

# Speaking of Text

A WEEKLY EXPLORATION OF THE JEWISH BOOKSHELF



## Whose Opinion Is It Really?

**Rabbi Tim Daniel Bernard, Director of Digital Learning and Engagement, JTS**

In capital cases, we do not hear the words of the senior [judge] until after everyone else, as if the senior [judge] were to start, the others would be forbidden to disagree, as [the Rabbis understand the Torah to say] “Do not speak against the greatest [judge]” (Exod. 23:2). (Moses Maimonides, *Commentary on the Mishnah* to M. Sanhedrin 4:2)

And the reason for this is that we are concerned that the junior [judges] will be too abashed to contradict the words of the senior [judges]. (Israel Lifschitz, *Tiferet Yisrael, Yakhin* to M. Sanhedrin 4:2)

Who influences your thinking and decision-making? These two commentaries flesh out the Mishnah’s rule that in capital cases, the judges who sit “at the side” are the first to express their opinions. If the head of the court were to speak first, they explain, the perspective of the junior judges may never be heard—whether on account of legal reasons (Maimonides) or self-consciousness (*Tiferet Yisrael*)—which could lead to a wrongful conviction and execution.

Much of the media we consume, especially, though not only, social media, is infused with opinions. It is a challenge to pick out the facts of a news story and make up our own minds before being bombarded by hot takes from pundits, reactions from friends, and spin from public figures. How can we, like the junior judges, not be influenced by all these opinions? And even if we form our own views, will we voice them when they contradict those of people we respect?

Though most of us aren’t making life and death decisions like the judges in this mishnah, our choices can make an impact when we express ourselves in the voting booth, to an elected representative, or even when called by a pollster. We must therefore attempt to resist undue influence when making decisions. And for those of us who are “senior judges”—even if only to our Facebook friends—who do we listen to before we broadcast our own stance?

Korah 5778

קרח תשע"ח



## Power and Gender in the Wilderness

**Dr. Shuly Rubin Schwartz, Irving Lehrman Research Associate Professor of American Jewish History and Sala and Walter Schlesinger Dean of Graduate and Undergraduate Studies**

Last month’s volcanic eruptions in Hawaii are just the most recent example of the violent displacement and destruction that natural disasters can cause. Looking at the photos, I was grateful to learn that no lives had been lost, but I couldn’t help thinking of the fate of Korah and his followers for spurning the Lord: “The earth opened its mouth and swallowed them up with their households” (Num. 16:32). This strange parashah has always puzzled and disturbed me. What exactly did Korah and his followers do to merit such swift, cruel divine judgment?

Korah and his followers accuse Moshe and Aaron of raising “themselves above the Lord’s congregation,” despite the fact that holiness extended to all the people through Revelation at Sinai: “You have gone too far!” they cried (16:3). What did Korah and his followers expect to gain by such mutiny? Did they hope to call attention to what they perceived to be an injustice? Did they want Moses and Aaron to share power with Korah and others? The Torah does not clarify further. Several traditional commentators suggest that the rebellion was provoked by personal jealousy: Korah was infuriated that God favored his first cousins Moses and Aaron. Datan, Aviram, and On were angry that God favored the tribe of Levi over the tribe of their ancestor, the first-born Reuben.

Two things are clear:

1. This situation escalated rapidly to tragic ends.

Four verses later, Moses lashes back at Korah with the same accusation: “You have gone too far!” [v.7], and by the end of the chapter, Korah and his followers and their households are swallowed up in the earth. In the following chapter, as the people blame Moses and Aaron for these deaths, God brings a plague that kills another 14,700 individuals!

2. The perspective of women is absent beyond the implied “with their households” to describe those who died in the earthquake.

I submit that these two facts are linked.

The Talmud introduces a woman’s voice by suggesting, in a painfully misogynistic interpretation, that Korah’s wife told her husband: “See what Moses is doing. He is the king, he appointed his brother High Priest, and he appointed his brother’s sons as deputy priests” (BT Sanhedrin 110a). She points out other instances where in her view, Moses had humiliated Korah. By inciting him to rebel, the text concludes, she is responsible for the folly that ensues.

I can’t help but wonder how this incident might have played out differently if women *had* actually played an active role in the parashah. What if they had acted like the daughters of Zelophehad do a few chapters later? After noting that their father had died—but not because he had rebelled along with Korah—the daughters open a conversation with Moses, pointing out the injustice that would be perpetrated if they could not inherit his land. “Why should the name of our father be withdrawn from among his family because he had no son? Give us a possession among our father’s brothers” (27:4). After listening to them and consulting with God, Moses grants their request. No rebellion. No loss of life. No drama.

What if Korah’s wife and other Israelites of any gender had offered a similar strategy in our parashah to address concerns over the concentration of power in the hands of a few men? What if anger did not devolve so rapidly into blame shifting and a life-and-death power play? Perhaps Korah’s wife might have said to her husband: “I see you’re upset and even jealous, but I also understand the legitimate concerns about the tremendous power that Moses and Aaron exercise. When you calm down, let’s take a small group with us to discuss these concerns. Maybe together, we can figure out a way to bring others into the leadership structure, so that new voices and ideas can be heard, and the resentment that is bubbling up among the people will dissipate.”

Had such sentiments been shared and heard, think how many lives would have been spared! Perhaps the horrific punishment meted out in the parashah—which seems so disproportionate to the misdeeds—was God’s way of highlighting the potentially deadly consequences of allowing critiques (even if justified) to escalate into a zero-sum game. How

differently organized might the Israelite nation have been—averting some of the more troubling incidents of power abuse among Israelite leaders generations later—if a conversation about power sharing had been initiated in this parashah by a diverse group of Israelites? Perhaps authority might have become less concentrated and more responsive to the needs of the people as a whole.

Sadly, we know that such abuses of power continue to this day. This past semester, we at JTS have been reading Mary Beard’s *Women and Power: A Manifesto* as part of a Women and Power Initiative designed to sensitize our community to the ways in which gender impacts the exercise of power in society. After a heartbreaking review of the ways in which misogyny has silenced women’s voices for millennia, and a review of the many ways that women and power have been irreconcilable, Beard suggests ways to write a different future. Perhaps power is not about posturing, fame, or domination, she says, but rather ought to be understood “as an attribute or even a verb (‘to power’), not as a possession. What I have in mind is the ability to be effective, to make a difference in the world, and the right to be taken seriously, together as much as individually” (87).

Beard’s words echo the lesson that the daughters of Zelophehad knew intuitively and the Israelites at the time of Korah would have benefited from immensely. Lust for power can be toxic; the goal of any leader—of any gender—ought to be effectiveness, not power for its own sake.

A lesson that still bears heeding today.

*On July 1, Dr. Schwartz will become the first woman to serve as provost of JTS.*

The publication and distribution of the *JTS Parashah Commentary* are made possible by a generous grant from Rita Dee (z”l) and Harold Hassenfeld (z”l).