



The Pardes Shavuot Companion



Leon Morris

Rabbi Leon A. Morris is the President of Pardes.

In its description of the order of prayer in the Temple, Mishnah Tamid (5:1) recounts that the Ten Commandments were once part of the daily morning service. They were recited just prior to the three paragraphs of the Shema, more or less in the place where today we recite Ahavah Rabbah. The medieval commentator, Rabbi Ovadia of Bartenura, explains that the Ten Commandments were eliminated from the daily service because of “heretics” who claimed that these laws exclusively constituted the Torah given at Sinai.

A way of understanding the Ten Commandments that is diametrically opposed to that “heretical” point of view is that the Ten Commandments are a kind of “shorthand” for the entire Torah and all 613 mitzvot. The Jerusalem Talmud (Sota 8:3) cites the opinion that in between each and every word of the Ten Commandments are the details and the signs of the entire Torah. A midrash on the book of Numbers (Bamidbar Rabbah, Naso, 13) says that there are 620 letters in the Ten Commandments, and that the 613 mitzvot, along with the 7 days of creation, are represented by them. Rashi (Ex 24:12), citing Rabbi Saadia Gaon, adapts this understanding slightly and explains that the Ten Commandments include all the mitzvot because the Ten Commandments are broad categories of all the mitzvot in the Torah. Each of the 613 mitzvot can be shown to be derivative of one of the Ten Commandments.

The difference between those who claimed that the Ten Commandments were the complete and sole product of revelation at Sinai, and those generations of Rabbis who maintained that the Ten Commandments included far more than its words, is a difference of profound significance. Perhaps the “heresy” that the Mishnah saw in the former point of view is that of reductionism. To limit revelation to the Ten Commandments runs counter to the entire Rabbinic outlook that elevates the creative and expansive understanding of Torah itself. For the Rabbis, Torah always says more than it first appears to say. It speaks volumes for generations of those who wish to embrace and explore its words. Torah is an opening. It is the site of *chidush* – renewal and new ideas. We, the heirs of the Rabbis, celebrate a revelation that enlarges our thinking and widens our world.

This Shavuot Companion is a gift to you from our faculty. Like Pardes itself, these teachings allow the Torah to speak in ever new ways. They are an opening, an expansion, a new echo of revelation.

Our best wishes for a Chag Shavuot Sameach.

1 I am the Lord

אני ה'



Leah Rosenthal

Leah Rosenthal has been a master Talmud teacher at Pardes for over twenty years and a pioneer of women's Talmud study in Jerusalem high schools.

The first commandment, hardly discernable as a commandment at all, is the declaration: "I am the Lord your God who took you out of the Land of Egypt, the house of bondage..." This declaration resonates throughout the entire Torah as a reminder of the fundamental bond forged between God and the Jewish people, impacting our theology, our ethics and our religious life.

Commentaries throughout the ages have addressed this powerful statement. I would like to present one of my favorites, particularly appropriate to the night of *Tikun Leil Shavuot*:

"I am the Lord your God": R. Hanina bar Papa said: The Holy One appeared to Israel with a stern face, with a composed face, with a friendly face, with a joyous face: With a stern face, appropriate for the teaching of Scripture, when one teaches one's child Torah one must impress upon him one's own awe of Torah. With a composed face, appropriate for the teaching of Mishna. With a friendly face, appropriate for the teaching of Talmud. With a joyous face, appropriate for the teaching of Aggada. Therefore the Holy One said to them: Though you see Me in all these guises, I am still One: I am the Lord your God. (Psikta d'Rav Kahane, Bahodesh Hashlishi, Piska 12)

The author of this text speaks of the different areas classically perceived as comprising the world of Torah: Scripture, Mishna, Talmud and Aggada.

He highlights the perception that each area of study presents to the student a particular "face" of God, each significantly distinct from the other. Engagement with different texts facilitates different intellectual and spiritual experiences. The experience of studying Tanakh is essentially different from the experience of the study of Mishna and Talmud. An encounter with Aggadic texts creates an experience unlike that of engaging with

Halakhic passages. As such, each area of study facilitates a unique and valuable insight into the multi-faceted nature of the Divine and our relationship with it.

At a second level is the insistence that the pedagogy reflect the essential spiritual nature of the text being studied, as noted particularly regarding the study of Scripture. So, the act of intellectual engagement should reflect a full, deep recognition of the religious experience embodied in that specific text. Each text has its unique perspective and each text must be appreciated fully for the divine "face" that it reveals.

The author chooses specific descriptions for the experience embodied in different areas of Torah study. The reader may feel drawn to replacing these adjectives with different ones, corresponding to his or her own experiences. (Consider inviting your study partners on Shavuot night to share personal choices of descriptions for the "face" of God encountered in different areas of study, focusing and sharing the experiential aspects of intellectual activity!)

As an essential and critical part of the process of this multi-faceted intellectual and spiritual experience, the Midrash emphasizes the imperative of "I am the Lord your God." The challenge to us as teachers and students of Torah is not only to appreciate the broad range of experiences facilitated by the different areas of study, but to perceive the One God behind them all. Our religious experience cannot remain fragmented and compartmentalized. One must struggle to attain a sense of oneness, to perceive the unity beyond differentiated encounters with the Divine, facilitated by the full range of experiences collected and internalized throughout our engagement with Torah.

May our learning this *Leil Shavuot*, and throughout our lives, enable us to perceive both the multiplicity of Divine "faces" as well as recognizing the One God that is beyond them **all**.

2 No other god

לא יהיה



David Levin-Kruss

Rabbi David Levin-Kruss is an adjunct faculty member at Pardes. He is the Director of Education, Europe for the American Jewish Joint Distribution Committee.

“You shall have no other gods — *elohim acherim* — besides Me”

Stephen Dubner, best known for his Freakonomics series of books, was brought up by Catholic parents who had converted from Judaism. In his book “Turbulent Souls,” he describes attending shul (Synagogue) after the death of his father. His belief in Catholicism was already waning and he was struck as he observed men kissing the Torah. He has an epiphany when he realizes that in the Jewish tradition, it is a book that is venerated, rather than bread and wine that turns into flesh and blood.

When I read this passage, I had an opposite reaction. Described in this context kissing the Torah seemed a fetish. And, indeed, for many when something feels too concrete it smacks of idolatry. But is it really idolatry or just discomfort? And how do we draw the line between the two? An answer to this question lies in the divergent translations of the term “*elohim acherim*” in the Second Commandment.

This can mean “other gods” or “gods (belonging to) others” or “(something that) others call god.” These translations share the idea that gods who are part of other faith systems are off limits to Jews.

A fourth translation is “gods (made or manufactured) by others.” This reading prohibits a physical object that is worshipped in its own right rather than as a means to reach God.

Two creative translations are “gods that prevent,” or “gods that were made later.” It has been suggested that what they prevent is goodness coming into the world as they were made later in the order of creation than people. When a religion, god or ideology become a force for evil in the world and sees itself, rather than humans, as the pinnacle of creation, it is manipulation of people rather than serving God, and that is the most idolatrous of all.

So it depends on why one is kissing the Torah. If one appreciates it as the bedrock of Jewish civilization, whose purpose is to be learned and obeyed in order to create a world in which both God and people are at home, then kiss away. But if even one of these elements is absent and it is venerated for itself, it is time to introspect, examine one’s motives and re-accept the Ten Commandments. Otherwise, freakiness, or worse, will be the result.

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3 Do not take God's name in vain

לא תשא



Alex Israel

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Ancient cultures displayed their gods as huge impressive monuments, grand statues and images conveying the awe, the power, and the blessings of their deities. But the Second Commandment has outlawed images. How then will God be represented? By a name.

All God has is His name, and as such it bears particular sensitivity. The care and attention which surrounds God's name establishes a barrier of caution, precluding the possibility of familiarity, and correspondingly generating an aura of sanctity. God's name is so central to His perception that He is referred to as HaShem, literally "The Name." The name is so invested with sanctity that the Tetragrammaton (YHVH), properly articulated in the Temple, is nowadays never explicitly pronounced, even in ritual acts such as prayer, Torah-reading, and blessings; instead it is replaced with "Adonai" – Our Master.

Is the Torah being oversensitive? Not at all. Names matter! In an era of branding we should understand the power of a name. Our good name constitutes the way we are perceived, it is our reputation, our image, it expresses the values that we stand for. Similarly, the name is the key to the manner in which we engage with God.

One pause for thought is that this third command addresses language rather than deed, speech rather than our action. It's not only that names matter; language matters! Society has embraced this regarding politically-correct speech; similarly in the sacred sphere we are summoned to be mindful of the creative and destructive social power of language, a vital lesson for our era of casual and deteriorating standards of speech.

Rabbinic tradition which always seeks a precise practical application of the text, defines the illicit "taking" or "lifting" of God's name as in the context of taking an oath, an act which standardly invokes an object of sanctity. What type of oath is forbidden? The halakha forbids not only the false oath, but also a meaningless or frivolous one – using God's name "in vain."

At this level, the prohibition is limited to speech. But some other rabbinic perspectives expand this injunction to broader action, and a more creative abuse of God's "name":

Do not take God's name in vain: Rabbi Zeira said, this means not to accept a position of authority if one is unworthy... Rav Bibi said, it means that one should not wear a Tallit and Tefillin and then go and transgress. (Pesikta Rabati ch.22)

In this reading, any presumption to bear God's name, to use religion in the service of power, prestige and authority is a misappropriation of the sacred, wielding the divine in service of self. When utilizing the divine "carrying" God's name, it is in service of God; not ourselves.

But if God's name can be abused both in language or action, the converse is true as well; it may also be appropriated positively in both of these spheres. In speech: Kiddush "Hashem" – sanctification of "The Name" – manifests itself in our prayers, for example: "Yitgadal Veyitkadash Shmei Rabba – May the Great Name be Sanctified and Magnified"; and every blessing, every prayer, brings God palpably into onto our daily orbit, using the name correctly.

And beyond speech; in action as well, exemplary ethical conduct is known as a "Kiddush Hashem – sanctification of the Name." In that regard, the Jewish people bear God's name – they are God's ambassadors: "Do not profane My name; I shall be sanctified in the midst of the Children of Israel" (Lev. 22:33). When Israel act in an exemplary manner, reflecting the ethical sensitivity and integrity of Judaism, that is an action which "lifts" God's name and sanctifies the divine (Yoma 86a). May we be worthy of this legacy.

Chag Sameach!

4 Remember the Sabbath

זְכוֹר אֶת



Tovah Leah Nachmani

Tovah Leah Nachmani teaches Bible and Relationships at Pardes. She served as an educational director at Livnot U'Lehibanot and Ayeka and is a certified practicing reflexologist.

Once upon a Creation, God invented Shabbat. Thousands (or billions!) of years later, at Sinai we became partners in that creation. Since then, every week we are able to create our own Shabbat.

Every Shabbat we create is an entirely new experience – every Shabbat we create has its own distinctive flavor and leaves its own unique taste with us when it is over.

Consider the events of this past Shabbat: Did the events of the Shabbat we created bring us to feel uplifted and inspired, plugged in and connected, or did they leave us feeling overstuffed and over-rested, itching to get back to our to-do lists? Did they leave us brighter and more hopeful, with a few highlights to arouse our hearts, or did they leave us emptied out and craving a fix of entertainment to fire us up before the week resumes?

Like all our professional endeavors, the quality of our Shabbat events depends largely on the quality of our motivation and preparation. In order to achieve success in any endeavor, we begin by differentiating between the aim of that endeavor and the means to lead us toward our aim.

As we look to create our next Shabbat, we can ask: What are our goals and aspirations for Shabbat? How can we set ourselves up to achieve those goals?

The two diverse versions of the Shabbat command in the Ten Commandments below challenge us to consider the Torah's response to those questions.

Read the sources carefully in havruta, in Hebrew and English.

- 1. Are the Torah's goals for Shabbat the same or different in these two Ten Commandment sources?**
- 2. How many different means are prescribed to achieve those goals and what are they?**

Exodus 20:7-10

Remember the Shabbat to sanctify it. Six days you will labor and accomplish all your intentioned endeavors, but the seventh day is Shabbat to Adonai your God.

You will not do any intentional melacha-type work, you, your son and your daughter, your slave and maidservant, your animal and the stranger within your gates. Because in six days Adonai made the heavens and the earth, the sea and all that is in them, and He rested on the seventh day. Therefore, Adonai blessed the Shabbat and sanctified it.

זְכוֹר אֶת-יּוֹם הַשַּׁבָּת, לְקַדְּשׁוֹ. חַ שְׁשַׁת יָמִים תַּעֲבֹד, וְעָשִׂיתָ כָּל-מְלַאכְתְּךָ. ט וַיּוֹם, הַשְּׁבִיעִי-- שַׁבָּת, לַיהוָה אֱלֹהֶיךָ: לֹא-תַעֲשֶׂה כָל-מְלֹאכָה אַתָּה וּבִנְךָ וּבִתֶּךָ, עַבְדְּךָ וְאִמְתְּךָ וּבְהֵמָתְךָ, וְגֵרְךָ, אֲשֶׁר בְּשַׁעְרֶיךָ. י כִּי שֵׁשֶׁת-יָמִים עָשָׂה ה' אֶת-הַשָּׁמַיִם וְאֶת-הָאָרֶץ, אֶת-הַיָּם וְאֶת-כָּל-אֲשֶׁר-בָּם, וַיָּנַח, בַּיּוֹם הַשְּׁבִיעִי; עַל-כֵּן, בֵּרַךְ ה' אֶת-יּוֹם הַשַּׁבָּת-וַיְקַדְּשֶׁהוּ.

Deuteronomy 5:11-14

Safeguard the Shabbat day to sanctify it, as Adonai your God has commanded you. Six days you will labor and accomplish all your intended endeavors, but the seventh day is Shabbat to Adonai your God.

You will not do any intentional melacha-type work, you, your son and your daughter, your slave and maidservant, your ox, your donkey, and every animal, and the stranger within your gates, in order that your slave and your maidservant may rest like you.

And you will remember that you were a slave in the land of Egypt, and Adonai your God has taken you out from there with a strong hand and an outstretched arm. Therefore Adonai your God has commanded you to create the Shabbat day.

יא שְׁמֹר אֶת-יּוֹם הַשַּׁבָּת, לְקַדְּשׁוֹ,
כַּאֲשֶׁר צִוָּה, ה' אֱלֹהֶיךָ. יב שֵׁשֶׁת
יָמִים תַּעֲבֹד, וְעָשִׂיתָ כָּל-מְלַאכְתְּךָ.
יג יוֹם, הַשְּׁבִיעִי--שַׁבָּת, לַה'
אֱלֹהֶיךָ: לֹא תַעֲשֶׂה כָל-מְלֶאכֶה
אֹתָהּ וּבִנְךָ-וּבִתְךָ וְעַבְדְּךָ-וְאִמְתְּךָ
וְשׂוֹרְךָ וְחִמְרְךָ וְכָל-בְּהֵמַתְךָ, וְגֵרְךָ
אֲשֶׁר בְּשַׁעְרֶיךָ--לְמַעַן יָנוּחַ עַבְדְּךָ
וְאִמְתְּךָ, כָּמוֹךָ. יד וְזָכַרְתָּ, כִּי עַבְדִּי
הָיִיתָ בְּאֶרֶץ מִצְרַיִם, וַיֹּצִיאֲךָ ה'
אֱלֹהֶיךָ מִשָּׁם, בְּיַד חֲזָקָה וּבְזֵרַע
נְטוּיָה; עַל-כֵּן, צִוָּה ה' אֱלֹהֶיךָ,
לַעֲשׂוֹת אֶת-יּוֹם הַשַּׁבָּת.

What is our end aim for Shabbat according to the two sources of the Ten Commandments? Both sources, the original Sinai version from Exodus, and Moses's repetition in Deuteronomy, a text that precedes the nation's entry into the Land of Israel, single out **one common primary aim – to sanctify the Shabbats** that we create every week.

What does it mean to sanctify an event or a day?

To sanctify an event or a day means setting it apart from all others.

Giving it our undivided attention.

Celebrating it with food, drink and clothing of dignity.

Coloring it with spirituality.

Breathing into it vitality and joy.

Sanctifying the Shabbat also requires us to confess its fragility – since we or many people in our lives may not have received the gift of Shabbat from our ancestors before us. And since we can only pass it on when it is vibrant and life-giving.

Shabbat is like a love relationship. Similar to the ways we sanctify a precious and delicate relationship with a lover or spouse, the Torah specifies **two ways to sanctify the Shabbats we create.**

1. Safeguard: Any precious relationship calls for boundaries and safeguards. It thrives from exclusive intimacy and attention. Likewise with Shabbat – this is the mitzvah of safeguarding Shabbat – שמור.

2. Remember: On the other hand – even exclusively protected love can grow routine and mundane. The bonds of love can wane with familiarity. Been there, done that. In a long-term committed relationship, it takes regular acts of mindfulness to keep the sparks of love aflame in our hearts. This is the mitzvah of remembering Shabbat – זכור.

For Reflection:

- In what ways do people “safeguard” their relationships?
- How often do we think it is enough to “remember,” reach out and remind our beloved, and ourselves, that they are in our hearts?

There are three additional means or ways to sanctify the Shabbat, from our sources:

1. Accomplishing ALL our intentioned endeavors

ועשית כל-מלאכתך

This means finishing all our tasks and deadlines by Friday afternoon, so we can turn our undivided attention to Shabbat. But this is nearly impossible, as our healthy inner voice of productivity prods us: "Do more! Accomplish more! Make more progress!" Admitting this, **Rashi** writes that to sanctify Shabbat we must play a mind game with ourselves, similar to when we meet up with our lover or spouse. We act "as if" there is nothing more pressing in the world to us than our engaging with them. By pretending, we minimally show them the honor they deserve. Maximally, we get swept up in the sweetness of the relationship and succeed in internalizing it ourselves.

2. Creating a shared Shabbat environment

לא-תעשה כל-מלאכה אתה ובנך ובתך

This means creating an inclusive environment where our family, friends, workers and others around us agree to safeguard the Shabbats we create, at the same time striving to keep them from getting trampled and overrun with competing desires and chores which are likely to diminish the Shabbat.

3. Inviting God to the Shabbats we create

שבת לה' אלקיך

Both Ten Commandments sources say "Shabbat is for God." What could that mean?

Shabbat, like a love relationship, has its moments. Not every event goes the way we hope and plan. Many factors converge to make Shabbat the event we aspire to and the outcome is not entirely in our hands. Every Shabbat is a new event, and inspires us to do more of the same, or perhaps to make changes for next time. It unfolds and evolves, like our relationships, ever new, ever teaching, ever beckoning for renewed intimacy and life giving passion.

For Reflection:

- Is there someone in your life for whom you do this? How does it feel, even if contrived at first?
- What does it look like to do this for Shabbat?

For Reflection:

- Share an anecdote about a Shabbat environment you shared with different types and stripes of people.
- How were you able to successfully share Shabbat without compromising the sanctity of the day?

For Reflection:

- How have we "invited God" into our Shabbat, or seen someone else do so?
- What does a Shabbat without God feel like to you? What would it look like if we were more intentional about including God at the Shabbats we create?

5 Honour your parents

כבוד אב



Meir Schweiger

Rabbi Meir Schweiger is the most veteran member of the Pardes faculty and the Director of the Pardes Executive Learning Seminar. He also holds the position of Mashgiach Ruchani, Director of Religious Life, reflecting his impact on the personal and spiritual growth of students.

The honoring of one's parents, which is the fifth commandment, is strategically located. Although it is clearly the first of a series of six commandments that focus on interpersonal relations, it can also be seen as the closure of the first four that precede it, which have to do with the human relationship with God. In fact, the Talmud (Kiddushin 30b) highlights the parallel between one's parents and God by saying:

"There are three partners in [the creation of] a person – God, one's father and one's mother. When children honor their parents, God says: I ascribe it to them as if I had dwelled among them and they had honored Me."

I am always struck by this obvious but, nonetheless, profound observation: My parents created me, and in return for giving me the most precious gift of life, I should, forever, feel indebted to them. That sense of gratitude should be expressed by honoring them. What is "honor"? The Talmud (ibid 31b) says: "Feed them, give them to drink, clothe them, cover them, bring them in and take them out." All of these are actions that a servant does for a master. This brings us back to the analogy

between parents and God – just as one is expected to serve God who created us all, so too, one is expected to serve one's parents. Hence the commandment to honor one's parents closes the series which began with the commandment to accept God's mastery.

In the second half of the verse, the Torah tells us that the reward for honoring parents is a long life: "Honor your father and mother so that you will increase your days on the land which God is giving you." As I mentioned earlier, when people honor their parents, they are implicitly thanking them and acknowledging how much they value the life that was given them; consequently, it is appropriate that the reward given to one who values life should be increased life. Long life is truly a blessing for those who appreciate their lives! All of this then becomes the natural segue to the next commandment which is: Do not kill! If I value my life, I will honor my parents; if I honor my parents, I will honor God, as well, who is also a partner in my creation. And if I honor God, I will acknowledge the Divine Image of every human being and not destroy it by killing them. Hence, honoring parents is the key to all of our relationships!

PARDES Program 17
Summer

Pardes Summer Program, Jerusalem, 2017
Session 1: July 9-27
Session 2: July 30 - August 10

6 Do not murder

לא תרצח



Daniel Reifman

Rabbi Dr. Daniel Reifman teaches Talmud to the Pardes Kollel. He is a fellow at the Bar-Ilan Institute for Advanced Torah Studies and has published and lectured widely on Jewish medical ethics.

The prohibition of murder may be considered the most intuitive of all laws in the Torah. It is common to all human societies, and is rooted in the elemental recognition of the value of every human life. Yet the very factor that makes the prohibition of murder so self-evident also generates a pressing question: if every human life is equally precious, is it ever justified to save one person's life by killing another?

A particularly wrenching version of this question came before Rabbi Moshe Feinstein in 1977, when conjoined twin girls were born to a Jewish couple in Lakewood, New Jersey. The babies were conjoined at the torso and shared a single, six-chambered heart. Doctors at the Children's Hospital of Philadelphia determined that the twins (referred to simply as "Baby A" and "Baby B") could not survive longer than a few months in their conjoined state, and that only the stronger of the twins (Baby B) could be saved by being separated from her sister. In effect, the only way for Baby B to survive was for surgeons to deliberately and actively end Baby A's life. The family requested that the question be put to R. Feinstein, and the chief surgeon, Dr. C. Everett Koop (who would later become the U.S. Surgeon General), agreed to abide by his ruling.

Before we analyze R. Feinstein's decision, let us study some of the most relevant halakhic sources on the issue of sacrificing one person to save another, with an eye toward how they might relate to the case of the conjoined twins.

1) Talmud Bavli, Bava Metzia 62a

If two individuals were traveling and one of them had a jug of water [such that] if both of them drink, both will die, [but] if [only] one drinks, he will reach civilization. Ben Petora taught: "It's better that they both drink, and let not one of them witness the death of his friend"; until R. Akiva came and taught: "[The Torah states]: '... so that your brother may live *with you*' [Lev. 25:36] — [this teaches us that] your life takes precedence over your friend's life."

שנים שהיו מהלכין בדרך וביד אחד מהן קיתון של מים, אם שותין שניהם - מתים, ואם שותה אחד מגיע לישוב. דרש בן פטורה: מוטב שישתו שניהם וימותו ואל יראה אחד מהם במיתתו של חברו; עד שבא ר' עקיבא ולימד: "וחי אחיך עמך" (ויקרא כה: לו) - חיך קודמים לחיי חבריך.

In rejecting the earlier ruling of Ben Petora, R. Akiva rules that it is preferable to ensure that at least one of the travelers survive rather than risking two deaths. The verse, "...so that your brother may live with you," indicates that a person is obligated to ensure others' survival only when she will survive along with them, rather than sacrificing herself for them.

In considering the relevance of this passage to the conjoined twins case, we might suggest that the twins' shared heart is comparable to the jug of water – a vital resource that is insufficient to sustain both individuals. Assuming that we can assign the heart (or a greater part of it) to Baby B, we could say that just as the traveler with the water need not (or perhaps may not) sacrifice himself by sharing his water with his friend, so too, Baby B need not share the heart with her sister at the cost of her own life. In fact, doctors hypothesized that the twins' six-chambered heart resulted from the incomplete development of Baby A's heart – her two chambers did not separate from Baby B's fully developed four-chambered heart. This even led Dr. Koop to assert that the heart "definitely belongs to" Baby B.

However, from a halakhic perspective, Dr. Koop's assessment may be insufficiently decisive, since hypothetical reconstruction of the babies' development is not necessarily enough to establish 'ownership'. Rather, we may have to assume that the heart is jointly 'owned' by both twins. This would seem to be a significant difference between the cases. We could infer from the wording of the passage – "...and one of them had a jug of water" – that R. Akiva allows one individual to keep the water for himself only because it's his, but would acknowledge that a jointly owned jug must be shared, even if both individuals die as a result.

2) Talmud Bavli, Sanhedrin 74a

What is the source [of the law that one must give up one's life rather than] commit murder? It is logical, as we see from the case of an individual who came before Rava and said to him: "The ruler of my city has said to me, 'Go kill so-and-so, or I will kill you.'" [Rava] said to him: "He should kill you and you should not kill. Who says that your blood is redder? Perhaps that person's blood is redder."

רוצח גופיה מנין? סברה הוא, דהווא דאתא לקמיה דרבא ואמר ליה: אמר לי מרי דוראי: "זיל קטליה לפלניא, ואי לא - קטלינא לך." אמר ליה: לקטלוך ולא תיקטול - מי יימר דדמא דידך סומק טפי? דילמא דמא דהווא גברא סומק טפי.

The relevance of this passage to the conjoined twins case is a bit more obvious than that of the previous source. Here we find an explicit articulation of the principle that we may not assign relative values to human lives. Just as the individual who must choose to kill or be killed cannot justify the act of murder by saying that his own "blood is redder," so too, we cannot justify killing Baby A by declaring that her life is worth less than Baby B's. However, here, too, there are potentially important differences. For instance, unlike the potential murder victim, Baby A will almost certainly die regardless of what course of action we choose. Does this passage necessarily preclude valuing the life of a (potentially) healthy individual over that of an individual who will die within a few months?

We should also note that beyond its relevance to the conjoined twins case, this source seems to be in direct tension with source #1. Each of these texts presents a simplified – almost archetypal – case of conflict between two lives, and each on its own is fairly intuitive, but taken together they present what appear to be contradictory principles: "Your life takes precedence over your friend's life" vs. "Who says that your blood is redder? Maybe that individual's blood is redder." There are a number of possible ways to resolve this contradiction. Take a few minutes to try to articulate some!

Perhaps the simplest distinction between the cases is that in source #1, the person who survives is passively withholding the jug of water, while in source #2 he would be actively killing his fellow. The distinction between passive and active involvement is further sharpened in the next passage:

3) Talmud Yerushalmi, Terumot chap. 8

It was taught: Caravans of people that were traveling and were assailed by gentile [bandits] who said to them, "Hand over one of yourselves to be killed, or we will kill you all" – even if all of them will be killed, they may not hand over one individual from Israel. If the gentiles specified one of them... they should hand him over and not be killed.

R. Shimon ben Lakish said: "[This principle holds] as long as [the specified person] is already liable for capital punishment..."; R. Yochanan said: "Even if he isn't already liable for capital punishment..."

תני: סיעות בני אדם שהיו מהלכין בדרך, פגעו להן גוים ואמרו: "תנו לנו אחד מכם נהרוג אותו ואם לאו הרי אנו הורגים את כולכם" - אפילו כולן נהרגים לא ימסרו נפש אחת מישראל; ייחדו להן אחד... - ימסרו אותו ואל ייהרגו. אמר ר' שמעון בן לקיש: והוא שיהא חייב מיתה...; ור' יוחנן אמר: אע"פ שאינו חייב מיתה...

This passage relates to precisely the distinction we made with regard to the first two sources between passive and active involvement. It's helpful to frame the passage as addressing a logical series of questions which gradually sharpen this distinction:

(a) Is merely *selecting* one individual to be killed considered to be active involvement in his death? Apparently so, to the extent that the entire group must sacrifice their lives to avoid doing so, just as an individual must be killed in order to avoid directly killing another.

(b) Is handing over an individual who has *already* been selected for death considered to be active involvement in his death? Apparently not: it's as if he's considered to be a "dead man walking," so to speak. (The relevant Aramaic term is גְּבֵרָא קְטִילָא.)

(c) What specific factors give the selected individual the status of "dead man walking"? Is it enough that the gentiles specify him, or must he also already be liable for capital punishment? On this last issue, there is a debate between R. Yochanan and R. Shimon ben Lakish.

This last point affirms the other distinction that we suggested with regard to source #2 – the potential difference between an individual who is going to die regardless and an individual who might survive. Both R. Yochanan and R. Shimon ben Lakish agree that the group may save themselves by handing over a specific individual who is already liable for capital punishment, and the Talmud doesn't raise the objection that we cannot determine "whose blood is redder." Based on this, we might say that Baby A's fatal prognosis would permit the doctors to sacrifice her life to save her sister, since it renders her equivalent to one who is liable for capital punishment.

On the other hand, perhaps we should consider a medical prognosis – which is, after all, just the doctors' educated guess – less severe than a legal death sentence, which gives the individual the definitive status of a "condemned individual." An even more essential difference between the cases is the degree of active involvement in the condemned individual's death: the group of travelers is merely handing him over to be killed, while the doctors would be directly killing Baby A.

4) Talmud Bavli, Sanhedrin 73a

Our Sages taught: From where do we derive that if an individual is pursuing his fellow in order to kill him, that we may save [the victim] by killing [the pursuer]? We learn: "You shall not stand by your fellow's blood" [Leviticus 19:16].

תנו רבנן: מניין לרודף אחר חברו להרגו שניתן להצילו בנפשו? תלמוד לומר: "לא תעמוד על דם רעך" [ויקרא יט:טז].

This passage establishes the halakhic concept of *rodef* (lit., "pursuer") – someone who must be killed in order to prevent him from carrying out a murder (assuming there is no other way to stop him). This is the first source we've seen that permits directly killing one individual in order to save another's life. However, at first glance this seems to have little relevance for the conjoined twins case. Whereas the Talmud is referring to a wanton would-be murderer and a helpless victim, the conjoined twins are *both* threatened by their predicament and are completely involuntary participants in it. Let's consider each of these differences in turn:

Involuntary pursuit:

Although it's not clear from this passage, halakha considers the law of *rodef* to apply regardless of whether the pursuit is intentional or not. Consider the following non-medical example: two skydivers – let's call them A and B – open their parachutes, and the strings of A's parachute become tangled, rendering it ineffective. If A grabs onto B's legs, it's clear that she has the halakhic status of a pursuer: B is permitted to kick her off, knowing that her own parachute cannot support them both. However, A would still have the status of *rodef* in a case where the strings of her disabled parachute inadvertently became tangled with B's shoes: even though A is not threatening B intentionally, B is still permitted to cut the strings of A's parachute – causing A to fall to her death – in order to save her own life. So the fact that the twins were placed in this situation involuntarily wouldn't prevent them from being considered mutual pursuers.

Mutual pursuit:

A situation in which two individuals are pursuing one another would seem to nullify the law of *rodef*: how would we determine who is the pursuer and who is the victim? So in our case, where each twin's existence is threatening the other's, the law of *rodef* would seem irrelevant. In fact, this is precisely the issue raised in the final source:

5) Mishnah Ohalot 7:6

If a woman is endangered while in childbirth, one should dismember the fetus in her womb and remove it limb by limb, for her life takes precedence over its life. If most of the fetus has emerged, one may not harm it, for one may not sacrifice one individual for another.

האישה שהיא מקשה לילד - מחתכין את הוולד במעיה, ומוציאין אותו אברים אברים: מפני שחייה קודמין לחייו. יצא רובו - אין נוגעין בו, שאין דוחין נפש מפני נפש.

Talmud Yerushalmi, Shabbat 14:4

[The case in which the most of the fetus has emerged] is distinct because it's not clear who is killing whom.

שנייא היא תמן שאין את יודע מי הורג את מי.

This mishna draws a sharp distinction between killing a baby in utero (even one that has reached full term) and killing a newborn (even one that has not fully emerged from the birth canal). The stated reason that one may not kill a newborn to save the mother's life – “one may not sacrifice one individual for another” – would seem to affirm the last point we made in reference to source #4, that a third party cannot intervene in a case of mutual pursuit since there is no way to distinguish the pursuer from the pursued. It also echoes the principle expressed in source #2 – that we cannot ‘play God’ in actively determining whose life is more worth saving. However, the difference we noted in source #2 applies here as well: unlike this case, where either the baby or mother might survive, in the conjoined twins case Baby A has virtually no chance of survival. This opens the door to considering whether the mutual pursuit between the conjoined twins is as equal as it seems.

Rabbi Feinstein's decision

After several days of intense deliberations, Rabbi Feinstein ruled that doctors could separate the twins, deliberately ending Baby A's life. Although R. Feinstein did not publish his reasoning, several other individuals have given their accounts of his deliberations, and all concur that he based his ruling in some way on the concept of *rodef*. Rabbi J. David Bleich suggests that R. Feinstein's ruling can be understood in light of R. Feinstein's own comments in a related responsum (*Responsa Igrot Moshe, Yoreh Deah 2:60*), in which he offers a largely theoretical discussion of the sources above:

[The argument that 'it's not clear who is killing whom'] applies only when the two parties are equal pursuers – such as if the [person whom the gentiles are seeking] could flee such that he would be saved and the others killed, while if they handed him over to be killed they would be saved – for this is exactly like the case where most of the fetus has emerged [and the mother and baby mutually threaten one another's lives, but either one or the other could survive].

But if it's clear that the [individual whom the gentiles demand] will be killed sooner or later [because he's liable for capital punishment]... then the others in the group are threatening only his temporary survival [by turning him over], while he is threatening even their long-term survival; so in terms of long-term survival, he is the only pursuer. Therefore he has the legal status of a pursuer, even though his 'pursuit' of them is involuntary.

The bottom line is that after our review of all the relevant sources, that there is no source that explicitly addresses all the significant components of the conjoined twins case: directly killing one of two mutually threatening individuals who has no chance of survival herself. In this responsum, R. Feinstein formulates a halakhic position that relates to this case using a *combination* of sources. Source #4 establishes the basic principle not explicitly articulated in the earlier sources, namely that one may actively take the life of a *rodef* – a person who poses a direct, imminent threat to another’s life. R. Feinstein further developed this idea based on the rationale in source #5 for why one may not directly kill a newborn to save the mother – “it’s not clear who’s killing whom”: he infers that if it were clear who was killing whom (i.e., if one individual had qualitatively ‘more life’ to lose) we would be permitted to directly kill one in order to save the other’s life, since one would be considered to be a qualitatively greater *rodef* than the other. And he finds a case of unequal mutual pursuit – in which one of the pursued parties has ‘more life’ to lose than the other – in the case of handing over a condemned individual to be killed in source #3, although as we noted above, this passage doesn’t address whether they would be allowed to kill him directly. Only by reading these sources in light of each other is R. Feinstein able to justify directly killing one of two mutually threatening individuals.

A second line of reasoning was presented by Rabbi Moshe Dovid Tendler, R. Feinstein’s son-in-law, who was among those personally involved in the deliberations:

Rabbi Feinstein compared the case of the Siamese twins to this classic case of the conflict for survival between a mother in childbirth and the fetus. Baby A had no independent ability to survive. Her entire survival was completely dependent on her sister, who had the circulatory system to back up the functioning of the heart and liver.

To Rav Feinstein’s critical question, “Can the heart be given to Baby A and she would live?” Dr. Koop had responded, “No, there is no way to save Baby A. The issue is only should both die or should Baby B be saved.” Without the attempted separation, both would surely die, and therefore in halakhic terminology we classify the baby that had no independent survival, Baby A, as the pursuer, as if she were pursuing her sister and threatening her life.

Further, sophisticated testing had determined that the halakhic concept of dependency was, indeed, the relationship between the twins. The two-chambered heart, which was the heart of Baby A, was receiving its blood through two apertures leaking from the four-chambered heart. Except for that contribution of blood to the two chambers Baby A would have died in utero. This was the analysis that allowed the surgery to proceed.

Like R. Bleich’s explanation, R. Tendler’s account of R. Feinstein’s reasoning relies on the idea that when two individuals are locked in a scenario of mutual pursuit, one may be considered a *rodef* if her pursuit of the other is qualitatively greater. But according to R. Tendler, R. Feinstein determines who is the greater pursuer not based on who has no chance for long-term survival, but rather based on one individual’s physical dependency on the other. This is how R. Feinstein understands the ruling of the mishna in *Ohalot* (source #5) that in a case where the mother’s life is threatened by her as-of-yet unborn child, we may kill the fetus to save the mother: even though the mother and the baby may each be considered to be threatening the other, the fetus’s dependency on the mother makes its pursuit of the mother qualitatively greater. (R. Feinstein does not seem to consider the fact that a fully formed fetus is potentially viable outside the womb, presumably because in fact, it has not yet emerged from the womb.) Using this logic, the conjoined twins case becomes a direct parallel to the case in *Ohalot*: Baby A’s physical dependency on Baby B – as established by doctors’ analysis of their condition – makes her the greater pursuer.

Conclusion

The stark simplicity of the command, “Do not murder,” belies the complex decisions over how to preserve human life when circumstances pit the fate of one human life against another. The sources we have studied represent some of the many ways in which the rabbis have come to grips with these difficult choices. How the rabbis apply the abstract value of human life in concrete cases illustrates the way that the *Torah she-be’al peh* – the orally transmitted traditions – illuminates the text of the written Torah. As we mark the giving of this commandment at Sinai, we celebrate not only the original Revelation, but also its ongoing transmission and the way in which it continues to inform our lives in the modern era.

7 Do not commit adultery

לא תנאף



Nechama Goldman Barash

Nechama Goldman Barash teaches Rabbinic text and contemporary halakha at Pardes. She is a Yoetzet Halakha and sought-after teacher in Jewish marital law and sexuality.

In the Bible and halakha adultery is narrowly defined as consensual sexual relations between a Jewish married woman and a Jewish man other than her husband. Does this definition suffice in a modern context? After all, the Bible permits polygamy, allowing even a married man to have multiple wives. As a result, an affair, say, between an unmarried woman and a married man would not contravene the technical prohibition of adultery!

Is this inequality morally acceptable? Or is there a Biblical ethic that better reflects our modern understanding of a committed relationship?

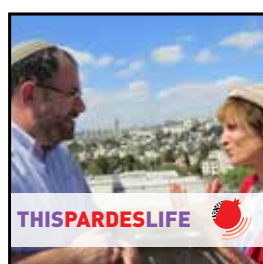
In Leviticus 18, at the beginning of the chapter on sexual prohibitions, God tells the people to follow in His statutes and laws because He is the Lord our God. Following this list, God reminds the people, "Be Holy, for I the Lord am Holy" (Lev. 19:2). Rashi understands this holiness to be dependent on proscribed conduct in sexual relations. In other words, human holiness involves separation from particular acts that God defines as prohibited.

I would like to propose a different model. When I teach and counsel couples prior to marriage, discussing how to build a marriage that reflects this call of holiness, I often invite them to create their own sexual ethic based on the call to "Be holy." Only they can decide to bring God into the bedroom. Only they can decide together to create sanctified intimacy.

On what do I base this understanding? When God created woman from man, we are told that "Hence, a man leaves his father and mother and clings to his wife so that they become one flesh" (Gen 2:24). This text contains a certain paradox. The idea of clinging suggests the idea of two distinct entities connecting while simultaneously preserving their individual identity. The idea of one flesh suggests the two meld into one indistinct form. Nahum Sarna in the JPS commentary to Genesis comments on this seeming contradiction and notes that the verb d-v-k, used here in the context of the man-woman relationship, is often used to describe human yearning for and devotion to God. Sexual relations between husband and wife can only contain an element of Godliness if it involves two individuals mindfully and consensually engaging in acts of sexual desire and intimacy.

The narrow definition of halakhic adultery does not inform the fabric of marriage that couples pledge to uphold. Rather, the seventh commandment calls upon both men and women to reflect God's demand of His people in the second of the Ten Commandments: to have no other gods besides Him. When embarking on the sanctified state of marriage, men and women should pledge a mutual commitment of unequivocal fidelity.

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8 Do not steal

לא תגנוב



**Meesh
Hammer-Kossoy**

Rabbi Dr. Meesh Hammer-Kossoy teaches Talmud and is the Director of the Social Justice Track at Pardes.

Are the Ten Commandments the most serious offenses for Judaism, or merely ten representative, symbolic ones? The answer to this question has massive implications about the simple meaning of the commandment, “Do not steal.”

Malbim takes the representative approach. Stealing is about property. The second tablet (Command #6-10) enumerates the interpersonal commandments in progression; it moves from bodily offenses (murder, adultery), to property (stealing), to speech (testimony), and ends with thought (coveting).

However, the Talmud, Rashi and others assume that these offenses, if they are included in the Decalogue, must be the gravest. The prohibition of stealing refers to kidnapping, not paltry property theft, and thus commandments six, seven and eight are all capital offenses. (Rashi finds the prohibition of stealing in Lev. 19:11.)

Is either version of the commandment a major revelation? We hardly need to hear God speak to know that either kidnapping or stealing is not allowed! Perhaps it is this concern that motivates Targum Yonatan to expand the scope of the prohibition:

“Do not steal from my nation, the children of Israel. Do not be thieves, nor shall you be companions or accomplices with thieves. Do not let thieves be seen in the assembly of Israel.”

According to Targum Yonatan, at Sinai not only are we are commanded to not steal, but also warned to make sure that we do not directly or indirectly facilitate it. Thus, the Shulchan Arukh (Hoshen Mishpat 356;1) concludes: “It is forbidden to buy a stolen object from a thief, and this is a great sin, because he is strengthening the hand of the transgressor and causing him to steal more. For if he did not find a customer, he would not steal.”

If so, the eighth commandment has a lot to say to us. It addresses not the simple act, but the environment and ecosystem of theft. Unfortunately, in the modern world, we often find ourselves accomplices not only to the theft of property theft but also to the theft of people. There are more slaves in the world today than were shipped in the African slave trade between 1525 and 1866. The majority are women and girls sold for sex, including many in the United States, England and the State of Israel. In addition to human trafficking, even “consensual” prostitution involves pimps employing systematic force and violence.

What can we do to make sure that we are not complicit in communal violation of the eighth commandment and of victimizing women and children? Many Pardes students and alumni have joined former Pardes director and founder of ATZUM, Rabbi Levi Lauer, in campaigning for the criminalization of the purchase of sex as well as providing victims with support in rehabilitation.

For more information, see the Task Force on Human Trafficking at:
<http://atzum.org/task-force-on-human-trafficking/>

9 Do not bear false witness

לא תענה



Zvi Hirschfield

Rabbi Zvi Hirschfield teaches Talmud, Halakha and Jewish Thought at Pardes. He is currently directing an innovative program to transform tefilah (prayer) in Jewish schools in North America for the Pardes Center for Jewish Educators.

The prohibition against being a “false witness,” generally understood to be a prohibition against delivering false testimony in court, appears to be a prohibition any society would adopt even if it was not commanded by God. A society can offer justice only if the court acts on facts and reliable information. Witnesses who lie will not only generate wrong verdicts, they will succeed in undermining the entire system. Once the trust in the justice system collapses, people will choose to take matters into their own hands, replacing equity and morality with violence and corruption.

Does this commandment pertain only to the court system and formal testimony, or is there a broader message here? The Abarbanel writes the following in his commentary on Exodus: “This (the ninth commandment) includes, besides giving false testimony, one who mocks his fellow, slanders and denigrates him, insults him publicly and the like.” In essence, anytime we are speaking about others we are in some sense “testifying” about them. Our everyday speech has the power to harm and diminish our peers no less than testimony delivered in court. The Abarbanel understood this commandment as a general prohibition against hurting anyone with our words, testimony in court serving only as an obvious example of how words have tremendous power.

The Hebrew wording of the text also poses a difficulty which may lead to a further broadening of the application of this prohibition. Many commentators noted that the verse reads “false witness” as opposed to false testimony. Building on this unusual wording, the Talmud (Tractate Shvuot 31a) says that the verse comes to prohibit one from giving testimony that they believe to be a 100% true if they did not in fact witness the event to which they are testifying. In other words, misrepresenting oneself is prohibited, even when no

distortion of the facts has taken place. Read from this perspective, the Torah is reminding us that we must be truthful in how we show ourselves to the world. Part of creating an honest, open society depends upon people being genuine and presenting themselves with integrity. We cannot pretend to be something we are not, even in the service of truth.

Finally, we find a striking statement in the Jerusalem Talmud (Berachot 1:5) about the connection between giving false testimony and denying God’s existence. In attempting to demonstrate how the Ten Commandments are alluded to in the verses of Shema, The Talmud says the prohibition against false testimony is connected to the phrase “I am the Lord your God.” When one lies, one has denied the value of truth, and truth is “God’s seal.” The Rabbis are telling us that belief in God is also an affirmation of the existence of truth. God is the guarantor of the existence of absolute truths that will stand no matter how often we may wish to avoid the responsibility and demands these truths bring.

I believe that this message has particular value in an age where all truth appears under attack by “alternative facts” or radical relativism. We can maintain a pluralistic and open perspective without abandoning our faith in the truth and our aspiration to grow closer to it. We emulate God by speaking the truth. We distance ourselves from God when we deny the truth or distort it for our own selfish purposes or agendas. When we speak the truth we are testifying to God’s stewardship of the world and the demands he has placed upon humanity to be in His image.

10 Do not covet לֹא תַחְמֹד



Michael Hattin

Rabbi Michael Hattin teaches Tanakh and Halakha at Pardes and is the Beit Midrash Coordinator for the Pardes Center for Jewish Educators. He is the author of "Passages: Text and Transformation in the Parasha" and "Joshua: The Challenge of the Promised Land".

The final of the Ten Utterances is "Lo Tachmod" – "You shall not covet your fellow's house, you shall not covet your fellow's wife, nor his male servant, his maidservant, his ox, his donkey or anything that belongs to your fellow." Sweeping in its scope and noble in its aspirations, "Lo Tachmod" is the most difficult of the Ten Utterances to fulfill. How is one to control the strivings of his heart, to not feel jealous of another's successes and triumphs, to not desire to have them for himself?

The early rabbis were acutely aware of the challenge of "Lo Tachmod" and provided a straightforward solution, as outlined by the Sefer HaChinuch: "One may not scheme to seize from our fellow that which is his...**our rabbis have already demonstrated that the violation of "Lo Tachmod" is not complete until one has done an act...**" (remarks to Mitzvah #38). In other words, while it is wrong to covet in our heart that which belongs to our fellow, liability for the deed occurs only if and when the coveter has acted upon his impulses in a concrete fashion by attempting to seize the article in question.

In contrast to this rabbinic reading, some of the medieval commentaries insisted upon a more pious and demanding interpretation. Paradigmatic of these is Rabbi Avraham ibn Ezra who understands that, as difficult as it seems, "Lo Tachmod" imposes upon the

human being the necessity to control his thoughts: "Many people wonder about this mitzvah – how can there be a person who does not desire in his heart all that which is pleasant in his eyes? ...Rather, every insightful person must realize that a beautiful woman or wealth is not acquired by a man by virtue of his wisdom and talent but only in accordance with what God bestows upon him...for this reason, the insightful person neither desires nor covets that which is not his" (Commentary to Shemot 20:13). For Ibn Ezra, when we truly realize that all of our own, as well as our fellows' blessings and possessions, are gifts of God and expressions of His incontestable will, then mastering our very thoughts becomes possible.

According to this interpretation, therefore, the Ten Utterances begin and end in a remarkably similar fashion. The first of the utterances is the command to recognize God as sovereign, an activity that takes place primarily in the heart and mind. By insisting upon our acceptance of God's existence and rule, even as this constitutes a mighty imposition upon our cherished belief that the human heart cannot be coerced, the Torah teaches us that the path to the lofty fulfillment of "Lo Tachmod" may much more easily be paved.

Moadim LeSimcha, Chagim Uzemanim LeSasson.



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The Revelation at Sinai



Neima Novetsky

Neima Novetsky teaches Bible, Prophets and Biblical Exegesis at Pardes and Tanakh in the Pardes Educators Program. She is the founder of the innovative Tanakh study website, Al HaTorah: www.alhatorah.org.

What was the experience of revelation like? What was its purpose? Most people imagine that the entire nation, men, women and children, became prophets for the day and directly heard the word of God. They listened to each of the Ten Commandments as Hashem relayed them, thereby coming to believe in God as the source of Law. Interestingly though, this scene is not necessarily the one that emerges from the verses. The description of revelation in Shemot (Exodus), and as recounted by Moshe in Devarim (Deuteronomy 5), is more complex, allowing for different interpretations of the event and its goal.

In the following verses from Devarim, Moshe recounts the events of revelation at Sinai. How does he describe his role? What inner contradiction comes from a comparison of verses 4-5?

Deuteronomy 5

(1) And Moses called unto all Israel, and said unto them: Hear, O Israel, the statutes and the ordinances which I speak in your ears this day, that ye may learn them, and observe to do them. (2) The Lord our God made a covenant with us in Horeb. (3) The Lord made not this covenant with our fathers, but with us, even us, who are all of us here alive this day. (4) The Lord spoke with you face to face in the mount out of the midst of the fire. (5) I stood between the Lord and you at that time, to declare unto you the word of the Lord; for ye were afraid because of the fire, and went not up into the mount, saying:

(א) וַיִּקְרָא מֹשֶׁה אֶל כָּל יִשְׂרָאֵל וַיֹּאמֶר אֲלֵהֶם שְׁמַע יִשְׂרָאֵל אֵת הַחֻקִּים וְאֵת הַמִּשְׁפָּטִים אֲשֶׁר אֲנִי דֹבֵר בְּאָזְנֵיכֶם הַיּוֹם וְלִמְדַתֶּם אֹתָם וְשִׁמְרַתֶּם לַעֲשׂוֹתָם: (ב) ה' אֱלֹהֵינוּ כָּרַת עִמָּנוּ בְּרִית בְּחֹרֵב: (ג) לֹא אֵת אֲבֹתֵינוּ כָּרַת ה' אֵת הַבְּרִית הַזֹּאת כִּי אֲתָנוּ אֲנַחְנוּ אֱלֹהֵי פֶה הַיּוֹם כָּלֵנוּ חַיִּים: (ד) פָּנִים בְּפָנִים דִּבֶּר ה' עִמָּכֶם בְּהַר מִתּוֹרָה הָאֵשׁ: (ה) אֲנִי עֹמֵד בֵּין ה' וּבֵינֵיכֶם בְּעֵת הַהוּא לְהַגִּיד לָכֶם אֵת דְּבַר ה' כִּי יִרְאתֶם מִפְּנֵי הָאֵשׁ וְלֹא עָלִיתֶם בְּהַר לֵאמֹר

To think about:

1. What is a “face-to-face” encounter? What does it mean that Hashem spoke to the nation in such a manner at Sinai? Why might God have chosen to do so?
2. According to verse 5, Moshe acted as an intermediary to “tell [the nation] the word of God.” How can this be reconciled with the direct encounter described in verse 4? What would be the point of Hashem speaking via a mediator?
3. What does Moshe mean when he says “for you were afraid because of the fire”? Had the nation not been afraid, would the experience have been different? Why would God have chosen to frighten the people anyway?

Did we hear the Ten Commandments directly from Hashem or did Moshe act as an intermediary?

Right after the description of Hashem relaying the Ten Commandments, Moshe recounts how the people approached him, filled with fear:

Deuteronomy 5

(20) and ye said: 'Behold, the Lord our God hath shown us His glory and His greatness, and we have heard His voice out of the midst of the fire; we have seen this day that God doth speak with man, and he liveth. (21) Now therefore why should we die? for this great fire will consume us; if we hear the voice of the Lord our God any more, then we shall die. (22) For who is there of all flesh, that hath heard the voice of the living God speaking out of the midst of the fire, as we have, and lived? (23) Go thou near, and hear all that the Lord our God may say; and thou shalt speak unto us all that the Lord our God may speak unto thee; and we will hear it and do it.'

(כ) וַיְהִי כְשִׁמְעֵכֶם אֶת הַקּוֹל מִתּוֹךְ הַחֹשֶׁךְ וַהֲרֹר בְּעַר בָּאֵשׁ וַתִּקְרְבוּן אֵלַי כָּל רֹאשֵׁי שְׁבֻטֵיכֶם וְזִקְנֵיכֶם: (כא) וַתֹּאמְרוּ הֵן הִרְאֵנוּ ה' אֱלֹהֵינוּ אֶת כְּבֹדוֹ וְאֶת גְּדֻלוֹ וְאֶת קְלוֹ שִׁמְעָנוּ מִתּוֹךְ הָאֵשׁ הַיּוֹם הַזֶּה רָאִינוּ כִּי יִדְבֵר אֱלֹהִים אֶת הָאָדָם וְחַי: (כב) וְעַתָּה לָמָּה נָמוּת כִּי תִאֲכַלְנוּ הָאֵשׁ הַגְּדֹלָה הַזֹּאת אִם יִסְפִּים אֲנַחְנוּ לִשְׁמַע אֶת קוֹל ה' אֱלֹהֵינוּ עוֹד וּמָתָנוּ: (כג) כִּי מִי כָל בָּשָׂר אֲשֶׁר שָׁמַע קוֹל אֱלֹהִים חַיִּים מִדְּבַר מִתּוֹךְ הָאֵשׁ כָּלֵמוֹ וְחַי: (כד) קִרְב אֶתָּה וּשְׁמַע אֶת כָּל אֲשֶׁר יֹאמַר ה' אֱלֹהֵינוּ וְאֶת תְּדַבֵּר אֵלֵינוּ אֶת כָּל אֲשֶׁר יִדְבֵר ה' אֱלֹהֵינוּ אֵלֶיךָ וּשְׁמַעְנוּ וְעָשִׂינוּ:

What are the people requesting of Moshe? Did the nation hear God speak, or did they only hear Moshe speak?

Three Approaches

I. Moshe acted as mediator for part of Revelation

Pesikta Rabati 22

How many commandments did the nation hear from the Mighty One (God)? R. Yehoshua b. Levi says two commandments and the Rabbis say all the commandments Israel heard from the Mighty One. After the commandments what does it say? "And they said to Moshe, you speak to us and we will listen and may God not speak to us lest we die." What did Rabbi Yehoshua ben Levi answer? There is no chronology in the Torah.

כמה דברות שמעו ישראל מפי הגבורה, רבי יהושע [בן לוי] אומר שתי דברות ורבנין אמרין כל הדברות שמעו ישראל מפי הגבורה, אחר כל הדברות מה כתב ויאמרו אל משה דבר אתה עמנו ונשמעה ואל ידבר עמנו אלהים פן נמות (שמות כי ט"ו) ... מה ענה לה ר' יהושע בן לוי, פליג שאין מוקדם ומאוחר בתורה...

According to Rabbi Yehoshua b. Levi, how many commandments did the people hear directly? How many via Moshe? What happened that led Moshe to act as a mediator? Was this the original plan? Did God "adjust" to meet the needs of the people? What does that mean from a theological perspective?

Chizkuni 20:1

And these words appear [likely], since the formulation of the commandments "I am" and "You shall not have" sound as if one is speaking of himself and the rest as one who is speaking about others, as it says, "Do not take the Lord, your God's name in vain" and not "my name."

ונראין הדברים שהרי מליצת דברות אנכי ולא יהיה לך משמע כאדם המדבר על עצמו והשאר כאדם המדבר על אחרים. כדכתיב "לא תשא את שם ה' אלוקיך" ולא כתיב "את שמי"

What textual support does Chizkuni bring for the above approach? What other verses might support this position? What does the approach suggest about the goal of revelation?

II. All the commandments were heard directly from God

Ibn Ezra 5:5

[Moshe's words,] "I stood between God" is after Revelation, and the explanation is that God spoke with you face to face, and from that day on, I [Moshe] stood between God and you because you feared...

ויתכן להיות פירוש אנכי עומד בין ה' אחר מעמד הר סיני, והטעם: שהוא דבר עמכם פנים בפנים, ומאותו היום הייתי אני עומד בין ה' וביניכם, כי יראתם...

Rashbam Shemot 20:15

“And they said to Moshe”: After hearing the ten commandments; “You speak with us:” and had they not said that, the Holy One would have relayed to them all the commandments directly.

ויאמרו אל משה - לאחר ששמעו עשרת הדברים:
דבר אתה עמנו - ואילמלא שאמרו כך, יש לומר
שהיה אומר להם הקי כל המצות מפיו:

According to Ibn Ezra and Rashbam, from what point did Moshe act as an intermediary? What caused this? What was the original plan of Hashem? How does that affect your understanding of the unique (or not so unique) status of the Ten Commandments? How do you think the nation would have differed if they heard all 613 mitzvot directly from God?

III. None of the commandments were heard directly from God

Rambam Moreh Nevuchim 2:33

And it seems to me that at Revelation, not all that reached Moshe reached all of Israel, but rather the speech was to Moshe alone... and he relayed to the people what he heard. The Torah says, “and I stood between God and you to tell you the word of God” and it says also, “Moshe spoke and God answered him with a voice”... that the speech was to him and they heard a great voice without a differentiation into words.

נראה לי כי במעמד הר סיני לא היה כל המגיע
למשה כולו המגיע לכל ישראל אלא הדיבור
למשה לבדו... והוא מודיע לבני אדם מה ששמע.
אמר תורה אנכי עמד בין ה וביניכם להגיד לכם
את דבר ה' ואמר עוד משה ידבר ואלוקים יענו
בקול... שהדיבור אליו והם שומעים את הקול
העצום ללא חילוק מילים...

Rambam Hilchot Yosodeh Torah 8:1

And Moshe Rabbeinu, they did not believe in him due to the signs that he performed. The revelation at Sinai alone was proof that his prophecy was true, as it says, “I came to you in a thick cloud, that the people may hear when I speak with you, and may also believe in you forever.”

ומשה רבינו לא האמינו בו מפני האותות שעשה...
מעמד הר סיני הוא לבדו הראייה לנבואתו שהיא
אמת שנאמר הנה אנכי בא אליך בעב הענן בעבור
ישמע העם בדברי עמך וגם כך יאמינו לעולם...

According to Rambam, what did the people hear at the mountain? What would be motivating such a read? What, according to him, seems to be the purpose of Ma'amad Har Sinai? What is he suggesting about the nature of prophecy and the role of Moshe specifically as prophet?

In Summary

Commentators differ in their understanding of the extent to which revelation was a direct encounter with God, and as such regarding the purpose of the experience as a whole. According to some, the goal of revelation was for the people to attain belief in God so that they will obey his commandments. As such, Ibn Ezra maintains that the original plan was to hear not only the Decalogue directly from God, but all 613 commandments.

On the other end of the spectrum, Rambam suggests that the entire experience was mediated because its purpose was for the people to attain belief not in Hashem, but in Moshe himself. Before Moshe could effectively lead and teach the people they needed to recognize and be sure of his chosen stature and unique relationship with Hashem.

A middle position is taken by the Midrash and Rashi who suggest that though Hashem initially encountered the people “face-to-face,” Hashem recognized that the people feared such a relationship, and met them where they were, allowing Moshe to act as intermediary.

May we all be blessed to encounter God directly in our lives, but also to find our “Moshe Rabbeinus”, those individuals who will help guide us in the correct path, aiding us to do what is right and strengthen our relationship with Hashem.