"*Yitro*: Just how enthusiastically did the Israelites accept the Torah?"

Rabbi Dr Jeffrey M Cohen

When Moses first approached the Israelites about accepting the Torah, their response was almost too good to be true: *Vaya'anu kol ha'am yachdav* , 'And all the people responded in unison' – *Kol asher dibber Hashem na'aseh* – "Whatever God says we will obey"' (Ex 19:8).

The Talmud records a comment by one harsh critic of Israel to the effect that our people were rash in agreeing to accept everything in the Torah before they had even heard its demands.[1] After all, no sane person signs a contract before they have had time to read and fully consider the implications of what they are entering into. Also, given that Israel disobeyed so many of its laws no sooner had they received the Torah, that criticism appears irrefutable.

A well-known Midrash addresses this matter. Commenting on that verse – "Whatever God says we will obey" – it depicts God, as offering the Torah to the other main nations before giving it to Israel, First, he went to the offspring of Esau. "What is written in the Torah?" they wisely asked God. "Thou shalt not kill," He replied. "Thou shalt not kill? Impossible. Killing is our way of life."[2]

He then went to the Ammonites and offered it to them. They also demanded to know its demands. "Thou shalt not commit adultery," was God's reply. The Ammonites smirked. "No, that's not for us!" He then went to the Ishmaelites and offered the Torah to them. On being told that it contained the law, 'Thou shalt not steal,' they replied, "We appreciate the offer, but we don't think it quite suits our profile!" – or words to that effect!

So, after hawking the Torah around all the other tribes, God came and offered it to Israel who accepted it enthusiastically.

But that Midrash is problematic. For surely the All-knowing God knew in advance that those other nations would refuse it and that He would ultimately have to turn to Israel to become its recipient. Why, then, did He offer it at the outset to those whom He knew would snub Him and not seize the opportunity to reward Israel for its loyalty and enthusiasm?

The answer seems to be that this Midrash is hinting at some truth in the critic's characterization of Israel as 'hasty,' and that it was precisely because God *does* foresee the future that He was singularly unimpressed with her impetuous and immature response "Whatever God says we will obey." In truth, such a level of perfect faith and observance is beyond the ability or attainment of any human, let alone an entire nation, as enunciated in the maxim, 'Do not believe in yourself until the day of your death.'[3] Indeed, at no time in history did Israel, as a nation, demonstrate such total faith, though the Midrash attempts to highlight the single exception of the short time they were encamped around Mount Sinai.[4] However, the fragility and brevity of the nation's faith had already been made manifest a little earlier when, having witnessed their deliverance from the Red Sea – at which time 'they believed in God and in Moses his servant,' (Ex. 14:31) – they began complaining bitterly at a shortage of water,[5] followed by the allegation that Moses and Aaron had brought them into the desert 'to kill this entire congregation through famine.' (16:3).

Perhaps it was to save Israel's blushes that God did not offer his Torah to her until after He had approached, and been rebuffed by, all the other nations. In the meantime, Israel would have had time to discover from Moses the broad outline of what the Torah involved – its challenges and its benefits, its culture and its way of life, its ethics and its morality, its wisdom and its capacity to unify and sanctify a society. Hence Israel had a ready and cogent answer to those who mocked her for rashly accepting a Torah that she knew nothing about.

Such a preparatory period of Torah initiation is indeed foreshadowed by the fact that Israel was given some mitzvot at Marah, before their arrival at Sinai to receive the Torah. There, it states, 'It was there that the Lord gave His people "decrees and laws"' (Ex. 15:25). The Talmud has it that these refer to the seven Noachide laws already promulgated, to which the Torah's civil laws, laws of Shabbat, and the honouring of parents were added at Marah.[6] Such exposure to these three Torah categories would have given the nation a clear indication of the way the Torah expects people to relate to each other (civil law), its rituals, observances, and prohibitions (laws of Shabbat), and family life and its dynamics (honouring of parents).

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One of the fundamental principles of Midrash is that its multifarious and rich interpretations are not part of any homogeneous exegetical system. In addition to many of their inherited oral traditions, the authors of its expositions were given free rein to express their own thoughts and imaginings regarding the Torah's narratives and dramatis personae, filling in any details that the written text might have left open and creating thereby rich and vibrant folklore. Hence the fact

that its statements and interpretations are so frequently incompatible or contradictory explains the principle, *Ein m'shivin al ha-d'rash,* 'We do not challenge any Midrashic statement.'

This principle was established in the Geonic period, and enunciated by Rav Hai Gaon (10th -11th century) as follows:

> As regards Aggadah and Midrash, even those cited in the Talmud, if they do not seem logical or make sense, we need not regard them as authoritative. For we are not expected to accept anything not adopted [as canonical] in the Talmud… Our guiding principle is that we do not rely on Midrashic traditions. We probe them, and if they appear accurate and edifying, we expound and promote them; If not, we pay no attention to them.[7]

Moses Nachmanides quoted this principle when called upon to defend the Jewish belief that the Messiah had yet to come and that Jesu could not possibly be hailed therefore as such. This was the nub of The Disputation of Barcelona (20th -24th July 1263). The Church's disputant, Friar Pablo Christiani, a convert from Judaism, defended the Christian view by citing several Midrashim that, he asserted, proved that the Talmudic sages were also of that opinion.

One of their 'proofs' was the well-known Midrashic statement that the Messiah was born on the day the Temple was destroyed. Nachmanides had no qualms, however, in denying the authority of that statement by pointing out that it was contradicted by historical fact since Jesus's crucifixion occurred several decades earlier. Furthermore,

and following the approach of the Geonim, he stated, "If taken at face view, this Midrashic statement is either not true or it has a different esoteric meaning (*perush acḥer mi-sitrei ha-chachamim*)."[8]

The latter, esoteric, option reflects Nachmanides' Kabbalistic orientation and his view that Aggadic (Midrashic) statements cannot be taken literally since their words are merely links to, or outer kernels for, inner mystical ideas and esoteric concepts. (For literalists, the meaning of the statement seems to be that out of the flames of loss and tragedy, there emerge the sparks of change and redemption.)

The above citations regarding the way Midrash is to be viewed explain the anomaly of two irreconcilable Midrashim regarding the giving of the Torah to Israel. Ironically, both traditions seem to have won equal popularity and are regularly cited in expositions on the Ten Commandments. The first is that the Israelites were given no choice, but were coerced into accepting the Torah:

> 'God suspended Mount Sinai above the heads of the Israelites like a barrel, and threatened: "If you accept My Torah it will be well, but if not, [I will drop it on your heads, and] here will be your graves."'[9]

The second Midrashic source is the one cited above, to the effect that all the other nations refused to accept the Torah, whereas the Israelites did so enthusiastically. Interestingly, it is that very contradiction that invites us to decide which of these two traditions has the greater traction.

The scope of our Torah thought allows for just a few observations. The first links to our reference above to the Geonic and later attitudes towards random Midrashic statements: that they need to be subjected to critical assessment. The notion of God offering the Torah to other nations originated in the creative imagination of one Talmudist, R. Avdimi bar Chama. Unlike Talmudic statements which were scrutinized, debated, and regularly decided upon in the academies, this idea by a 4th cent. Amora, that is, late Talmudic and of lesser authority) was not invested with any Talmudic authority. Hence, it was challenged by one of his colleagues, R. Acha bar Ya'akov, on the grounds that 'duress could provide an excuse for non-observance of the Torah.[10]

I suggest that R. Acha might have added a further objection. The idea of Sinai being suspended over the Israelites' heads was triggered in R. Avdimi's mind by the Torah's phraseology: 'And they stood – *b'tachtit ha-har*. This word invariably means 'lower or lowest place,' namely, 'at the foot of the mountain' (Ex. 19:17). But since the word *tachat* occurs most regularly in the sense of 'underneath,' R. Avdimi made this connection for his vision of the Israelites standing 'beneath the mountain' in a position of great vulnerability, with God – dare we say it? (well, he did!) – taking advantage of that situation to impose His Torah on Israel.

However, if we consult the authoritative 1st-cent. Aramaic translation of Onkelos, he renders the word *b'tachtit* as *b'shippulei*, 'at the foot of,' (also, 'train' of a dress), leaving no scope whatsoever for R. Avdimi's flight of fancy. Furthermore, in addition to his colleague, R. Acha bar Ya'akov's theological objection, Avdimi also seems to have overlooked the Mishnaic statement of the illustrious R. Akivah, 'All is foreseen [by God], yet freedom to act [as one desires] is given.'[11] This is underscored by such biblical phrases as 'IF you follow my laws…' (Lev. 26:3), and 'IF you do

not obey me (v. 14). R. Avdimi, on the other hand, left no room for the freedom of choice granted by God.

As for the second Midrash, that God offered the Torah to all the other nations, who promptly rejected it, this may be viewed as belonging to the genre of polemics aimed by rabbinic Judaism at Christianity – thinly disguised as 'the other nations.' The Christian claim was that its adherents were 'freed' of the heavy burden of mitzvot as a reward for their faith in Jesu. They viewed the mitzvot, therefore, as a punishment for Israel's lack of faith.[12]

The rabbinic rebuttal of this took the form of such statements as that of R. Chananya ben Akashya: 'The Holy One, blessed be He, wanted to confer merit on Israel, for which reason gave them a copious Torah and many commandments'[13] It was in that spirit that our Midrash asserts that, far from it being a burden or punishment, Israel hailed the Torah with joyful anticipation, and, even before knowing what its commitment involved, pledged their loyalty to it.

So, the answer to our question regarding which of the above two Midrashim to accept seems to be that Midrash does not readily lend itself to such a choice. This is because there are no guidelines as to which of its expositions are authoritative and which are not, given that so many were created to serve polemical, homiletical (religious, ethical, or moral), and even purely diversionary, purposes, all of which transcended their literal sense.

שבת שלום ושלום על ישראל
Rabbi Jeffrey

NOTES

1. Tal. *Shabb*. 88a.

2. Mid. *Sifri* (on Deut.), sec. 343.

3. *Avot* 2:4.

4. *Mechilta* on Ex.19:2.

5. See Ex.15:24.

6. Tal. *San*. 56b.

7. This passage from Hai Gaon is cited by *Sefer Ha-Eshkol* of R. Avraham ben Isaac of Narbonne (circa 1080-1158), sec. Laws of the Sefer Torah. He expresses his view as follows:
הגדה ומדרש אף על פי שכתובין בתלמוד אם לא יכוונו ואם ישתבשו אין לסמוך עליהם, כי כלליונו ומה שלא נקבע בתלמוד אין אנו צריכין לכל כך, אלא מעיינין בו אם נכון ...הוא **אין סומכין על ההגדה** הוא ויפה, דורשין אותו ומלמדין אותו, ואם לאו אין אנו משגיחין עליו.

Notwithstanding this formulated principle, codifiers such as Maimonides were not averse to deriving laws from Midrashic sources, though he seems to have adopted this licence only in situations where the Midrash in question flowed naturally from the Torah text and could be categorised therefore as *peshat*, the text itself.

8. For a discussion of this subject, see Zvi Ron, "When Midrash Goes Too Far: Three Rejected Midrashic Passages," *Tradition*, vol.46 no.4 (Winter 2013), pp.28-40. For the broader theological and polemical tensions that informed the attitudes of both parties to the disputations, see Milan Žonca, *Authority and apostasy: The Barcelona disputation in the context of thirteenth-century Jewish-Christian polemics*, Prague, Charles University, 2009.

9. Tal. *Shabb*. 85a.

10. See n.3.

11. See *Avot* 3:15.

5. *Kitvei Rabbenu Moshe ben Naḥman* (ed. Chaim Dov Chavel), 2 vols (Jerusalem: Mossad Harav Kook, 1962-63). See also, Chavel, *R. Moshe ben Nachman: His Life, Times and Works* [Hebrew], Jer. Mossad HaRav Kook, 1973.

12. See Galatians 5:1.

13.(Concluding statement to each chapter of *Pirkei Avot*.