

Hamevaser

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ORIGINAL SIN

EDITORIALS

Too Much Talk in the Dorm...

Hamevaser believes that the spirit of halakhic dogmatism that has come to characterize "Dorm Talks" should be rectified. It is far from clear that Halakha provides more than very broad and general guidelines in some of the sensitive areas that have been discussed, yet these talks proceed as if there has been an accepted body of opinion about everything since Sinai.

But what really shakes us to the core is the laundry list of regrettable phenomena that each new "Dorm Talks" question-sheet brings up for discussion, unfurled with relish for all to see. It's only early in November, yet we've already pondered the case of the ugly girl, and the case of the ever bickering, snivelling *mechutanim*. The rest of the year probably holds similar gems in store.

We take an early leave of the Beit Midrash or library one night each season, hoping to widen our horizons and escape the mundanity and triviality of our every-day affairs. Until now, we've been sorely disappointed. *Ve'od chazon lammo'ed*.

Biblical Criticism

Yeshiva University is one of the few Yeshivot that places any real emphasis on the study of Bible. However, due to administrative laxity and internal politics, the Bible department lacks the structure and tracking necessary for effective instruction. Many students, both in Yeshiva College and at Stern College, feel frustrated by the inappropriate student groupings within the various Bible courses.

In MYP, there is a wide range of Gemara shiurim which accomodates various levels of student ability. Unfortunately, this is not the case in the Bible department. A student in YP may opt into any Bible course offered, regardless of his prior background or training. This significantly lowers the level of even potentially stimulating classes.

In Stern, there is an attempt at Bible tracking, but the existing system only serves to weed out those students at drastically different levels. While the intermediate and beginning levels cater to more specific populations, the advanced level has become a catch-all for any student with an even rudimentary Yeshiva background.

To accomodate those YU students feeling short-changed by the current nebulous structure of the Bible department, a serious tracking system must be instituted. Until a course of action is taken in this matter, Y.U. students cannot fully benefit from a potentially enriching and unique element of their institution.

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Halakhic Repercussions

Continued from back page

babbayit," they are found in the house, and are therefore responsible to introduce *oneg shabbat* and *shalom bayit* into their households. *Rambam (Shabbat 5:3)* similarly comments that women are "*metzuyot babbayit vehen asukot bimlekhet habbayit*," and are therefore responsible for the *mitzvah*.

Bereishit Rabbah also states that women have the special *chiyyuv* of *hafrashat challah* because "*Adam haytah gemar hayetzirah, hareihu keilu challato shel olam... sheha'ishah mekatzah challah besof ha'asiyyat hachallah*." Since Adam was God's final touch on creation, and Chava caused his death, she is obligated to compensate by performing the final step in the challah making process, *hafrashat hachallah*. *Sefer HaChinukh (Mitzvah 385)*, in his discussion of the *mitzvah* of *hafrashat challah*, however, does not specify that women have a stronger obligation than men. It seems likely according to the *mishnah*, that women were given the specific *mitzvah* of *hafrashat challah* because they baked bread and men did not.

The fact that women can only have one husband while men can have more than one wife is considered one of the curses which Chava received. In *Eruvin 100b* the *Gemara* comments that women are "*menudeh lekhol Adam*". *Rashi* explains: "*Rak mitchatenet uvoel ish echad*," a woman can only marry one man. The halakhic reason for this *issur* need not be attributed to Chava's sin. A woman can only marry one man in order for the paternity of her children to be established without a doubt. A man need not limit the number of his wives since he need never doubt the maternity of his children.

A *halakhah* not mentioned in the *midrashim*, but rather in an halakhic source which quotes Chava's sin as its reason, is the inability of women to recite *kiddush levanah*. The *Shelah (74a)* comments that Chava's sin caused the *pegam*, the waning stages of the moon. Women should therefore not recite the prayer upon the new moon, in order to distance themselves from Chava's sin. The *Shelah's* opinion, however, has been challenged. The *Magen Avraham (Orach Chaim, introduction to 426)* quotes a *Gemara* in *Sanhedrin*, chapter 5, which states that some women did recite *kiddush levanah*. He then comments "*Mashma ketzat dimvarkhin*". This *machloket* remains unresolved.

Finally, *Avot DeRabbi Natan* states that women are the first to be *melahev* the *met*: "*Nashim yotze'ot bitchillah lifnei hammittah*," - since a woman first introduced death into the world. According to the *Talmud (Ketubot 20b)*, this *minhag* applied in certain communities, but not in others: "*makom shenahagu hannashim latzet achar hamittah yotzot, liphnei hamittah yotze'ot*." No halakhic obligation was attached to women leading the funeral procession.

Midrashim are not meant to teach *halakhah*. *Chiyyuvim* which are stated as having emanated from the curses placed upon Chava, are either halakhically derived from other sources or are not halakhically binding. Since the list of curses are not halakhic in nature they are not to be thought of as a prescription for the condition of women.

A Serpent for Every Garden

by Dov Chelst

As a Westerner acquainted with tales of basilisks, lamias, dragons, and the Loch Ness Monster, you cannot help but begin a flight of fancy upon hearing the words of *Bereishit* (3:1): "Now the serpent was the shrewdest of all the wild beasts that the Lord God had made." You immediately wonder what image should squirm before your eyes? Only later do you ask the more important question: for what function had God designed the serpent? Focusing on the crucial second question, *Rabbi Shimon ben Menasya* expounds an optimistic view of the primordial serpent:

"Woe for the loss of a great servant. For, had not the serpent been cursed, every Israelite would have had two valuable serpents, sending one to the north and one to the south to bring him costly gems, precious stones and pearls. Moreover, one would have fastened a thong under its tail, with which it would bring forth earth for his garden and wasteland." (*Sanhedrin* 59b)

Yet, *R. Shimon* answers cryptically. What message does he wish to convey? From what sources does he draw his information?

Maharsha--The Direct Approach

Maharsha traces the source of *R. Shimon's* statements to the snake's curses:

"Because you did this, cursed shall you be than all cattle and all the wild beasts. On your belly shall you crawl and dirt shall you eat all the days of your life. I will put enmity between you and the woman and between your offspring and hers; they shall strike at your head and you shall strike at their heel." (3:14-5)

The two activities in *R. Shimon's* world parallel two of the snake's curses. The ambassador, who man might have sent to the north and south's farthest reaches, must rather crawl on its belly. The beast of burden, who might have brought forth earth for man's garden, must now eat that very earth as a painful reminder of its lost stature.

Unfortunately, *Maharsha's* explanation proves unsatisfying. *Maharsha* reduces *R. Shimon's* vision to two direct inferences drawn from the snake's curses. He also assumes that only these two curses are the primary ones while "Cursed shall you be..." and "I will put enmity..." play only introductory and secondary roles respectively. Finally, he infers arbitrarily. For "on your belly shall you crawl," he reverses the curse to deduce that previously the *nachash* walked upright; yet, for "dirt shall you eat," there is no simple statement reversal, but rather a reminder of a previous stature.

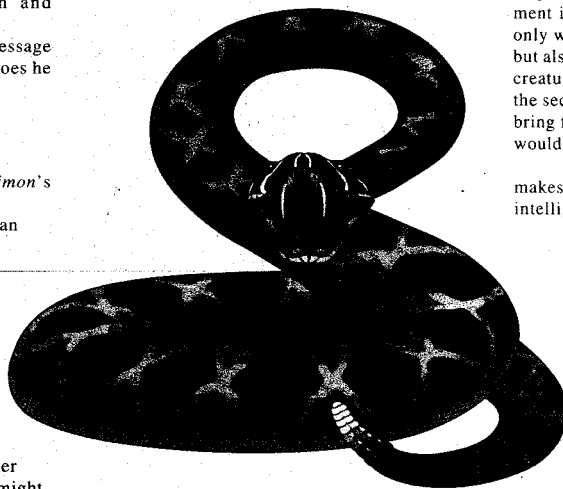
Mental Portrait Painting 101

In truth, *R. Shimon's* mental movie arises from a two-part process. First, he has a picture of the *nachash*, which he obtains from an analysis of the biblical narrative. Afterwards, he proceeds to animate his portrait within a worldly context.

From whence does his picture come? If you wish to construct the figure of the primordial serpent, there is only one source of information available to you—the Torah. Only one verse describes the snake directly (3:1), leaving you to either infer characteristics from an analysis of its dialogue with Chava (3:1-5) or to extrapolate. When extrapolat-

ing, you look at the curses and at a modern snake's appearance and attempt to reverse God's statements; to retract His decrees within your mind. *Tosefta Sotah* (4:17-8) offers one of the best examples of extrapolation:

"And so we find in the case of the original snake...who schemed to kill Adam and marry Eve. The Omnipresent said to him, 'I said that you would be king over all domestic and wild animals, but now since you were unsatisfied, cursed shall you be than all cattle and all the wild beasts. I said that you would walk erect like man, but now... on your belly shall you crawl. I said that you should eat and drink human fare, delicacies, but now dirt shall you eat all the days of your life. You wanted to kill Adam and marry Eve, so now And I will put enmity between you and the woman.' You readily note that what he wanted was not given to him and what he had was taken away from him."



Here, every extrapolation is a direct reversal. Thus, *Tosefta* reaches a different conclusion from "dirt shall you eat" than *Maharsha*. In fact, in the introductory passages to his explanation, *Maharsha* himself alludes to *Sotah* 9b—which is merely an abridged form of the *Tosefta*—yet he chooses to ignore *Sotah's* symmetry.

From extrapolations like these, *midrashim* now attempt to construct a picture of the *nachash* of which multiple variations appear in *Bereishit Rabbah* (19:1). According to *Rabbi Hosh'aiyah Rabbah*, it stood as a reed with legs, sort of like a skinny Gummy. According to Rav Reuven Margaliyot (*Margaliyot Hayyam* 59b:23), *Rabbi Yirmiyah ben Elazar* breaks with *R. Hosh'aiyah*, arguing that the *nachash* looked like an ordinary animal. Following *R. Yirmiyah's* lead, *Rabbi Shimon ben Elazar* thinks that the snake would have resembled a camel. Finally, Cassuto suggests that the biblical serpent resembles an ancient Canaanite mythical beast that was half-serpent and half-man. (*Me'adam Ve'ad Noach*, p.107)

While you cannot decisively ascertain the specific image that *R. Shimon ben Menasya* envisioned, he probably agreed with *R. Shimon ben Elazar*. In fact, *R. Shimon ben Elazar* makes a statement remarkably similar to his counterpart in *Sanhedrin*. Both believe that the snake was ideal for carrying burdens and travelling large distances—a role which the camel filled in their day.

So, a long time ago, *R. Shimon* was sitting in the *beit midrash* with a camel-like snake on his mind. He spoke and his words entered Jewish lore. What did he mean to convey? Perhaps he meant to show the greatness of the primordial serpent and the magnitude of his subsequent fall in order to emphasize the severity of his crime. Or, perhaps, *R. Shimon* focused, not on the *nachash*, but on man and the change in his lifestyle that domesticated snakes would effect.

It's a Bird, It's a Plane, It's Supersnake!

Both of these possibilities appear in two versions of *Avot DeRabbi Natan*. *Nuscha Alef* focuses on the *nachash* and its sin. Discussions of the serpent's transgression form a frame about *R. Shimon ben Menasya's* statement. Also, *Avot DeRabbi Natan* reads "for had not the serpent become corrupted" emphasizing his sin more than *Sanhedrin's* "had not the serpent been cursed." Moreover, *R. Shimon's* statement itself appears in a more hyperbolic form. Not only would snakes bring "precious gems and pearls" but also "all precious artifacts in the world," and "no creature would be able to harm them." It also expands the second half of his statement. Not only could they bring fertilizer to gardens and orchards, the serpents would completely replace camels, donkeys and mules.

This version, which focuses on the *nachash*, makes him into the Supersnake—the multipurpose, intelligent, invincible animal. Just looking at the present, lowly, wimpy *nachash* serves to illustrate his devastating punishment. You naturally ask, what sin could be so bad?

Avot DeRabbi Natan offers three explanations. The *beraita* before *R. Shimon* portrays a serpent who wants to kill Adam and usurp power, similar to the pigs in *Animal Farm*. The concluding *beraita* focuses on the serpent's jealousy instead of its planned *coup d'état*. Finally, according to *Avot DeRabbi Natan*, the *nachash* originally ate from the *etz hada'at* in order to assure Chava of its edibility. Perhaps, as a punishment, the snake also suffered from the consequence of his gastronomical indiscretion.

Of course, none of these conform with standard explanations of the serpent's sin. Reading the Torah, you would hazard that the snake is not punished for any sin *per se*. Instead, *Hashem* punishes the serpent as an instigator of man's sin—a *mesit*. This instigation alone warrants a severe reprimand. In fact, the *gemara* learns from God's treatment of the snake, that you don't argue legal technicalities when dealing with a *mesit*—you execute him without deliberation (*Sanhedrin* 29b). The serpent's dialogue, coupled with his currently forked tongue, leads to the assumption that *lashon hara'* brought Divine judgment upon his flat head (*Otiyot DeRabbi Akiva*; cf. *Tanchuma Yashan Metzora* 7). A traditional, non-*Margaliyot Hayyam* reading of *R. Yirmiyah ben Elazar* labels the snake a heretic (*Bereishit Rabbah* 19:1). According to *Rashi* on the *Midrash*, the serpent espoused the heretical Greek notion that matter, specifically the *Etz Hada'at*, predated God.

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Cain and Abel

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The Influence of the Nachash on Kayin and Hevel

The *Zohar* teaches that a man who attaches a spirit of holiness to himself imparts it to his son, and a man who attaches himself to evil and impurity imparts that to his son as well (*Zohar* 45a-54b). *R. Elazar* is quoted at the same location as saying that through the *Nachash's* contact with Chava, he was able to inject his impurity into her and it thus became absorbed into her body. When Chava slept with her husband, she conceived twins; one from the evil side, that of the *Nachash*, and one from the side of holiness, from Adam. *Kayin* was the unfortunate older son imbued with the spirit of evil, and *Hevel* was imbued with the spirit of holiness. These innate character traits are apparent in the lifestyles which they chose; as indicated by *Rashi's* explanation of *Hevel's* life as one devoted to the service of God, and the life of *Kayin* as a self-serving one. It seems as though the lives of both *Kayin* and *Hevel* were predestined from the start.

The *Zohar* explains that the *korban* of *Hevel* was accepted because *Hevel* contained within himself the spirit of holiness which made his offering pleasing to God. *Kayin*, on the other hand, was contaminated by the spirit of evil which made his *korban* unacceptable to *Hashem*. According to the *Zohar*, *Hevel's* murder took place over an argument involving a twin sister born together with him. *Kayin* felt that since he was older, he was entitled to marry whomever he chose, even if he were to choose that twin to be his wife. *Hevel*, on

the other hand, felt that since that sister was his twin, and of the same spirit as he was, she should be his wife. *Kayin's* evil inclinations took over and he murdered his brother. God cursed *Kayin* and punished him with a fate worse than death, which was to wander the earth for the remainder of his life. This picture, from the *Zohar*, is one of unchangeable fate. *Kayin* was born and died a cursed man.

The Midrash: Brothers Born Post Sin...

There are many interesting *Midrashim* surrounding the story of *Kayin* and *Hevel*. The *Bereishit Rabbah* relates even more of the wonders of the sixth day of creation. The *Midrash* reads "Two laid down and seven rose up" (*Bereishit Rabbah* 12:1). This refers to the first union of Adam and Chava; they produced: *Kayin* and a twin sister, and *Hevel*, and two twin sisters; seven people in all. The *Midrash* learns this from the word *et* in the passages which relate to us the story of the birth of *Kayin* and *Hevel*. It seems to represent some unsaid person or thing. In this case, the word *et* is used three times: Once in describing *Kayin's* birth "...*Vatahar vateled et Kayin...*" (*Bereishit* 4:1); and twice in the passage describing *Hevel's* birth "*Vatosef laledet et achiv et Hevel...*" (*Bereishit* 4:2). The *Midrash* explains this to mean that *Kayin* was born with one twin sister, and *Hevel* with two. The *Midrash* is unsure whether the brothers were born before or after the sin of Adam and Chava, but it is certain that they were both born into the same condition. *Hevel's* name was given, as *Rashi* states, to show that all that remains after a man's life are his good deeds; all else is worthless. *Kayin's* name was taken from the word *kinyan*. Chava wanted her son to be a *kinyan* between her and *Hashem* after her death; to serve *Hashem* in her place. This interpretation seems to indicate that the brothers were born after the sin. Why else would Chava be considering her life worthless and worrying about what would happen after her death? After all, the concept of death was only introduced into the world post facto.

Onkelos asks the same question, and sides with *Rashi*, taking for granted in his commentary that the brothers, or at least *Kayin*, were born in *Gan Eden*. He uses this seeming contradiction to illustrate

to us the humility and deep perception of Chava. Even before the sin, she realized that God is the only immortal being, that her life was only to serve Him and that she could not possibly live forever on this earth.

Kayin's negative traits were expressed in his choice of vocation. The *Midrash* (*Me'am Lo'ez* 4:2) says three people became farmers, and that they were not good people: *Kayin*, *Noach*, and *Uzziah*. This indicates that the farming profession is not conducive to enhancing one's spirituality, while shepherding is, as indicated by the afore-mentioned *Rashi*. The *Seforeno* (*Bereishit* 4:2) points out that the profession of *Hevel* is mentioned first, despite the fact that he is the younger brother. This is because shepherding is *melekhet chokhmah*, work requiring the use of one's intellect, whereas farming only requires use of the body.

When it came time to bring *korbanot*, *Hevel* brought the best that he had in his possession. *Kayin*, on the other hand, is likened by the *Midrash* (*Midrash Rabbah* 12:5) to a man who must bring a sample of his produce every year to the King. Instead of bringing the best fruit he has to honor this King, he brings the worst, in the hopes of getting a better piece of land. Bringing a *korban* of poor quality to *Hashem* is inexcusable. *Kayin's* *korban* was one of self interest, rather than an offering of himself. *Kayin* was overcome by his evil inclination which led him to jealousy and ultimately to murder. *Kayin* did not control his evil inclination; it came to control him instead.

The lives of *Kayin* and *Hevel* can be viewed and interpreted in many different ways. Regardless of the exegesis, it seems that circumstances were a definite factor in the lives of *Kayin* and *Hevel*. However, man can never blame his actions on his circumstances. Each Jew is responsible for his own actions or inactions. Yet, one cannot deny the fact that environment and natural tendencies play major roles in personal development. Although man is limited by his natural tendencies and environments, no one knows exactly what these limitations are and what his true potential is. Therefore, it is incumbent upon each person to perpetually strive to achieve self-perfection.

Much thanks to R. Swimmer of Bayit Vegan for his inspiration on the subject.

The Nachash

Continued from page 3

Utopian Views

Leaving the *Nuscha Alef's* Supersnake aside, the second version of *Avot DeRabbi Natan* presents a totally different image. The two images of *R. Shimon ben Menasya* are broken up into the separate statements of *Rebbi* and *R. Shimon ben Elazar*. No discussion of the snake's motivations frame these statements. Instead of saying "woe for the loss of a great servant," both sages cry, "woe for the world's loss of a wonderful arrangement." Instead of "for had not the snake become corrupted," both retain *Sanhedrin's* "had not the snake been cursed." Furthermore, *R. Shimon ben Elazar* treats the snakes' commercial activities in a practical manner. They would bring silver and gold along with gems and pearls—not "all precious artifacts in the world." Instead of every Israelite's *de facto* ownership of two snakes, a man must buy

them and wait a month for their return from every mission. Also, *R. Shimon ben Elazar* never suggests the snakes' invincibility.

This information highlights the fact that the second version of *Avot DeRabbi Natan* shifts the emphasis from the snake's fall to society's loss. According to *Rebbi*, originally, one snake could have independently filled the menial tasks of camel, donkey and mule. For *R. Shimon ben Elazar*, man would have been free from perilous and taxing journeys. With less work, you naturally wonder how man would have ideally filled his "free time." Secondly, do *Rebbi* and *R. Shimon ben Elazar* necessarily complement each other? Perhaps they argue.

With his "free time," man would undoubtedly engage in higher pursuits; yet, these higher pursuits would include agricultural tasks as well as intellectual ones. Neither sage suggests that the serpents would tend the garden; they would merely fertilize it. Man would still prune, harvest, sow and reap. Don't get me wrong. Man's intellectual endeavors would also summarily increase. He could spend hours contemplating Adam's navel (Gould, *The Flamingo's Smile*, pp. 99-113).

While these primordial humans lead harmonious, contemplative, agrarian lives, they seem ex-

remely anti-social. If *R. Shimon ben Elazar* had his way, man need never look beyond his limited family unit; the onerous task of interaction falls to the serpents. Then again, maybe *Rebbi* disagrees. While he sees the snake as the ultimate laborer, he hesitates to assign to the snake man's social responsibilities.

You might argue the reverse. *Rebbi* believes that the serpent could relieve man from menial agricultural tasks. While this may in one sense prove beneficial to man, it also threatens man's link with his place of origin—the soil. *R. Shimon ben Elazar* prefers to send the snakes around the world on scavenger hunts while man personally tends his roots.

Either way, whether *R. Shimon ben Menasya* spoke of Supersnake or of a former society, both ended abruptly. When the Worm chose to defy *Hashem*, it sealed its and our fates. As we turn our eyes to the future, we see *R. Shimon's* snake as a symbol and a warning. It warns us away from sin's clutches and symbolizes an ideal that we may, if we so chose, strive to reinstate.

From Sin to Independence

by Noam Koenigsberg

A great deal has been written on the subject of the punishments dealt to Adam, Chava, and the *nachash*, the serpent, as described in *parshat bereishit*. Some challenge the necessity of these punishments, or their efficacy in a *middah keneged middah* framework. Others question whether our original ancestors were deserving of punishment altogether. Perhaps the most fascinating question of all is that of the *Tosafot* (*Yoma* 75b), challenging the characterization of the serpent's fate as a punishment. The *pasuk* relates the *nachash's* punishment as follows: (*Bereishit* 3:14)

"More cursed shall you be than all cattle and all the wild beasts: On your belly shall you crawl and dirt shall you eat all the days of your life."

The classic understanding of this *pasuk* can be found in *masekhet Sotah* (9b). "I (God) declared, 'Let its food be the same as that of man; but now it shall eat dust.'" *Rashi* also understands the *pasuk* in this way. However, *Ba'alei haTosafot*, in their commentary to this verse, find this explanation difficult. Although earth and insects may not be the most palatable of foods, both were plentiful. Having all the food one could ever need right at the tip of one's tongue is not a punishment; that's paradise! Therefore, *Tosafot* assume that the phrase, "and dirt shall you eat all the days of your life," must bear some greater meaning.

R. Menachem Mendel of Kotsk offers an explanation responding to the question of the *Ba'alei haTosafot*. Dependency upon *HaKadosh Baruch Hu* leads to a unique relationship with Him, and conversely, independence results in a broken relationship with and a distance from Him. Man has a tendency to disjoin himself from his Creator when experiencing sufficiency. This is expressed in the section of *Sefer Devarim* (8:11-18) which some *sifrei mussar* refer to as *parshat hagga'avah*:

"Take care lest you forget the Lord your God and fail to keep His commandments, His rules, and His laws which I enjoin upon you today. When you have eaten your fill, and have built fine houses to live in, and your herds and flocks have multiplied, and your silver and gold have increased, and everything you own has prospered, beware lest your heart grow haughty and you forget the Lord your God...and you say to yourselves, 'My own power and the might of my own hand have won this wealth for me.' Remember that it is the Lord your God who gives you the power to get wealth..."

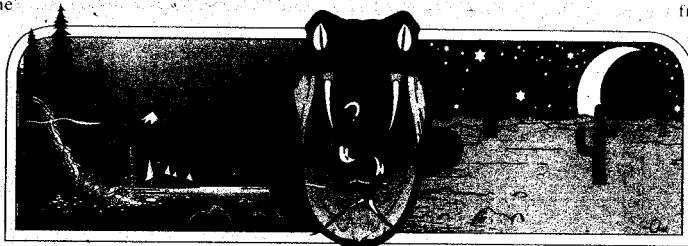
Human nature is such that when a person encounters abundance he comes to confide in himself. He assumes that if God's assistance is not obvious to the receiver it is not concealed, but absent. Therefore, the Torah saw it appropriate to offer a word of caution against such an attitude.

Such a broken relationship was the punishment of the *nachash*. He was placed into a predicament in which it would be very difficult to maintain an intimate relationship with God. His more than ample supply of food would not present any opportunity to turn to God alone for sustenance. The *nachash* would eventually view himself as independent, and in so doing would sever his bond with his Creator.

Fortunate Misfortune

The idea that abundance leads to faith in one's self while insecurity results in faith in God was by no means originated by the Kotsker Rav. In fact, this concept finds expression in many areas of Jewish thought.

The *Gemara* (*Ketubot* 66b) relates a story about



R. Yochanan b. Zakkai who, upon leaving *Yerushalayim*, encountered a young woman picking barley from the excrement of an Arab's flock. When R. Yochanan learned that she was the daughter of the famous *Nakdimon b. Gurion*, he was astonished; he recalled signing her *ketubah* in which her father pledged 1,000,000 golden dinars to the newlyweds. The young woman explained that indeed her father had been quite wealthy. However, God stripped him of his wealth as a punishment for his lack of charity, and she was left scrounging for food, even in the most repugnant places. Hearing this, *Yochanan* broke out in tears and proclaimed, "Fortunate are you, O Israel. When you abide by the will of God, no nation can rule over you. But when you do not abide by the will of God, he delivers you into the hands of a lowly nation: And not only a low nation; but into the hands of the beasts of a lowly nation." The *Maharal of Prague* (*Gevurot Hashem* 4) asks, in what way can this be considered "fortunate for Israel?" After all, he was talking about the suffering of Am Yisrael. However, according to the Kotsker Rav, R. *Yochanan's* statement becomes clear. God responds *middah keneged middah* to everything the Jews do, manifesting a special relationship between *Hashem* and his nation. This unique quality of *Am Yisrael* is the polar opposite of the punishment of the *nachash*. We are never detached from God because we can never be secure. We are constantly dependent upon His mercy, and thus we are naturally drawn toward Him. The fragile existence of the Jew, which, at any moment, can fluctuate from abundant wealth and security to severe poverty and instability is a constant reminder of this commonly neglected notion.

No One Ever Said *Aliyah* Is Easy

This concept is true not only with regard to *Am Yisrael*, but also with regard to *Eretz Yisrael*. The *pesukim* which discuss the superiority of the Holyland read, (*Devarim* 11:8-9)

"For the land which you are about to enter and possess is not like the land of Egypt from which you have come. There the grain you sowed had to be watered by your own labors, like a vegetable garden; but the land that you are about to cross into and

possess, a land of hills and valleys, soaks up its water from the rains of heaven. It is a land which the Lord your God looks after, on which the Lord your God always keeps His eye, from year's beginning to year's end."

These two verses are quite difficult, for, as every agriculture major knows, it is undoubtedly preferable to raise crops near a river where irrigation is always accessible, than in a place where the only source of water is 10,000 feet above sea-level, and benefitting

from this water in contingent-upon divine blessing. According to the Kotsker Rav, though, this dependence is spiritually beneficial, helping one to develop a constant awareness of God's presence and *hashgachah*. This sense of insecurity is unique to the Land of Israel, to this day. Therefore, although life in *Eretz Yisrael* may not be exactly easygoing, and although it may not run as smoothly as it does in well-to-do American suburbia, it is this characteristic which makes our land the only place in the world where "The Lord your God always keeps his eye."

Mixed Emotions

The holiday of *Parim* celebrates Jewish victory over the evil *Haman* and his ruthless decree approximately 2,500 years ago. Unfortunately, though, our people haven't always come out on the victorious side, emerging more often as the victims of oppression. This trend motivated R. Ya'akov Emden to write in his *siddur* (6b) that the miracle of the survival of the Jewish nation outweighs all the miracles that God performed for our fathers during the exodus from Egypt. Moreover, *Moshe Rabbeinu* himself echoes this unfortunate reality. Upon the nation's demand for an alternative to the man in the desert *Moshe* responds (*Bamidbar* 11:13-15), "Where am I to get meat to give all this people, when they whine before me and say, 'Give us meat to eat!' I cannot carry all this people by myself, for it is too much for me. If You would deal thus with me, kill me rather, I beg You, and let me see no more of my wretchedness!" *Rashi* explains that *Moshe* is actually referring to the wretchedness of Am Yisrael, and not his own. (This is one of several instances in *Tanakh* where we find *kinnah hakka'uv*, a euphemism.) *Hashem* revealed to *Moshe* the persecution the people would suffer. Upon realizing the extent of that which his nation would be forced to endure, *Moshe* became depressed and declared, "If so, kill me first."

Given this sorrowful thought, how can we honestly be joyous on *Parim*? How can we dance, drink, and be merry with a clear conscience, knowing that *Parim* is not the rule but is rather, in essence, a fluke? The Sanzer Rav writes that for this reason, he used to start drinking the minute *Parim* began and maintained a state of drunkenness throughout the day; it would otherwise be impossible, he explained, to truly celebrate the victories of the Jews while ignoring the tragedies which outnumber them. How

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Out of Eden: Brothers at War

by Cherie Waxman

A child enters the world with a clean slate; he has no deeds to his name, nor memories on which to rely. In many ways this child, having the ability to be molded into virtually any shape depending on its influences and exposure, can be likened to a lump of clay. Yet a child is not a piece of clay, but rather, a living being whose personality and development are attributed to its unique *neshamah* endowed by Hashem, and original genetic combination received from its parents. So is it one's inborn nature or his environment which determines the way he acts and reacts? This is the basic argument often referred to as "nature vs. nurture". When reading the various sources discussing the story of *Kayin* and *Hevel*, one finds indications that both nature and nurture are valid contributors. The sources remain consistent in their development of the characters of *Kayin* and *Hevel*, based on their own particular theories of the circumstances surrounding their births.

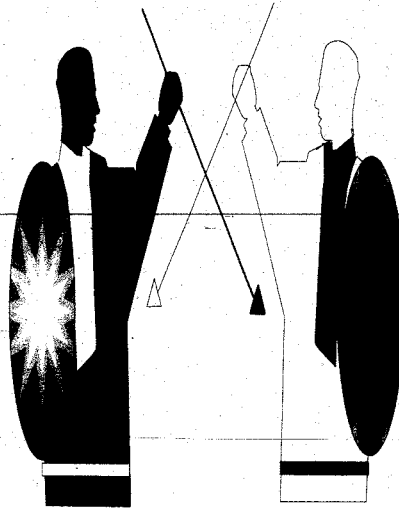
On the sixth day of creation, all the animals were created, along with man, and from him, woman. God gave Adam dominion over all the animals and all the fruit of the earth, intending for it to be his food source. God also gave man his one and only commandment, not to eat from the Tree of Knowledge. On that same day Chava was enticed by the *Nachash* into eating from the tree, and subsequently convinced Adam to do the same. Consequently, Adam and Chava both realized that they were unclothed and that they had sinned. God cursed the *Nachash*, as well as Chava, Adam and the Earth itself. He clothed them and banished them from *Gan Eden* permanently.

After the description of all the events through man's expulsion from *Gan Eden*, we are told of the conception and birth of *Kayin* and *Hevel*: "And the man knew his wife; and she became pregnant, and she gave birth to *Kayin*, and said I have obtained a man (from) Hashem. And she additionally gave birth to his brother, *Hevel*. And *Hevel* was a shepherd, but *Kayin* was a tiller of the ground" (*Bereishit* 4:1-2). These two verses leave room for various interpretations regarding the circumstances of the birth of these two brothers.

Rashi's Frustrated *Kayin* and Spiritual *Hevel*

Rashi infers from the use of past tense in the verse, such as "knew" (meaning to have marital relations with) and "became pregnant," that this happened prior to the previous passages in which the expulsion from the garden took place. *Kayin* was born before this major punishment, and *Hevel* afterwards. It is clear that the expulsion from *Gan Eden* was a traumatic

experience. Although he had only been there for "one day," this *Gan Eden* experience would certainly have a direct effect upon the personality of *Kayin*; while his brother, *Hevel*, who never knew any world but the one into which he was born, would remain unaffected. Names are often very revealing. Chava named her first son *Kayin* from the word *kinyan*, meaning acquisition, indicating to us that she associated her son with the concept of ownership; he belonged to her, and that concept was part of *Kayin's* education. In addition, Rashi translates the word *et* in the passage "*Kaniti ish et Hashem*" (*Bereishit* 4:1), to mean with God. *Kayin's* elevated self-esteem, as confirmed by his mother, serves to channel his priorities toward land-ownership, leading him to become a farmer. Self confidence was in some ways a positive feature in *Kayin's*



character. He did not become despondent after leaving *Gan Eden*; rather, he tried to tame his new environment by working the land.

On the other hand, *Hevel*, the second son, has a name meaning "vanity." After leaving *Gan Eden*, Adam and Chava realized that the only thing everlasting is *Avodat Hashem*; all other ventures are meaningless. As a result of this influence, *Hevel* led a much more spiritual life. He was a shepherd; an occupation which did not involve much effort, thereby leaving his mind free to concentrate on serving Hashem.

Kayin did not understand his brother's way of life, and his priorities were indicative of this. *Kayin* invested much time and energy on the land that was cursed by Hashem. He wanted to return the world to its original pristine condition.

Hevel was eager to bring his *korban* to Hashem, and due to his occupation as a shepherd, livestock was always available for this use. On the other hand, *Kayin*, as a farmer, was dependent on the seasons; only when his crops were grown could he bring his *korban*. Furthermore, having an easier lifestyle, *Hevel* was more mentally prepared to bring his *korban*. *Hevel* brought his *korban* first, and this

caused when *Kayin* to panic. His lazy brother had a *korban* to offer while he did not. He hastily brought whatever was available, and offered it to God, neglecting the most crucial element of the *korban*, which is the proper accompanying intention (*kavvanah*). As a result, *Hevel's* *korban* was accepted, whereas *Kayin's* was rejected. This humiliation by his lazy younger brother, *Hevel*, was the final straw for the frustrated *Kayin*. This frustration manifested itself when the aggressive *Kayin* murdered his brother.

Rashi notes how *Kayin's* ego, even after the murder, continues to reign, and prevents him from admitting his sin and doing *teshuvah*. *Kayin* asks, "Am I my brother's keeper?" (*Bereishit* 4:8), where he feigns innocence, and "*Gadol avoni minneso*" (*Bereishit* 4:13), which Rashi translates as "Is my sin too great for you, Hashem, to bear?", thus showing his obstinacy. *Kayin's* strong ego is contrasted with *Hevel's* humility in subjugating his will to that of Hashem. This difference between *Kayin* and *Hevel* is very logical, based on their dissimilar experiences and *chinukh*.

Ramban's Rebütal

On the issue of *Kayin's* attitude and development, Ramban's approach differs from that of Rashi. Ramban sees *Kayin* in a very positive light and portrays him as an ambitious character. The passage reads "...*Vateled et Kayin*" (*Bereishit* 4:1), and Chava gave birth to *Kayin*. As children are not born with names, it would seem that the passage should more accurately read "...and Chava gave birth to a son, and named him *Kayin*." The Biblical reading shows that the name *Kayin* was more than just a name; it defined the essence of the person. *Kayin* knew he was born to serve Hashem after his parents' demise, and that was his goal. Through his farming, he hoped to return the world to its sin-free original state, and thus restore the beauty of *Gan Eden* to the cursed soil.

Ramban translates the *et* in Chava's statement, "...*kaniti ish et Hashem*" to mean "for" Hashem. The motive behind this child's birth was only to serve God. Keeping these circumstances in mind, Ramban finds it easy to see *Kayin* in a positive way. When *Kayin* saw that he had no *korban*, he felt threatened, because he, too, wanted to serve Hashem. In his haste, he was ill-prepared and his *korban* was unacceptable. When *Kayin* failed in his mission of serving Hashem, his passion turned to anger and vengeance. He killed his brother, was immediately overcome by shame and fear, and tried, unsuccessfully, to hide his sin. Finally, he says "*Gadol avoni minneso*," which Ramban translates as "My sin is too great to [have] be[en] born!," in other words admitting that his sin is unforgivable. Ramban sees this declaration as a first step to a true and complete *teshuvah* by *Kayin*. *Kayin* begins his life in a spiritual way and in the end, although his punishment lasts a lifetime, dies forgiven.

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Cursed Be the Ground

by Gedalyah Berger

In the beginning of *Bereishit*, the Torah presents us with two parallel accounts of the creation of man, which highlight different aspects of both his nature and his purpose. "God created man in His image, in the image of God He created him; male and female He created them....God said to them, 'Be fertile and increase, fill the earth and master it (*vekhivshuha*)'" (1:27-28). Man is characterized by the *tzelem Elokim*, an extension of the Divine, and his charge is to conquer the rest of nature. On the other hand, "when the Lord God made earth and heaven...and there was no man to till the soil...the Lord God formed man (*ha'adam*) from the dust of the earth (*ha'adamah*)" (2:4-7). Man is a clod of dirt, and his purpose is simply to work the land. Humanity is very much a part of the natural order, yet somehow is above it, occupying a unique position in the hierarchy of the cosmos; God commands man to influence nature from both within and without. The two elements of this dichotomy complement each other, and of course in reality merge into a single creature whose job is to juggle them successfully. The sequence of sins and punishments that follows the creation reflects man's failure to do so and God's corrective efforts.

Adam and Eve eat the forbidden fruit of the *etz hada'at tov vara*. What is the precise nature of this transgression? Dr. Michael Wyschogrod offers a particularly incisive suggestion:

Man's first sin is...an act of disobedience whose aim is to obtain a knowledge that will make man God-like. Without this knowledge, man is dependent on God's commands for his knowledge of good and evil. With this knowledge man is able to make his own moral judgments and thereby becomes God-like because he no longer needs God's commands....The inner meaning of sin is not simply an act of disobedience against God but an attempt to overthrow God....Having eaten of the forbidden fruit, God [sic] concludes that 'man has become like one of us, knowing good and evil' (Gen. 3:22)." ("Sin and Atonement in Judaism," *The Human Condition in the Jewish and Christian Traditions*, Greenspahn, F. E., ed., Ktav:Hoboken 1986, pp. 106-7.)

Man has let his *tzelem Elokim* get to his head; he has ignored the fact that even he is a creation of the Almighty. God responds accordingly: "Cursed be the ground because of you....By the sweat of your brow shall you get bread to eat, until you return to the ground - for from it you were taken. For dust you are, and to dust you shall return" (3:17,19). Both the content of the punishment and the formulation of the rebuke serve to emphasize to Adam his corporeality. He will have to work even harder than before to obtain his subsistence from the *adamah*, and all he really is is "dust" taken from the very same *adamah*. God further underscores this lesson when He expels Adam and Eve from *gan eden*: "[T]he Lord God banished him from the garden of Eden, to till the soil from which he was taken" (3:23). He mentions only humanity's task "*la'avod et ha'adamah*"; *likhbosh et ha'aretz* is glaringly absent. Maybe now man will

recognize his true stature and refrain from contravening his Creator's will.

The *adamah* plays a significant role in the next sin as well. Cain starts out on the right track, bringing an offering to God from "the fruit of the soil" (4:3), but before long he fouls up, murdering his brother Abel. Cain, even though he, as an *oved adamah*, had sweated to produce fruit from the accursed land, did not learn his lesson. God exclaims: "Hark, your brother's blood cries out to Me from the ground! Therefore, you shall be more cursed than [*Ramban* - be cursed from] the ground: If you till the soil, it shall no longer yield its strength to you" (4:10-12). The Almighty conveys the message of man's limitations even more forcefully than before; now, even if he works laboriously Cain will be unable to extract fruit from the *adamah*. Moreover, the Torah depicts the ground itself as being the catalyst to Cain's downfall, as it provided the damning evidence of Abel's shrieking blood. The upshot is loud and clear - *kavash ha'aretz et Kayin*. Hope-

8:21), I believe its inclusion in the developing pattern is legitimate.)

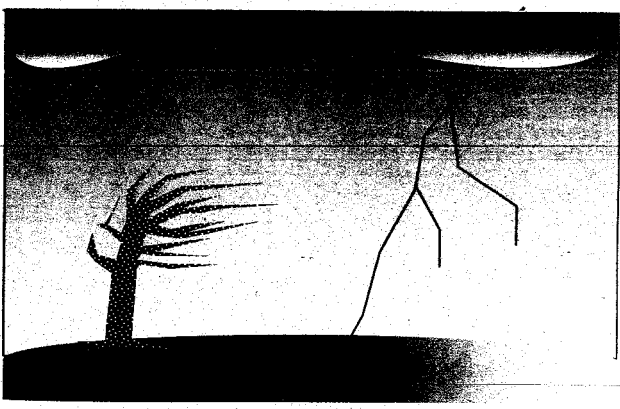
To really understand the meaning of the *mabbul*, let us return to the creation. After God creates light, he makes a series of three separations: 1) "God separated the light from the darkness" (1:4); 2) "Let there be an expanse in the midst of the water" (1:6); 3) "Let the water below the sky be gathered into one area, that the dry land may appear" (1:9). This third separation between *mayim* and *yabbashah* serves as a springboard for much of the rest of the construction of the world; development of other creations ensue along these two parallel tracks almost independently. The water track: "Let the waters bring forth swarms of living creatures....God created the great sea monsters....God blessed them, saying, 'Be fertile and increase, fill the waters in the seas'" (1:20-22). And the land track: "Let the earth sprout vegetation....Let the earth bring forth every kind of living creature....God created man....God blessed them and God said to them, 'Be fertile and increase; fill the earth'" (1:11,24,27-28). The land is clearly on a higher tier than the water; the word *sherez* (1:20), referring to the "offspring" of the water, connotes lowliness, and, of course, man, the highest-level creature, is created from the land.

In light of the preceding analysis, the role of the *mabbul* in *Bereishit's* pattern of punishment is plain. Adam had to toil and work the land. Cain was overtaken by the land. In the ultimate demonstration of man's inferiority to the truly Divine, humanity, together with the land and its other creatures, is wiped out by the lowly water. Except for the bare essentials for continuance, all life on the land vanishes, while the *shirzei hayyam say chazal* (*Kiddushin* 13a), survive without a scratch. *Chazal* gleaned this information from 7:22, "all

that was on dry land (*charavah*) died." The word *charavah* appears nowhere else in *Sefer Bereishit*, and its precise meaning, dry land, hearkens back to the *yabbashah* of Chapter 1; the *yabbashah's* eminence over the *yammim* starkly contrasts with the *charavah's* subordination to the *mei hammabbul*. This motif of reversal of the creation, culminating in the re-dispersion of the *mayim*, supplements the motif of taming man's ego. If man, instead of using his *tzelem Elokim* to conquer nature, allows it to swell his ego, then nature creeps up and conquers him.

The *mabbul* is a watershed in the history of man and his mission. Adam was intertwined with the *adamah*; his *avodat Hashem* revolved around a garden and a tree. Ante-diluvian man in general was commanded to employ his Godly facet to master nature. He failed. Now, *kivyachol*, God changes course. The message He bears when He sends Noah out to rebuild the world is very different from that which He imparted to Adam:

[T]he Lord said to Himself: "Never again will I doom the earth because of man, since the devisings



fully, man will learn to tame his ego and serve God as he should.

Lemekh, a few hundred years after Cain's debacle, utters a hopeful prayer upon the birth of his son. "[H]e named him Noah, saying, 'This one will provide us relief (*yenachamainu*) from our work and from the toil of our hands, out of the very soil which the Lord placed under a curse' (5:29). But although Noah himself "found favor with the Lord" (6:8), he did not succeed in reversing the fortunes of the rest of humanity, "and the Lord regretted (*vayyinnachem*) that He had made man on earth" (6:6). Lemekh's prayer ironically foreshadows imminent catastrophe. Once again, the land serves as a focus of the Torah's description of sin and retribution:

The earth became corrupt before God; the earth was filled with lawlessness. When God saw how corrupt the earth was, for all flesh had corrupted its ways on earth, God said to Noah, "I have decided to put an end to all flesh, for the earth is filled with lawlessness because of them: I am about to destroy them with the earth" (6:11-13).

(It is important to note that here the Torah uses the word *aretz* (earth), as opposed to *adamah* (ground) - certainly a significant difference. But in light of a number of references to the *adamah* as well in the story of the *mabbul* (see 6:7, 8:13, and especially

continued on the next page

Adamah

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of man's mind are evil from his youth; nor will I ever again destroy every living being, as I have done. So long as the earth endures, seedtime and harvest, cold and heat, summer and winter, day and night shall not cease." God blessed Noah and his sons, and said to them, "Be fertile and increase, and fill the earth. The fear and dread of you shall be upon all the beasts of the earth and upon all the birds of the sky...and upon all the fish of the sea; they are given into your hand" (8:21-9:2).

Nature's constancy will no longer be upset by man's iniquities; "Cursed be the ground because of you" (3:17) will no longer be God's punishment. God does not bid Noah to influence nature in any way; instead, He simply hands it over to him. He once again says, "fill the earth," but replaces "and master it" (1:28) with "all the beasts of the earth...are given into your hand."

What, then, is the new charge of humanity? What has replaced "vekhivshuha"? God has concluded that since "the devisings of man's mind are evil from his youth," He must water down His expectations. He no longer demands that man employ the *tzelem Elokim* to affect nature, but does insist that he at least maintain the sanctity of the *tzelem Elokim* itself; this preservation becomes the new focus of humanity's *'avodat hashem*. Whereas for Adam God legislated capital punishment for eating from a tree (2:17), for Noah He will only "require a reckoning for human life....Whoever sheds the blood of a man, by man shall his blood be shed; for in His image did God make man" (9:5-6).

God's punishment of mankind's next sin reflects His new approach. The endeavor of *Dor haHaflagah* epitomizes sin, especially in the framework of Dr. Wyschogrod's theme: man is so convinced of his own divinity that he attempts to actually dethrone the Almighty. The Torah here particularly highlights the contributions of language and communication to the transgression. The use of speech for improper purposes is an affront to the *tzelem Elokim*; the power of speech is the most obvious manifestation of man's categorical difference from the rest of nature. Humanity has failed to accomplish even its diluted mission. God responds: "Let us, then, go down and confound their speech there, so that they shall not understand one another's speech" (11:7). He demonstrates that even man's *tzelem Elokim* is subordinate to *Elokim* Himself.

At the very same time, God is also planting the seeds of still another plan; maybe if a particular group in a particular place will function as a model, mankind will emulate it and learn to serve Him properly throughout the land. "Terach took his son Abram...and his daughter-in-law Sarai, the wife of his son Abram, and they set out together from Ur of the Chaldeans for the land of Canaan" (11:31).

Simchat Torah

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honor of the completion of Torah learning.

Abravanel (Commentary to *Devarim* page b) proposes another possible source for the holiday of *Simchat Torah*: the *mitzvah of haqhel*. He suggests that in its day, *haqhel* represented the conclusion of a seven year cycle of Torah learning. In the first six years of the cycle, *Am Yisrael* would learn *Bereishit, Shemot, Vayyiqra, Bemidbar*. In the seventh year, on *Sukot*, the King would read selections from the book of *Devarim*, thereby completing the cycle of *limud Torah*. *Abravanel* concludes, "From here remains the *minhag* in our days. On the last day of *Shemini Atzeret*, which is called *Simchat Torah*, we complete the Torah.

The *gadol shebaqqahal* stands up and completes [the Torah], and he reads... from *VeZot HaBerakhah*, evoking the image of the King's actions in those [ancient] days."

The parallel *Abravanel* draws is compelling. The *Chatan Torah*, a respected member of the community who is awarded the privilege of completing the Torah reading in the presence of the community, can easily evoke the image of the King in earlier days. Further support for *Abravanel's* premise can be found in the *pesuqim* relating to *haqhel*. The Torah

rarely requires the entire nation to be present for a specific ceremony. But in *Devarim* 30:2, the Torah commands: "Gather the nation, men, women, and children... that they may hear..." As previously discussed, the women and children play a unique role in the *haqhel* ceremony. On *Simchat Torah*, too, the children in particular play a unique role. *Ya'ari* (p. 243-250) chronicles the evolution of the children's participation in the Torah-completion ritual. In the time of *Rashi*, he says, "the old and young alike" had *'aliyot* to the Torah. In thirteenth century Spain, where the custom was to decorate the heads of the *'olim laTorah* with the Torah's crowns, they "crowned the heads of the babies." Eventually, the children's role evolved into one communal *'aliyah, kol hanne'arim*, in which every child participates, even the youngest ones who are held in their father's arms. They congregate beneath a canopy of *talitot*, and an adult recites *birkhot haTorah* for all to answer "amen."

There is an element of strengthening the people's commitment to Torah that parallels the *qabbalat ol malkhut shamayim* factor found in *haqhel*. On *Simchat Torah*, immediately following the reading of *VeZot HaBerakhah*, another *Sefer Torah* is opened, and we read the beginning section of *Bereishit*. This yearly completion and commencement of the Torah, with barely a pause for breath between the two, reestablishes the national understanding of the continuity and the timelessness of the Torah's teachings.

The intellectual reaffirmation of Torah

is not the only aspect of *Simchat Torah*. The *chag* focuses largely on the joyous celebration in honor of the *siyyum haTorah*. *Chemdat HaYamim* (*Ya'ari* p.359), an anonymous *sefer* which deals with the *chaggim*, says "for those who excuse themselves from performing in memory of *simchat beit hasho'evah* on *Simchat Torah*, it is as if they are not [celebrating at all]. [*Simchat Torah*] is not a partial remnant but a full remnant, comparable to the *haqafot* they did then around the *mizbeyach*."

The joyous behavior on *Simchat Torah* is very similar to the *simchah* celebration at the *simchat beit hasho'evah*. *Chemdat HaYamim* uses language similar to *Rambam's* in his description of the singing and dancing on *Simchat Torah*. He says that it is necessary and proper for every "eved Hashem" to exhibit extreme joy before the Torah through beau-

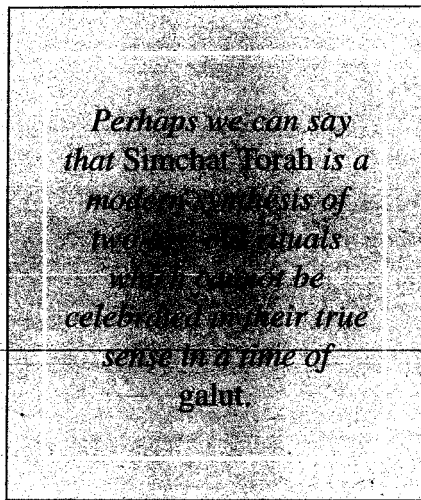
tiful music and spirited dancing.

Just as the entire nation participated in the *mitzvah of simchat yom tov* by attending the *simchat beit hasho'evah*, all of the people have an opportunity to take part in the celebration of *Simchat Torah*. *Ya'ari* (p. 243, 25) chronicles the participation of women and children in the *simchah* part of the *chag*. He says that the women used to have the privilege of dressing and decorating the *Sifrei Torah* after *minchah* on *Shemini Atzeret*

in anticipation of *Simchat Torah*. Once the *minhag of haqafot* became widespread, women were permitted to enter the men's section of the synagogue to watch the festivities. In Worms, women used to dance in the courtyard of the synagogue on *Simchat Torah* eve. Today, in many communities, there is dancing for women as well.

The children, boys and girls, were often placed on their fathers' shoulders during the dancing. Many of them had small *Sifrei Torah* and flags which they waved excitedly. In some areas, children were even allowed the privilege of carrying the big *Sifrei Torah* as they danced. These recorded events are similar to current practices.

Inherent in the name *Simchat Torah*, there seems to be a reflection of the ideas behind two ancient ceremonies. The word *simchah* in the holiday's name brings to mind the *simchat beit hasho'evah*, which is remembered in the joyous celebration aspect of the *chag*, the singing, the dancing, and the *haqafot* which make *Simchat Torah* one of the happiest days of the year. The image of *haqhel* is conjured up by the word "Torah." The reaffirmation of the continuity of Torah on *Simchat Torah* is reminiscent of the bond *Am Yisrael* forges with God at the *haqhel* ceremony. Perhaps we can say that *Simchat Torah* is a modern synthesis of two age-old rituals which cannot be celebrated in their true sense in a time of *galut*. Because of the magnitude and timelessness of their lessons, however, we find a way to celebrate them in miniature form until a time when we can once again fully experience the wealth and breadth of their lessons.



The Good Versus the True

by Ari Blech

One of the more intriguing analyses to be found in Maimonides's *Moreh Nevukhim* concerns a biblical narrative of comparable intrigue: the story of man's first fall and his subsequent expulsion from Eden. An analysis of the biblical account can not but confound the reader, the text both ambivalent and ambiguous. But if the gauge of significance is theological consequence, then one passage before all others propels itself to the forefront of our consideration, namely, that of the forbidden Tree of Knowledge.

God warns Adam: "of every tree of the garden you are free to eat; but as for the Tree of Knowledge of good and evil, you must not eat of it; for as soon as you eat of it, you shall die" (2:16-17). What is the rationale for this injunction? There are two distinct, but overlapping, considerations: first, why would God proscribe any form of knowledge, and second, why this specific tree, this type of knowledge?

For Maimonides, though, the question assumes a slightly sharper sting: since man's uniqueness -- *tzelem Elokim* -- is rooted in his intellect, any limitation of the intellect emerges all the more significant. Moreover, if pre-fall man could not distinguish between good and evil -- which is the simplest explanation of the "knowledge of good and evil" -- how could God punish him for his sins? This query is more than speculative; man *did* sin and God *did* punish him. Finally, the question to which Maimonides directly addresses himself: the boon of knowledge assumed, how could man be rewarded for his sin, raised on account of his moral fall and failings?

Maimonides' pivotal placement of this piece (Part 1,2) -- as well as his uncharacteristic ad hominem attack upon the "learned questioner" -- reflects the gravity he accords the question at hand. It is in this light, and of equal import, that we struggle to understand Rambam's resolution.

His answer distinguishes between *emet vesheker* and *tov vara*, truth and falsehood in contradiction to good and evil. The simplest and most straightforward understanding of this explanation concerns the nature of moral ambiguity. The terms "good" and "evil" express an assumption: that which should be done is "good" and that which should not is "evil"; were this conjecture to switch to conviction then that which we term "good" would really be "true," that which we call "evil," in truth, "false." Language reflects the reality it describes; consequently, the terms inherent to our moral vocabulary bespeak an ironic uncertainty about the very categorizations which they hope to convey. The theological tags "good" and "evil" pass judgement, but do so while acknowledging that such judgement stems from uncertainty, indecision in an arena whose parameters are, by definition, unclear.

Emet, conversely, implies certitude, and thus, in our experience, is relegated to the realm of fact; one would say that the statement "The earth is round" is "true," not "good." Not a matter of opinion, taste, nature or nurture, fact provides poor fodder for debate. In like manner, originally sin was unthinkable, observance, natural and expected. Man's punishment was the blurring of these lines, the confusion implicit in the descriptives "good" and

"evil."

Maimonides' manipulation comprises not only a clever reworking of the story's perception, but, in so doing, a conceptual about-face from the questioner's assumptions. While *peshat* portrays man as an insensible brute, transformed by sin to a higher state, Rambam maintains the reverse, Adam's animalism arising only following his fall: "Adam unable to dwell in dignity is like the beasts that speak not" (Psalms 49:13; Guide, Pines). Fortified with this formulation, we may overcome our initial obstacles. In so far as man's nature was originally *more*, not less, moral, he could be both commanded and punished, freed then, as well, to be Man.

But for all its novelty, scholars have long been baffled by this Maimonidean depiction. How is one to understand man's subsequent sin? How could man consider the inconsiderable, embrace the *false*? And if such sin is the product not of man's choice, but God's -- pre-planned and innate -- how is one to understand man's ensuing punishment?

Two suggestions have sprung up which struggle to resolve this query, one, in direct response, the other, advanced by R. Bachye b. Asher in defense of his own position. Bachye (3:6) cites *midrashim* which allege that even angels, generally immune to free will's perks and perils, can occasionally sin. In similar fashion, Adam and Eve may be assumed to have slipped out of moral character, just then thinking -- what was for them -- the unthinkable, later *doing* the previously unimaginable. The striking shortcoming of this reasoning lies with its incompleteness; angelic precedent leaves us no closer to a resolution of the procedural *how*, the difficulty not solved, but shifted. The dilemma reemerges, if anything doubled. How could angels or man be expected to do the impossible, a request which philosophers have uniformly avoided demanding of God?

We must turn, then, to a second option, more appealing, if still troubling. R. Yoizel Horowitz, in his *Sefer Madreigat ha Adam*, posits that original man, like the angels, had no inclination to sin. Built into his makeup, however, was the ability to be angelic no longer -- man could choose to have free choice. God left man with the option to switch from automatic to manual mode, to override his natural tendencies in order to acquire free will. God advised man against this, the potential gains not deemed worth their parallel hazards. Adam and Eve ignored this warning, sinning precisely to get this free will, to make this transition. The enigma of this explanation lies in its awkward balance -- as well as in the obvious question which frames it: why would God offer Adam this bothersome out? Why provide man with an unnecessary and undesirable means to circumvent His will?

At the same time, this failed solution introduces, and effectively dramatizes, a second problem with our reading of the Rambam: why did man need to sin to generate his own free will? Maimonides's

delineation hinges on a shaky supposition: sinless man had no free choice. Untempted by temptation's snare, unmoved by lust's libido, man could only be good; the challenge of man, God's challenge to man, was absent -- in its place a colorless facsimile of a faith and its tensions. Can this be what God had in mind, a religion with necessity as its law?

Tradition has it that at the time of Revelation the angels asked God why man deserved to receive the Torah in their stead. The traditional answer has always maintained man's superiority to angels, linking this with the latter's free choice. This characterization, though, threatens our pat, but persuasive, picture -- also calling into question the nature of the delicate distinction between man and angel.

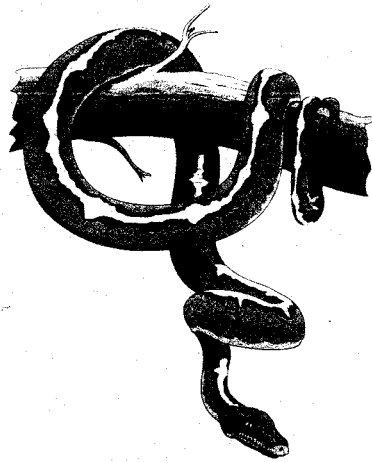
How, then, is the ambiguous Maimonidean position to be interpreted? Here we may suggest a

novel interpretation, close in form to our first suggestion, but conceptually worlds apart. [Writer's Note: Rabbi Shalom Carmy informed me that Rabbi J.B. Soloveitchik, in an unpublished essay dealing with the sin of Adam, interpreted the *Guide* in a way that assimilates the Maimonidean categories with those of Kierkegaard. As he did not have the Rav's permission to show me the manuscript, I must take full responsibility

for any and every divergence from his intentions, having worked out the details of this connection on my own.] Kierkegaard, notes Heschel, believed that the most pressing dilemma confronting man is "Either/Or: the need to choose between the aesthetic life and the ethical" (*A Passion for Truth*, 109). The term "aesthetic" is used here in its broadest sense, referring not only to an appreciation of beauty, but to all forms of satisfaction. The choice then lies between the "ethical" and the "aesthetic" life, the latter viewing "moral obligations as related to the pursuit of happiness" (109). For the aesthete, ethical proscriptions lose their characteristic edge; morality, if merely a means to good times, may be sacrificed at the whim of its keeper. What this entails, though, is not only the potential violation of God's law, but also the inevitable confusion of man: wavering from *halakhah's* four ells, he is flooded by a confluence of choice. As long as man is bound by God's law, his life is, if not simple, then straight, the demands of him laid out in black and white. But once man veers from this absolute path, indecision abounds, considerations based on relative factors, by nature, indefinite and incalculable.

This, then, explains the Maimonidean dis-

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Rambam

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inction between *emet vesheker* and *tov vara*. The two terms, as in the first answer, relate to varying degrees of certainty. Here, though, they spring simultaneously, man afforded the choice of either of these two models. Had man not transgressed, he would have continued to lead the life of *emet vesheker*, but his shift to the realm of *tpv vara* preceded, not followed his sin, paving its way.

This idea is alluded to in the very verse depicting man's fall. Immediately prior to eating the fruit, the *pasuk* describes Eve's motivation, *Vateire ha'ishah ki tov ha'eitz lema'akhal* - and Eve saw that the tree was good to eat. What the Torah implies here is twofold. On the simplest level, we should note that the category of *tov* has already been invoked, prior to actual sin. This first observation sets the stage for its follow-up, the reiteration of the Kierkegaardian connection. Eve picked the path of aesthetics. Eager for pleasure, she propelled herself into the turbulent arena of *tov* and *ra*.

Such a concept resolves both of our initial problems with Maimonides. We can no longer question, in the words of Lawrence Berman, "how...the incorruptible became corrupt" ("Maimonides on the Fall of Man"; *AJS review* 5 (1980): 11) -- man was never on a higher plane, he was only standing at a fork in the road. Moreover, man *did* have free choice, free to choose between two conflicting ways of life, free to pick Either/Or.

According to our new conception, however, the question must be shifted. God granted man a choice. But free to retain this choice, or to submit to the strictures of codified law, why should man give up his free will? Why opt for *emet vesheker* over *tov vara*?

Kierkegaard himself wrestles with this issue, maintaining, paradoxically, that man can only sustain his free will by relinquishing its role:

The most tremendous thing which has been granted to man is choice, freedom. And if you desire to save it and preserve it, there is only one way: in the very same second unconditionally and in complete resignation give it back to God" (Journal entry, qtd. in Heschel 109).

Underlying this contention is the notion that man can be enslaved by emotion, "inordinate desires and upstart passions...to servitude reduc[ing] man till then free" (Paradise Lost; Book 12, lines 86-90). Man's uninterrupted exercise of choice is, then, hardly free, constrained by the dictates of inner compulsion. Conversely, by following God's law man can attain freedom, the laws, regardless of our perception, expressive of our true desires. Thus, Kierkegaard advises man not to forsake his free will, but to exchange that which we label free will for the genuine

article, gaining our own will, ironically, by adhering to God's will.

This belief finds a prominent place in Judaism, as well. Moses descends from heaven carrying two tablets. The writing on these tablets is described as being *charut*, engraved. Commenting on this verse, though the *midrash* reinterprets: "*al tikri charut ella cherut*" - do not read "engraved," but "freedom." What does freedom have to do with the *luchot* -- and why should we mistranslate this word? The Rabbis here, evidently, are not suggesting a linguistic emendation, but illustrating a crucial concept: the Torah does not chain man, but frees him, the following of its precepts our ultimate, if not always clear, aspiration.

Appropriately enough, it is Maimonides who not only voices his agreement with this principle, but extends it to an unprecedented degree. In Jewish law, before any woman may remarry she needs to receive a bill of divorce from her husband, his agreement a prerequisite to the *gerushin* process. Yet, Maimonides allows the courts to force a recalcitrant man's hand, "*kofin oto ad sheyomar rotzeh ani*", until he agrees to divorce her. But if the essence of a divorce is not a formal acquiescence, but the husband's inner intention, how can the forced act of a protesting husband be accorded legal status? The key, though, for Maimonides is that he believes this man's "*rotzeh ani*": all Jews want to observe the Torah's laws. Consequently, when he acted against the Torah's intent -- exploiting a legal loophole -- his distress must be to blame, preventing him from doing what he really wants to do. Our physical force is, then, just a prod, reminding him of his own wishes. Memory jarred, man, contrite, next calls out: "*rotzeh ani*" (*Hikhot Gerushin* II:18).

This explanation, almost counter intuitive, echoes our present contention, its foundation built on a strong link between God's laws and man's wishes. Given this connection, it is a logical leap to reverse the order, confused as to our real intentions, aligning them with God's commands, heeding these instructions in an, ironic, affirmation of free will. Remarkably, Maimonides is so sure of this conception that he accords it *halakhic* status, adducing a law not found in any other source.

A Kierkegaardian reading of Maimonides carries with it a consequence: even as *tov* and *ra* existed pre-sin, *emet* and *sheker* remain post-sin. If we return to the ideals of objective right and wrong, we will have found the cure to the *tov* and *ra* confusion. We need not, though, talk in the abstract; the Torah is intended to be a set of such laws, universally applicable, immutable, immune from personal prejudice. Fittingly, every time man is called to the Torah, he makes a blessing conveying this idea: "Thank, You, God, for giving us a Torah of truth."

Maimonides hints at this notion later in the Guide, (II:30) observing that "When the serpent came to Eve he infected her with poison; the Israelites, who stood at Mount Sinai, removed that poison; idolaters, who did not stand at Mount Sinai, have not gotten rid of it." This allegorical representation of the above ideas: if the poison of the serpent was our moral self-reliance -- *tov* and *ra* -- then the antidote is Torah observance, this strict "ethical orientation" of Kierkegaard. This last interpretation is made more plausible by Maimonides' preface to this very paragraph, warning that his statements here should be taken at more than face value:

I will refer also to certain things by mere hints, just as has been done by the sages...I will therefore not add long explanations, lest I make their statements plain, and I might thus become a "revealer of secrets"....

Hence, on the heels of this cryptic preview, we

must search for the deeper meaning behind each of the *divrei chazal* there quoted, here suggesting the aforementioned interpretation.

Lastly, we must point to an intriguing parallel of phraseology between Maimonides and Kierkegaard. Kierkegaard, by "aesthetic" -- literally, the appreciation of the beautiful -- refers broadly to any satisfaction. One who chooses to lead the aesthetic life, relates moral mandates to the pursuit of happiness. Maimonides, in the section at hand, equates *tov* and *ra* with *na'eh* and *meguneh* - beautiful and ugly - aesthetic terms. More than a mere commonality, this correspondence reflects the relationship earlier suggested, Adam confronted here with the dilemma of all men: Either/Or.

Direct Force in History

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ever, perhaps the cause for celebration is not the Jewish victory altogether. The *Ariz*'l comments that *Purim* is comparable to *Yom Kippur* in its capacity to bring one to *Deveikut* with God. Maybe this is due not to the verse, "The Jews enjoyed light and gladness, happiness and honor" (*Esther* 8:16), but to the fact that, "*Yeshno am echad mefuzar umfurad bein ha'amim* (3:8)," "There is a certain people, scattered and dispersed among the other peoples," a phrase uttered by, of all people, *Haman haRasha*. In our context, this may be understood as an assertion of the uniqueness of *Am Yisrael*, qualitatively *mefurad*, separated, from the other nations.

The Jewish people is unlike any other nation. It is readily apparent that throughout history there is some supernatural force guiding its way. This is not because the Jews have always been at peace with its rulers, for they obviously have not. Nor is it due to the fact that the Jews have experienced a history of religious freedom; the facts proclaim otherwise. What, then, makes us an "*am mefurad*?" It is that God has some supreme plan for us, to the extent that even the tragedies we experience have defied the rules of history. This, too, is a cause for celebration, even if at times it seems more like a cause for mourning. Being the chosen nation doesn't mean that everything is always gratifying. We must remember the second, less fortunate half of *R. Yochanan's* statement which is included in his assessment of Israel as a fortunate nation.

The *Maharal* (in his commentary on the *Haggadah Shel Pesach* 109) explains that for this reason, in celebrating "In every generation they rise against us to obliterate us, but The Holy One Blessed be He saves us from their hand," we combine the *matzah* along with the *marror*. *Matzah*, the symbol of redemption, is not the only reason for our celebration; the *marror*, too, which symbolizes the direct relationship with God "when you do not abide by the will of God," is worthy of our appreciation. Just as the fate of the *nachash*, although physically gratifying, was spiritually devastating, so does the fortune of *Am Yisrael* lie not in its material prosperity, but rather in its spiritual attachment to its Creator.

Some of the themes of this piece were drawn from *shiurim* by R. Moshe Gantz and R. Shmuel Tal of *Yeshivat Sha'alv'im*.

Simchat Torah: The Link to a Glorious Past

by Dassi Billet

In ancient times, *'aliyah larregel* brought all of *kelal yisrael* to Jerusalem three times yearly for the *chaggim* of *Pesach*, *Shevu'ot* and *Sukot*. The Torah and *Chazal* saw these triannual gatherings as a rare opportunity for the establishment of public rituals involving the entire nation. On *Chag HaSukot*, two such ceremonies took place. One, *haqhel*, highlighted the importance of Torah in a Jew's relationship with God. The other, *simchat beit hasho'evah*, focused on *simchah* as a means of connecting with *Hashem*.

A Septennial Gathering

Haqhel is a national gathering which takes place every seven years on *Sukot* following the

shemittah year. The source for the *mitzvah* of *haqhel*, which translates literally as a command to congregate, is found in *Devarim* 30:10-13. The nation of Israel - men, women and children - come together at the *Beit Miqdash* to hear the King of Israel read selections from *sefer Devarim* "so they shall hear and they shall learn and they shall fear God and they shall carefully abide by all the words of this Torah." (*Devarim* 30:12).

Sefer HaChinukh in *Mitzvah* 612 defines the roots of *haqhel*. The essence of *Am Yisrael* is the Torah, and it is what separates them from the rest of the nations. The Torah brings the Jewish people an eternal enjoyment and love unsurpassed by anything earthly. It is therefore worthy and proper, says the *Chinukh*, that from time to time the nation gather to hear the Torah's words and to understand that hearing its words is "*kol 'igrainu vetif'artenu*," the essence and the glory of the nation of Israel. From this realization, the nation will come to know and to love the Torah and to hunger for God's laws.

The *parshiyot* which are read include sections of *Moshe Rabbeinu's tokhachah*, rebuke, to *Am Yisrael*; the description of *Matan Torah*; *Shema* and *Yehayah Im Shamo'a*; and the *berakhot* that *Moshe* gives to the twelve tribes immediately before his death, among others. These passages, especially the receiving of the Torah and the recitation of *Shema*, are designed to help the people renew their *qabbalat ol malkhut shamayim*, their acceptance of the yoke of God and His Torah. *Rambam* (*Hilkhos Chaggigah* 3:1) writes that the selections are designed to "awaken the nation's enthusiasm to do the *mitzvot* and tighten its grasp on the true faith and practice." The *Rambam* (*Hilkhos Chaggigah* 3:4) paints a vivid picture of the *haqhel* ceremony. On *motza'ei yom tov rishon*, the silver *chatzotzerot*, trumpets, are blown all over Jerusalem, calling the nation to gather at *Har haBayit*. After everyone assembles, the King rises onto a special wooden platform built especially

for the *haqhel* ceremony, and the people gather closer, surrounding him. The Torah is then placed before the King, and he recites the regular blessings on the Torah supplemented by seven additional ones unique to this Torah reading. Finally, the King reads the selections loudly and clearly for all to hear.

What is interesting about *haqhel* is that all of *Keneset Yisrael* is required to participate. Though it is clearly a time-bound commandment, from which women are usually exempt, the Torah explicitly states that women are required to take part in *haqhel*. Not only is the gathering compulsory for women, but the Torah also requires that the parents bring their children, who do not even necessarily understand the events that take place.

In *masekhet Chaggigah* (3a), *Chazal* explain that "the men come to learn, the women to listen, and the children so their parents will merit from bringing them." *Ramban* (commentary to *Devarim* 30:12) adds that "the men come to hear and to learn, and the women, because they too can hear and learn to fear God. And their children? These are the youths who will hear and ask their fathers... who will teach them... because these are the children who are at an age where they can benefit from *chinukh*..." The *Ramban* explains that the Torah speaks of learning and fearing God in the future tense because these children will grow to become learned and God fearing Jews.

The timing of *haqhel*, on *chol hammo'ed sukot* of the year following *shemittah*, helps the ceremony achieve its goals of bringing the people closer to an understanding of God and a comprehension of Torah. Because it is forbidden to work the land during the *shemittah* year, the people have twelve months free of financial worry in which to relax and absorb themselves in God and Torah. The *Netziv* (*Ha'Ameq Davar*, *Devarim* 30:10) points out that *chol hammo'ed sukot* of the year following *shemittah* is the time period when the people realize the magnitude of the gift of *shemittah*. In most years, *sukot* is preceded by the frantic harvesting and gathering season. After the year of *shemittah*, there is no such season. Therefore, the people are in the perfect frame of mind to reaccept the Torah and reaffirm their connection with God.

Joy in Jerusalem

Simchat beit hasho'evah is another communal ceremony which takes place on *chag hassukot*, but it has an entirely different focus. It is the fulfillment of the holiday's *mitzvah* of intense joy, which is derived from the three references to *simchah* in the Torah's discussion of this holiday: "*vesammachta bechaggekha*," "*vehevita akh sameach*," (*Devarim* 16:14-15), and "*usmachtem lifnei Hashem Eloqekhem*." (*Vayyiqra* 23:40)

The commentaries on *Devarim* 16:15 define the type of *simchah* the Torah prescribes in the commandment of "*vesammachta bechaggekha*." Not only is it to be a joy with absolutely no glimmer of

sadness (*Seforeno*), but it must also be a *simchah* that eclipses the most joyous moments of the past (*Aviezer*). The Jewish people must be careful to remember that it is a "*simchah before Hashem*," sanctifying God's name through unadulterated joy without losing their focus and acting drunken or lightheaded (*Keli Yaqar*). *Sefer HaChinukh* in *Mitzvah* 488 explains that the root of this *mitzvah* springs from man's inherent need to rejoice and celebrate at intervals. The need for extreme *simchah* from time to time is so strong, he says, that it is comparable to man's inborn need for food as a source of nourishment. Everyone is required to participate in this joy. Men and women must surround themselves with material things, such as meat, wine, and new clothing, which will arouse a special type of joy. Each man is to inspire joy in his children and all the members of his household.

Rambam (*Hilkhos Lulav* 8:12) explains the source of the commandment to rejoice excessively on *sukot*. While the *mitzvah* of "*vesammachta bechaggekha*" relates to all the *chaggim*, "*usmachtem lifnei Hashem Eloqekhem*" is an additional reference to *simchah* which relates only to *sukot*. This added allusion to joy specifically on *sukot* accounts for the *simchah yeteirah* requirement.

"How did they celebrate?" asks *Rambam*. On each evening of *chol hammo'ed*, after the afternoon *qorban tamid* was sacrificed, the whole nation would join together in the *Beit Miqdash* for a joyous celebration, a *simchat beit hasho'evah*. Musicians played every imaginable instrument, the flute, the harp, the lyre and the cymbals, singers sang, and people danced excitedly and spoke words of praise to God.

Rambam writes that "it is a *mitzvah* to be excessive in this type of *simchah*." The "*gedolei chakhmei yisrael*" were the most avid participants in the celebration. The commonfolk, men and women, came mostly to hear, see, and enjoy. The *simchah* was so great that *Chazal* in *masekhet Sukah* (5a) comment that "he who has not seen a *simchat beit hasho'evah* has never seen (true) *simchah*."

Modern Parallels

Today, in our *galut* state, there is no *'aliyah larregel*, no *Beit Miqdash*, no *haqhel* and no *simchat beit hasho'evah*. But our *galut* status makes it important for us to attempt to recreate the Torah connection with God formed in the *haqhel* ceremony and the *simchah* bonds formed with God in the *simchat beit hasho'evah* celebration. Certain scholars have suggested that remnants of the two ancient rituals can be found in the holiday of *Simchat Torah*.

Simchat Torah is a puzzling custom. There is no source for it found in the written Torah or in the primary sources of *halakha*. In *Toldot Chag Simchat Torah*, Avraham Ya'ari traces the holiday to its roots, in Babylonia in the early Gaonic period. It seems that originally *Simchat Torah* was mainly a celebration of the completion of the Torah, which was read in its entirety from one *Simchat Torah* to the next, just as it is today. The rabbis established the festival based on a *midrash* (*Shir HaShirim Rabbah* 9) in which Rabbi Elazar teaches that the actions of King Solomon, who made a celebration the day after God granted him *chokhmah* (*Melachim* I, 3:5), serve as a model for us to make a *se'udat* in



Halakhic Woman: In the Shadow of Sin

by Rebecca Wolf

...When the woman saw that the tree was good for eating and a delight to the eyes, and that the tree was desirable as a source of wisdom, she took of its fruit and ate. She also gave some to her husband, and he also ate it...[Then] they heard the sound of the Lord moving about in the garden...[And] He asked...Did you eat from the tree from which I had forbidden you to eat?...To the woman He said, I will make severe your pangs of childbearing: In pain you shall bear children. Yet your urge shall be over your husband, and he shall rule over you" (Genesis 3: 6-16)

As divine punishment for eating and causing Adam to eat from the *Etz Hada'at*, Chava received a set of curses. The above passage describing these God given curses has been subject to much exegesis in various *midrashim*, each one deriving various curses which befell Chava as a result of her actions. Nearly every physical imperfection ascribed to women, negative social attitude concerning women and *halakhah* seemingly discriminatory against women has been attributed in the various midrashic formulations to Chava's sin.

Physical impediments such as menstruation, ("dam niddatah", *Yalkut Shimoni, Bereishit* 27), painful pregnancy and childbirth ("inui herayon habbeten, ve'inui leidah", *Pirkei DeRabbi Eliezer*, Chapter 14) and menopause ("shehi omedet milleled", *Avot DeRabbi Natan*, Chapter 42, *Nusach Bet*) are included on one or more of the lists of curses. The *midrashim* also list a myriad of social attitudes as divine punishments resulting from Chava's sin. *Pirkei DeRabbi Eliezer* comments "veratza et oznah ke'evad olam, ukhshifchah hamsharetet et ba'alah," a woman is meant to be her husband's eternal maidservant. *Avot DeRabbi Natan* adds that "ba'alah sholet bah" - her husband rules over her. The *midrashim* emphasize repeatedly that Chava's sin caused women to be subjugated by their husbands.

These categories of curses, physical flaws, as well as oppressive social attitudes, find their sources directly in the *pesukim*. Chava was cursed with painful childbirth, "be'etzev teldi vanim" (Gen. 2:16), a phrase that the *midrashim* then extended to include the entire child bearing process. Chava was also told: "vehu yimshol bakh," that Adam will rule over her. These curses do not lay down halakhic obligations which apply to women throughout the generations. For instance, there is no halakhic *pesuk* which forbids anesthesia during childbirth because of the curse that Chava received. In fact Rav Moshe Feinstein (*Yoreh De'ah* 75) states that although there is no *issur* in remaining awake during childbirth, he would suggest that a woman be anesthetized. If it is completely permissible to make use of anesthesia during childbirth, then it follows that the Jewish community is not obligated to fulfill the curse of "be'etzev teldi vanim." Similarly, it is not an obligation today to enforce the "vehu yimshol

bakh" aspect of the curse. The curses were not necessarily meant to last forever.

If this explanation of the curses is adopted, however, a theological difficulty arises when analyzing *halakhah* which stem from the curses placed on Chava. Are we to say that these *halakhah* do not apply today? Such an attitude could certainly not be justified in traditional Jewish thought, since the *halakhah* which the *midrashim* attribute to the curses that befell Chava include: *kisui rosh*, a woman's extended obligation in the *mitzvot* of *Shabbat* candles, *Hafrashat Challah*, a woman's inability to perform the *mitzvah* of *kiddush levanah* and be a witness in a *beit din* or marry more than one man. Deeper analysis of these *halakhah*, reveals, however, that they are not derived from the curses; entirely different reasons for these *halakhah* are quoted in halakhic literature.

In all the major midrashic lists of Chava's curses, the issue of *kisui rosh* is mentioned ("Yotze'ah lashuk veroshah mekhuseh ke'evel", *Pirkei DeRabbi Eliezer*; "Roshah mekhuseh ke'evel", *Avot DeRabbi Natan*; "Atufah ke'evel", *Eruvin* 100b; "mekhaseh et roshah ke'evel", *Yalkut Shimoni*). From the phraseology of these *midrashim*, the connection between the sin and the punishment is clear. Since Chava caused mortality, she must wrap herself up, like a mourner. In *Bereishit Rabbah* 17:8, a different explanation is given. Since Chava committed a sin, she must cover herself in embarrassment.



halakhically
binding.

Halakhic reasoning for *kisui*

rosh involves a combination of two issues, neither of which reflects the reasons in the *midrashim*. The *Gemara* (*Berakhot* 24a) comments "se'ar be'isha ervah", a woman's hair is an immodest part of her body and must remain covered. Since unmarried women are not halakhically obligated to cover their hair, this cannot be the only reason for this *halakhah*. The most basic obligation is derived from the embarrassing process

which an *ishah sotah* was forced to undergo, designed to convince her to confess to her husband's accusation of adultery. At one point in the procedure, the *pasuk* reads: "Ufara et rosh ha'ishah" (Num. 5:18). *Rashi* comments on these words, "Soter keliat se'arah," the *Kohen* unbraids her hair to cause her embarrassment. Since the *Gemara* (*Ketubot* 72a) derives the *halakhah* of *kisui rosh* from this *pasuk*, one must understand from *Rashi's* words that the woman's braid was held back by a small covering. It has been suggested (*HaTz'nea Lekhet*, Gtsel Ellinson) that married women must cover their hair, as a symbol of marriage. The halakhic sources therefore, do not imply that women cover their hair because they feel embarrassment or are in mourning due to Chava's sin.

halakhah that the *midrashim* attribute to Chava's sin is a woman's inability to be a witness in a *beit din*, as is stated in *Yalkut Shimoni* and *Pirkei DeRabbi Eliezer*: "einah ne'emenet le'edut". The *Radal*, a commentary on *Pirkei DeRabbi Eliezer*, explains the connection between Chava's sin and this punishment as follows: When *Hashem* addresses *Adam* and tells him of his punishment for eating from the *Etz Hada'at*, the *pasuk* reads (Genesis 3:17) "Ki shamata leqol ishtekha...arurah ha'adamah ba'avurekha..". Since *Adam* received his punishment because he listened to the words of his wife, he is not to listen to her in the future. Men therefore, are not allowed to believe the testimony of women.

It is not clear in halakhic sources why women are not allowed to be *edim*. It is clear however, that the reason has nothing to do with a lack of trust that the *halakhah* has in women. A woman is trusted, for example, in testimony concerning the death of her husband. (*Shulkhan Arukh, Even Ha'ezer, Hilkhot Ishut* 13:43) *Rabbi* Saul Berman in his article "The Status of Women in Halachic Judaism" (Tradition, Fall 1973) defines the reason for a woman's inability to be an *ed* as follows: "The law begins with a desire to exempt women from mandatory public appearances and therefore deprives the court in effect, of subpoena power over women. But in turn the inability of the court to compel her presence, results in the correlative loss on the part of women of the power to compel the court to find the facts to be in accord with their testimony." In order to save women from being coerced into testimony, the *halakhah* was forced to deny her the right to testify at all.

A *mishnah* in *mesechet Shabbat* 31b states: "Al shalosh averot nashim metot bish'at leidatan: al she'enan zehirot beniddah, bechallah, uhadlakat hanner." Three *mitzvot* have been reserved for women. *Rashi* quotes *Bereishit Rabbah* 17:8, which explains that women were given the additional obligation of performing the *mitzvot* of *hafrashat challah* and *hadlakat nerot* in order to compensate for Chava's sin. The *midrash* states: "Al yedei shekibetah nishmato shel Adam harishon, lefikhakh, natan lah mitzvat ner shel Shabbat." Since Chava, in effect extinguished the soul of *Adam* by causing his death, the *halakhah* obligated her to light candles to reintroduce the light that she had removed. This explanation is quoted in certain halakhic sources as the reason that an additional obligation to light *Shabbat* candles pertains to women generally (*Tur Shulkhan Arukh, Yoreh De'ah* 263 and the *Mishnah Berurah, se'if katan* 13). *Shulkhan Arukh*, however, does not quote this reason. He explains, instead, that women have an added obligation because "(*Nashim*) metzuyot

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