Between the Lines

Weekly Midrash Learning with Rabbi David Levy

שמות פרק יב פסוק כט

וַיְהִי בַּחֲצִי הַלַּיְלָה וַה' הִכָּה כָל בְּכוֹר בְּאֶרֶץ מִצְרַיִם מִבְּכֹר פַּרְעֹה הַיֹּשֵׁב עַל כִּסְאוֹ עַד בְּכוֹר הַשְּׁבִי אֲשֶׁר בְּבֵית הַבּוֹר וְכֹל בְּכוֹר בְּהֵמָה:

Exodus 12:29

And it came to pass at midnight, that the Lord smote all the first-born in the land of Egypt, from the first-born of Pharaoh that sat on his throne unto the first-born of the captive that was in the dungeon; and all the first-born of cattle.

שמות רבה (וילנא) פרשה יח

(למה)הרג בכורי שבי שהיו אומרים לשבוי שהיה חבוש בבית האסורין רצונך שתצא ויגאלו ישראל והוא אומר לא נצא מיכן לעולם כדי שלא יצאו ישראל לכך דנן עמהם

Exodus Rabbah Parashah 18

(Why) Were the first born captives killed? They (the Egyptians) used to say to those that they held in prison, “Do you want to go free (and have it result in) the freeing of the Israelites?” he would respond “I will not ever leave this place so that the Israelites will not ever be able to leave.” On account of this they (the captives) were judged with the rest of Egypt.

Each year, when we read the Exodus story and again when we encounter it at the Passover seder, we are confronted with a serious moral question. We must ask ourselves how we feel about the nature of the collective punishment of the Egyptians. If we examine a number of customs and teachings that we find in the Jewish tradition about the suffering of the Egyptians, we can see that there has never been an easy relationship with this problem.

First, it is clear here in our text. When the 10th plague is described, we see it afflicting the firstborn sons of Pharaoh on down to the firstborn in captivity—even the firstborn cattle. We may not be comfortable with the idea of the plague, but we can understand why it is applied to Pharaoh, and perhaps even to the Egyptians who were complicit in the enslavement of the Israelites. Surely, though, the captives in prison played no role in enslaving the Israelites; rather they were probably no better off than the Israelites. That is why the midrash feels the need to articulate their role in the story. The Rabbis are uncomfortable with the idea that any innocent person would be punished in the plagues, and they go to great lengths in this and other midrashim to identify the guilt of the Egyptians.

We see this discomfort at other times as well. When we read the 10 plagues at the seder, we take 10 drops of wine out of our glasses to diminish our joy on account of the suffering of the Egyptians. We also find a midrash (Talmud Sanhedrin 39b) saying that the angels wanted to sing out as the waves crashed over the Egyptians in the Red Sea and God admonished them: “My creations are drowning in the sea and you wish to sing?”

When we approach the Exodus, we can feel the discomfort of our ancestors at seeing all of the Egyptians punished without a clear sense that each was accountable. It is for this reason that this midrash establishes the guilt of all those who were punished. Despite this justification, however, we also hold traditions that remind us that the freedom of the Israelites came at a cost and that, regardless of the assignment of guilt, we ought to feel a loss.

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Torah from JTS

Parashat Bo
Exodus 10:1–13:16
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4 Shevat 5772

Parashah Commentary

This week’s commentary was written by Rabbi Burton L. Visotzky, Appleman Professor of Midrash and Interreligious Studies, Louis Stein Director of the Finkelstein Institute for Religious and Social Studies, and director of the Milstein Center for Interreligious Dialogue, JTS.

In the midst of the tumult of the Exodus—while the plagues are still falling like locusts upon Egypt; after the deep darkness that plunged the land back into primal chaos; as the Israelite slaves desperately and, it must be admitted, somewhat gleefully despoil their former masters just after the ominous warning has been issued of the impending death of Egypt’s firstborn—the Torah pauses in its breathless narrative as if for a commercial break, a word from our Sponsor.

Exodus 12 (it’s the fourth aliyah of this week’s Torah portion) begins:

> The LORD said to Moses and to Aaron in the land of Egypt: This month shall be the first of the months for you, the beginning of your year. Tell the entire community of Israelites and tell them to take a lamb per family; on the tenth of the month a lamb per household.

Two dozen more verses follow, setting out the commandments for our very first Passover, on the cusp of the Exodus from Egypt. Detailed rules of the meal follow: its rituals, its menu, its cooking procedure, the bizarre command to paint the doorposts with blood so that God will “pass over” and not kill Israelite firstborn, and then commandments about the future commemoration of the lamb, the leaven, the law. In the detail of the law and its assigned interpretation, Jewish history finds meaning.

In 11th-century France, Torah commentator *par excellence* Rashi (Rabbi Solomon ben Isaac) noted, “This is where the Torah should have begun!” Rashi actually makes his comment about our passage of Exodus 12 at the very outset of his commentary to Genesis, chapter 1. For Rashi, as for so many medieval Jews, Torah is all about the law: halakhah precedes Aggadah—or as they would say it at Harvard Law School, *nomos* trumps narrative. For Rashi and his rabbinic cohort, the entire meaning of Creation can be seen in the covenantal relationship spelled out through the details of the law. Were it not for the rule of law, the very

foundations of civilization would tremble, at risk of shattering. It makes perfect sense to the rabbinic mind that law must intercede in the chaos of revolution and the cacophony of the Exodus so that redemption may proceed.

Exodus 32:16 describes Moses, much later, coming down from Mt. Sinai bearing the tablets of the law: "The tablets were God's creation, the writing God's autograph, incised (*Harut*) upon the tablets." In the Middle Ages the rabbis punned on this verse, suggesting:

> Read not "incised (*Harut*)" but, rather as though it says "freedom (*Herut*)." For no person is free unless they are involved in the study of the law." (Pirkei Avot 6:2)

By playfully suggesting the change of one vowel of the Hebrew, *Harut* to *Herut,* the Rabbis explain that the essence of freedom, paradoxically, lies in the rule of law. Law—not anarchy, not revolution, but law—is the guarantor of true freedom. The turmoil of the Exodus, the disorder of Egypt, the tyranny of Pharaoh, all must give way to the rule of law. The Torah teaches that the law is the guarantor of freedom, and that freedom is the guarantor of the rule of law.

How fitting that on Thursday in this very week when we read Exodus 12 in our synagogues, U.S. Supreme Court Associate Justice Stephen G. Breyer will visit The Jewish Theological Seminary. At a sold-out, overflow-crowd lecture, Justice Breyer will speak about his newest book, *Making Our Democracy Work: A Judge's View.* In the volume, he surveys the often tumultuous history of the courts in the United States. He asks some deceptively simple questions to fuel his discourse: Why do citizens respect the rule of law in the United States? Why does the public accept the Court's decisions as legitimate and follow them, even when those decisions are highly unpopular? What must the Court do to maintain the public's faith? How can it help make our democracy work?

Justice Breyer surveys instances when the courts have made decisions that left segments of the citizenry unsatisfied. In some cases, the public seemed to reject the very rights of the Court to determine the law. In others, governors had to call in their state's National Guard to enforce the decisions. Yet, in most other cases, the vast, overwhelming majority of the populace acquiesced in accepting the Court's decision. Is it a mere docility of our passive citizenry that makes this so? Or is it something else, something less visible to the naked eye?

Justice Breyer calls for an active, engaged democracy in which every American learns about the issues that affect their lives. He reminds us that the stakes are high, because "at the end of the day, the public's confidence is what permits the Court to ensure a Constitution that is more than words on paper." Justice Breyer concludes, in essence, that the Constitution and the courts that interpret it are our best guarantors of freedom. And freedom is the best guarantor of rule of law.

As we learn from this week's Torah reading, we are faced with stark alternatives: We can work to buttress the law and its institutions so that we may find redemption through covenant. Or we may suffer the enslavement of the chaos of Egypt, where tyranny rules without recourse to law. To reiterate that text from Pirkei Avot quoted above, "no person is free unless they are involved in the study of the law." Or as Rashi puts it, "This is where the Torah must begin!"

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A Taste of Torah

A Commentary by Rabbi Matthew Berkowitz, director of Israel Programs, JTS

At the heart of Parashat Bo is a verse made famous by the prolific medieval commentator, Rabbi Shlomo Yitzhaki, more commonly known as Rashi: "The Lord said to Moses and Aaron in the land of Egypt: This month will mark for you the beginning of months; it will be the first of the months of the year for you" (Exod. 12:1–2). The verse is understood to be the month of "Aviv," an allusion to Nisan, in which we celebrate Passover. In his first commentary on Genesis 1:1, Rashi suggests that Torah should have rightfully begun with this verse because it is the first commandment given to the Nation of Israel. That is to say, on the eve of their departure from Egypt, God commands the creation of a distinctly Israelite calendar marked by the consecration of the new moon. As Nahum Sarna writes, we now recognize "a wholly new order of life that is to be dominated by the consciousness of God's active presence in history" (Sarna, *JPS Torah Commentary, Exodus*, 54). What additional significance does this commandment of the new month hold for Israel?

Rabbi Samson Raphael Hirsch explains that Exodus 12:2 should be translated in a more nuanced way so that it is understood not simply as "months," but as the rebirth of the moon. He writes,

> "*This renewal of the moon will be a beginning of renewals for you,"* in other words, noticing, realizing the fresh birth of the moon will induce you to achieve a similar rejuvenation. You are to fix *your* moons, *your* periods of time by taking note of this ever fresh recurring rejuvenation. Not only does it say that this "month will be the beginning of months" but it adds the word "to you"; it is not a question of general months but rather *our* months . . . So the Jewish consecration of the New Moon is an institution for the periodical spiritual and moral rejuvenation of Israel by finding itself again in conjunction with its God . . . Without this routine of being radiated afresh by the light and warmth of God's spirit, we would continually slide further away, always getting more and more estranged from God . . . Our natures would become less and less responsive to the light of God's spirit. Our natures would become darker and darker until like Pharaoh, our hearts would become so stiff and heavy that even the most startling signs and the most impressive wonders would not achieve the rebirth, the rejuvenation of our inner selves. (Hirsch, *Commentary on the Torah: Exodus*, 127)

Hirsch's reflections on Rosh Hodesh, which is marked this week, place this celebration against the context of leaving Egypt. First, he accentuates that *lakhem* (to you) is the critical aspect of the commandment. Far from the establishment of a general calendar, the verse makes clear the particularity of this new counting of time. Second, the mitzvah is rooted in the idea of spiritual renewal. Just as the moon waxes and wanes, so too do we experience similar patterns in our own lives with our relationship with God. By deliberately marking the new moon and engaging in this monthly celebration, we strive to be sensitive and attuned, moving in the opposite direction from the reticence and rigidness modeled by Pharaoh. Indeed, we are blessed by a routine of renewal and creativity. Through this mode of being, we will truly become a "kingdom of priests and holy nation."

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