

Splitting The Baby

Parshat Miketz - 5784

Two bitter enemies, a valuable piece of real estate with great historic significance, each side claiming rights and one side even digging underground to assert them- it sounds like what is happening now between Israel and Hamas. In fact, it is a description of the acrimonious battle that raged in court over a period of five years between Led Zeppelin guitarist Jimmy Page and the singer and songwriter Robbie Williams¹. In 1972, Page had purchased the historic Tower House in London's posh Kensington neighborhood, a Grade 1 listed Victorian mansion designed by legendary architect William Burges. In London, many of these mansions are of historical significance and are therefore protected by strict ordinances, rigorously enforced by planning boards. No one- not rock stars, Arab oil billionaires or Russian oligarchs- is allowed to build a pool, or a garage for their fleet of expensive vehicles, aboveground. What they do instead is to build mega basements with room for all these features. The outside of the house looks like a venerable mansion; below ground is a subterranean pleasure palace. When Robbie Williams and his wife bought the house next door, they proposed to build an underground swimming pool, until Jimmy Page filed suit. Because of the proximity of the two structures (13 meters apart) and the depth of the proposed digging, Page

1

<https://news.sky.com/story/robbie-williams-wins-pool-plan-fight-against-led-zeppelin-neighbour-jimmy-page-11585789>

asserted that, unlike the Beach Boys, the digging would cause bad vibrations that would weaken the foundation of his landmark house, would affect the precious stained glass in his windows and would destroy the delicate plaster molding. For his part, Williams asserted that he had every right to build on his own property and that the vibrations would be of no harm to Page's house. The two of them duked it out in court as only people with unlimited funds can do, and in December of 2018, the judge handed down the verdict. Williams would be given full permission to dig his subterranean pool and gym as he had planned. But before Williams could breath a sign of relief and Page could file an appeal, there was one other condition. Jimmy Page was to be given real-time, complete electronic monitoring of the vibrations throughout the entire excavation process, and no machine-powered digging or excavation work was permitted. In other words, Robbie Williams would have to dig out his basement *by hand*.

When this verdict was announced, commentators referred to it as “Solomonic²,” a term often used to refer to a remarkable judgment, often in cases where no good answer seemed apparent. The source of this term is from this week's Haftarah, one that is only rarely read; Miketz is almost always read on Chanukah, and only rare years like this one, when Chanukah begins on Thursday night, does it fall after Chanukah is over. But even if it is read rarely, the narrative is quite well-known. Two women of ill repute

2

<https://www.forbes.com/sites/guymartin/2018/12/31/epic-real-estate-legal-feuds-led-zeppelins-jimmy-page-saves-his-landmark-london-house/?sh=28d76e66e127>

come to King Solomon, each one claiming to be the mother of a baby. Shlomo's famous verdict was to split the baby; upon pronouncing it, one of them came forward and pleaded that the baby should be handed to the other woman rather than be killed. Shlomo knew she was the real mother, because she was ready to relinquish her parental rights to save her child. In reading this story, I have one simple question: What could the other woman, who endorsed the verdict, have possibly been thinking? Is she just a monster?

I think Shlomo understood a basic principle of human nature: people in difficult situations search for easy answers. The woman who claimed the baby was hers, who wasn't the real mother, was willing to do anything and believe anything if it confirmed her parental rights. All she cared about was that the answer sounded good, and made her feel good- even though it meant nothing and would never actually work in real life.

I think this was a major failing in the abysmal performance of the three University presidents last week, when they testified in Congress. Everyone was up in arms when former Penn President Liz Magill responded the following to New York

Congresswoman Elise Stefanik, when asked to provide a yes or no answer about whether calling for the genocide of Jews violates the rules of their universities:

"If the speech turns into conduct, it can be harassment. It is a context-dependent decision, congresswoman."

Presidents Sally Kornbluth and Claudine Gay offered similar answers when asked the same questions. Legally, they are all correct. In principle, it *is* completely legal to conduct a nonviolent demonstration on campus calling for the genocide of Jews, for the eradication of Islam, or the abolishing of pickled vegetables, as long as specific Jews, Moslems or gherkins aren't targeted. No one knows the law better than a venerable and brilliant constitutional law scholar named Liz Magill, former dean of Stanford Law School and provost of University of Virginia. As Graeme Wood put it in *The Atlantic*³:

If the "context" of a genocidal chant is a nonviolent rally, the university shouldn't stop anyone from chanting. (It should examine its soul. But that is another matter.) If the context is a crowd of protesters with bricks in hand, running at a group of Jews, the university should expel or fire every demonstrator there, whether armed with a brick or a bullhorn. All three presidents should have said this, then added a note of contrition over their universities' failure to uphold these principles of free expression in the past.

Wood is right, of course. The problem is that terms like "free speech" and "combating anti semitism" *sound great*, so people grab on to them like life rafts without thinking about how they work together in the real world. I think that when the Presidents reiterated their commitment to combating anti-Semitism *and* their commitment to free speech, they were saying what they thought people want to hear (or what they were

³ https://apple.news/A8H_cXtbAT2CgOBy-7IXKgW

coached to say by the worst PR team and the dumbest lawyers on the planet). In the real world, though, these terms are often meaningless because universities enforce free speech selectively, trampling on the rights of certain groups to placate the outrage of others. If the same genocidal chants against Jews were directed at Moslems or African Americans, there would be hell to pay- and rightfully so. Larry Summers was forced to resign as President of Harvard when he expressed his impolitic views on women in the sciences (views I don't endorse, and not just because I am the husband and son of women in the sciences) yet Claudine Gay, for tolerating anti semitism, has still kept her job. But even beyond selective enforcement, there is another problem that these brilliant women failed to understand. And I mean it sincerely when I speak of their brilliance: Sally Kornbluth is a renowned cell biologist and Claudine Gay an accomplished political scientist (or, the people she allegedly plagiarized from are brilliant political scientists). The problem is that freedom of speech sounds great, and it *is* important- but in the real world, the line between speech and action, regardless of context, is often murky at best. When a Jew hears calls for the genocide of her people, she doesn't check the campus rule book- she checks her passport.

It is easy to criticize Presidents Gay and Kornbluth, and Professor Magill. But if we are intellectually honest, we need to recognize that all of us demonstrate the same human failing Shlomo understood so well. In times of distress, *we look for easy answers to*

difficult problems. We try to provide facile explanations for why we are suffering, or we search for any sign of God's protection in a world in which it seems elusive. I could go on about this, but I will be uncharacteristically restrained and supply only three examples. Many of you, I'm sure, saw the viral video of Turkish Member of Parliament Hasan Bitmez delivering a diatribe against Israel⁴. Specifically, he was criticizing Turkish PM Erogan's policy of continuing trade with Israel despite the Gaza War.

Shortly after saying the words

"You have the blood of Palestinians on your hands, you are collaborators. You contribute to every bomb Israel drops on Gaza"

He suffered a heart attack, right there on the podium. Hours later, he was pronounced dead. When this video went viral, it was accompanied by all sorts of pronouncements that God punishes the enemies of the Jews, some posts invoking God's promise to Avraham, וּמִקְלֶלְךָ אָאֵר⁵ - that I will curse those who curse you. It would be wonderful to live in a world where there was such immediate retribution for messing with the Jews, and who knows? Maybe God *is* making an example by striking down a minor Turkish bureaucrat. But that does not explain why, for example, Yahya Sinawar, *yimach shemo* is alive and why Khaled Mashal and Ismail Haniyeh, *yimach shemam*, are not only alive but are both living the high life in Qatar, each worth several billion.

4

<https://www.reuters.com/world/middle-east/turkish-mp-dies-after-suffering-heart-attack-parliament-2023-12-14/>

⁵ Bereishit 12:3

At this year's annual convention of Agudath Israel of America, they showed a video featuring an Israeli young man named Akiva Litov, who struggled with his Shabbos observance. He enjoyed the nightlife on Friday nights, but whenever he did violate Shabbos, he felt a tremendous sense of spiritual anguish. This past year, on Rosh Hashanah, he renewed his commitment to keeping Shabbos and Yom Tov again. This was put to the test when he was invited to participate in a music festival down south on Shemini Atzeret...Because of his commitment, he didn't go, and he convinced many of his friends to stay home as well, thus saving them all from the awful fate that befell so many others. After showing the video, the screens came up and Akiva was standing on the stage, in the flesh. As you can imagine, the crowd went wild. Such a beneficiary of divine providence, such an exemplar of the words of Rav Avraham Ibn Ezra that we sing in the Shabbos zemiros- אל ישמרני , כי אשמרה שבת, if I keep Shabbos, God will keep me. Akiva is unquestionably a spiritual hero solely for his commitment, and everyone should emulate his example; and I'm sure that having his life saved only served to strengthen that commitment. But to say that this is the reason why he was protected, and Shabbos is the reason, is childish at best, deeply offensive at worst. It implies that the several hundred people who were brutally raped, murdered and beheaded somehow deserved what happened to them because they violated Shabbos.

Or take for example a viral post by the Israeli entrepreneur and social media influencer Hillel Fuld. It showed two archaeologists holding a sword, accompanied by this explanation:

Ya know what would be really nice? If we could get a nice sign from the Big Boss that everything will be ok.

If only He could reassure us that in Iron Swords (the name of the war), we are going to come out victorious.

I mean, we know it and some of us do see signs but they're subtle.

A strong sign would be nice, wouldn't it? Maybe just a head nod and a message "I got you!"

You asked and you shall receive.

National Geographic has just announced the discovery of iron swords in a cave in the Judean Desert as the dramatic archaeological find of 2023.

The iron swords were hidden by Jewish rebels during the revolt against Roman empire 2,000 years ago....

You cannot make this stuff up.

Thank you, Hashem.

Ok, I'll admit that this is pretty cool. Now, Hillel Fuld is a terrific guy who has done more in his own right for Israel and the Jewish people than many of us...combined. He

is also a worthy bearer of the torch carried by his brother, our late lamented friend Ari Fuld hy" d. Besides, he lives in Israel, so for all these reasons, I give him lots of latitude and of course I am not criticizing him as a person. Besides, he's right- we *should* always thank Hashem, and we should be looking for signs that He is working in our world. Not because we feel we deserve them, because we *know* they are signs, or that we would know how to interpret them if we did discern them, but because looking for signs of Hashem *strengthens our sorely needed connection to Hashem*. Indeed, who among us *isn't* looking for some signs these days? Still, we cannot resort to the kind of simple explanations the two women who came before Shlomo so desperately craved. On the day this story ran, 10 soldiers paid the ultimate price- husbands, fathers (in one case, the father of six children including an infant), children and grandchildren; in the face of that, can we really say we know everything is going to be ok because someone discovered an iron sword? The Kli Yakar, in a lengthy explanation on the meaning of *bitachon*, or trust in God, explains that God punished Yosef was punished with extra prison time because Yosef assumed that only the butler would be the agent of God's salvation, and he didn't trust in God to bring it about any other way. In essence, Yosef's bitachon was weak as evidenced by the causal explanations he drew for himself. We all want everything to be all right in the end, and God working through the long arc of Jewish history should reassure us that BE"H, it will be. We must remember, though, that while those words are comforting and *sound great*, we don't know when they will

come true or what that will look like. As we search for explanations and meaning, we must remember that *bad times FOR the Jews are no excuse for bad theology FROM the Jews.*

Let us learn the lesson of Shlomo, and those who came to seek his wisdom. Let us not fall under the spell of words that sound wonderful and mean less nothing, and let us not be satisfied with simple answers in complicated times. Above all, let us strive for the one thing Shlomo wanted the most in the world- wisdom. May we merit it soon.