**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**MIDRASH ON THE PARASHA**

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Dedicated by Mr. and Mrs. Leon Brum for the Refua Sheleima of

Dana Petrover (Batsheva bat Gittel Aidel Leba)

and Marvin Rosenberg (Meir Chaim ben Tzipporah Miriam)

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In memory of six friends and family,
strong pillars of the Montreal Jewish community,
who have left us in the past 7 years.
All were אוהבי עם ישראל, אוהבי ארץ ישראל, אוהבי תורת ישראל.

Joseph (Yosie) Deitcher

Avrum (Avy) Drazin

Rabbi Joseph Drazin

Leibel Frisch

Israel (Mutch) Yampolsky

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**Parashat Mishpatim:**

**“*Ve-eileh*” Adds to the Former Subject**

**Introduction:**

**Rabbi Abbahu’s *Derasha***

The editors of the various compilations of the late Midrash took material from the centuries of creativity that preceded them and adapted the earlier *derashot* into new works. In the course of this week's *shiur*, we will enter into the *darshan*'sworkshop and see how he constructs his *derasha*: What are his sources? How does he use them? What are his objectives?

The Midrashic unit that we will be discussing is taken from *Shemot Rabba*:

Another explanation: "And these are the laws" (*Shemot* 21:1).

Rabbi Abbahu said:

Wherever “*ve-eileh”* (and these) is used, it adds something to the former subject; wherever “*eileh”* (these) is used, it invalidates the former subject.

How so? "These are the generations of (*eileh toledot*) the heaven and the earth when they were created" (*Bereishit* 2:4). What does it invalidate? For He was creating heaven and earth, and He looked at them, and they did not please Him, and He returned them to formlessness and void. When He saw this heaven and earth, they pleased Him. He said: These are the generations. Therefore: "These are the generations of the heaven and the earth" — but the former ones were not generations.

And similarly: "These are the generations of Noach" (*Bereishit* 6:9). What does it invalidate? The generation of Enosh, and the generation of the flood, and Keinan and his fellows. Therefore it says: "The sons of Yefet were Gomer and Magog" (*Bereishit* 10:2).

And similarly: "And these are the generations of Yishmael the son of Avraham" (*Bereishit* 25:12) adds to the former subject. Who are they? That which is written above, as it is stated: "And she [Ketura] bore him Zimran and Yokshan" (ibid. v. 2). Here too: "And these are the generations of Yishmael the son of Avraham… the firstborn of Yishmael, Nevayot" (ibid. vv. 12-13). They were wicked like them.

And similarly: "And these are the generations of Yitzchak the son of Avraham" (ibid. v. 19). It adds to the former subject, to that which is written above: "The sons of Yishmael" (*Bereishit* 25:13). Who is this? Eisav and his sons, for he is Yitzchak's son. If so, it can be argued that since it is written: "And these are the generations," even Yaakov, who is [among] the generations of Yitzchak, is included in the same category as Eisav.

You find that all *toledot* (generations) in the biblical text are written with defective spelling (at least one *vav* or the other is missing), except for two: "These are the generations of the heaven and the earth" (*Bereishit* 2:4), "And these are the generations of Peretz" (*Rut* 4:18). There is a great reason for them. Why does it say: "These are the generations of the heaven and the earth" with plene spelling (with two *vavim*)? Because the Holy One, blessed be He, created His world, and there was no Angel of Death in the world; therefore it is written plene. When Adam and Chava sinned, the Holy One, blessed be He, made all *toledot* in the biblical text defective. When Peretz arose, his *toledot* were made plene, for the messiah will arise from him, and in his days the Holy One, blessed be He, will swallow up death. As it is stated: "He will swallow up death forever" (*Yeshayahu* 25:8). Therefore the generations of the heaven and the earth and the generations of Peretz are plene. And therefore the generations of Yitzchak are defective, to exclude Yaakov from among the wicked.

And similarly: "These are the generations of Yaakov" (*Bereishit* 37:2) invalidates the chiefs of Eisav.

And similarly: "And these are the names of (*ve-eileh shemot*) the children of Israel" (*Shemot* 1:1) adds to the former subject. Who are those who are written above (in *Bereishit* 46)? The children of Reuven and the children of Shimon [et al.].

And similarly: "And these are the generations of Aharon [and Moshe]" (*Bamidbar* 3:1) adds to the former subject. Who are those who are written above? All the numbered ones who were counted by Moshe and Aharon. Just as the former are righteous, so too these are righteous.

Here too, "And these are the laws" (*ve-eileh ha-mishpatim)* adds to the former subject. What is written above? "There He set for him a decree and a law" (*Shemot* 15:25). (*Shemot Rabba* 30, 3)

The unit before us is comprised of two different *derashot* concerning the beginning of the verse with which our *parasha* opens: "And these are the laws." Let us begin our study with a sketch of the structure of the first *derasha*.

The overall shape of the *derasha* is circular; it begins and ends with the issue of laws. However, it is not defined as a *petichta*, since there is no exposition of a verse from *Nevi’im* or *Ketuvim*, and it does not conclude with the verse being expounded. Instead, the *derasha* opens with the words of Rabbi Abbahu, a third-generation Amora from Eretz Israel and a disciple of Rabbi Yochanan: "Wherever 'and these' is used, it adds something to the former subject; wherever 'these' is used, it invalidates the former subject." An additional *derasha* is inserted into the fourth example, one that relates to the word *toledot*: "You find that all *toledot* in the biblical text are written with defective spelling, except for two: 'These are the generations of the heaven and the earth' (*Bereishit* 2:4), 'And these are the generations of Peretz' (*Rut* 4:18)."

**“These” Versus “And These”**

Rabbi Abbahu's biblical rule gives a distinct meaning to the seemingly nondescript terms "these" (*eileh*) and "and these" (*ve-eileh*). "These" marks the beginning of a historical trend that is different from the previous one, while "and these" indicates the continuation of the previous trend with a new development. This rule appears twice in *Bereishit Rabba*, in a manner that parallels the two first examples brought above in *Shemot Rabba*:

"These are the generations of the heaven and the earth" (*Bereishit* 2:4).

Rabbi Abbahu said:

Wherever "these" is used, it invalidates the former subject; [wherever] "and these" is used, it adds to the former subject.

Here it is stated: "These." It invalidates the former subject.

What does it invalidate? Formlessness and void. (*Bereishit Rabba* 12, 1)

"These are the generations of Noach" (*Bereishit* 6:9).

Rabbi Abbahu said:
Wherever "these" is used, it invalidates the former subject; [wherever] "and these" [is used], it adds to the former subject.

Here where it is stated "these," it invalidates the former subject.

What does it invalidate? The generation of the flood. (*Bereishit Rabba* 30, 3)

Elsewhere in *Bereishit Rabba* we find another statement of Rabbi Abbahu which explains the nature of invalidating the former subject in the Creation story:

"And it was evening, and it was morning."

Rabbi Abbahu said:
From here [we learn] that the Holy One, blessed be He, created worlds and destroyed them, until He created these.

He said: These please Me, those do not please Me.

Rabbi Pinchas said:

The reason of Rabbi Abbahu is: "And God saw everything that He had made, and, behold, it was very good" (*Bereishit* 1:31).

These please Me, those do not please Me. (*Bereishit Rabba* 3, 5)

According to these citations from *Bereishit Rabba*, we can trace the chain of transmission and evolution of this *derasha*. It originates with Rabbi Abbahu, a third-generation Amora from Eretz Israel and disciple of Rabbi Yochanan, who expounds the verse (*Bereishit* 1:5): "And it was evening, and it was morning, one day." Rabbi Pinchas, a fifth-generation Amora and colleague of Rabbi Chizkiya, who is a disciple of Rabbi Abbahu, points to the verse "And God saw everything that He had made, and, behold, it was very good" as the source of Rabbi Abbahu's *derasha.*

Rabbi Abbahu's *derasha* is passed down from generation to generation in the schools of the Amoraim of Eretz Israel, appearing again in *Bereishit Rabba* as the basis of the *derasha* of Rabbi Tanchuma, a sixth-generation Amora from Eretz Israel:

Rabbi Tanchuma opened:

"He has made everything beautiful in its time" (*Kohelet* 3:11).

Rabbi Tanchuma said: The world was created in its time. The world did not deserve to be created before that.

Rabbi Abbahu said: From here [we learn] that the Holy One, blessed be He, created worlds and destroyed them, until He created these…

He said: These please Me, those do not please Me.

The reason of Rabbi Abbahu is: "And God saw everything that He had made,” etc.

(*Bereishit Rabba , 9,* 2)

***Derashot*, Verses and Meanings**

Each of the verses that are brought in connection to the words of Rabbi Abbahu requires explanation, respectively.

In the original *derasha* of Rabbi Abbahu cited above, the *midrash* reads: "From here [we learn] that the Holy One, blessed be He, created worlds and destroyed them." That is to say, the creation of the world and its destruction can be derived from the verse, "And it was evening, and it was morning, one day." Rabbi Mordechai Yafeh, author of the *Yefei To'ar* commentary (ad loc.), argues that the word “*Vayhi*” (And it was) alludes to a parallel reality of evening and morning that had existed beforehand. Rabbi Yissakhar Baer Ashkenazi, author of the *Mattenot Kehuna* (ad loc.), suggests that the words "evening" and "morning" should be understood metaphorically. "And it was evening" symbolizes that which is not pleasing in God's eyes, while "and it was morning" symbolizes that which pleases Him. Both of the explanations seem farfetched.

**The Malbim**

The Malbim, in his commentary ad loc., explains Rabbi Abbahu's words in a different way:

Because in all the days of Creation, there was no existence, other than by way of the destruction of a previous existence, for by way of the destruction of the first form, the second form was constructed. This is alluded to by what he says that "[He] created worlds and destroyed them," as if the first one did not please Him. For with each new construction, Creation rose to a higher level; and it was necessary that this destruction be found also with light, so that it be possible for it to turn away so that darkness may come in its place. He therefore removed it as soon as it rose and set in its time, so that the nature of deficiency remained in it as well.

According to the Malbim, "created worlds and destroyed them" does not characterize the reality that exists before the Creation of the final world of ours, but rather the dynamic that exists in reality, that every advance and refinement of reality involves breaking the patterns and conventions that characterize the previous stage. This finds expression in the first creation, that of light, that as soon as it is created, “it was evening,” i.e., the illumination stopped so that it not become fixed as an ideal static reality — perfect, but leaving no room for improvement.

Does the Malbim's interpretation fit in to the words of Rabbi Abbahu? The answer seems to be no. The statement "From here [we learn] that the Holy One, blessed be He, created worlds and destroyed them, until He created these" does not relate to a principle in the created world, but rather describes a previous process of other creations. It seems that the Malbim makes an abstract of Rabbi Abbahu's statement. Nevertheless, the Malbim's formulation of the conceptual principle that emerges from Rabbi Abbahu's *derasha* is exceedingly important, inasmuch as it faithfully reflects the conceptual-spiritual meanings embedded in it.

**The Maharazav**

Rabbi Ze'ev Wolf (the Maharazav), in his commentary ad loc., points to the progress of reality that emerges from Rabbi Abbahu's statement, while he leaves in place the simple understanding that the *derasha* relates to worlds that precede the creation of our world. The Torah is created two thousand years before our world, and in the two thousand years preceding the creation of our world an evolutionary process of creating and destroying worlds takes place: "This was not by way of regret and change of will, but by way of refinement until the world emerged as it is now."

Rabbi David Luria (a disciple of the Vilna Gaon) and the Maharazav understand the connection that Rabbi Pinchas draws between Rabbi Abbahu's *derasha* and the verse, "And God saw everything that He had made, and, behold, it was very good" as pointing to our world as "very good," in contrast to previous realities that were not good. It might, however, be possible to understand Rabbi Pinchas's words differently: even the worlds that in the end are not found to be favorable are part of "everything that He had made." The process of the universe's refinement and growth toward a more perfect form/ structure/ essence is what earns God's characterization of "very good."

Rabbi Tanchuma's development emphasizes that the timing of the creation of the world is what creates its "beauty." According to him, it is possible that even the previous worlds are beautiful "in their time": "He has made everything beautiful in its time." Thus, it is possible to see in his words a continuation of the conceptual direction developed by Rabbi Pinchas, who also relates to "He has made everything beautiful in its time." If this interpretation is correct, then Rabbi Pinchas, and after him Rabbi Tanchuma, develop Rabbi Abbahu's statement in a new direction, which does not exist in it at the beginning.

**From *Bereishit Rabba* to the *Mekhilta***

According to what we have seen in *Bereishit Rabba*, the rule formulated by Rabbi Abbahu regarding the meaning of the words "*eileh*" and "*ve*-*eileh*" in the Torah was well-known and widely circulated in the schools of Eretz Israel, but the only verses explicitly referenced are those relating to the creation of the world (“These are the generations of the heaven and the earth") and Noach ("These are the generations of Noach").

Thus far, we have followed the development of Rabbi Abbahu's *derasha* in the Amoraic schools in Eretz Israel. Now, let us go in the opposite direction in time, to the Midrash of the Tannaim on the Book of *Shemot:*

"And these are the laws."

Rabbi Yishmael says: These add to the previous laws.

Just as the previous laws are from Sinai, so too the laws that follow are from Sinai. (*Mekhilta de-Rabbi Yishmael, Mishpatim*, *Nezikin* 1)

If so, the rule brought in the name of Rabbi Abbahu has a foundation in the words of the Tannaim. However, the Tannaim do not formulate their words as a rule, but as a local comment.

**Editing and Meaning in *Shemot Rabba***

In our *midrash* in *Shemot Rabba*, Rabbi Abbahu's *derasha* is widely developed; in it, no less than eight different verses are expounded. This seems to be the work of the editor of *Shemot Rabba*, who broadens and continues the exposition of verses in the wake of the Midrash of Eretz Israel by the Amoraim of Eretz Israel, hundreds of years after them.

We will compare our *midrash* to another *derasha* found in the *Midrash Tanchuma* literature:

"And these are the laws."

Rabbi Abbahu said:

Wherever "these" is used, it invalidates the previous subject; wherever "and these" is used, it adds to the former subject.

It is written: "These are the generations of the heaven" (*Bereishit* 2:4)

What does it invalidate? It invalidates formlessness and void and darkness.

And similarly: “And these are the laws” adds to the former subject: "There He set for him a decree and a law" (*Shemot* 15:25). (*Tanchuma* [Buber] *Mishpatim* 2)

The *Tanchuma* brings the first and the last examples appearing in *Shemot Rabba*, while focusing on the relationship between the laws alluded to being given to Israel at Mara (end of *Shemot* 15) and those explicit in *Parashat Mishpatim* (*Shemot* 21-23). The *derasha*’s objective is clear — the relationship between the laws given at Mara and *Parashat Mishpatim* is a relationship of continuity and succession. In light of this, we may ask, what need is there for the many examples brought in *Shemot Rabba*?

In view of the fact that the long list of examples of Rabbi Abbahu's rule appears only in *Shemot Rabba*, it seems plausible to argue that the editor of *Shemot Rabba* wishes to convey a certain message by way of this lengthy treatment, beyond the very existence of the rule. What does he want to say?

An examination of the examples indicates that they are arranged in chronological order, and together they point to an essential difference between the Book of *Shemot* and the Book of *Bereishit*.

In the Book of *Shemot* there is maturation and progress from one stage to the next: in the formation of the Jewish people and the transition from family to nation; in the priesthood; and in Israel's receiving the commandments. Therefore, in all three instances of the word "*ve-eileh*," it always "adds to the former subject."

By contrast, the Book of *Bereishit* is marked by processes which are abruptly cut off and by crises. We see the world as we know it, as opposed to other possible worlds; the wiping out of humanity and starting out fresh with the sons of Noach; the choosing of the seed of Yaakov, based on selection and rejection. All of these find expression in the phrase: "'These' invalidates the former subject." The only continuity that exists in the Book of *Bereishit —* "And these" — is the succession of wickedness from the sons of Ketura to the sons of Yishmael, and from Yishmael to Eisav: "They were wicked like them."

The eight examples brought across the *derasha*, which begin with the Creation of the World and end with the Giving of the Torah, reflect the world's progress from the Book of *Bereishit* to the Book of *Shemot.*

We noted earlier that the fourth example of Rabbi Abbahu's rule incorporates another *derasha* relating to "generations":

You find that all *toledot* in the biblical text are written with defective spelling, except for two: “These are the generations of the heaven and the earth” (*Bereishit* 2:4), “And these are the generations of Peretz” (*Rut* 4:18).

This additional *derasha* comes to deal with a conceptual difficulty arising from the application of Rabbi Abbahu's rule to the verse "And these are the generations of Yitzchak the son of Avraham," from which it follows that this verse expresses the continuity of wickedness from Yishmael to Eisav, and thus also to Yaakov. By expounding the defective manner in which the word "generations" appears in the verse as expressing deficiency, the creator of this *derasha* explicitly emphasizes that Yaakov is not included among the wicked.

In light of all this, the *derasha* under discussion may be seen as a masterpiece of editing and weaving content and ideas into a wholly new work.

The climax of the process described throughout the *derasha* is that *“ha-mishpatim,*” “**the** laws” are given to Israel — not samples, not appetizers before the meal, but a complete, thoughtful array, upon a table set for a feast.

(Translated by David Strauss)