

דור לדור DOR Le DOR

Our Biblical Heritage



המרכז העולמי לתנ"ך בירושלים

VOL. XII, No. 3 (מ"ז) SPRING 1984

THE WORLD JEWISH BIBLE SOCIETY

דור לדור

DOR le DOR

OUR BIBLICAL HERITAGE

A Quarterly Published by the

WORLD JEWISH BIBLE SOCIETY

Founded by David Ben Gurion and Zalman Shazar

An affiliate of the Department of Education and Culture in the Diaspora of the
World Zionist Organization

Chairman: Professor HAIM GEVARYAHU

Vice Chairman: Dr. LOUIS KATZOFF

Treasurer: BEN ZION LURIA

President, Bible Readers' Union, England: The Hon. GREVILLE JANNER, MP

Chairman, World Executive, Mercaz Hatenakh: CHAIM FINKELSTEIN

Vice Chairman, World Council, Mercaz Hatenakh: S.J. KREUTNER

EDITORIAL BOARD

Editor: LOUIS KATZOFF

Associate Editor: SHIMON BAKON

Assistant Editor: CHAIM ABRAMOWITZ

JOSHUA J. ADLER

YAACOV HALPERN

CHAIM H. PEARL

PHILIP GOODMAN

RICHARD HIRSCH

MAX M. ROTHSCHILD

PAUL GOULD

WOLFE KELMAN

ABRAHAM RUDERMAN

HAROLD D. HALPERN

S. GERSHON LEVI

GABRIEL SIVAN

JOSEPH HALPERN

SOL LIPTZIN

MORDECAI SOCHEN

PUBLICATIONS

Beth Mikra — Hebrew Quarterly

Dor le Dor — Our Biblical Heritage, English Quarterly

Triennial Calendar for Daily Bible Readings. Numerous volumes of Biblical Studies

PROGRAMS

- World Bible Contest for Jewish Youth on Yom Ha-atzmaut
- Quadriennial World Bible Contest for Adults
- Regional and National Conferences
- Prime Minister's Bible Study Group
- Bible Study Groups in Israel and in Diaspora
- Beth Hatenakh in Jerusalem — World Jewish Bible Center

The picture on the cover will be the new home of the World Jewish Bible Center

דפוס רפאל חיים הכהן בע"מ, ירושלים

Printed by Raphael Haim Hacohen Press Ltd., Jerusalem

AT THE MOUTH OF TWO WITNESSES

BY SHIMON BAKON

The Pentateuch enumerates at least fifteen "crimes" considered heinous enough to warrant capital punishment.¹ The purposes for this extreme penalty are clearly stated in Deuteronomy 17:2, 3: *to put away the evil from the midst of you, and they shall hear and be afraid..* What is less obvious is the fact that the variety of "crimes" deserving execution share one thing in common, they all are considered high treason against God.

In contrast to the apparent severity of pentateuchal legislation there seems to be a talmudic tendency to reduce capital punishment. This is evident from the following remarks by the Sages of the first century CE:

The Sanhedrin that puts to death one person in seven years is termed tyrannical (חובלנית). Rabbi Elazar ben Azariah says, one person in seventy years. Rabbi Tarfon and Rabbi Akiba said, "If we had been in the Sanhedrin, no one would have been put to death."

Mishna Makkot 1:10

It was not naivety that prompted such mitigation of capital punishment since Rabban Shimon ben Gamliel demurred, arguing that such extreme leniency would "thereby have increased the shedders of blood in Israel."

In the light of such liberalism we shall examine:

a. What were the biblical provisions and procedures relating to capital punishment that could lend themselves to rabbinical leniency?

1. *Adultery* (Lev. 20:10), *Deut. 22:22*), *Sexual Perversion* (Exodus 22:15), *Blasphemy* (Lev. 24:16), *False Witnesses* (Deut. 19:16-19), *False Prophecy* (Deut. 13:6, 25:20), *Idolatry* (Deut. 20:2, Deut. 13:17-19, 17:2-7), *Incest* (Lev. 18:22, 20:11-14), *Insubordination to Supreme Authority* (Deut. 17:12), *Kidnapping* (Ex. 21:16, Deut. 24:7), *Prostitution of Priest's Daughter* (Lev. 21:9), *Murder* (Ex. 21:12, Lev. 24:17, Num. 35:16), *Rape of Betrothed Woman* (Deut. 22:25), *Striking or Cursing Parent* (Ex. 21:15,17 Lev. 20:9, Deut. 21:18-21), *Profaning of Sabbath* (Ex. 31:14, 35:2, Num. 25:31-36), *Witchcraft* (Ex. 12:17, Lev. 20:27), etc.

Dr. Bakon served as Director of Jewish Education for the communities of Bridgeport, Conn., and Springfield, Mass., before settling in Israel. He was also on the staff of Boston Hebrew College lecturing on Jewish Philosophy and Education. At present he is Associate Editor of Dor le-Dor.

b. How did our Sages of old interpret, elaborate and deduce a set of legislative procedures that frowned on capital punishment?

BIBLICAL PROVISIONS

The Pentateuch knows of two types of evidence in criminal procedures. One is through the divine agency of the Urim V'tumim **אורים וחוֹמִים**² and the "ordeal of jealousy";³ the other is through the human agency of courts. The only actual case recorded in Scripture where the guilt of a person was established through lots (in all probability through the Urim V'tumim) is that of Achan in the Book of Joshua⁴. The evidence of the ordeal of a woman, suspected by her husband of marital infidelity, is psychological, more designed to protect the innocent wife from excessive jealousy than to prove her guilt. It must be stressed that the mere drinking of the bitter waters in itself is no threat to her life if innocent. It is in contrast to the ordeal of other nations as an "ancient form of trial in which the accused was exposed to physical dangers which were supposed to be harmless to him, if he was innocent."⁵

With the disappearance from practice of the Urim V'tumim early in Jewish history, the central role of an unimpeachable court of judges emerged. Deuteronomy (17:18) vested great authority in the courts. King Jehoshaphat established a Supreme Court in Jerusalem and minor courts in many cities of Judea.⁶

It was the function of the courts to establish guilt or innocence of the accused based solely on the evidence provided by witnesses. Therefore their reliability became of paramount importance.

2. Exodus 28:30, Numbers 27:21.

3. Numbers 5:11-31.

4. Joshua, 7.

5. Webster's New Twentieth Dictionary, Unabridged.

6. II Chronicles 19:4-11. One is tempted to ask: was this the reason why Jehoshaphat, King of Judah and contemporary of Ahab, went about energetically to establish courts in Judah and strengthen the Supreme Court in Jerusalem?

TWO WITNESSES

*One witness shall not rise up against
a man for any iniquity or for any sin.
At the mouth of two witnesses, or
three witnesses shall a matter
be established*

לא יקום עד אחד
באיש לכל עון ולכל חטאת
על פי שני עדים או
על פי שלשה עדים
יקום דבר

Deut. 19:15

The full significance of two or three witnesses needed to “establish a matter”, particularly in capital cases, has not been appreciated. It ranged Jewish law on the side of the “accusatorial” as against the “inquisitorial” system of legislation, as has been shown by Aaron Kirschenbaum.⁷

In an inquisitorial trial the dividing line between accuser and judge is often erased with the “judge frequently being chief interrogator”. The accused is presumed guilty until proven innocent, and the burden of extricating himself from accusation rests solely upon him. Evidence is frequently based on hearsay; there is no confrontation between accuser and accused.

In the accusatorial trial the accuser and the judge are separate from one other. The burden of proof is upon the accuser, the accused being presumed innocent until proven guilty. The proceedings are open, with cross examination an essential feature of the trial, and there is confrontation between accused and accuser.

In Biblical law the accusers were the two or three witnesses who, as we shall see later, were also “warners” and “executioners”. Fully realizing their power of life and death, Deuteronomy demands (in the case of idolatry):

*And it be told thee and thou hear it
then shalt thou inquire diligently
and behold, if it be true and the
thing certain*

והגד לך ושמעו
ודרשת היטב
והנה אמת נכון הדבר

Deut. 17:4

7. See the very instructional book by Aaron Kirschenbaum, *Self-Incrimination in Jewish Law*, The Burning Bush Press, N.Y.

This means, a careful investigation had to be made to substantiate any rumor before legal action was taken. However, the most essential aspect of gathering evidence was the reliability of the witnesses. To protect the innocent, Scripture enacted the law of "plotting witnesses" עֵדִים זֹמְמִים. A false witness is called an עֵד חָמָס a witness of violence, and Deuteronomy (10:18–20) decreed that if the *witness be a false witness and hath testified falsely against his brother, then shall you do to him as he purposed to do unto his brother.*⁸

That the law of two witnesses was observed in ancient times in Israel is attested to by the inglorious case of Nabot (I Kings 21). As will be recalled, Jezebel, the wife of King Ahab, connived to acquire the vineyard of Nabot by hiring *two base fellows* who accused Nabot falsely that *thou didst curse God and the king*. She convened *elders and nobles* זִקְנִים וְחוֹרִים to sit in court to judge Nabot on the strength of the two false witnesses. We see that legal procedures as stated in the Torah, albeit perverted, were followed even by a Jezebel.

INTENTION AND OTHER ELEMENTS

Intention to commit murder had to be established before the death penalty could be administered. For individuals committing unintentional manslaughter, cities of refuge were set up.

Fathers shall not be put to death for the children, neither shall the children be put to death for the fathers (Deut. 24:16). This law, apparently in strong disapproval of prevailing practices, was so foreign to the Rabbis that it was interpreted by them that family members are disqualified as witnesses, namely, fathers could not die on the basis of testimony of their sons, and vice-versa. And, by an exegetical tour de force, it led eventually to the prohibition of self-incrimination. Yet Scripture⁹ records that Amaziah, on coming to power, *slew servants who had slain the king his father (Joash). But the children of the murderers he put not to death, according to that which is written in the book of תורה משה . . . : The fathers shall not be put to death for the children etc.*

8. Jewish law later established that, while in other crimes "intention" through הוֹרָאָה — warning, had to be proved, in the case of plotting witnesses an exception was made for the need of "warning" prior to the crime committed.

9. II Kings 12:21, and II Kings 14:5–6.

Scriptural records of legal procedure in capital cases are rather scarce. It is from hints and passages scattered throughout the Pentateuch that a clearly defined legislative system crystallized. From the injunction, such as found in Leviticus 19:15, *In righteousness shalt thou judge thy neighbor*, our Rabbis deduced not only that equal treatment was to be given to all parties. Interrogation in capital cases (unlike civil cases) was to start with that of witnesses, and when the evidence presented had been thoroughly tested and found consistent, "deliberation began in favor of the accused . . . who was asked, whether he had any evidence in rebuttal of accusation" (Sanhedrin 32b), or "argue on behalf of acquittal, provided there was substance in his word" (Mishna Sanhedrin 5:4).

It is from elements indicated above, that Talmudic sages wove a fabric of remarkably liberal legislation, dealing with capital punishment, which did not admit Circumstantial Evidence, introduced the concept of Presumption of Ignorance and prohibited Confession of Guilt and Self-incrimination.

TALMUDIC ELABORATIONS

CIRCUMSTANTIAL EVIDENCE

It is truly difficult to adduce inadmissibility of circumstantial evidence from biblical authority. When Mishna Sanhedrin (4:5), as part of criminal proceedings, exhorted the witnesses:

Perhaps you will state what is supposition (מאומד) or rumor (משמועה) . . . or from the mouth of a trustworthy person (אדם נאמן) . . . you must know (that) in capital cases the witness is answerable for the blood of him (that is wrongly condemned) and the blood of his posterity (that could have been born to him) to the end of the world.

The Gemara asks: What is meant by supposition?

He (the judge) says to them: Perhaps you saw him running after his fellow into a ruin . . . and found him sword in hand with blood dripping from it, and the murdered man writhing (מפרפר). If this is what you saw, you saw nothing.

To buttress this contention, the Gemara presents the following story of Shimon ben Shetah (a first century BCE sage):

May I never see comfort if I did not see a man pursuing his fellow into a ruin, sword in hand with blood dripping, and the murdered man writhing. I exclaimed to him: wicked man, who slew this man? It is either you or I. But what can I do since thy life does not rest in my hands, for it is written . . . :
at the mouth of two witnesses.

Sanhedrin 37b

It is strange that this story is presented as the Mishnaic authority of what constitutes "supposition" when, in fact, the Tanna referred to the limitation of only one witness instead of the required two. And why, one must ask, is not Biblical authority brought to bear on this problem?

This is not to say that there was no precedence for it. On the contrary, it can be argued that the inadmissibility of circumstantial evidence was practiced by Israelitic courts in antiquity. It is only because no biblical sources other than the "Two Witnesses" were to be found, that the Gemara quoted the story of Shimon ben Shetah.

PRESUMPTION OF IGNORANCE

It has been taught: All those under sentence of death, according to the Torah, are to be executed only by the decree of a court of twenty-three, after proper evidence and warning (עדה — עדים — התראה), and provided (the warners) have let them know that they are liable to a death sentence at the hand of the court. R. Judah: (the warners) must also inform them of the kind of death they would suffer.

Sanhedrin 8b

We have indicated before that when a person was killed, Scripture is quite explicit in making a distinction between intentional murder and unintentional manslaughter. But how is intention to be proved? Here, the talmudical sages found a bold solution: the accused, whose crime had been witnessed by two

reliable witnesses, had to be warned^{9a} of the consequences of his actions. If he still persisted, intention was clearly established! The two witnesses perform two functions: they are the warners and also the accusers.

But whence did the Rabbis find Scriptural authority for the need of "warning"? The debate on this issue by various scholars or schools, found in the Talmud,¹⁰ is most instructive.

Ulla learned it from the verse in Leviticus 20:17: "A man who takes his sister . . . and *sees* her nakedness." Does the guilt then depend on *seeing* אָטוּ בְּרֵאִיָּה חֵלִיא מִלֵּחָא. Only if the witnesses had warned him that his proposed action is forbidden on the pain of death (freely translated)! אֵלֹא עַד שִׁירְאוֹהוּ טַעְמוּ.

To the school of Hezekiah the imperfect יִיזַד in the verse in Exodus 21:14: *And if a man come presumptuously (יִיזַד) upon his neighbour to slay him with guile* — implied that he had been warned, yet remained with wilful intent.

Rabbi Yishmael maintained that the present participle verb form in מְקוֹשֵׁשׁ — *and they found him gathering wood* (on the Sabbath) (Numbers 15:33) indicated a continued action after he had been duly warned.

The school of Rabbi deduced from the word דָּבַר in עָנָה — *he had humbled his neighbour's wife* (Deut 22:24), that the accused had been spoken to by reason of "word" דָּבַר.

R. Josi maintained: A criminal cannot be executed unless he was cautioned by two witnesses for it says: *At the mouth of two witnesses (or three) shall he be put to death* (Deut 17:6).

The fact that הִתְרָאָה was deduced by five different schools or sages, and from five different biblical sources is sufficient testimony that outright biblical authority for the great principle of Presumption of Ignorance is not altogether clear. This is not to say that the spirit of separating שׁוֹגֵג and מְזִיד, so explicit in the case of homicide, was not also extended to other crimes, or that it had not been practiced in the ancient Israelite courts. To equate, however, an unintentional, sinful act (שִׁגְגָה) with an act committed in ignorance, was the

9a. The word עַד in the Hiphil, and with the prefix ב often conveys "warning".

The man . . . forwarned us

הָעַד הָעִיד בְּנוּ . . . הָאִישׁ (Genesis 43:3)

warning had been given to its owner

וְהָרַעַד בְּבַעֲלֵיו (Ex. 21:29)

For I . . . forwarned your fathers

הָעַד הָעִדְוִי בְּאֲבוֹתֵיכֶם (Jer. 11:9)

ingenious rabbinic response to the problem of proving intention. The method of proving intention was through the expedient of "warning".

Presumption of "ignorance" in capital cases^{10a} was one of the protections extended to the accused. Though there is not in Jewish law presumption of "innocence" as prevails in most modern, enlightened legal systems, the requirements of establishing guilt, according to Haim Cohn¹¹, "are . . . so stringent and rigorous, and the prohibitions of establishing a valid defense so wide and flexible, that a conviction is much more difficult and an acquittal much easier to obtain than when made under a rebuttable presumption of innocence."

NO CONFESSION OF GUILT, NO SELF-INCRIMINATION

If the accused shall say: I am able to speak on behalf of my defense, he is heard . . . As soon as he opens his mouth to admit his guilt^{11a} he is silenced and reprimanded (נזיפה) by the court.

Tosefta Sanhedrin 9:4

How did Talmudical legislation arrive at such conclusions? Of course, one could argue that the principle of no-confession of guilt is simply the logical extension of the central role of two witnesses, since the burden of proof rests with them. However this is not so in civil cases, where admission of guilt on the part of the accused is as valid as one hundred witnesses.

There is a well known argument between two sages, R. Joseph and Rabba¹² concerning an individual, B, who voluntarily shared in a crime with person A. Could B join with person C, who witnessed this criminal act, to serve as a second witness to accuse A? Rabbi Joseph¹³ disqualified him while Rabba declared:

10. Sanhedrin 40b.

10a. In דיני נפשות "ignorance" of the law is presumed by the device of התראה = "warning", while in דיני ממנות the principle of איש מועד prevails, namely, the accused is presumed to know the law.

11. Haim Cohn, *The Principles of Jewish Law*, Keter Publishing House, Jerusalem, p. 600.

11a. In דיני נפשות a person is prohibited to admit guilt, while in דיני ממנות admission of guilt is as valid as one hundred witnesses כמאה עדים דמי (Talmud Kiddushin 65b).

12. Sanhedrin 9b.

13. Basing his argument on Exodus 23:1 Put not thy hand with the wicked to be an unrighteous (רשע) witness.

Every man is considered a relative to himself אדם קרוב אצל עצמו
and no one can incriminate himself ואין אדם משים עצמו רשע

and therefore the evidence given by B is valid only with regard to the criminal but invalid regarding testimony against himself!¹⁴

This rule of no self-incrimination first applied to witnesses was then transferred to the accused. It must be noted that the Talmudic law is much more radical than the Fifth Amendment. The latter states that an accused can not be coerced to incriminate himself, while the former forbids him to confess his guilt!

In the light of some incidents recorded in Scripture which, on the face of it, seems to indicate that "confession of guilt" led to execution of the guilty, the question is legitimate whether the inadmissability of confession is a rabbinic elaboration not practiced in biblical times.

One is the story of Achan. When found guilty by the process of lots of having trespassed the prohibition of Herem, Joshua said: *My son, give I pray thee, glory to the Lord . . . and make a confession unto Him, and tell me now that you have done* (Joshua 7). This incident is not conclusive, as we note that the confession is directed to God and not to Joshua. Indeed, confession of the sin, after the edict of the court, became part of talmudical process, as a means of expiating the sin.

The other two episodes in Scripture were the execution of the Amalekite who brought *the crown that was upon his* (Saul's) *head, and the bracelet that was on his arm* (II Sam. 1:6), whereupon David had him executed *for thy mouth hath testified against thee, saying I have slain the Lord's anointed*; and the execution of assassins who brought the head of Ishboshet before David. First, the guilty ones came forward on their own, volunteering their information; David did not extort any confession from them. However, that they brought corroborative evidence weighed most heavily against them.¹⁵ Second, both episodes occurred in most trying circumstances in the career of David, and touched upon a deep sensitivity of David regarding the inviolability of the Anointed of the Lord — משיח ה'.

14. It is a moot question whether this point of not permitting self-incrimination, thus eliminating torture, coercion as means of getting confession, had any influence on the Fifth Amendment.

But there is no question that John Selden, one of the early American pioneers, was acquainted and even impressed with this remarkable legislation. (See more about it in footnote 7, p. 20).

15. See Kirschenbaum, opus cited before.

A CHARTER OF HUMAN DIGNITY

As can be seen from the previous chapters, the talmudical provisions of no circumstantial evidence, presumption of ignorance, no confession and no self-incrimination, singly and more so collectively, were designed to tip the scales of a defendant in capital cases in his favor. We have noted that some of the Rabbis would have abolished the death penalty altogether!

Whence the rabbinic reluctance to execute a person? As will be recalled, Deuteronomy had ruled that

If a man have committed a sin worthy of death . . . and thou hang him on a tree, his body shall not remain all night upon the tree, but thou should bury him the same day . . . for he that is hanged is a reproach unto God.

Deuteronomy 21:23

Rashi, reflecting talmudical sentiment, explains: it is a disparagement to the King, because man is made in the divine image!

In the final analysis any indignity perpetrated upon man diminishes the Divine. The profoundly religious issue of the sanctity of human life must have exercised the sensitivity of our Sages. Respect for the infinite worth of every individual was extended also to the criminal.

It is in this spirit that the Mishna promulgated what I would call a Charter of Human Dignity, which was, apparently, read as an exhortation to witnesses¹⁶ to be aware of the gravity of their deposition and which explains the difference between capital and property cases:¹⁷

... In capital cases his (the defendant's) blood and the blood of his (eventual) posterity lie at their door . . .

Therefore was a single man created to teach that if anyone destroy a single soul from the children of man — נפש אחת מבני אדם — Scripture charges him as if he had destroyed an entire world, and whosoever saves (מקיים) a single soul, Scripture credits him as if he had saved a whole world.

16. Mishna Sanhedrin 4:5.

17. A deep concern for the protection of life of one accused of a capital crime is noticeable in the contrast of legal procedures enacted in civil and capital cases. See footnotes 10a, 11a.

The dignity of man was vouchsafed not only because he was created in His image, but by the daring proposal that each man is potentially a Universe!

The strong feeling on the part of Rabbi Elazar b. Azariah, Rabbi Tarfon and Rabbi Akiba for abolition of the death penalty, leaving judgment to the Lord, is now understandable. Even the guiltiest should not die by the hands of man. At the same time, the dilemma facing enlightened countries that, following the lead of these remarkable Torah sages, have abolished the death penalty, cannot be better expressed than by the argument offered by Rabban Shimon ben Gamliel: such extreme leniency would "thereby have increased the shedders of blood . . ."

חג שמחה

SEND A HOLIDAY GIFT SUBSCRIPTION TO A FRIEND !!

Dor le Dor — World Jewish Bible Society
29A Keren Hayesod Street
Jerusalem, Israel 94188

Please send gift subscription to

Gift sent by

Name.....

Name.....

Address.....

Address.....

City.....

City.....

State.....

State.....

Please enclose \$10 check

For additional subscriptions please use additional sheets.

THE STRIKING OF THE ROCK

BY JEFFREY M. COHEN

I

The sin of Moses and Aaron, as described in the episode of the striking of the rock at Kadesh,¹ figures prominently among the most well-known of the Biblical stories. The sin of Moses and Aaron, we assume, was that the former struck the rock instead of speaking to it as commanded by God. The actual sin of Aaron, in the context of this episode would probably not be identified with the same degree of certainty. Aaron's specific task and the extent to which he carried it out, faithfully or otherwise, remains obscure.

To determine the role of Aaron, and to highlight the problems inherent in the account of his activities, we shall have to pay close attention to the number and person of the various verbs employed in Num. 20:8, and especially the meaning and significance of the verb **וְדַבַּרְתֶּם**, universally rendered: "and you shall speak." The plural form of this verb makes it quite clear that both Moses and Aaron were to speak to the rock, yet the consequences of this act, namely the bringing forth of water and the quenching of the thirst of the Israelites, are attributed to Moses alone! This is apparent from the singular verbs **וְהוֹצֵאתָ** and **וְהִשְׁקִיתָ**. If the *speaking* to the rock constituted the sole, essential instrument for the releasing of its waters, then surely the role of Aaron, in procuring water by his speech, should also have been recognised by employing plural forms: **וְהוֹצֵאתֶם**; **וְהִשְׁקִיתֶם**.

The second difficulty is in regard to the sin itself. It does appear a rather strange coincidence that both leaders should, on the spur of the moment, countermand the divine instruction to speak to the rock! Moses' intense anger, leading to his bitter outburst, as described in v. 10b, might well explain his particular lapse; but Aaron was apparently in complete control of his temper. Why, then, did he make no attempt to address the rock?

Thirdly, if the main burden of the sin lay in striking the rock, instead of employing the divinely commissioned method, then surely the primary culprit

1. Num. 20:1-13.

was Moses, not Aaron. In the condemnation of the two leaders, however, no distinction is made between the gravity of their sins; and although the instructions regarding the rock were given to Moses alone,² the divine censure of their action was addressed to them both.³ Indeed, Aaron's premature death, attributed to his sin in this connection,⁴ constituted an even more severe punishment than that inflicted upon Moses, who was, at least, privileged to catch a glimpse of the Promised Land.

Fourthly, there were a number of previous occasions during Moses' ministry when he either rejected a divine instruction or displayed a lack of faith in God's redemptive power,⁵ and yet they elicited neither divine displeasure nor punishment. What then was so heinous about striking the rock as to deserve a punishment of such severity?

A fifth problem concerns the rod of Moses. If Moses was under strict instructions to do nothing other than speak to the rock, and under no circumstances was he to wield his rod against it, why then was he specifically instructed to take it with him on his mission? Surely, this was a classical exemplification of the prohibition of "putting a stumbling-block before the blind!"⁶ Yet, it is quite obvious from v. 9, which re-emphasises the fact that Moses took his rod with him *in conformity with the divine instruction*, that the striking of the rock was, *ab initio*, the desired divine intention. The precedent for this is already related in the episode of Massah and Merivah⁷ where Moses was specifically instructed to take his rod and strike the rock; and it is more than plausible that the same, non-miraculous procedure was also intended on this occasion.

This may also be inferred from the phrase "and it shall give forth *its* water (מִמֶּי) in v.8. The implication of this phrase is that Moses is to release water that had already collected within the rock by natural means. According to the

2. *Ibid.* v. 7.

3. *Ibid.* v. 12.

4. *Ibid.* v. 24.

5. Ex. 3:11; 4:1, 10, 13; 5:22; 6:12, 30; Num. 11:11-15 (cf. v. 23 for the divine reaction to the latter example of Moses' lack of faith, and despair).

6. Cf. Lev. 19:14.

7. Ex. 17:1-7.

traditional interpretation, however, that Moses was meant to *speak* to the rock, the episode is intended to provide for the people a totally miraculous experience and vision, in order to confirm their faith. But would not this miraculous element have been seriously impaired — if only in the eyes of Moses and Aaron — by the awareness that a reservoir of water existed, all along, within the rock? If a miraculous experience was intended, surely this could have been considerably heightened by utilising a medium that could not have already possessed, naturally, the desired liquid!

The above problems are sufficient to indicate that we must look elsewhere for the sin of Moses and Aaron. That it did not lie in the act of striking the rock is implied, *e silentio*, in the fact that that act is never referred to on any of the three occasions where the Bible speaks of their crime and punishment.⁸

Our discussion now calls for a consideration of the word *דִּבְרָתָם*, as well as for a close inquiry into the specific task entrusted to Aaron in the effort to procure water. These two considerations are interdependent, and the conclusions we will reach should substantiate the thesis that the divine commission to Moses was that he use his rod *in the usual way*, to dislodge deposits of water contained in the rock. The five difficulties specified above should also be removed by the interpretation we will offer.

A careful reading of Num. 20:7–11 reveals that Aaron's special duty was that of "assembling the people," which probably involved stationing them in an orderly formation and calming their anxious spirit. Moses is the one, as we have observed, who is to perform the actual task of "bringing forth water" and "giving the congregation and their cattle to drink." Moses is the one who is to hold the rod. When referring to the task of Aaron and its implementation, the one verb, *קָהַל*, 'to assemble,' is employed: *וַהֲקֵל אֶת־הָעֵדָה אֹתָהּ וְאֶהְרֹץ אַחֶיךָ* (v.8) and *וַיִּקְהֲלוּ וַיִּקְהַל מֹשֶׁה וְאַהֲרֹן אֶת־הָעָם* (v. 10). In both verses it is made clear that Aaron was assisting his brother in the task. He, himself, had no area of special activity. Bearing in mind Aaron's subsidiary task, and noting especially the second of the difficulties we raised above, it is possible that the verb *דִּבְרָתָם* does not refer to an act of *speaking* to the rock — a ritual without precedence in Israel's experience — but rather to the activity referred to in the previous phrase, that of assembling the people at a specific place.

8. Num. 20:12, 24; Deut. 32:51.

The usage of the verb *דבר* in this sense is not unknown. The Aramaic Pa'el *dabar* (as in Syriac) has the regular meaning of 'to lead.' Though in the Bible this sense is generally only conveyed in Hiphil occurrences,⁹ the meaning of 'to lead (to pasture)' is the commonly held view regarding the underlying meaning of the nouns *midbar* (lit. land to which flocks and herds are led for pasturage¹⁰) and *dover*.¹¹ We suggest, accordingly, that the phrase *וּדְבַרְתֶּם אֶל־הַסֵּלַע לְעִינֵיהֶם* should be understood in the sense of: "And you shall lead on (or "lead the way") to the rock in front of them."¹² This accords with the peripheral task given to Aaron, that of assisting his brother with the task of assembling the people at the chosen site. His minor role explains why all the instructions were addressed to Moses alone,¹³ and why plural verbs, embracing Aaron's activity, are only used in the context of assembling the people together.

Our suggested rendering of the phrase is corroborated by reference to the details of the episode of Massah and Merivah (Ex. 17). The structure of the account of that episode is almost identical with that of Num. 20, as the following table demonstrates:

EXODUS 17	NUMBERS 20
Location of Israelites.	Location of Israelites.
Problem: no water. (v. 1)	Death of Miriam. (v. 1)
People strive with Moses for water:	Problem: no water.
Moses' displeasure. (v. 2)	People congregate before Moses and Aaron. (v. 2)
Strife intensifies with thirst.	People strive with Moses.
Further murmuring. Regret at having left Egypt for death by thirst in	Regret at having survived only to

9. Ps. 18:48; 47:4 (*B.D.B.*, *Lexicon*, 182 col. 1); but poss. Piel form *bedabro* (Cant. 5:6).

10. That the meaning of *מִדְבָּר* is not restricted to the usual sense of 'desert', but means primarily a place of pasturage, is supported by the frequent parallelism, in the Ras Shamra texts, of *sd* (field) and *mdbr* (cf. *Ras Shamra Parallels*, *Analecta Orientalia* 49, ed. Loren R. Fisher, vol. 1, 164, 348). The parallel relationship is also well-attested in the Bible; cf. Joel 1:19, 20 (*ne'oth midbar*; *N.E.B.*: "the open pastures"); 2:22; cf. also Tal. Ar. *דְּבַרָּא*, pasture, field (Jastrow, *Dict.* p. 279).

11. Mi. 2:12; Is. 5:17.

12. For this sense of *לְעִינֵיהֶם*, cf. Gen. 42:24, 47:19; Ex. 4:30; Num. 19:5.

13. Cf. v. 7.

desert.	(v. 3)	perish now.	(v. 3)
		Criticism continues.	(v. 4)
		People contrast previous conditions of plenty with present deprivation	(v. 5)
Moses cries to God for assistance ("In a little while they will be stoning me").	(v. 4)	Moses and Aaron flee to Tent of Meeting.	(v. 6)
		Divine communication to Moses.	(v. 7)
God commands Moses to "pass before the people"	(v. 5a)	God commands Moses to take his rod;	(v. 8a)
... together with the Elders,	(v. 5b)	to assemble the people with Aaron's help;	(v. 8b)
taking with him his rod.	(v. 5c)	דברת אל-הסלע לעיניהם	(v. 8c)
Moses to strike rock and provide water for congregation to drink;		Provide water for congregation to drink.	(v. 8d)
Moses does as commanded.	(v. 6)	Moses does as commanded.	(vv. 9-12)
Place called "Massah and Merivah"; explanation of significance of name.	(v. 7)	Water (from rock?) called 'Merivah'; explanation of significance of name.	(v. 13)

A comparison between Ex. 17:5 and Num. 20:7 (a-c) is revealing. In both verses *three* separate, yet parallel, instructions are given. These concern a) the position to be taken up by the leader in relation to the people (Ex. 17:5a = Num. 20:8c); b) by whom Moses is to be accompanied (Ex. 17:5b = Num. 20:8b), and c) the instrument with which the act is to be accomplished, viz. the rod (Ex. 17:5c = Num. 20:8a). The only difference between the two accounts is that the three instructions are, in one instance, in reverse order. Significantly, the phrase *דברתם אל-הסלע לעיניהם* (Num. 20:8c) is paralleled in Ex. 17:5a, by the phrase *עבר לפני העם*, which is precisely the sense we are suggesting for the verb *דבר*.

Within the context of the above interpretation, the third of the difficulties we raised at the outset, the problem of Aaron's premature death, is thrown into even bolder relief. Aaron did exactly as instructed by God. There were certainly no grounds for any punishment to be meted out, least of all the fate imposed

upon Aaron! Yet he is denounced categorically with having “rebelled against my word at the waters of Merivah.”¹⁴ The phraseology of the charge is also significant: The Bible does not maintain the consistency of the 3rd per. m. sing., “because *he* rebelled,” as expected from the context. Instead, the plural, “you rebelled” (מִרְיָתֶם), is used, suggesting that Aaron was being punished for an act which he perpetrated together with Moses, and for which he bore equal — if not greater — responsibility. Again, later, when Moses is instructed to prepare for his own death,¹⁵ God reminds him that his punishment is for the crime which he perpetrated jointly with Aaron. Bearing in mind the central fact that in Num. 20:7–11 it is Moses who is the prime mover, the one who struck the rock, it is clear that we have to look elsewhere for the key to the mystery of their conjoint crime, enigmatically referred to as a refusal to sanctify the divine name.

II

Assuming the basic unity of Num. 20:1–14, and notwithstanding the masoretic section divisions, whose purpose, as will later be demonstrated, is to detach vv. 7–11 as a separate, though intrinsic, scene in the framework of the whole episode, we are inevitably directed to vv. 1–6 for a clue as to the true sin of Moses and Aaron.

In these verses, the fear and panic that had seized the people as they found their supplies of water running out, prompted them to “strive with Moses,” and to vent their anger upon him. That the people had good cause for panic and loss of faith may be inferred from the fact that no criticism is levelled against them by God, even though they had expressed bitter regret at having left Egypt, with its “seed, corn, figs, vines and pomegranates.”¹⁶ This calls for an explanation, in the light of the fact that when a similar complaint is made a little later, after their next journeying stage,¹⁷ God reacts strongly, sending among the people poisonous snakes.

14. V. 24.

15. Deut. 32:50–51.

16. Num. 20:5. Although this verse does not specifically praise Egypt for having provided the Israelites with such products, the inference to be made is beyond doubt. A specific harping upon the delicacies of Egypt occurs in Ex. 16:3, and an expressed wish to return there, in Ex. 17:3, Num. 21:5 et al.

17. Num. 21:4–5.

The solution to the latter problem lies in the geographical location wherein the two complaints were registered. In the section we are considering,¹⁸ the Israelites were in the Wilderness of Zin. They had arrived there in the first month,¹⁹ that is, in the Spring month of Aviv. To run out of water in such a place and at such a time must have been a terrifying prospect, a fact appreciated by God. This area "has a hot climate with only sporadic and fitful rainfalls. Just a few scanty springs which can support small oases occur here and there, mostly on the eastern side, and no perennial river exists in the area."²⁰ The people were thus only too well aware that only a miracle could save them; and the two men who were alone capable of achieving the miraculous were making no move in that direction! What was preoccupying the minds of Moses and Aaron is hinted at in the very opening verse of the section, namely the death of their beloved sister, Miriam. The later complaint, however, was made when the Israelites were close to civilisation, "marching around the flank of Edom,"²¹ and quite capable of obtaining their requirements through their own efforts, diplomatic or military.

The real sin of Moses and Aaron lay, we suggest, in their abdication of responsibility and leadership at that crucial moment in the Wilderness of Zin, when the people were distracted by the prospect of death by thirst. They needed reassurance; they needed a message of comfort and hope from their leaders. Instead of allaying their fears, the brooding silence of Moses and Aaron, wrapped up in their own personal grief at Miriam's death, was easily misinterpreted by the people, who regarded it as an expression of despair on the part of Moses and Aaron, and an admission of their inability to solve the pressing problem of total lack of water.

That the death of Miriam was the underlying cause of the depression felt by Moses and Aaron at that time explains why her death is recorded so tersely in v. 1. A modern commentary observes that "it is strange how briefly her death is narrated. Neither her brothers' grief nor the people's mourning is recorded."²² The only explanation is that Miriam's death is mentioned only in so far as it elucidates the behaviour of Moses and Aaron in the succeeding verses. The fact

20. Y. Aharoni, *The Land of the Bible* (1967), p. 33.

21. Num. 21:4.

22. *A New Catholic Commentary on Holy Scripture* (ed. R. Fuller, L. Johnston and C. Kearns), 1969, p. 250.

18. Num. 20:1-13.

19. Cf. v. 1.

of her death and burial, simply stated, is the only detail required to be known in this context.

On a previous occasion,²³ when personal tragedy had struck at Aaron, with the death of his two sons, he had also put his own emotional feelings before his duty as High Priest, and had been remiss regarding the ritual of the eating of the sin-offering. When Moses rebuked him, Aaron excused himself by claiming that it was unreasonable to expect him to give proper attention to official duties "when there have befallen me such things as these."²⁴ Surprisingly, Moses was fully satisfied with this explanation. As a highly sensitive person himself, Moses probably felt that, had such a tragedy befallen him, he would probably have acted in a similar manner. Indeed, the episode of Num. 20:1–6 proves this very point. Moses and Aaron show themselves unwilling, if not unable, to set their personal feelings on one side, in the national interest.

Only when the whole nation stages a demonstration outside their tent²⁵ are the two leaders roused to make some response. Only when the people hurl insults at them do they make some move. But the move they make is not one of courage, calculated to inspire hope and trust, but rather an act of cowardice and escape: "And Moses and Aaron came from the presence of the assembly to the entrance of the Tent of Meeting, and they fell on their faces, and the glory of the Lord appeared to them."²⁶ Although the text employs the innocuous verb *יָבֵא* ("And Moses and Aaron came"), Ibn Ezra is undoubtedly correct in his concise remark: "Like fugitives."²⁷ The verb "came" is here clearly synonymous with "fled." Moses' primary concern at that moment was probably for his own safety. The violence of the Israelites, when convulsed by panic, had been uncomfortably demonstrated to him at Massah and Merivah (Rephidim), when he was constrained to cry out, "in a little while they will stoning me!" That their retreat to the Tent of Meeting was in order to obtain refuge from the fury of the mob, is

23. Lev. 10:16–20.

24. *Ibid.* v. 19.

25. The participation of the whole nation in the expression of panic is made clear by the frequent repetition of the words *בְּנֵי יִשְׂרָאֵל* (v. 1); *עַם*, *לְעֵדָה* (v. 2); *הָעָם* (v. 3); *קָהָל ה'* (v. 4).

26. V. 6.

27. See his comment on v. 6 — *כְּדַמּוּת בּוֹרְחִים*. For another case of *יָבֵא* in a context suggestive of hasty retreat, cf. Num. 17:8.

clearly suggested by the phrase "and the glory of God appeared to them." The "glory" connotes a protective cloud; and the same expression is used again, elsewhere, to convey the idea of the divine shielding of Moses in the face of the violent mob: "And the assembled Israelites threatened to stone them, when suddenly the glory of the Lord appeared to them all in the Tent of Meeting."²⁸

This, we suggest, was the real sin of Moses and Aaron; this was their failure to sanctify the name of God before the Children of Israel, by silencing the insults and complaints of the fearful rabble, and calling upon them to have faith and wait upon divine deliverance. This is implied in the phrase *יַעַן לֹא הֵאֱמַנְתֶּם בִּי*,²⁹ which is to be rendered, "because you did not inspire trust (on the part of the people) in me." The verb *הֵאֱמַן* cannot here have the simple sense of 'believe,' since Moses and Aaron in no way betrayed any doubt of God's existence or power. The causative sense of the Hiphil is here required to be brought into play, lit. 'you did not *cause* trust,' by assuring the Israelites that all would be well with them. Arabic preserves this causative sense, 'to reassure,' in the 2nd (Piel) and 4th (Hiphil) forms of the verb *'amana*.

Possibly, and here we are in the realm of pure speculation, it was Aaron's unconsolable grief over the death of the sister who was closest to him³⁰ that may have been the major contributory factor in Moses' inability to take action. Moses was never one to act alone;³¹ accompanied and assisted by others, however, he was able to confront any crisis.³² Unable now to call upon Aaron for assistance — Aaron was never *compos mentis* at times of personal tragedy³³ — Moses himself became petrified into inaction. Aaron may thus be seen to have been, indirectly, the cause of the whole abdication of leadership that occurred during this crisis; and this would explain the punishment of premature death which was visited upon him.

28. Num. 14:10; 17:6-8.

29. *Ibid.* v. 12. For a discussion of vb. *הֵאֱמַן*, cf. L. Jacobs, *Faith* (1968), p. 5-10.

30. The special relationship that existed between Aaron and Miriam, and the identity of purpose which bound them together, underlies the reference to Miriam as "sister of Aaron" (Ex. 15:20), and is also suggested by their joint condemnation of Moses (Num. 12:1).

31. Cf. Ex. 3:11, 4:3, 6:30; Deut. 1:9, 12 et al.

32. Cf. Ex. 7:1-2.

33. See above, n. 23, 24.

We detect, in fact, a sardonic allusion to the abdication of leadership on the part of Moses and Aaron in the phrase שמעורנא המרים.³⁴ The speaker of this phrase is God,³⁵ impatient at the procrastination of Moses and Aaron in assembling the people (10a) and eager for Moses to commence the task of providing water for the thirsty people. It is the divine impatience which prompts the sudden outburst of v. 10b. We depart here from the traditional rendering, "hear ye rebels," which would hardly be an apt description of Moses and Aaron, whatever their conjoint offence. We rather render המרים as "ye leaders,"³⁶ spoken contemptuously of the two who had a little earlier defaulted on their duties and responsibilities of leadership. The sense of the continuation of the phrase המן הסלע הזה נוציא לכם מים would consequently be, "have I (God)³⁷ to bring water out of this rock for you (Moses and Aaron)?" — get on with the job!

There may also be a play on another sense of the word מרים, alluding to the task about to be performed, that of producing water. Another meaning of Hiphil ירה is 'to throw, or provide, rainwater';³⁸ hence the noun יורה, 'early rain', 'spring rain'. המורים would then be a contemptuous vocative: 'O ye water-providers'. This would give added force to the continuation of the verse, the whole of which, idiomatically rendered, would mean, "Come on, you water-providers — or do I (Myself) need to provide the water from this rock?"

III

The notion of Miriam's death as the prime cause of the inability of Moses and Aaron to display leadership in the face of a panic-stricken, thirsty people is, in fact, clearly suggested in midrashic tradition. We can do no better than to quote from L. Ginsberg's monumental *Legends of the Jews* (vol. 3, 317–8):

34. V. 10b.

35. That the speaker is God was first suggested by Th. Nöldeke; cf. *I.C.C. Numbers* (G.B. Gray), p. 263. Only by assuming that the speaker is God can sense be made of the transition from the sing. ויאמר to the pl. נוציא, which is employed here as *pluralis majestatis*.

36. Hiph. ptc. The Midrash already indulged in a play on the word *hammorim* in the sense of "teachers" (cf. Num. Rabb. 19, 5). See also Rashi on verse.

37. The denunciation of Moses and Aaron, as expressed — albeit abstrusely — in v. 12, implies action they failed to take, rather than some positive, rash gesture made on the spur of the moment.

38. Cf. *B.D.B. Lexicon*, p. 434–5.

Miriam's death plunged all into deep mourning. Moses and Aaron wept in their apartment and the people wept in the streets. For six hours Moses was ignorant of the disappearance of Miriam's well with Miriam's death, until the Israelites went to him saying, "How long wilt thou sit here and weep?" He answered, "Shall I not weep for my sister who has died?" They replied, "While thou art weeping for one soul, weep at the same time for us all." "Why?" asked he. They said, "We have no water to drink." Then he rose up from the ground, went out and saw the well without a drop of water. He now began to quarrel with them, saying, "Have I not told you that I am not able to bear you alone? You have rulers of thousands, rulers of hundreds, rulers of fifties and rulers of tens, princes, chiefs, elders and magnates, let these attend to your needs." Israel, however, said: "All rests with thee, for it is thou who didst lead us out of Egypt . . . If thou wilt give us water, it is well; if not, we shall stone thee." When Moses heard this, *he fled* (my ital.) from them and betook himself to the tabernacle. (Midrash *Petirath Aharon*, 91).

IV

According to the above analysis of Num. 20:1-14, the sin of Moses and Aaron had nothing to do with actual method of procuring water from the rock. This was achieved exactly as divinely ordained and intended, namely by striking the rock and dislodging its water. It will be seen that the masoretic section dividers accord exactly with our reconstruction. The function discharged by the dividers in this episode is to detach vv. 7-11 as a separate entity, unconnected with the sin and punishment of Moses and Aaron. The sin we have already uncovered in the final verse of the first masoretic section (v. 6). The punishment is clearly expressed in the final section (vv. 12-13). But before God turns to the pronouncement of punishment on Moses and Aaron, there is an even more urgent and immediate matter that has to be attended to: the provision of water for the thirsty people. This is consequently described in vv. 7-11, which masoretic tradition marked off as a separate unit, though without preserving for us the reason why this should have been so regarded.

The vagueness of Israelite tradition regarding the details of Moses' sin is not surprising. The sin and punishment of the greatest of the prophets and the first

High Priest of Israel, Aaron, would not have been an episode zealously preserved among the early bearers of Israel's oral and literary tradition,³⁹ and hence the vagueness of the allusion to it in Num. 20:6 and underlying the term מריים. This explains the fact that the Psalmists are only able to refer to the event in the most imprecise manner.

The keynote of Psalm 106 is that "we have sinned like our forefathers" (v. 6a), from which the Psalmist proceeds to catalogue the various sins of the biblical "fathers" of the nation. He details the rebellion at the Red Sea (v. 7); their insatiable greed (v. 14), resulting in the punishment of a wasting sickness (v. 15); the rebellion of Korach, Dathan and Aviram, and the details of their punishment (vv. 16-18); the calf worship at Horev, which, had it not been for Moses, would have resulted in the destruction of the nation through divine wrath (vv. 19-23); the loss of faith occasioned by the report of the spies (vv. 24-26); and the worship of Baal Peor, with its ensuing plague (vv. 28-31).

Significantly, although these episodes are all referred to in the clearest of terms, the next episode, describing the sin of Moses, is a model of conciseness and contrived abstrusity:

*They roused him to anger at the waters of Merivah,
and Moses suffered because of them;
for they had embittered his spirit,⁴⁰
and he had spoken rashly.*

Surprisingly, there is no mention of Aaron's punishment, which was even greater than that of Moses. There is no suggestion of any serious sin committed by Moses. *Speaking rashly* hardly sounds a serious misdemeanour! "They embittered his spirit" is hardly a fair charge to make against a people fearful of death by thirst. They had every right to embitter the spirit of their leader and

39. The Mishnah preserves a tradition that certain biblical episodes were not 'expounded' in public. Cf. *Meg.* iv, 10, a list which was probably not exhaustive.

40. I.e. the spirit of *Moses*. Ibn Ezra admits the possibility that Moses is intended here: ירחקן היית רוחו רוח משה — an interpretation we find far more suited to the context. This is also shown by the continuation: "he had spoken rashly" — hardly an apt description of divine action!

The N.E.B. translates the first stich, "They aroused the Lord to anger". There is no basis in the text for the words *the Lord*, an interpretation which we reject.

guardian when the latter displayed total indifference to their plight. According to the Psalmist, therefore, the guilt rested squarely and exclusively with the Israelites themselves. The Psalmist must have been perplexed, therefore, that — according to the tradition handed down to him — no punishment, reprimand, or even criticism was directed by God at the offending people. We must assume that his attribution of guilt to the Israelites was based upon his understanding of Deut. 3:26: “But *because of you* the Lord brushed me aside.” This must be regarded, however, as Moses’ own bitter self-justification of his action, or lack of action.

The same attribution of guilt to the Israelites is made by the author of Psalm 95:

*Do not be stubborn as you were at Merivah,
as at the time of Massah in the wilderness,
when your forefathers challenged me, and
tested me, although they saw all that I did.*

(vv. 8–9)

It immediately strikes one as curious how the Psalmist could avoid mention of Moses and Aaron, the main *dramatis personae*, especially of the Merivah (=Kadesh) episode, and present it as an act of rebellion by the nation as a whole. It need not be emphasised that in neither episode does the text suggest that the people were in any way guilty of any crime. In the Exodus episode, the ‘striving’ is with Moses (Ex. 17:2–4), with God acceding to their request for water without even a breath of criticism or impatience. The appellation “Massah and Merivah” (v. 7) was clearly coined by Moses himself, for he had described their agitation as a “dispute” with himself and a “challenge” against God (v. 2). There is no basis in the text, however, for the assumption that God viewed the situation in the same light!⁴¹ His lack of criticism of the people suggests the contrary.

Another reference to the striking of the rock is found in Psalm 78:15:

*He cleft the rocks⁴² in the wilderness,
and gave them water to drink . . .*

41. Num. 20:13, which admittedly refers to ‘Israel striving with God’, has the hallmark of being a summarizing flourish whose motive is to attempt to exonerate Moses from sin — an approach later inherited by the Psalmist.

42. N.E.B.: ‘Rock’ (sing.) is misleading.

Significantly, the Psalmist here attributes the striking of the rocks *in both instances* (pl. *צרים*) to God. Had the Psalmist regarded the striking of the rock at Kadesh as a sin on the part of Moses, he would hardly have expressed himself in that way.

It is thus quite clear that the details of the episode of the sin of Moses and Aaron were not rehearsed — and consequently not preserved accurately — from one generation to the next, with the inevitable result that our Psalmists can only generalise or refer in a vague and unsatisfactory manner to the episode, shedding no light on it, and even throwing up extra difficulties and contradictions. Fortunately, the skeleton of the story, as it has been preserved, has retained enough data, enabling us to reconstruct the episode and explain away a number of problems that were, in fact, more apparent than real.

Reprinted from Niv Hamidrashia



Moses striking the rock, Old Dutch Bible

TWINS IN TRANSITION

Genesis 32:25-31 Re-examined

BY HERBERT RAND

THE HAUNTED HILL

Nelson Glueck once had occasion to sleep overnight on Tell edh Dhahab (the "Hill of Gold") which he identifies as Penuel in Transjordan, "a place not to be associated with the mundane world."¹ The hill stands on the north bank of the river Jabbok which descends westward through a canyon, finally merging with the Jordan valley.

His Arab companions refused to sleep atop the hill and warned that if he were to survive the night, he would wake up in the morning possessed of a spirit (jinni). For it was there that the Patriarch Jacob, left alone at night, wrestled with a "man" until daybreak when he received a parting blow which wrenched his hip and left him lame.

THE SEARCH FOR THE JINNI

Sarna regards the story of the wrestling match as "thoroughly bewildering." Who was the assailant?" he asks, and why was the injury given to Jacob at that time? He concludes that we may never be able to supply certain and complete answers.²

Our mediæval commentators supply diverse answers. Sforno believed the adversary was an angel but Maimonides regarded the encounter as a vision. Rashi says the "man" was Esau's guardian angel but Sarna suggests it might have been a river spirit connected with the Jabbok.

Did Jacob only dream that he was wrestling? Bakon believes Jacob was seized

1. Glueck: *The River Jordan* (London, 1946), p. 112.

2. Sarna: *Understanding Genesis* (New York, 1966), p. 203.

Herbert Rand is a Doctor of Jurisprudence and a practicing New York attorney. He is the author of published articles dealing with Law, Biblical archaeology and Judaic subjects. He lives in Highland Park, New Jersey.

physically by a "man-angel" but tends to regard the limp as having been caused "allegorically."³ At the other end of the spectrum is the opinion that the encounter took place in Heaven.⁴

Ordinarily, the Bible does not give details of an episode if not important so that the reader may not be diverted from the main theme.⁵ However, mysteries are intriguing, hence the urge to seek solutions despite the stop-signs we encounter during the search. Speiser says of the Bible that the reader "should not try to spell out details the author himself (Jacob) glimpsed as though through a haze."⁶ Cassuto warns that "it is superfluous to guess what Scripture does not detail."

Nevertheless, it is the purpose of this paper to explore within limits, a certain hypothesis regarding Jacob's struggle with his unnamed adversary. It will also suggest an answer to two troublesome questions:

(a) Did the injury to Jacob's leg serve some useful purpose?

(b) Having come to kill, why did Esau embrace his brother and weep, neither one having uttered one word to the other?

The suggested answers would not have been understood by earlier generations of Bible scholars, since they lacked the apperceptive basis in science derived from experimental studies of human behavior under stress in various levels of consciousness.⁷

IT WAS NO DREAM

Scripture, from Abraham to Moses, shows four kinds of theophany, viz. (a) in dreams and prophetic visions in the night; (b) by appearance of angels in the daytime either in corporeal form or speaking from Heaven; (c) in *tardemah*, a divinely induced trance-like state which occurred once to Adam and once to Abraham; and (d) an utterance (example: "and God said . . .") without corporeal apparition.⁸ Encounters with angels might include dialogue without physical contact.

3. *Dor le Dor*, Vol. 10:1 and 10:2.

4. Ginsberg: *Legends of the Jews*, Vol. 1, note 250.

5. Cassuto: *Commentary on Genesis*, Vol. 2, p. 359.

6. *Anchor Bible*, Genesis (New York, 1964), p. 250.

7. Grof, S.: *Realms of the Unconscious* (New York, 1976). Grof & Halifax: *The Human Encounter with Death* (New York, 1977).

8. *The Glory of the Lord appeared to all the people* (Lev. 9:23).

In the case of Jacob's nocturnal struggle, the text does not state that he was asleep or dreaming, or that he had a vision, or that he encountered an angel. Yet, it describes a rough-and-tumble conflict with dialogue, revelation and physical injury. That incident does not fit within any of those four classifications.

THE CRUCIBLE OF STRESS

Hosea 13:13 contains one of the clues which points the way to solving the enigma:

*The throes of a travailing woman shall come upon him,
He is an unwise son;
For it is time he should not tarry
In the place of the breaking forth of children.*

Even before he was born, Jacob had been denied the protective, tension-free existence and security generally enjoyed by a foetus in the womb. His mother was carrying twins: *And the children struggled together within her and she cried in her pain: Why do I live?*⁹

At the moment of birth, Esau, ruddy and covered with hair, emerged first with the hand of Jacob holding fast to his heel.

The subsequent relation between the twins was marked by continuous struggle and bitter rivalry. Jacob's overbearing conduct towards his twin, encouraged by his over-protective mother, was climaxed when Jacob palmed himself off as Esau to their blind father and thereby fraudulently procured the blessing reserved for the first-born. Weeping aloud from frustration, Esau received his father's left-over blessing *and by the sword shalt thou live and thou shalt serve thy brother; and it shall come to pass when thou shalt break loose thou shalt loose his yoke from off thy neck.*

Stirred by anger, hatred and jealousy, Esau vowed to kill his brother. Jacob promptly fled the country.

Some twenty years later, Jacob stood on the north bank of the river Jabbok, which he would have to cross in the morning on his way to his former home. He had already sent his four wives, his children and his possessions across the stream.

9. Gen. 25:22.

In his solitude, in the dark of night, the terrifying report he had received kept recurring in his thoughts: *Esau is coming to meet you with four hundred men.*

Jacob was overwrought and depressed, haunted by the fear that neither he nor any of his wives or children would survive the fury of Esau's imminent attack. In his distress, he raised his eyes towards Heaven and cried: *I am unworthy of all your mercies, O Lord.*

His cries may have been hurled back to him from the canyon walls as an angry roar. It was in that setting of extreme stress that the struggle with "the man" took place.

THE AGONY OF BIRTH AND THE ECSTASY OF REBIRTH

In or about the year 1975, it was demonstrated that an individual suffering from stress in its most severe form can actually relive (and not merely recollect) the events he experienced at birth and as a foetus before birth. The agony of an intensely difficult confinement, acting as a torture chamber for the foetus can, it seems, resurface in later life under the stimulus of stress.¹⁰

Jacob's nocturnal struggle with the unidentified assailant was in the main a replay of the struggle between the twins which had taken place while in their mother's womb, as well as a preview of the impending confrontation with Esau which was to take place the following morning.

It is easy to imagine Jacob wrapping himself tightly in his outercloak or blanket to shut out the chill and damp of the night air. In his cocoon-like covering, he might well have thought of himself as a foetus with a blissful sense of weightlessness as though he were floating in water.

While in that state, he would have become aware that someone else was sharing his space; this would have distressed him and made him feel threatened. Possibly, he might have had the feeling of *deja vu*.

As he became aware of the grip and pressure of powerful arms, he would have experienced panic and a wild increase in heart beat (the clinical studies suggest those reactions).

It would have seemed to him that he and his assailant were groping in the dark, each flailing about to break the grip of the other and to secure a better hold.

10. See note 7 *supra*.

Although the episode was taking place on a subconscious level, Jacob would have regarded himself as fully conscious throughout.

The action was as timeless as the theme in the videogame of Pac-Man: aggression, defense and survival. The memory cells in Jacob's brain, programmed in part before his birth, are analagous to the central processing unit of the computer. Powered by internal stress, the read-out somehow gave Jacob the feeling that he was a participant in an actual wrestling match although he was in reality the game operator with a limited measure of control over the scenario.

In four respects, the replay of the birth throes differed from the original event: (a) Jacob and the "man" were engaged in a dialogue; (b) a revelation predicting a change of name from Jacob to Israel issued from the mouth of his adversary; (c) Jacob did not permit his assailant to emerge first into the daylight (to be born) until Jacob had received the other's blessing; and (d) Jacob received a sharp blow to his hip which left him lame.

The revelation and the hip injury meant that just before dawn, God intervened to add still another dimension to the game-play. Jacob emerged into the morning light, encouraged by the blessing and the proposed name-change and confident that he was indeed worthy of God's mercy.¹¹ But was the divinely inflicted injury a form of chastisement or did it serve some beneficent purpose?

PITY OVERCOMES HATE

Later that morning, Esau, leading his warriors, halted within a bow-shot of the Jabbok. There he would have observed Jacob moving up from the riverbank, limping and leaning heavily on his staff, then kneeling, bowing until his forehead touched the ground, rising, hobbling a few more paces, and repeating those movements.

For the seventh time, Jacob touched the dust of the road with his forehead but this time he probably lacked the strength to rise to his feet.

Esau took in the situation at a glance. *His brother had become a cripple!* With such a bodily defect, he could not perform the family office of a priest.¹² There is

11. Stele of Amenhotep II in Cairo museum recites that the god Amon appeared to Pharoah in a dream to give him courage in a battle scheduled for the next morning.

12. Ginsberg: *Legends of the Bible*, p. 178. Noah, lamed by a blow from a lion's paw, could no longer act as a sacrificial priest.

no honor in killing a cripple. Jacob was no longer his overbearing rival; at last, Jacob's yoke had been loosened from Esau's neck.

Overcome by pity, Esau's hatred vanished.¹³ Without any word having been spoken between them, they embraced, kissed and wept on each other's neck, Esau with tears of compassion and Jacob with tears of relief.

I WILL SURELY DO THEE GOOD

In view of God's promise to Jacob to do him good, how may one explain the hip injury?

There is a self-limiting condition known to the medical profession as irritable hip syndrome or transient synovitis of the hip. It generally clears up with the passage of time. What causes the affliction is somewhat of an enigma.

A similar phenomenon is found among wild fowl and its purpose is all too clear. There is a species of bird (of the family Anatidae) which falls to the ground at the approach of the hunter. She struggles as though she had a broken wing to avert attention from her chicks. The moment her young ones disappear into the thicket, she recovers completely and flies off.¹⁴

In the case of Jacob, he was *favoured* with lameness so that the lives of this family and himself could be saved from the fury of Esau, the hunter.¹⁵ Neither the bird's broken wing nor Jacob's lameness are simulated injuries. Both are real and actually disabling; they are acquired in response to appropriate stimuli and would continue only as long as the dangerous situation subsists.¹⁶ The wing heals within moments because the bird needs the use of both wings to escape. However, for safety's sake, Jacob was caused to limp for some days while Esau remained in the area. His halting gait continued somewhat longer so that neither

13. The ancient Greeks regarded lameness as an affliction from a god. Haepphaistos, son of Zeus, was lamed by his father. *Iliad* I, 590.

One who is lame must be pitied. Zeus' daughters, the spirits of Prayer, were lame. If one did not venerate them, he would be overtaken by ruin and punished. *Iliad* IX:500-510.

For attitude toward the disabled — the blind and the deaf, see Lev. 19:14.

14. Examples: Hooded Merganser, pintail duck, teal, wood-duck. Bant, AC: *Life Histories of North American Wildfowl* (Dover Publ., US 1951), pp. 26, 125, 157, 164.

15. Cain was given a protective mark to save his life. Gen. 4:15.

16. "Heal me, O Lord, for my bones are affrighted." Psalm 6:3.

Esau nor anyone else at any time thereafter might conjecture that the limp had been the result of dissimulation. Self-limiting as required by the situation, the broken wing and Jacob's limp are examples for the precept:

*Thou hast wrought all with wisdom.*¹⁷

כלם בחכמה עשית

Because his limp made it difficult to travel, Jacob proceeded to Succoth, but a few miles from the scene of his confrontation. There he remained until he had recovered the full use of his injured leg before traveling to Schechem where he arrived שלם, whole in body.

17. Psalm 104:24.



Jacob Meets Esau — Rubens 1625-1627

A GUIDE TO ISAIAH – CHAPTER VI

BY CHAIM PEARL

The following is part of a study guide on the first twelve chapters of the Book of Isaiah, prepared by Rabbi Chaim Pearl, a member of the Editorial Board of Dor le-Dor. The interpretations of the earlier chapters can be read in the 1983 issues of Dor le-Dor.

CHAPTER SIX

Since this chapter tells of Isaiah's initiation into the prophecy, it is regarded by some scholars as the logical first chapter of the book.

* * *

1-8. The vision experienced by Isaiah in the Temple took place in the year of king Uzziah's death. Uzziah reigned from 790 to 739 B.C.E. During his long reign the people enjoyed great prosperity, and his death must have been the occasion of feelings of great anxiety for the future. In a sense Isaiah's vision emphasises the teaching that while the mortal king is dead, the Divine king of kings sits eternally on His throne.

This chapter forms the Haphtarah for Sidra Yitro. The main subject of that portion of the Torah is the revelation of God on Mt. Sinai to declare the Ten Commandments. The Divine revelation to an entire people has its parallel in God's revelation to a single individual.

1. *His train* The Divine "garments".
2. *Above Him stood the Seraphim* Ministering angels to serve God. Seraphim, from the Hebrew root meaning "to burn", provides us with the designation of these angels as "fiery angels".

Rabbi Dr. Chaim Pearl, rabbi emeritus of the Synagogue Adath Israel of Riverdale, New York, was formerly the spiritual leader of the Birmingham Hebrew Congregation, England. He is the author of several acclaimed books on Judaica. He now lives in Jerusalem.

He covered His face As a gesture of reverence, not to look upon God.

With twain he covered his feet As a gesture of modesty, not to expose the lower part of his body.

3. *Holy, holy, holy* A three-fold repetition is the style of the superlative.

The concept of holiness has been variously explained. Essentially it connotes "otherness", and in relation to God it points to His transcendence above all His creation. In the total Jewish concept of God, He is also immanent, near to His creation, and in His attribute of omniscience He knows and cares for each individual. But in His greatness and power He is "other" or transcendent over the Universe which He created.

4. *And the posts of the door were moved* The pillars on the threshold of the Temple shook because of the voices of the angels.

And the House was filled with smoke The Temple was filled with smoke. A manifestation of God's presence. Mt. Sinai was also covered with smoke when God descended to declare the Ten Commandments.

5. *Because I am a man of unclean lips* Isaiah felt unworthy to have this experience.

And I dwell in the midst of a people of unclean lips Not only he, but the people as a whole are unworthy. The rabbis mildly criticise Isaiah for denouncing the people so generally.

6-7. The sins of Isaiah are symbolically burned away and he is purified.

* * *

8-13. Isaiah's mission. God seeks a messenger. Isaiah offers himself, and receives the charge from God to go forth and preach to the people.

8. *Here am I, send me* Like other great biblical personalities, e.g., Abraham

and Samuel, Isaiah's immediate response, "Here am I" betokens an enthusiastic willingness to accept the responsibilities imposed by the Divine command.

* * *

9-10. The charge is given by God to Isaiah.

9. *Hear but understand not* The people hear the word but do not understand its significance. In Hebrew the word "shema" means to hear, but in a deeper sense it means to understand. The famous declaration of Judaism, "Shema Yisrael..." is always translated, "hear O Israel...". But it can also mean, "Understand, O Israel...".

See ye but perceive not Again, the people merely see with their eyes but do not really know what it is they see.

10. The first meaning of the verse seems to be that Isaiah's instruction is to "make the heart of the people fat... their ears heavy... their eyes closed" so that the people should not "return and be healed". But this is a doubtful meaning of the verse.

It is read better in the following way, "The heart of this people is fat, their ears are heavy, and their eyes are shut; lest they seeing with their eyes... return and be healed". In other words the people are so perverse that they deliberately remain unconcerned and insensitive to the word of God. The last thing they want is to return to God and be saved.

* * *

11. *Lord, how long?* The prophet asks, how long will the people remain obstinate and rebellious against God. The answer is that they will be like that until the land is destroyed.

12. *And the Lord have removed man far away* The Jewish people will be exiled to a distant land.

13. *And if there be yet a tenth in it* After the destruction of Judah, "if there be

a tenth" of the people left, "it shall again be eaten up" and they will be destroyed. At the end, only a tiny fraction of the people will be left.

As a terebinth In the Fall the tree casts its leaves and remains denuded throughout the winter. The stock however remains, so there is always hope for future growth. The same truth applies even when the tree is pruned, and cut.

The holy seed A central teaching of Isaiah is that there will remain a small holy remnant which will guarantee the survival of the people. However sinful the nation as a whole, a faithful tiny number will keep alive the spark of true religion which will ultimately spread to the masses of the people.

* * *

NOTEWORTHY PHRASES TO COMMIT TO MEMORY

3.

וקרא זה אל זה ואמר קדוש קדוש קדוש ה' צבאות מלא כל הארץ כבודו
And one called unto another and said, Holy, holy, holy is the Lord of hosts. The whole earth is full of His glory.

This is the praise of God which the prophet hears in his vision as uttered by the angels in the Temple.

The verse will be recognised as the central phrase of the *kedushah* recited by a congregation in the morning services. The entire *kedushah* is a doxology — a song of praise — built on the theme of the angels' adoration of God. In our prayers we say, that just as they pronounce the holiness of the Creator, so too we here on earth below similarly sing the praise of God. In the longer form of the *kedushah*, recited in the *musaph* or additional service, the worshipper adds the declaration of faith, "Hear O Israel . . . the Lord is one" while God Himself answers, "I am the Lord their God". The *kedushah* thus becomes a mystical trilogy between the angels, man and God.

8.

אח מי אשלח ומי ילך לנו ואמר הנני שלחני
Whom shall I send, and who will go for us? Then said I, 'Here am I; send me!'

Isaiah's answer to the question, immediate and unambiguous, is the prototype response of all servants of God who are ready to perform His will without reservations. On the level of practical every day living, Isaiah's answer symbolises the immediate reaction of the good man in matters of principle and conscience. With him too, his sense of duty is so strong that he knows what to do without any ambiguity. 'Here am I; send me' is the language of the men and women who uplift and maintain the values of society.

13.

אשר בשלכח מצבח בם

... Whose stock remaineth when they cast their leaves

So the root of Israel will not be destroyed altogether and the future is guaranteed. This is a characteristic doctrine of Isaiah. There will always be a faithful remnant which will survive the destruction, and the future will be built on them.



Isaiah — Raphael 1512

DIGEST OF TWO ARTICLES FROM BETH MIKRA QUARTERLY

Published by the Israel Society for Bible Research

BY MORDECAI SOCHEN

IN THE LAND OF SHOMRON by B.Z. LURIA (Vol. 94, No. 3, 1983) pp. 211–222

Many Jewish Bible scholars refuse to accept theories of Christian Bible critics, such as Wellhausen, Alt, Noth, and others. They vigorously attack their contentions which are contrary to Biblical sources, and prove them fallacious and erroneous.

In the Spring issue of Beth Mikra (vol. 94, No. 3, 1983) we have two articles dealing with this problem: one by B.Z. Luria, concerning Alt's theory regarding the Israelite settlement in the Shomron territory in the time of Joshua, and especially that of the tribe of Manasseh; the other — by Shimshon Kochabi, showing that the application of Wellhausen's method of source analysis to the Books of the Maccabees, by K.D. Schunk, is untenable.

In the first article Luria criticizes Alt's theory that along with the Israelites, who came with Joshua, a large sector of Canaanites, rulers of the land before the conquest, lived side by side with them in a cooperative existence.

Alt is not sure whether, in the days of Omri (885–874 B.C.E.) Mt. Shemer and the valley beneath were in the hands of the Israelites. Its conquest is not mentioned in Joshua.

Omri bought the mountain from Shemer for two talents of silver (I Kings 16, 24) without encountering any legal difficulties, whereas his son Ahab was unable to buy from Naboth a small agricultural plot bordering on his palace in Jezreel, because of the prohibition of transfer of land from one tribe to another (Numbers 36:7). This, according to Alt, is proof that, unlike the legal system in Jezreel, which was according to the Torah, because its inhabitants were Israelites — the law of Samaria was Canaanite because its inhabitants were largely Canaanites.

Alt thinks that the war between Omri and Tibni was a war between the Israelite and Canaanite elements of the population. He mentions Noth's idea that Omri is not a Jewish name. The fact that the house of Omri had two capitals, one in Jezreel and one in Shomron, is further proof that the one was for the Israelites, and the other for Canaanites.

B.Z. Luria refutes all these assumptions. If there were a symbiosis between the Israelites and the Canaanites, there would have been a great deal of intermarriage. The Bible hardly mentions any in the tribe of Menasseh. As to the claim that Omri's success in buying the Mountain of Shemer, proves that the inhabitants of Samaria lived under Canaanite rule, Luria maintains that it was simply a case of non-observance of Israeli law. Besides, the nations of the middle East all had regulations similar to those of the Torah. To mention but one example, the hard bargaining about the purchase of the Cave of Machpelah. The truth is that by the time of Omri the Israelites ruled in Mount Ephraim for 300 years, and Israelites lived there since the days of the Fathers. They did not go down to Egypt with them. The reason no conquest of Ephraim is mentioned in Joshua is that there was no need to conquer it. It was inhabited by Israelites.

It is true that difficulties of conquest are mentioned in the Bible, especially in the valleys, because there the enemy was using iron chariots, which the Hebrews did not have, but in this case, where the Israelites already conquered the valley below Mount Shemer, there would be no need in conquering the mountain, where no chariots could be used.

There is no basis for assuming that Omri was a Canaanite. He and Tibni could have been two Israelite generals who fought for the throne. Noth's idea that Omri does not sound Hebrew must have been based on the prejudicial attitude that it is inconceivable that a successful military man was a Jew; he must have been a Canaanite or an Arab . . .

The idea of Alt that Shomron was a special capital for Canaanites has no basis in fact. It is Alt's imagination. Luria concludes that it is an expression of prejudice against the Jews. It is far from scientific objectivity. Alt simply prefers assumptions to fact.

SOURCES OF THE FIRST BOOK OF MACCABEES by SHIMSHON KOCHABI (Vol. 94, No. 3, 1983) pp. 278-290

Shimshon Kochabi's article criticizes the Bible critics of the 19th and 20th centuries for insisting on the assumption of imaginary and often contradictory sources of the Biblical books, and engaging in isolating paragraphs, verses and parts of verses to relate them to these sources. Most of these scholars dealt with the Books of the Bible but of late there appeared studies on the books of the

apocrypha. One of these studies is that of K.D. Schunk (1954), on the sources of the Books of the Maccabees.

Schunk "discovered" the sources on which the Maccabee books are based. He accepts Bickerman's (1928) assumption that in the Books of the Maccabees there are two chronological systems: (1) the Seleucian-Syrian, which dated from the month of Tishri 312 B.C.E., and (2) the Seleucian-Babylonian, which dated from the month of Nisan of that year. Hence there were two different sources on which the author relied. Schunk attempts to locate the exact parts belonging to each of these sources. He lists eighteen such parts which are at times only single verses or parts of them. Another source is the documents and letters which are quoted verbatim throughout the book. The fact is that these documents were usually composed by authors on the basis of oral traditions. Schunk sees two different parts in the story of Maccabees I. The first consists of nine chapters, which deal with the six years of Judah Maccabee's leadership. The second part surveys the rules of Jonathan and Simon. This brings Schunk to the conclusion that there were two separate sources for the history of Judah — the "Judah source", and two other briefer sources, the "Jonathan source" and the "Simon source". Within the "Judah source" he discerns a "Mattathias source". Altogether, the book represents a mosaic of seven sources. Thus, there isn't much text left which can be ascribed to the author himself.

Kochabi goes on to show that all these findings and conclusions are incorrect and unnecessary. Especially is it illogical to assume that the author falsified sources and documents since it is generally acknowledged that the time of the writing of Maccabees I is not removed more than one or two generations from the occurrence of the events. Even if we assume that the author did use sources, could he have treated them as he pleased and change them according to his fancy when there were still eye witnesses alive?

Dr. Sochen is a member of the Dor le Dor Editorial Board. He is also Chairman of the Bible Study group of the American Jewish educators in Israel.

REFLECTIONS OF READERS

IN THE IMAGE OF GOD

BY J. CHERCHEVSKY

I should like to take this opportunity to broach a problem which has beset me for some considerable time: the erroneous translation of *betzelem Elohim* (בצלם אלהים) as "in the image of God" (Gen. 1:26-27). It is not only a matter of Hebrew semantics, but a reflection of theological concepts. How can we accept such a translation, in light of the fact that God is pure spirit, without form or image.

How can a believer in the One God accept the notion of man created "in the image of God"? That phrase was first coined by the Hellenistic Jews who produced the (Greek) Septuagint version of the Hebrew Bible, and it has been perpetuated by the great majority of later translators. As a result, there evolved over the centuries a plenitude of mystical exegesis which, incredibly enough, has induced certain contemporary Jewish scholars to write of Adam, the earthly man, being created "in the image and the likeness of God" and of man, His "crowning achievement," being "almost God" ("presque Dieu" in the French)!

I regard this as a deification of man, a truly blasphemous form of idolatry, which is for the believer a slur on the fundamental principle of Divinity.

The approach of non-Jewish theologians to this version of the text is understandable, since the Church considers the Septuagint to be on the same plane of revelation as the Hebrew Bible itself. But that Rabbis should adopt such an approach is simply incredible! . . .

Rashi (R. Shlomo b. Isaac of Troyes, the great medieval "Prince of Commentators") explains this text as follows: "*Betzalmenu — bidefus shelanu*," which means — incontestably — "in our impress," i.e., in our imprint or in our mold. Then, on verse 27, Rashi emphasizes his point thus: "*Betzalmo — bidefus he'asui lo*" — i.e., "in the mold that was already made for him." Can anything be more explicit?

Dr. Cherchevsky, a retired physician and a resident of Paris, France, has contributed articles on Jewish subjects in various French publications.

This perfect rendering of the original text by the Rabbi of Troyes makes a mockery of the idea that man was created "in the image of God" and of the presumptuous claim that man is "almost God." Compare all such notions with the sober ideology of the Prophets and with the stand taken by the Psalmist when he says: "Man walketh as a mere semblance /*betzelem*/, surely for vanity they are in turmoil" (Ps. 39:7) and "Man abideth not in honor; he is like the beasts that perish" (Ps. 49:13).

Here we see the deep humility of the moralist, the true position of that which was created *vis-à-vis* the Creator. What a contrast between such an attitude of truly pious humility and the vanity of those who would have man "imitate God" and be "His equal"!

The question, however, remains: Why has this erroneous translation of *betzelem Elohim* been retained by some Jewish Bible translations? Our version, following Rashi, surely conforms more with the Mosaic spirit and with the Scriptural context: "And God said, Let us make man in our mold, as we have imagined [*demut* = image] . . . And God created man in His mold; in the mold of God He created him."

I am, incidentally, much obliged to Prof. André Neher, a man of piety and scholarship, who was kind enough to write me as follows: "Concerning your observation about 'the image of God,' I agree unreservedly and would be happy indeed if this mistranslation could be avoided."

ADAM'S CONQUEST

BY JOEL B. WOLOWELSKY

Rabbi Joseph B. Soloveitchik's incisive and creative reading of the first two chapters of the Torah¹ is well known. There are two accounts of the creation of man, he says, because two human prototypes were being described. The first —

1. Joseph B. Soloveitchik, "The Lonely Man of Faith," *Tradition*, 7:2, Summer 1969, 5-67.

Dr. Joel B. Wolowelsky is Chairman of Advanced Placement Studies at the Yeshivah of Flatbush and serves as an associate editor of *Tradition*.

the one described in chapter one — was created “in God’s image;” that is, he searches for the human dignity attained in mastering the universe and controlling it. His partner Eve, was created with him, because his society is a utilitarian one; a community effort is necessary to accomplish all of his goals. For him, Eve is a work partner, not an existential co-participant.

Adam the second, however, senses his existential loneliness and seeks redemption from his in-depth insecurity. He realizes that this redemption is attained not through dignity, but in defeat by an other to whom he has submitted and in whose company he finds relief. His partner Eve is created through his sacrifice and his being overwhelmed. For him, Eve is an other bound to him and sharing a unitive existence. Every “real” person, of course, has the qualities of both Adams; the description of the creation of man was therefore not completed with the close of chapter one.

In keeping with this analysis, I would suggest the following reading of Bereshith 2:18–20, the verses which introduce the creation of Eve.

Adam the second was created, but he was not yet aware of his capacity for sensing “loneliness,” that existential in-depth experience which is quite different from “aloneness,” which is but a practical surface experience. God sensed that it is not good for man “*lehiyot levado*,” (להיות לבדו) a phrase which Adam mistakenly took to mean “to be alone;” he had some sense of emptiness, but thought that reaching the heights of human dignity would offer relief. Only by experiencing how personal accomplishment can still leave one unfulfilled could Adam appreciate that God was concerned with his *loneliness*. So God brought all the animals to Adam to be named. In the biblical world, giving a name was associated with creativity and control.² Thus God had offered man *control* over everything, that taste of “subduing the earth and conquering it” which Adam mistakenly thought would suffice. But this extraordinary success, which would have electrified an Adam the first, left him unfulfilled. He was now an Adam the second, and impressive accomplishments — even naming (and controlling) all the creatures — would be but futile efforts in his search for cathartic redemptiveness.

This ambitious project, now completed, left him still *levado*, but he now

2. Nahum M. Sarna, *Understanding Genesis* (New York: Schocken Books, 1972), 129.

understood that only through submission — rather than conquest — would he find companionship. He was therefore ready for the undignified deep sleep cast on him and the sacrifice demanded of him (2:21–22). The process of naming the animals, at first glance an irrelevant intrusion into the flow of the second creation story, was therefore a necessary exercise to make Adam realize that his human make-up had been expanded, that he was now capable of a different awareness, and that new gestures were demanded of him if he was to find personal fulfillment. He was now aware of both dimensions of his human destiny. Through his conquest, he could now appreciate defeat.

A BIBLICAL REVERIE

BY MIRIAM Y. SHRAGER

After taking his two wives, his two maidservants and his eleven children across the ford of the Jabbok, Jacob sent across all his possessions. The Torah then tells us that *Jacob was left alone, and a man wrestled with him until the break of dawn.*

Genesis 32:23–25

The Torah tells us that Jacob was left alone. Alone. At night. Alone. Removed from all human contact. Alone to remember how he had acquired the birthright from Esau, his brother, and the blessing from Isaac, his father, and the wealth he had accumulated in the past six years at Laban's expense. Jacob was alone, unable now to escape the recall of the means by which he had obtained these advantages, and alone to face these thoughts himself. To defend himself also by acknowledging that, on other occasions and for prolonged periods of time, he had proven himself hard-working, persevering, loyal, and loving.

Jacob was alone. Alone to relive that awesome night twenty years ago when he had heard:

"... I am the LORD, the God of your father Abraham and the God of Isaac: the ground on which you are lying I will give to you and to your

offspring. Your descendants shall be as the dust of the earth; you shall spread out to the west and to the east, to the north and to the south. All the families of the earth shall bless themselves by you and your descendants. Remember, I am with you: I will protect you wherever you go and will bring you back to this land. I will not leave you until I have done what I have promised you."

Gen. 28:13b-15

Jacob was alone, and heard again the words which God had spoken to him — to Jacob — at Bethel: "... All the families of the earth shall bless themselves by you and your descendants. Remember, I am with you: I will protect you wherever you go and will bring you back to this land. I will not leave you until I have done what I have promised you" (vs. 14c-15).

Jacob was alone, alone to accept or to reject personal responsibility for his own maturity; to take charge of himself, and of his character; to struggle with himself for integrity and, thus, to be worthy of the blessing he had sought, and had received.

And so throughout the long night Jacob wrestled with himself. In the conflict he strained and wrenched himself, but he continued to struggle throughout the night. By dawn Jacob had triumphed over his past, although he would remain always marked by it, and by his contest with it (vs. 26-27).

At daybreak Jacob heard God say: *What is your name?* He replied: *Jacob* (vs. 28). Said He, *Your name shall no longer be Jacob, but Israel, for you have striven with God and men and have prevailed* (vs. 29).

How did Jacob prevail with God, if Jacob wrestled with himself alone throughout the night?

Jacob had passed the test which God had established for him: Jacob had to be a blessing to himself, before he could be a blessing to others!

Mrs. Miriam Shrager, of St. Petersburg, Florida, organized a Study Group for the Sisterhood of Temple El, in 1973. She has been teaching this class for a decade.

WAS THE HASMONEAN STATE SECULAR IN ORIENTATION?

Part II

BY BEN-ZION LURIA

IOHANAN HORKANUS (135-104 BCE)

The Scroll of Fasts: "On the 25th day of Cheshvan the walls of Shomron were captured".

Talmud: "What is the wall of Shomron? Because in the beginning when the diaspora Jews returned to the land, they settled in the land of the Samaritans who treated them poorly. They then came to settle by the 'Bosti Sea' and built walls around their cities, and were close to other cities in Israel; they were called the cities of 'Nevrachta'".

Antiquities XIII,2: "He went to war against Shomron, a very powerful city. He stormed the city and laid siege unto it, for he despised them for obeying the Syrian kings, and for harrassing the inhabitants of Maresha who were allies of the Jews.

War of the Jews I,2:6: Johanan Horkanus conquered Medba and Semaga and the adjacent areas, the Mount of Gerizim, and he subdued the Samaritans (Kutim); apart from this he conquered many other cities of Edom".

The war with Edom

In order to explain the war with Edom, one should be cognizant of the fact that this 'Edom' did not refer to the people who dwelt in the Mount Seir area; these people (Edom) had been expelled by the Nabatean inhabitants of the desert at about the time of the destruction of the Temple. However, these Edomites who had been expelled from Seir aided the Chaldean army to destroy Judea, and in recompense, were allowed to settled in Judea. During the Return to Zion, (after the destruction of the Temple), a nation called Edom was thus resident in Judea, and had settled from Beit Zor southward until the Negev and westward unto Sdot Ashdot; its capital was Hebron.

Ben Zion Luria is the editor of *Beth Miqra*, the Hebrew publication of the Israel Society for Biblical Research. He is the author of numerous volumes in Hebrew on Biblical history and geography.

These Edomites lived in Judea for 475 years. During all this time, there was internecine conflict between the Jews, recently come to the area, and the Edomites. There was disquiet and rage when the Edomites collaborated with the armies of Antiochus Epiphanes. The Book of Daniel relates that three nations will flee from the king from the north — these were Edom, Moab, and Ammon²⁹. These nations willingly accepted Hellenism as a way of life. Among the hellenistic cities in Judean Edom which were part of the Decapolis we find Maresha and Adurayim. With the Edomites in Maresha hellenized Sidonites lived who spoke Greek and used Greek names; in Adurayim there was a temple to Apollo³⁰. Horkanus subdued the land of Edom in 112 BCE and forced its inhabitants to either convert or to flee.^{30a} Most of them remained and converted, and became part and parcel of Israel; in the great war against Rome, former Edomite legions fought with valour for the freedom of Jerusalem like all the rest of Israel. Thus, are we to see the wars of Horkanus as expansionistic? I consider that this, too, was a 'returning of stolen areas', and a purification of the land from the impurity of idol worshippers.³¹

The War with the Samaritans (Kutim)

In the Talmudic passage brought before, the 'Bosti Sea' and the 'cities of Nevrachta' were mentioned. S. Klein³² has shown that the 'Bosti Sea' was an erratum of 'Sea of Sebastia' — the seacoast of the Shomron (Samaria); likewise, 'Nevrachta' was an erratum of the city Nirbata which lay eastward of Caesaria.

At first sight, it seems strange that the Talmud in its discussion of the conquest of 'walls of Shomron' does not at all mention the land of Shomron (Samaria), but we shall see that the Sages had their reason. The Talmud gives us a lesson in

29. Daniel, 11:41.

30. Cherikover, *op. cit.*, p. 149.

30a. Albright cannot accept this simply because that would be to the credit and honor of Israel; the same way he can't accept the fact that the first to accept the oneness of the Creator was Abraham. He believes that monotheism was 'in the air'. Regarding our topic, he says: "it seems to me that the Edomites accepted the ancient beliefs, and the holy places of the Jews before they were forced by the Maccabees to convert."

31. For the chain of events leading up to the conversion, see my book, *Sepher Ovadiah Vedioy Haneviim Al Edom*, 5732.

32. See his book, *Eretz Yehudah*, p. 220–226.

settlement. The Samaritans never allowed the returnees from the exile to come and settle in their land. The returnees from the exile had to find a different area in which to settle.

Which 'exile' is referred to? Certainly not to the 'immigrants' from Babylonia in the time of Zerubavel nor to those in the time of Ezra and Nechemia. We know much of the resettlement of the first returnees to Zion from the books of Ezra and Nechemia. We know that they did not go to Samaria; their settlements were in Jerusalem southwards to Beit Zor, and northward to Beit Horon. Albeit, even in those days there were conflicts between the two groups, but the differences were social and religious and not concerning settlement. Nechemiah laments over the lack of people and not over the lack of land. Thus, the Talmud must refer to another exile, a later one.

There were both agricultural and military Jewish settlements in Phoenicia and Syria from very early times.³³ An example of a military settlement was Tzarphat near Sidon.³⁴ From the year 218 until 198 BCE, a struggle existed between the Ptolemies and the Seleucids for control over Phoenicia and Israel. In a battle led by Panneus, the Ptolemies were issued a mighty blow and the Seleucids finally took control.

The Jewish military outpost at Zarphat near Sidon was destroyed and the people fled to Israel to resettle. Twenty five years later the Maccabean revolt broke out. The Jews in the Syrian cities were suspected of disloyalty and were oppressed by Antiochus Epiphanes. They too were forced to uproot, leave behind their homes and fields and find refuge in Israel. It seems that these were the returnees from exile spoken of, who first wanted to settle in the north of Judea near the Samaritan border but were not allowed to. Thus they settled on the coast in the Narbata district. These new inhabitants suffered much under the Samaritans because the Samaritans obeyed the Syrian command and thus oppressed the Jews who had settled in Maresha.³⁵ Again, this is not the Maresha near Beit Jubrin in Judea but a city of the same name in the Narbata district. The derivation of the name Maresha signifies that it comes from 'Rosh' or head – thus implying a city that is located on an elevation. Narbata was situated at an

33. On ancient Hebrew cities in Syria, see my book, *Kadmot HaIvrim*, p. 71–165.

34. See my book, *Hayehudim BeSuria*, p. 82–94.

35. *Antiquities* XIII, 10, 2–3.

elevation of 173 meters above sea level next to verdant and fertile agricultural areas. The Jews' neighbors to the west and east were hostile. Horkanus was concerned for their safety and decided to free the area from foreign oppressors; thus, the oppression of the Jews in Maresha engendered the war in Samaria.

A further explanation for this war in Samaria is suggested by Josephus Flavius: Those Jerusalemites guilty of vice and evil doing, such as breaking the Sabbath or eating forbidden foods, used to flee to Samaria to avoid prosecution. In order to overtake them and judge them in Jewish courts and to prevent this avenue of escape in the future, it was deemed necessary to destroy Samaria (Shechem) and to subject the area to Judean rule.³⁶

The attitude of the Samaritans was also a factor. In order to escape the brunt of the decrees of Antiochus Epiphanes in Syria, they denied their religion and took on the hellenistic way of life. In a letter sent by them to Antiochus, they declared that there was no connection between them and the Jews; rather, they were Sidonites. They further dedicated their temple on Mount Gerizim in honor of Zeus.³⁷ It is difficult to judge objectively as we have no first-hand Samaritan accounts, but it seems that they decided that it was advantageous to submit temporarily and to subject themselves to the wishes of Syria until the issue quieted down.

Horkanus attacked Samaria twice — in 128 BCE and in 108 BCE. In the war of 108, it is known that the army of Antiochus Kizikinus, the ruler of southern Syria, fought on the side of the Samaritans. The victory of Horkanus was complete; he conquered Shechem and most of Samaria up to Beit Shean, and he destroyed the temple on Mount Gerizim.³⁸

Can we thus see the struggle between Horkanus and the Samaritans as territorial expansion? This was certainly not the motive, although the results lead to territorial expansion. Rather, this struggle was to protect those Jews who settled in the Nabata district, and to uproot idolatry whose center was in Samaria and would have been an inimical influence on Judea. In the eyes of the Maccabees, Samaria was the epitome of impurity which must be destroyed, as is mentioned in the Bible; "Thou shalt put away this evil from thy midst."³⁹

37. *Ibid.*, II, 5,5. 36. *Ibid.*, XI, 8, 7.

38. *Wars of the Jews*, I, 5, 7; *Antiquities*, XIII, 10, 2-3.

39. *Deuteronomy* 13, 6.

We have already mentioned the words of the Book of Daniel in that Moab and Ammon should flee the decrees of Antiochus. Of course, these are not the same Ammon and Moab of the Bible; the Sages have already declared that Nebuchadnezzar caused nations to intermingle and thus scatter and mix peoples. Alexander of Macedon and his followers continued in this policy. Rabbat Ammon by now was a totally hellenized city named Philadelphia. It was also called 'Astarte' or 'Astria'. Medva was a Nabatean city. Even in the beginnings of the Maccabean revolt, the Nabateans acted with treachery toward Jonathan; they slaughtered his brothers and took the property, which he had entrusted to them for temporary safekeeping, for themselves.⁴⁰

The expansion of the Hasmonean rule and that of the Nabateans almost coincided. The Nabateans took control over the spice route and started conquering the eastern bank of the Jordan. Here, there was a Jewish settlement and it had to be protected.

The Maccabeans had a very long and bitter struggle with the rulers of Philadelphia. After Menelaus took away the high priesthood from him, Jason fled there.⁴¹ Some years later, Zenon Kutules, the tyrant of Philadelphia gave refuge to Habubo the Ptolemite who had murdered Simon, his wife and son at the Duch fortress.

Evidently there is no direct religious motive or directive for these wars, but one does see a fierce desire to punish the collaborators of Ptolemy for the murder of his family along with a far-reaching political policy of stopping the Nabatean expansionism; truly one does not see a secular policy of territorial expansionism.

Regarding his internal policies: Very little is known of the public administration in Judea in the first years of the Hasmonean reign. Simon, the first ruler, did not seize power with the army that he had; he was chosen by a 'great assembly of priests, leaders of the land, and the elders'.⁴² From coins minted by Horkanus, it has been determined that the ruler and an 'assembly' together shared the rule. There was no tyrannical despotism as in Antiochia or Alexandria, or in the hellenistic cities; rather we have here a democratic rule that guided the leader in determining social, religious and political policy. The Mishna⁴³ mentions some

40. *Maccabees* I, 9, 35.

41. *ibid.*, II, 4, 26.

42. *ibid.*, I, 14, 28.

43. *Maaser Sheni* V, 15.

'Tikunim' (amended regulations) that Horkanus instituted among them:

1) He abolished the accompanying blessing of the tithe (Maaser). In another place⁴⁴ I have explained that due to the wars there was a new social class of army personnel and tenant farmers, neither of whom could carry out this commandment. The army personnel did not even bring the tithe, and the tenant farmers, to whom the land didn't belong, couldn't say: "And now I have brought the first fruits of the land that the Lord has given *me*": In order to overcome certain other social deficiencies, he instituted the procedure of 'Demai' (produce on which tithes may not have been paid). The farmer and the tenant farmer were required to pay tithes on the crop that they used for their own personal use, and the purchaser of produce bought in the market had to pay tithes on commercially obtained produce.

2) He abolished the custom of 'Meorerim' that the Levites sang every day in the Temple during the sacrifices. The phrase 'Awake, why do You sleep, O Lord!'"⁴⁵ he felt was anthropomorphic and against the Torah.

3) He abolished the custom of stunning the sacrificial animal before slaughtering it; instead, he instituted a set of ring holders in the ground to set the feet of the sacrificial animal in before slaughtering. This would then allow the easy slaughtering of the animal.

4) He forbade labor on the intermediate days of the Festivals (Chol Hamoed) in order to prevent a dishonor of the Festival.

All the regulations of Horkanus were in the spirit of the Torah; Rabbi Yochanan, one of the great Talmudic sages (Amora) of the second generation in Israel said that all the regulations of Horkanus were to be lauded.⁴⁶ Even in his actions toward the foreigners, he showed his firm belief in the Torah. For example, in the first year of Horkanos' reign, Antiochus Sidest invaded Judea, ravaged the country and besieged Jerusalem. When the Sukkot holiday arrived, Horkanos requested a cease-fire for the duration of the holiday. Antiochus agreed and even sent a magnificent offering: "bulls whose horns were coated with gold, and pitchers of silver full of precious spices."⁴⁷ During the negotiations, on the

44. See my article, "*He-arot lemegilot hamikdash leYigdal Yadin*", Beth Mikra, 74, p. 370.

45. *Psalms* 44, 24.

46. *Maaser Sheni*, Jerusalem Talmud, 85, 5.

47. *Antiq.* XIII, 8, 2.

lifting of the siege; Antiochus was impressed by the fear of Heaven that Horkanos displayed, and agreed to peace on certain conditions. One of these conditions was that a military garrison be stationed in Jerusalem. Horkanos did not agree to such a condition because this garrison would defile the purity of the holy city. Instead, he offered money and certain hostages including his own brother. During the negotiations, some of the advisors of Antiochus suggested that he utterly destroy the Jewish people since it separates itself from the rest of the world. This implies that Horkanos and the people both observed the Torah and did not intermingle among the non-Jews, and this fact displeased the gentiles.

Another instance of where he observed the Sabbath and Festivals: After one of the victories of Antiochus against the Parthians, "He stayed there by the Lucos River for two days at the request of Horkanos the Jew because of a festival of their ancestors — in which they are prohibited in travelling . . . because it was the Festival of Shavuot that fell after the Sabbath, and it was forbidden to travel both on the Sabbath and on the festival".⁴⁸ Historians base the Hasmonean secularism among other reasons on Johanan's Greek name — Horkanos. The derivation of this name is in the name of a district in Persia on the southwest area of the Caspian Sea — Horkanya. The first person in Judea to have this name was Johanan the son of Simon in order to commemorate his victory over the Syrian general Kendabaios also known as Horkanos.⁴⁹ Later on this name had two forms: Horkanos and Hyrkanus, as in the Talmudic sage Eliezer ben Horkanos and Dosa ben Hyrkanus. Surely, we cannot say that these Talmudic sages were Hellenizers! Here too, Johanan Horkanos was not a Hellenist! Furthermore, in Jewish writings he is called Johanan the High Priest; only later foreign sources added the name Horkanos.⁵⁰

The Sages of Israel were wont to tell of the greatness of Johanan the High Priest, even of his receiving prophecy: "Johanan the High Priest heard from behind the Holy of Holies: 'The children have won the war in Antiochia at that

48. *ibid.*, 6.

49. See topic "Horkanus" in the book *Aruch Hashalem*.

50. It must be noted that all the Hasmonean kings had Hebrew names and are known in our literature by these names only. Only Josephus and other sources, written in Greek, call them by Greek names. Even the coins of the period call the 'Sanhedrin' the 'council of the Jews'.

very time . . ."⁵¹ On the same day that his sons fought Antiochus Kizikanus, the High Priest Johanan offered the incense alone in the Temple; he heard a voice that told him that his sons were victorious over Antiochus. When he left the Temple he revealed this to all the people, and so it was.⁵² According to tradition, Johanan Horkanos received the three crowns of Kingdom, Priesthood, and Prophecy. It is possible that all this honor and praise by the Sages of the Talmud were given to a ruler who strayed from the path of his fathers and instituted a secular kingdom?!

51. *Tos. Sota* 13, 5; *Zuk.* 319 (5); Babylonian Talmud *Sota* 33a; *Jer. Sota* 89, 13.
52. *Antiq.* XIII, 10, 3.

Translated from the Hebrew by Joshua Backon



BOOK REVIEWS

The Mark of Cain, by Ruth Mellinkoff, University of California Press, 1981, 151 pages + 22 plates.

Reviewed by Sol Liptzin

Cain's image has undergone a wide range of transformations in literature and art. Until the eighteenth century he was generally portrayed as the wicked brother, the first murderer, an object of horror. Since then, especially since Byron and the French Romanticists, he was more often seen as the anti-establishment hero, as the defiant rebel against injustice and oppression, as the agriculturalist who, unlike the sheep-breeding and sheep-slaughtering Abel, shrank from shedding the blood even of animals and whose fratricidal deed was accidental and unpremeditated. Was the mark that the Lord set upon Cain a visible punishment, a symbol of his being accursed, or was it a protective sign meant to ward off harm, a warning to any wild beast or human being who might want to injure him?

The study by Ruth Mellinkoff analyzes the various interpretations of the Mark of Cain, mainly by ancient and medieval artists. But she also calls attention to more modern references as in theological tracts of the Mormons and in Hermann Hesse's novel *Demian*.

The earliest Jewish commentators, Josephus and Philo, and the earliest Christian commentators, Ambrose, Jerome, and Augustine, discussed the purpose of the mark but did not have to enter into a description of its exact

nature. A cathedral sculptor or a biblical illustrator of this theme, however, could not circumvent it. Portraying Cain, he also had to be specific about the characteristics of the sign placed on him or branded on him by God. But, without guidelines from exegetes, most artists were led to accept the popular impression that a criminal such as Cain was likely to be punished, humiliated, or identified by being branded on the forehead or on another part of the body. Heretics, vagabonds, brawlers, deserters, and Jews were so branded. The tattooing of Jews in German concentration camps was only the most recent example of a practice that went back to the ancient Greeks.

Medieval dramatic performances disseminated the notion that the sign mentioned in Genesis 3:15 was branded on Cain's forehead, a notion that was retained throughout later centuries. In Byron's *Cain* (1822), an angel but not the Lord Himself branded a burning mark upon the brow of the fratricide.

In the Christian legend of the Wandering Jew, this immortal character was depicted with a stunning mark on his forehead since, like Cain, he too was an outcast from God and from the society of men. Just as Pierre Bayle had identified the Cross as the Mark of Cain, so likewise the mark on the brow of the

Wandering Jew was particularized as a cross in the bestselling Gothic novel, M.G. Lewis's *The Monk* (1796), and in the famous woodcut of Gustav Doré (1852).

A different tradition, accepted by the Venerable Bede, Alcuin, and Rabanus Maurus, was also widespread since the Middle Ages. It interpreted the Mark of Cain as a trembling and groaning. Peter Comester, writing in the twelfth century, limits the shaking to the head. But the medieval miracle plays obtained a more dramatic effect by retaining the trembling of Cain's entire body as a strikingly visible evidence of God's curse.

A third category of interpretation current in the Middle Ages had Cain's head marred by a sprouting horn or horns, his body blighted with leprosy or afflicted with beardlessness and other physical blemishes. Because Cain was horned, Lamech assumed him to be a stag or wild beast and directed a murderous arrow against this ancestor.

Medieval exegetes, such as Isidor of Seville and Rabanus Maurus, who saw in Cain the prototype of the Jew and in Abel the prototype of the Christian, equated the Mark of Cain with the mark of circumcision by which Jews were distinguished from other nations and

peoples. This sign was part of the Lord's covenant with them so that no one should kill "those who have been subjected to all peoples and who have been exposed to fear and scorn." Since the early thirteenth century, the Jews were also to be identified outwardly and to be denigrated by wearing a humiliating badge so that, like Cain, they might be separated from all other inhabitants. The yellow badge of the Hitler period, which all Jews were compelled to wear, was the equivalent of the Mark of Cain but it did not spare them from death.

Mellinkoff's study of medieval characterizations of the Mark of Cain in Psalters and Church frescoes covers the subject adequately. A continuation of this study would be desirable to trace both the persistence and the modification of these characteristics throughout the post-medieval centuries until our own day. Are Jewish-Christian and Jewish-Moslem relations still marred in any way by thought-associations linking Cain's fate with Jewish fate? Are images, once called to life and reinforced by visual and literary artists generation after generation, retained in the popular imagination and do they continue to fester long after their absurdity has been demonstrated by thinking minds?



MOSES AND THE SPIES

BY NORMAN ASHER

Were the ten Spies evil men? Was their "Evil Report" untruthful? Why were they punished?

Did Moses use bad judgment in sending out the twelve spies, all able experienced men, leaders of their tribes, to reconnoiter the land of Canaan before attempting to invade it? Did Moses show lack of faith and lack of reliance upon the power of God? Did not Moses believe in the fulfillment of the promise of the Lord that the Israelites would enter and possess the land and dwell therein (Numbers 13 and 14)?

What was the error of the spies? Was Moses also in error in sending the spies to search out the land to ascertain which way to go up, and to learn what cities they would encounter and how strong the inhabitants were? Correspondingly was Joshua in error when he sent the two spies into Jericho to reconnoiter the land (Joshua 2:1, 23, 24)?

Just as Moses had been instructed to conquer the land of Canaan, so also was Joshua instructed and was told that the Lord would be with Joshua: *I will not fail thee, nor forsake thee* (Joshua 1:5; 1:9-11).

Nowhere was Joshua criticized for sending spies into Jericho, nor into Ai (Joshua 7:2, 3).

In Numbers 14:2, the Lord tells Moses that he will disinherit the rebellious Children of Israel, who would prefer to return to Egypt into slavery, rather than to go forward to possess the Promised Land. Moses beseeches the Lord to pardon the people; and the dissenters were kept alive to wander the forty years and to die in the wilderness.

In his farewell address in Chapter 1 of Deuteronomy (v. 37) Moses said: *Also*

Norman Asher, a lawyer in the State of Illinois, is Vice Chairman of Trustees of Spertus College of Judaica, Chicago. He studied at Hebrew Theological College, Chicago. For many years he taught Bible at Bernard Horwich Jewish Community Center and Anshe Emet Synagogue. For the past 35 years he has directed a seminar in Talmud as well.

the Lord was angry with me for your sakes, saying, Thou also shalt not go in thither. This was stated right after the recital of the incident about the spies. Later, Moses again requests permission to cross the Jordan, *but the Lord was wroth with us for your sakes, and harkened not unto me; and the Lord said unto me, Let it suffice thee; speak no more unto me of this matter* (Deuteronomy 3:25, 26; 4:21, 22; 9:23).

In Deuteronomy, Moses seemed to have forgotten the incident of the striking the rock (Numbers 20:7–13) at the waters of Meribah which caused the failure of both Aaron and Moses to enter the Promised Land. And the Lord spoke unto Moses and Aaron in Mount Hor, by the border of the land of Edom, saying, “Aaron shall be gathered into his people, for he shall not enter into the land which I gave given unto the Children of Israel, *because ye rebelled against My word at the waters of Meribah*” (Emphasis added) (cf. Psalm 106, v. 32).

In Numbers 13:2 Rashi states that Moses sent out the first spies of his own volition, and implies that this showed his lack of faith in the power of the Almighty: *Send thou men, that they may search the land of Canaan, which I give unto the Children of Israel.* Rashi stresses the phrase “Send thou” — שלח לך — as meaning you, Moses, have decided on this procedure, though you have not been so instructed. Yet the very next verse states: *And Moses by the commandment of the Lord, (by the mouth of the Lord) sent them from the wilderness of Paran.* Rashi comments that this meant only that Moses had permission, but was not commanded.

Again in Numbers 21:32 it is told that: *Moses sent to spy out Jaazer, and they took the towns thereof, and drove out the Amorites that were there.* Moses was not criticized nor punished for that.

For the time being, let us table the question whether Moses made a mistake in sending the spies to search out Canaan. Perhaps, we should also use another term — call them “scouts” instead of “spies”!

Now let us consider the actions of the spies—scouts. What were the errors of the ten (those other than Caleb and Joshua)?

Moses sent them to scout the land, its fortifications and inhabitants. The scouts he sent were every one a ruler and head of his tribe. Moses asked them to see what kind of land it was; and whether the inhabitants were weak or strong, few or many; and whether they dwelt in camps or in strongholds; whether there was

wood (trees); and to bring back the fruit of the land (Numbers 13:17-20).

They returned to Moses after forty days. They brought back a cluster of grapes so large that it required two men to bear it between the two upon a pole. They also brought of the pomegranates and of the figs.

They told Moses at Kadesh that the land of Canaan flowed with milk and honey. *Nevertheless the people are fierce and the cities are fortified, and very great; and moreover, we saw the children of Anak there* (v. 28). They they said further: *We are not able to go up against the people; for they are stronger than we* (v. 31).

Now, the scouts were not sent out to be yes-men. They were men of experience, men of knowledge. They reported to Moses the facts and their conclusions. They did what they were ordered to do. They told the truth as they saw it. So far they obeyed their orders.

Then why were they punished? And why was the entire congregation also punished?

I submit that the spies were punished because they went beyond their authority; they were insubordinate. They were not content with their reporting to their general, Moses. They were not satisfied to let Moses, their leader, make the final assessment and decision whether to proceed into Canaan or not; and what strategies would be necessary; and how to deploy his forces. The Scouts, in this matter, were merely subordinates. Yet they continued on "*and they spread an evil report of the land which they had spied out unto the Children of Israel*" (Emphasis Supplied) (v. 32). They went even further. They made value judgements and exaggerated saying:

The land through which we have passed to spy it out, is a land that eateth up the inhabitants thereof, and all the people that we saw in it are men of great stature. And there we saw the giants, the sons of Anak, which come of the giants; and we were in our own sight as grasshoppers, and so we were in their sight (v.32-33).

The ten spies went over the head of Moses, their general. They disheartened the entire congregation. They encouraged a mutiny: *Let us make a captain and let us return into Egypt* (Numbers 14:4).

Caleb, Joshua, Aaron and Moses could not overcome this rebellious action.

The people had been frightened and discouraged. The ten spies created the rebellion.

The result was that the entire community was doomed to wander in the wilderness for the forty years; and only their offspring plus Caleb and Joshua were to enter the Promised Land.

I suggest that verse 2 of Chapter 13 of Numbers should not be read that Moses was lacking in faith in sending out the scouts. I submit that Moses acted like every good general should. He wanted to know where he was going, and he wanted to be prepared to meet the opposition. Moses believed in God's power, and he believed in miracles. But he also knew that even he could not rely only upon miracles or expect miracles without his human cooperation – *אין סומכין על ה'נס*. The phrase *שלח לך* is no different than the phrase used in the instruction to Father Abraham (Gen. 12:1): "*לך לך*" – *Get thee out of thy country and from thy kindred, and from thy father's house, unto a land that I will show thee*. In both cases, the verbs could have been stated without the additions of the word *לך* – thou, or for your sake. I do not believe that it meant "upon your own initiative" in reference to Moses, but not to Abraham. Rashi states that in regard to Abraham it meant, "for your own benefit, for your own good."

The Lord did not tell Abraham that he should act only on his own volition, and could disregard the Lord's order. Yet the instruction implied to Abraham that he must be prepared, that he must be convinced that he wanted to go, that he had faith, that his mission would be successful. He must plan. Similarly, Moses was told that he must be prepared, he must be convinced that he would be successful. He must have faith, yet he must also do whatever was required to plan a proper mission. He must search out the land.

I believe I have shown that the ten spies were basically punished, not for bringing back an untruthful report nor for misjudging the strength of the natives of Canaan. They frustrated the campaign of Moses. They deliberately fomented a revolt. They wrongfully assumed the position of the military leader. In this they acted improperly and contrary. It was for this that they were punished. Because of them, the Israelites who listened to them and were willing to return to Egypt were also punished, to wander and die in the wilderness.

It would seem, however, that the reasons for the prohibition against the entry of Moses into the Promised Land went beyond his actions regarding the Spies.

THE FORTHCOMING INTERNATIONAL ADULT BIBLE CONTEST

The year 1958 marked the Tenth Anniversary of the establishment of the State of Israel. In honor of that celebration, the first Prime Minister of Israel, David Ben Gurion, a Bible student and scholar in his own right, initiated through the auspices of the World Jewish Bible Society, the international Bible (Tenakh) contest for adults. The response was far beyond what was anticipated. Through contacts of the Office of the Foreign Ministry, fifteen nations sent their representatives, Jews and non-Jews, to vie in this novel event. The winner of the first contest was Amos Haham, who sprang forth into public view as one who practically knows the entire Hebrew Scriptures by heart.

Preparation for the Sixth International Bible Contest, to be held during the Festival of Succot 1984, have begun in the intensive activity of the Contest and Questions Committee, headed by Father Marcel Dubois, Chairman of the Philosophy Department at the Hebrew University of Jerusalem.

Differences in language and background of the contestants necessitate careful screening of all questions, both for content and clarity in accordance with the many translations used by the participants. In the most recent contest, held in 1981, ten languages were available in addition to the Hebrew version, the official language. For the English section, five variants of the Bible in translation, were included. A similar pattern will emerge in the preparation of the 1984 contest.

MEMBERS OF CONTENT COMMITTEE:

The following individuals compose the Content and Question Committee, in addition to the Chairman, Father Dubois, and the Content Coordinator, Yosef Shaar, Supervisor in the Israeli Ministry of Education: Rev. Dr. Wesley Brown, Director of Special Studies, the Ecumenical Institute for Advanced Theological Studies, Jerusalem; Rev. Dr. Robert Craig, Former Professor of Theology in Zimbabwe, Head of the Scottish Presbyterian Church, St. Andrew's, Jerusalem; Rev. Dr. William Dalton, SJ, Director of the Pontifical Biblical Institute, Jerusalem; Professor Haim Gevanyahu, Chairman of the World Jewish Bible

Society, formerly Professor of Bible at Dropsie University; Dr. David Gross, Educator, formerly Director of Jewish Education in Venezuela; Yaakov Halpern, Coordinator of Education, Jewish National Fund; Dr. Louis Katsoff, Vice Chairman of the World Jewish Bible Society and Editor of its English quarterly, "Dor le Dor"; Rev. Dr. Michael Krupp, Director of Studies for the German students of theology at the Hebrew University, Jerusalem; Rev. Dr. Göran Larsson, Director of the Swedish Theological Institute, Jerusalem; Rev. Dr. Robert Lindsay, Head of the Baptist Congregation, Jerusalem; Professor Donald Nicholl, Rector of the Ecumenical Institute for Advanced Theological Studies, Tantur, Jerusalem; and David Shemesh, Supervisor in the Youth Department of the Israeli Ministry of Education.

Medal given to participants of 5th International Adult Bible Contest, 1981



Many peoples of many languages will come to Jerusalem to seek the Lord
Zechariah 8:22

LETTERS TO THE EDITOR

Dear Sir

I was puzzled to read in your series 'Torah Dialogues' (Summer 1982) that "in only two instances the statement *that your days be prolonged* is attached to specific commandments, are in this Sidrah". Surely the Sidrah named Ki Tetze also contains the promise of long life in connection with the commandment to maintain just and equal measures in business practice (Deuteronomy 25:13-16).

Although I acknowledge the importance of the law relating to sending the mother bird away which, as you say, also merits the distinction 'that your days be prolonged' I think it wrong to pass over a law of such central importance to modern man as the maintenance of equitable trading standards. I think this law should take its place beside honoring parents and sending away the mother bird.

Nevertheless it is interesting that your omission is also adopted by the Midrash Rabba (Ki Tetze) which states that the reward of length of days is applied only to two precepts.

Dr. David Lewis
Mill Hill, England

Dear Editor:

I just had the joy of reading Dor le Dor Vol XI, 4. Gabriel Sivan writes in his article "Hebrew Elements in Everyday English", on page 241 "that the name רבקה is of uncertain meaning".

It was Dr. Kamrat who lectured in Baltimore who connected רבקה, with מרבק (I Samuel 28:24 and Amos 6:4).

Sarah Bugatch
Baltimore, MD.

Dear Sir

I was interested in Gabriel Sivan's article on "Proper Names" in the Summer 1983 issue of "Dor le Dor", and I would like to make the following observation.

I recall that when the late Adlai Stevenson was campaigning for the presidency of the United States, his activities and speeches were well reported in the Israeli press. They spelled his name אדלי, not realising that in fact Adlai is a Hebrew name. It was the name of the father of Shaphat, one of King David's overseers, who is mentioned in I Chronicles 17:29, and it is spelled in Hebrew: עדלי (not אדלי).

Toviah Shahar
London, England

עשה תורתך קבע

TRIENNIAL BIBLE READING CALENDAR

MARCH-APRIL 1984

אדר ב תשמ"ד

M	Joel 1	א	5	יואל א
T	Joel 2	ב	6	יואל ב
W	Joel 3	ג	7	יואל ג
Th	Joel 4	ד	8	יואל ד
F	Leviticus 1-5	ה	9	ויקרא
שבת	Haftarah: Isaiah 43:21-44:23	ו	10	הפטרה: ישעיה מ"ג, כא-מ"ד, כג
S	Amos 1	ז	11	עמוס א
M	Amos 2	ח	12	עמוס ב
T	Amos 3	ט	13	עמוס ג
W	Esther 1-2	י	14	אסתר א-ב
Th	Esther 3-4	יא	15	אסתר ג-ד
F	Leviticus 6-8	יב	16	צו
שבת	Haftarah: I Samuel 15:1-34	יג	17	הפטרה: שמואל א ט"ו, א-ל"ד
S	Esther 5-7	יד	18	פורים אסתר ה-ז
M	Esther 8-10	טו	19	פורים שושן אסתר ח-י
T	Amos 4	טז	20	עמוס ד
W	Amos 5	יז	21	עמוס ה
Th	Amos 6	יח	22	עמוס ו
F	Leviticus 9-11	יט	23	שמיני
שבת	Haftarah: Ezekiel 36:16-38	כ	24	הפטרה: יחזקאל ל"ו, טז-ל"ח
S	Amos 7	כא	25	עמוס ז
M	Amos 8	כב	26	עמוס ח
W	Amos 9	כג	27	עמוס ט
W	Obadiah	כד	28	עובדיה
Th	Micah 1	כה	29	מיכה א
F	Leviticus 12-13	כו	30	חזריע
שבת	Haftarah: II Kings 4:42-5:19	כז	31	הפטרה: מלכים ב ד', מב-ה', יט
April				
S	Micah 2	כח	1	מיכה ב
M	Micah 3	כט	2	מיכה ג

שבת	Haftarah: Isaiah 66	23	א	הפטרה: ישעיה סו
S	Job 28	24	ב	איוב כח
M	Job 29	25	ג	איוב כט
T	Job 30	26	ד	איוב ל
W	Job 31	27	ה	איוב לא
Th	Job 32	28	ו	איוב לב
F	Leviticus 6-8	29	ז	צו
שבת	Haftarah: Malachi 3:8-24	30	ח	הפטרה: מלאכי ג', ח-כד
S	Job 33	31	ט	איוב לג
April				
M	Job 34	1	י	איוב לד
T	Job 35	2	יא	איוב לה
W	Job 36	3	יב	איוב לו
Th	Job 37	4	יג	איוב לז
F	Exodus 12:21-51	5	יד	ערב פסח
שבת	Haftarah: Joshua 5:2-6:1	6	טו	פסח
S	Leviticus 22:26-23:44	7	טז	הפטרה: יהושע ה', ב-ו, א פסח (רק בחוץ לארץ)
	Haftarah: II Kings 23:1-9			הפטרה: מלכים ב כ"ג, א-ט
M	Song of Songs	8	יז	חול המועד שיר השירים
T	Song of Songs	9	יח	חול המועד שיר השירים
W	Song of Songs	10	יט	חול המועד שיר השירים
Th	Song of Songs	11	כ	חול המועד שיר השירים
F	Exodus 13:17-15:26	12	כא	פסח
	Haftarah: II Samuel 22			הפטרה: שמואל ב כ"ב
שבת	Deuteronomy 14:22-15:17*	13	כב	פסח (רק בחוץ לארץ)*
	Haftarah: Isaiah 10:32-12:6			הפטרה: ישעיה י', טב-י"ב, ו
S	Job 38	14	כג	איוב לח
M	Job 39	15	כד	איוב לט
T	Job 40	16	כה	איוב מ
W	Job 41	17	כו	איוב מא
Th	Job 42	18	כז	יום השואה איוב מב
F	Leviticus 9-11*	19	כח	שמיני*
שבת	Haftarah: I Samuel 20:18-42	20	לט	הפטרה: שמואל א כ', יח-מב
S	Daniel 1	21	ל	דניאל א
* In Israel the sidra of the following week				* בישראל פרשת השבוע הבא

MAY 1984

איר תשמ"ד

		May	
Th	Haggai 2	א	3 חגי ב
F	Leviticus 21-24	ב	4 אמר
שבת	Haftarah: Ezekiel 44:15-31	ג	5 הפטרה: יחזקאל מ"ד, טו-לא
S	Zechariah 1	ד	6 זכריה א
M	Haftarah: Isaiah 10:32-11:12	ה	7 יום העצמאות ישעיה י', לב-י"א, יב
T	Zechariah 2	ו	8 זכריה ב
W	Zechariah 3	ז	9 זכריה ג
Th	Zechariah 4	ח	10 זכריה ד
F	Leviticus 25	ט	11 בחר
שבת	Haftarah: Jeremiah 32:1-27	י	12 הפטרה: ירמיה ל"ב, א-כו
S	Zechariah 5	יא	13 זכריה ה
M	Zechariah 6	יב	14 זכריה ו
T	Zechariah 7	יג	15 זכריה ז
W	Zechariah 8	יד	16 זכריה ח
Th	Zechariah 9	טו	17 זכריה ט
F	Leviticus 26-27	טז	18 בחקתי
שבת	Haftarah: Jeremiah 16:19-17:14	יז	19 הפטרה: ירמיה ט"ז, יט-י"ז, יד
S	Zechariah 10	יח	20 זכריה י
M	Zechariah 11	יט	21 זכריה יא
T	Zechariah 12	כ	22 זכריה יב
W	Zechariah 13	כא	23 זכריה יג
Th	Zechariah 14	כב	24 זכריה יד
F	Numbers 1-4:20	כג	25 במדבר
שבת	Haftarah: Hosea 2:1-22	כד	26 הפטרה: הושע ב', א-כב
S	Malachi 1	כה	27 מלאכי א
M	Malachi 2	כו	28 מלאכי ב
T	Malachi 3	כז	29 מלאכי ג
W	Psalms 1-2	כח	30 יום ירושלים תהילים א-ב
Th	Psalms 3-4	כט	31 תהילים ג-ד

דף יומי

We add here the daily Talmud page followed by the Jewish Community

כ"ט באדר א' מתחילים מסכת ראש השנה

ד' בניסן מתחילים מסכת יומא

DOR le DOR

דור לדור

OUR BIBLICAL HERITAGE

Vol. XII, No. 3 (1"2)

Spring 1984

AT THE MOUTH OF TWO WITNESSES	<i>Shimon Bakon</i>	141
THE STRIKING OF THE ROCK	<i>Jeffrey M. Cohen</i>	152
TWINS IN TRANSITION	<i>Herbert Rand</i>	166
A GUIDE TO ISAIAH – VI	<i>Chaim Pearl</i>	173
ABSTRACTS FROM BETH MIKRA	<i>Mordecai Sochen</i>	178
REFLECTIONS OF READERS		
IN THE IMAGE OF GOD	<i>J. Cherchevsky</i>	181
ADAM'S CONQUEST	<i>Joel B. Wolowelsky</i>	182
A BIBLICAL REVERIE	<i>Miriam Y. Shrager</i>	184
WAS THE HASMONEAN STATE SECULAR – II	<i>B.Z. Luria</i>	186
BOOK REVIEWS	<i>Sol Liptzin</i>	194
MOSES AND THE SPIES	<i>Norman Asher</i>	196
THE FORTHCOMING ADULT BIBLE CONTEST		200
LETTERS TO THE EDITOR		202
TRIENNIAL BIBLE READING CALENDAR		203

ABSTRACTS OF ARTICLES IN DOR le DOR APPEAR IN:

1. *Religious and Theological Abstracts* 121 S. College Street, P.O.Box 215 Myerstown, PA 17067
2. *Internationale Zeitschriftenschau Für Bibelwissenschaft und Grenzgebiete* Habichtweg 14, 7400 Tübingen
3. *Old Testament Abstracts* The Catholic University of America, Washington DC 20064

WORLD JEWISH BIBLE SOCIETY,
29A Keren Hayesod St. 94188 Jerusalem

החברה היהודית העולמית לתנ"ך
02-245751

Dor le Dor is published in Jerusalem for the benefit of the English speaking public and is directed to knowledgeable Jews who wish to further their understanding of Jewish Scripture.