be compared and contrasted.[13] One possibility is simply that first violations are treated more leniently. A second possibility, however, is that those who collected manna on Shabbat posed no threat to the institution of Shabbat. They took more for themselves, *but everyone else's share of the manna remained intact.* They therefore revealed themselves to be lacking faith that God would provide (16:28-29), but they did not exacerbate social competition, especially once it was demonstrated that the manna would resume after Shabbat. Thus the contrast between the two episodes serves to put the episode of the wood-gatherer in bolder relief. While there was no "commons problem" with regard to food, there remained one with respect to fuel.

Intertextual Support from Pharaoh's Decree

Let us now turn to two episodes that have crucial intertextual links to the episode of the wood-gatherer in that they are (with one interesting exception[14]), the only other times in the

[13] In both cases, something (the manna, the gatherer) is put aside (הנחה) for safekeeping (משמר); and in both cases, the violation of Shabbat that occurs is described as a matter of 'finding' (מצא)—the manna in one case, and the gatherer in the other.

[14] See Zephaniah 2:1 where the root is found in a reflexive imperative, issued by the prophet to the people: התקוששו. Intriguingly, whereas I develop below the idea that קשש connotes a threat to social cohesion, Zephaniah deploys it in a call to unify: *Gather yourselves up!* More generally, a review of Zephaniah raises the possibility that Zephaniah is playing with the

entire Tanakh where the root קשש appears (in our context, "מקשש" is the term used for the [wood] gatherer). If we read these episodes carefully, we find remarkable thematic consistency and we gain a deeper appreciation for the message of the wood-gatherer.

The first story is the episode that we might call "Pharaoh's anti-Shabbat tantrum," as recounted in Exodus 5:1-6:1. This is Pharaoh's vengeful reaction to Moses and Aaron's initial request to allow the Israelites to go for a three-day journey to worship God in the wilderness. Pharaoh responds in two principal ways: (a) by claiming never to have heard of God (as the Tetragrammaton); and (b) by imposing an even harsher form of servitude on the Israelites, whereby they would now be required to make their own mortar. We also learn that this system was administered indirectly, via Israelite enforcers who suffer corporal punishment at the hands of their Egyptian overlords when the Israelites cannot fulfill their production quotas. The episode ends with the enforcers complaining to Moses and Aaron, who then echo the same complaint to God—i.e., that matters have only gotten worse as a result of their appeal to Pharaoh.

This episode is suffused with intertextual linkages, both to the story of the manna/Shabbat and to the episode of the wood-gatherer, and such linkages help to illuminate the meaning of Shabbat as an antidote to invidious social competition. Given the focus of this essay, let us focus on the connection to the wood-gatherer.

As noted, the most obvious connection between the two episodes is that Pharaoh's tantrum includes the only other use of the verb קשש in the Pentateuch. In the case of the wood-gatherer, this verb is typically translated as "to gather," but it is actually not clear what it means. In the episode of Pharaoh's tantrum, it is used as part of an expression with the word "קש," which seems to refer to small pieces of straw. The entire expression seems to refer to a method of making straw that is labor intensive and which is supposed to generate a substitute for conventional straw, or "תבן." Regardless, the expression links the form of labor that is imposed on the Israelites with that of the wood-gatherer.

Observe now the "anti-Shabbat" theme in Pharaoh's tantrum. In rejecting Moses and Aaron's appeal, Pharaoh asks the following rhetorical question (5:5) "The people of the land are numerous, and you want to give them leave from their labors?" Crucially, the Hebrew expression for "giving them leave"—והשבתם—is the first time in the Pentateuch that the root for Shabbat (שבת) is used by a human being. Pharaoh seems to be arguing that one of the advantages of oppressing a populace with unremitting labor is that they then are not free to

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themes discussed here. In particular, the book is filled with allusions to social solidarity as key to Israel's salvation, using the root אסף (see 1:2-3) and קבץ (see 3:8, 19-20) as well as קשש —all variations on gathering. It also sees the accumulation of private wealth as problematic (1:11, 13, 18); and it uses the image of an uncontrolled commons as a sign of social disorder and neglect (2:6-7, 2:14-15).

mobilize against their oppressors.

Accordingly, Pharaoh's subsequent decree repeatedly emphasizes that the work would continue every day without a break: six times some expression of "every day" is used, seemingly to sound this theme as clearly as possible![15] It is likely that these textual clues are responsible for the enigmatic midrash suggesting that Pharaoh was here annulling an earlier decree that allowed the Israelites to rest on Shabbat (*Exodus Rabbah* 5:18).

Moreover, Pharaoh's anti-Shabbat tantrum clearly evokes the twin themes of Shabbat: recognition of God's dominion; and (most relevant for the wood-gatherer) tempering social competition and inequality. With regard to the former, we have already noted Pharaoh's declaration that he does not recognize God's name. With regard to the theme of social competition, ponder the implications of (a) maintaining a fixed production quota; and (b) insisting that the slaves now collect raw material in the Egyptian commons. These are precisely the conditions that create the Hobbesian "war of all against all." Indeed, impossibly painful dilemmas are fostered: *if I am young and strong do I grab from the nearest source of straw, or do I let those who are older and weaker take it, and go further afield? And if I do the latter, how do I know that others will do likewise?* [16]

This theme is reinforced by Pharaoh's system of indirect control, one that is reminiscent of the strategy used by the Nazis with the Judenrat and kapo systems.[17] The Israelite enforcers would have been hated, but anyone can empathize with the moral dilemmas they faced and with their consequent complaints to Moses and Aaron. We thus see that the *"gathering" in this story symbolizes exactly what it symbolizes in the episode of the wood-gatherer*: the specter of social competition taken to the extreme. And while in the story of the wood-gatherer, God legitimizes collective punishment to thwart such competition, here we see a God-denying king *actively stoking* competition for resources in the commons as a way of bolstering *his* rule instead.

Intertextual Support from the Wood-Gathering Woman

Chapter 17 of 1 Kings contains the third episode in which the root קשש is used—the episode of the "Widow of Zarephath" who provides food for Elijah during the famine he called for in order to punish the idolatrous king Ahab and his wife Jezebel. Surprisingly, even though this

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[15] Notably, the term "דבר יום ביומו" is used twice here (5:13, 19) and then again at the opening of the story of the manna (16:4)—the first two occasions in the Tanakh.

[16] Accordingly, note the use of the term ויפץ in 5:12—and "the people spread out" (looking for straw). The prior and subsequent uses of this verb in the Pentateuch (Genesis 11:8; Deuteronomy 4:27, 28:64, 30:3) also refer to disunity engendered by a king (God).

[17] The term for taskmasters, נגשים, evokes Deuteronomy 15:1-3 where it is used in a way that relates to the Sabbatical year, and thus indirectly (especially if read together with Leviticus 25) to the Shabbat.

woman is twice called "אשה מקששת עצים"—a "wood-gathering woman"—I can find no exegete who has considered the linkage between this episode and that of the "wood-gathering man" of Numbers.

The widow is presented as a paragon of faithfulness and selflessness. In responding to Elijah's request for food, she invokes the Tetragrammaton just as Elijah does, but recognizes Him as *Elijah's God* (compare 17:1 and 17:12). This is a startling reversal of Pharaoh's reaction to Moses and Aaron; indeed, in this case it is she who brings God into the conversation! And her climactic statement—"that the *words of God* as spoken by your [Elijah's] mouth *are truth*" (17:24)—is a dramatic counterpoint to the climactic line of Pharaoh's tantrum—that the Israelites should not "seek salvation in *words* (God's as reported by Moses) *of falsehood* (Exodus 5:9).[18] Make no mistake: the widow is quite reluctant to obey Elijah; but who could blame her? Elijah makes a request that no mother could accept—that Elijah get priority access to food stores she believes are insufficient to sustain her son and herself beyond a short time. Elijah even demands that she put herself before her child (17:13, 15)! But she accedes to this request, taking the leap of faith that Elijah is right that God will miraculously prevent her food stores from dwindling further (an evocation of the manna, reinforced by intertextual references to it).[19] And lest we doubt that she is exaggerating her condition, her son subsequently dies, apparently from malnutrition (Elijah then revives him).

In short, this widow is presented as the *opposite of the wood-gatherer*, acting selflessly and faithfully, as he should have acted. Whereas the wood-gatherer raids the commons for his own benefit and thereby threatened the fragile social stability of his community and a nascent social institution that was the primary instantiation of its faith in God, she is willing to make the ultimate sacrifice of life-giving private property in order to help a stranger and his strange God, even at the risk of her son's life. Her implicit rebuke of the wood-gatherer is very subtle (there is after all, no mention of Shabbat here), but her actions speak much more loudly than any words could. Quite strikingly, she teaches us as much about the meaning of Shabbat as any act of Shabbat observance by a Jew.[20]

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[18] She also uses the term "man of higher powers" (איש אלהים) in this verse, which could allude to Moses since he is the first prophet to be described in this way (Deuteronomy 33:1).

[19] There are three words used here that evoke the manna: the expression "צפחת שמן," jug of oil, in 17:14 and 17:16, which evokes two references to the nature of the manna (in Exodus 16:31 and Numbers 11:8); and עגות, cakes, in 17:11-12, which evokes Numbers 11:8.

[20] That she is being proposed as a moral exemplar is also suggested by the fact that she does not complain to Elijah until after her son has actually expired, even though the signs that he was in great distress would undoubtedly have come much sooner. By contrast, when the Israelites complain that God and Moses's plan will cause their deaths (beginning with the appeal that led to Pharaoh's tantrum [Exodus 5:21], and continuing through the story of the manna [Exodus 15:3] and the sin of the scouts [Numbers 14:2]), the threat is merely

Conclusion

The foregoing analyses supplies strong external and internal support for the argument that the story of the wood-gatherer is an exquisitely crafted vehicle for driving home three interrelated ideas: (a) how pernicious social competition threatens communal cohesion unless it is controlled; (b) that harsh sanctions may be necessary before the value of cooperation has become clear and self-reinforcing; and (c) that since the Shabbat serves as a bulwark against social competition run amok, it requires safeguarding.

The offered interpretation may also help shed light on why this story appears just after the sin of the scouts.[21] Note in particular that the climactic moment of this sin is when "the whole community threatened to stone them [Joshua and Caleb] to death (Numbers 14:10)."[22] This would-be public stoning was a symptom of social cooperation in its most uncontrolled form: *a lynch mob*. By contrast, the actual public stoning of the wood gatherer that occurs just a chapter later reflects social cooperation in its most disciplined form—structured by a judicial process. To appreciate the communal learning that has apparently taken place, consider two counterfactual responses to the wood-gatherer by those who found him: (a) they could have succumbed to uncontrolled social cooperation and lynched him, as they wanted to do to Joshua and Caleb; and (b) they could have succumbed to uncontrolled social competition, by following his example and raiding the commons.[23] One might further argue that the likelihood of such extreme reactions is particularly high among people who have effectively been placed on death row: such conditions breed highly individualistic behavior where it is each man for himself and/or clannish behavior where it is clan against clan.[24] Our story might thus be hinting that the erstwhile "wicked generation" (Numbers 32:13) of the Exodus learned something critical from the sin of the scouts despite conditions that militated against its capacity to act as a disciplined "congregation." By yoking their short-term impulses to a judicial process governed by God and His appointed leaders, they acted to preserve their congregation and the Shabbat/week—not for themselves but for their children and future generations.

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imagined.

[21] The ideas in this concluding paragraph complement the arguments of Novick, op cit., and Rimon, op cit., each of whom provide literary reasons to see the story of the wood-gatherer as a reversal of the sin of the scouts, where the key focus is on the community transgression in the former and communal responsibility in the latter.

[22] R. Aryeh Kaplan, trans.

[23]This would have been tantamount to a return to Egypt—of their real experience if not their fantasies (Numbers 13:4; cf., Novick, *op cit.*, p.5)

[24] Again, the "widow of Zarephath" is a clear contrast.

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