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Negotiating In Good Faith & Bad

There are two great movie versions of the story of *Yetziat Mitzrayim*, the exodus from Egypt: Steven Spielberg's *Prince of Egypt* and Cecille B. Demille's *The Ten Commandments*. Both draw heavily from midrashim to flesh out sparse details of the Torah's own narrative. Both can be watched as a sort of modern midrash that reflects the concerns and priorities of the filmmakers and the times in which they lived and worked. And, perhaps for this reason, both movies leave out an element of *Yetziat Mitzrayim* that occupies quite a few verses in the Torah itself. Interestingly, our own memory of *Yetziat Mitzrayim*, filtered through year after year of Pesach Seder, also leaves out this very same stage of the process which the Torah itself includes with some detail.

If all you knew about *Yetziat Mitzrayim* is what you learned from the movies, or what you remember from the Pesach seder, you might think that God sent Moshe on a mission of liberation, to demand that Pharaoh "let my people go" and that Pharaoh, through a combination of his own hard-heart, and because of God's hardening of Pharaoh's heart, said "no, no, no, I will not let them go."

But, at the outset of this week's parasha, Moshe and Pharaoh enter into a series of negotiations around Moshe's demand, which is not for freedom and liberation, but for the ability to leave Egypt for just a few days to serve God at some sort of religious festival.

We see one stage of the negotiations around this demand in the first verses of Parashat Bo. The dire warnings about the upcoming plague of locusts lead Pharaoh's inner circle to beg him to negotiate with Moshe. And so Moshe is brought back to Pharaoh's court:

וַיָּשָׁב אֶת־מֹשֶׁה וְאֶת־אַהֲרֹן אֶל־פַּרְעֹה וַיֹּאמְרוּ אֵלָיו לְכוּ עִבְדוּ אֶת־ה' לְהַיָּבֵם מִי וְמִי הַלְּכִים:

So Moses and Aaron were brought back to Pharaoh and he said to them, "Go, worship the LORD your God! Who are the ones to go?"

A three day religious festival is a reasonable demand. But who needs to go and participate in a desert religious festival? And this is where this stage of Moshe and Pharaoh's negotiations break down:

Moshe responds in righteous zeal:

וַיֹּאמֶר מֹשֶׁה בְּנַעַרְיָנוּ וּבְזַמְנֵינוּ גֵלְךָ בְּכַנְיָנוּ וּבְכַנּוֹתָנוּ בְּצֹאנֵנוּ וּבְבָקָרֵנוּ גֵלְךָ כִּי חַג־ה' לָנוּ:

Moses replied, "We will all go, young and old: we will go with our sons and daughters, our flocks and herds; for we must observe the LORD's festival."

A festival of the Lord requires everyone's presence. Men and women and the elderly and children (and of course the animals that will be brought as sacrifices).

Pharaoh thinks this is ridiculous:

לֹא כֹן לְכוּ־גֵא הַגְּבָרִים וְעִבְדוּ אֶת־ה' כִּי אַתֶּם אֲתָם מְבַקְשִׁים וַיַּגִּדְשׁ אֲתָם מֵאֵת פְּנֵי פַרְעֹה:

No! You menfolk go and worship the LORD, since that is what you want." And they were expelled from Pharaoh's presence.

Pharaoh knows something about old-time religion. Only adult men are needed to worship God. If Moshe was truly interested in worshipping God, he would have consented to a men's retreat. But, Moshe was not interested in a religious festival, he was a messenger for God's plan, as articulated back in Parashat Vaera, and repeated at our Passover Seder each year:

וְגַם אֲנִי שָׁמַעְתִּי אֶת־נְאֻמַּת בְּנֵי יִשְׂרָאֵל אֲשֶׁר מִצְרַיִם מַעֲבֹדִים אֹתָם וְאָזְכָּר אֶת־בְּרִיתִי:
 לָכֵן אָמַר לְבְנֵי־יִשְׂרָאֵל אֲנִי ה' וְהוֹצֵאתִי אֶתְכֶם מִתַּחַת סִבְלַת מִצְרַיִם וְהִצַּלְתִּי אֶתְכֶם מֵעֲבַדְתָּם וְגֵאלְתִּי אֶתְכֶם בְּזֵרוּעַ נְטוּיָה וּבְשִׁפְטַיִם
 גְּדֹלִים:
 וְלִקְחֹתִי אֶתְכֶם לִי לְעָם וְהִינִיתִי לְכֶם לֹא־לֹהִים וְיִדְעוּתֶם כִּי אֲנִי ה' אֱלֹהֵיכֶם הַמּוֹצִיא אֶתְכֶם מִתַּחַת סִבְלֹת מִצְרַיִם:
 וְהִבֵּאתִי אֶתְכֶם אֶל־הָאָרֶץ אֲשֶׁר נִשְׁאַתִּי אֶת־יְדֵי לְתַת אֹתָהּ לְאַבְרָהָם לְיִצְחָק וְלִיְעֻקֵּב וְנָתַתִּי אֹתָהּ לְכֶם מִרְשָׁה אֲנִי ה':

I have now heard the moaning of the Israelites because the Egyptians are holding them in bondage, and I have remembered My covenant.

Say, therefore, to the Israelite people: I am the LORD. I will free you from the labors of the Egyptians and deliver you from their bondage. I will redeem you with an outstretched arm and through extraordinary chastisements.

And I will take you to be My people, and I will be your God. And you shall know that I, the LORD, am your God who freed you from the labors of the Egyptians.

I will bring you into the land which I swore to give to Abraham, Isaac, and Jacob, and I will give it to you for a possession, I the LORD.”

We need to consider whether or not Moshe was negotiating in good faith. If the plan, from the outset, was for liberation, what purpose was Moshe's claim that God only demanded a three day festival? Rabbi Menachem Liebttag, the Israeli Tanakh educator, has argued, based on the medieval scholar Rashbam, one of Rashi's most illustrious grandchildren, Moshe attempted to trick Pharaoh into letting his enslaved Hebrew subjects leave Egypt by claiming to be going merely for a three day holiday. This explains why, in next week's *parashah*, Pharaoh has a sudden about-face and pursues the departing Hebrews into the sea. Pharaoh gives chase, Rabbi Liebttag argues, as soon as he realizes that the formerly enslaved Hebrews are not turning back to Egypt but are continuing on into the wilderness.

In contrast, Rabbi Soloveitchik has written that whatever the intention behind the declaration that we sought a three day holiday, once it was made, the offer had to stand. Had Pharaoh agreed to the terms, as outlined in Moshe's demand at the beginning of the *parashah*, we would have been bound to that agreement. Any public offer, made by the leadership of the Jewish people, is, ipso facto, an offer made in good faith and we are obligated to fulfill its conditions if the other side were to accept. Perhaps for this reason God informs Moshe at the outset of his mission that the negotiations with Pharaoh will not succeed. Moshe was not merely lucky that Pharaoh rejected the generous terms of his offer. Moshe was smart and knew that no matter how reasonable he was, Pharaoh could not and would not get to yes.

There are contemporary ramifications of Rav Soloveitchik's claim. The first is that Moshe's description of a religious festival, even if made in order to fool Pharaoh into allowing all of us to sneak out of Egypt with our families and with our animals, ends up being a blueprint for what it means for our community to worship God together. How does our community worship God together? By having the entire community, men and women, young and old, adult and child, praying together.

Whenever people complain about the presence of young children disturbing decorum in shul, one response is to note that the children are necessary to fulfill Moshe's description of a religious festival. On the contrary, not only do we need children, we also should have animals with us! The mitzvah of Hakhel at the tail end of the Torah, with its explicit call for young and old to travel to Yerushalayim together is our instantiation of the vision for a community united in prayer that Moshe describes so powerfully in the court of Pharaoh.

One way that we try to be precise in our language at ASBI is through careful and precise messaging around *tefilah* in general and in particular around welcoming and celebrating everyone's participation in public prayer. For example, I never speak about the "repetition of the amidah" which is language that invites people to not care about something which is just-a-repetition-so-I might-as-well-talk-to-my-neighbor. Instead, I contrast the "communal amidah" with the "private amidah."

Like every Orthodox shul we only recite certain prayers, like *kedushah* and *kaddish*, the so-called "*devarim sh'b'kedushah*" in the presence of ten men above the age of thirteen. Even so, we understand that for our community to unite in the worship of God... the community has to unite in the worship of God. I've davened Mincha here with only nine other men. And I've davened Mincha here with ten men, four women and two children. The experiences are not the same. Each additional worshiper in shul adds their energy and their presence and their voice to our congregational prayer.

This is why we thank, by name, in the weekly bulletin, each person who participates in weekday tefilah at our shul. This is why I report back on the weekday tefilah Whatsapp on the "number of siddurim in use at Mincha" or the "number of participants at Shacharit." We learned from Moshe that Jewish religious celebrations, unlike Egyptian ones, require the participation of the entire community.

There is another contemporary ramification of Rav Soloveitchik's understanding of Moshe and Pharaoh's negotiations. Rav Soloveitchik reminds us that any claim made in public in the name of the Jewish people is a declaration we are bound to uphold if called upon to do so. My teacher, Rabbi Yehuda Amital z'l believed that the Israeli Declaration of Independence with its promise of equal rights under law to all citizens no matter their race, religion, sex, or nationality, had the halakhic status of a Neder, a binding obligation that we create through our words.. Whatever the provenance may have been of these modern human rights and whatever reception history they have among Jews, once they become part of a public declaration, they became a collective halakhic obligation no less than any other Torah obligation.

The sage Shamai taught us to "say little and do much." Indeed. But let us mean what we say and do whatever we promise.