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בס"ד

## Parashat Ki Tissa Part I Regarding the Census

### 1. Survey of Interpretations

*Parashat Ki Tissa* begins with detailed instructions concerning the taking of a national census (Exod. 30:11-16). It immediately follows instructions for the incense altar, which, as we have seen, is located in what appears to be an anomalous position. Later in this study we will focus on the theme common to these subjects and propose an explanation concerning their location in the text.

“When you count the heads of the Israelites according to their numbers,” each individual being counted is required to give “an atonement payment for his life to Hashem” (כִּפָּר נַפְשׁוֹ לַה') (כִּפָּר נַפְשׁוֹ לַה'), “so that a plague should not befall them when they are being counted” (v. 12). The payment was to be a “half-shekel *terumah* to Hashem.” All males twenty years of age and older – those subject to military service – were to remit this gift to Hashem. Regardless of means, each was required to give exactly the prescribed amount “to atone for your lives” (לְכַפֵּר עַל נַפְשֵׁיכֶם). The “silver of atonement” was to be used in the construction of the Tent of Meeting (as it indeed was, Exod. 38:27-28) and as we shall see, exclusive of other silver. Finally, “It shall be for the Israelites a remembrance before Hashem to atone for your lives.”

The passage is replete with the notion of “atonement for their lives.” In accordance with the meaning of the words, it must be understood that without the atonement payment a plague might result from the counting. (It is important to note that the verse does not necessarily state that atonement is needed *because* a census is being taken, but that atonement is required and the census is the vehicle with which to make the atonement payment.) The census is linked with a required payment that will be directed to sanctuary construction, for the purpose of achieving a remembrance before Hashem and to be atonement to

prevent a plague (30:11-16). What is the connection between these factors and why is there such a recurring emphasis on atonement? We will survey several major views and comment on each.

(The tradition also sees in this passage an obligation to regularly remit [annually] a half-shekel to help sustain the central sanctuary, but we are here only dealing with its primary focus.)

#### ● Rashi states:

When you want to know their numbers do not count by heads but have each individual give a half-shekel and count the *shekalim*...that there not be a plague, for עֵיַן הָרָע (evil eye) prevails over countings and pestilence may befall them [the nation] as happened in David’s days.

This interpretation, suffused with what many deem folkloristic ideas popular in past centuries, is not peshat. The notions that whenever people are counted they become vulnerable to a plague, and that by counting a representative item instead of the person himself such an outcome may be averted, do not appear to be present in this passage. Aside from the basic question that either way the people are being counted, how can one explain why the people being counted deserve retribution and require atonement? G-d does not mete out punishment without cause! Moreover, in a straightforward reading the passage does not establish a general principle that use of a representative item averts a problem associated with counting. It mandates that with the census each individual should contribute a half-shekel for atonement to avoid a plague.

In addition, the notion of “evil eye,” never explicitly attested in Torah legislation or implied in its worldview,\* and which, when taken too literally, is

incongruent with the Torah's anti-pagan revolution, is not indicated as the backdrop of this legislation. Such a notion implies the existence of forces in the universe that are automatically activated and work in "magical" ways, independently of principles of fairness and moral values.

In later times, when there no longer was a threat to appreciation of the Torah's anti-pagan stance and with no direct connection to an "evil eye" explanation, some sages did propound a related practice. They taught that when one desires to count people, the count should be of items, even the fingers of those being counted, not of the individuals themselves. Regarding the Mishnah's statement concerning this, the Talmud asked, "[why not] count them directly?" (*b. Yoma* 22b). The reply was that the Mishnah's formulation supports the view that one should not count Israel. Both question and answer imply that this was not a matter of consensus nor even a practice widely known. Perhaps some authorities perceived counting people directly as overly individualizing members of a group, denigrating the value of the assemblage, especially considering that Israel is construed as a corporate entity symbolized in its various organized groupings. Or it may be that counting individuals directly may have been viewed as indicative of limiting or controlling them.

Along similar lines, Rabbi Eleazar states: "Whosoever counts Israel violates a negative precept" (*b. Yoma* 22b), citing the verse, "The number of Israel shall be like that of the sands of the sea that cannot be counted" (Hos. 2:1). He views the matter as a rabbinic maxim established to highlight and respect the notion inherent in that verse, creatively reading Hosea's words "that cannot be counted" as "that should not be counted," focusing attention on Israel's blessing.

There are *aggadic* and *midrashic* statements that refer to עֵיִן הָרָע. Many appear to refer to supposedly mystical powers based on views widely accepted at the time. Some have understood these statements as extensions of rationalistic notions clothed in popular motifs. Extraordinarily beautiful possessions, great successes and superior endowments promote haughtiness and arrogance, prompt jealousy, resentment and hatred, and lead to a host of negative consequences. Also, the "eye" of others, the feeling that one is being scrutinized, may cause the possessor

of distinctive possessions to question his worthiness and "right" to his belongings, rendering him susceptible to unconscious impulses, setting in motion subtle, self-destructive behavioral patterns.

As to Rashi's citation of the King David case as an example of a census that caused a pestilence, presumably because it was not carried out with a representative item, the half-shekel, we will comment on that in our next study.

- **S. D. Luzzato** also interpreted our passage as containing an "evil eye" implication, but with a "rational" bent. Men who glory in their great wealth and kings who review their mighty soldiery commonly become overly confident and insolent, dispositions that often lead to adverse repercussions and suffering. This is G-d's divine retribution working through the "natural law" of His creation. The masses, lacking sophistication as regards subtle psychological and sociological forces, mistakenly attribute the deleterious results they observe in the world to the "evil eye." Since this belief was widespread in the ancient world, including in pre-Torah Israel, and since the concept involved was linked to the belief in divine providence, G-d did not choose to stamp it out altogether in the Torah but provided a means to avert the danger. However, this does not resolve most of the questions asked above on the "evil eye" interpretation.

- **Sforno** interpreted the matter as follows:

The need to count people arises from ongoing changes in circumstances that include birth and death and "there is no death without sin" (*b. Sabb.* 55a). Therefore, every counting of people stirs heavenly remembrance of sin. Accordingly, it is appropriate when counting people that each individual give an expiation payment for himself in honor of Hashem, for "He is merciful and expiates sin" (Ps. 78:38), as the passage states לְכַפֵּר עַל נַפְשֵׁי־חַיִּים. Because of this the rich man is not to exceed the set amount and the poor man not to give less, for in such matters we say the proper approach to Hashem is "who does not recognize the rich more than the poor, for they are all the work of His hands" (Job 34:19).

This suggestion is also problematic. True, a reason for a census is that some people included in a previous

count have died. We will here grant that their death was due to their sins (a matter of dispute in the Talmud and in any event an *aggadic* concept, given that death is inevitable), and that the living who are being counted have their own sins. But can the recognition that people had died, thus requiring a new count, “stir heavenly remembrance of sin,” that G-d would therefore decide to punish the people for their sins and bring a plague upon them if they do not make an expiation payment? The connection is remote and the policy imputed to the Deity is overly mechanistic, therefore not credible. Moreover, the explanation is not relevant to our case as we are dealing with the first national census.

- **M. D. Cassuto**, based on findings related to census-taking in ancient Near Eastern societies, understood our passage as follows: The very taking of a census, engaging in human planning and calculated endeavor, betrays a degree of lack of trust in G-d. Thus, when the leaders decide that a census is required, the Torah permits them to have it but only with a stipulation that it be accompanied by a purification procedure to avert calamity. However, this interpretation appears overly dependent on pre-Torah notions of multiple and conflicting cosmic forces. From a monotheistic perspective it cannot be conceived that when fulfilling G-d’s instructions to carry out a census that He prescribed He should deem it a lack of trust in Him worthy of subjecting the nation to calamity.

- **N. Sarna** points out that in ancient times a peacetime census was generally a perilous enterprise. It fostered popular anxiety, “for a census almost invariably portended preparation for war or the imposition of some new tax.” Thus, it came to be perceived as a cause of danger (JPS Commentary on Exodus p. 195). However, it does not appear that the extensive legislation attached to the *Ki Tissa* census, with the tremendous emphasis on the need for atonement, was established primarily as a strategy to address basically unwarranted fears or to assuage the people’s psychological anxieties.

- **Benno Jacob** commented as follows: A census in ancient times was primarily a preparation for war, which invariably involves killing. Taking a human life, although sometimes necessary, is a violation of G-d’s creation. Thus, the census would be highlighting this important concept. Before

proceeding to battle, soldiers must pay ransom for their lives for the lives they may take, even if such would be in the line of duty. This too is a problematic interpretation. Our passage does not mention יֹצְאֵי מִצֵּבָא (those who go forth in the military) as in the Numbers 1 census passage (although it could have been mentioned when prescribing the age at which the counting begins) and appears far removed from such a consideration. Moreover, it does not appear that the Torah views the taking of lives in a mandatory battle as requiring self-ransom. In the exhortation and directives to the soldiery at the mustering before battle (Deut. 20) – the precise spot where such a notion should have been mentioned – there is no hint of it. The optional offering made by the military leaders after the war with Midian, “to atone for our lives” (Num. 31:50), was in gratitude for the extraordinary outcome that not one Israelite life was lost, contrary to the natural order, as they explicitly state.

Some commentators are of the opinion that the command to have an atonement payment attached to the census was intended to be a one-time requirement. The half-shekel payments were mostly used for the foundation sockets of the Tabernacle wall panels. The Tabernacle – representing Hashem’s presence in the midst of the nation – stands on the foundation of Israel’s atonement payments, fees in which all adult males participated and shared equally. These payments were designated to serve as “a remembrance before Hashem for Israel, to be an atonement for them” (Exod. 30:16). Hence, the ongoing presence of the Tabernacle (see Hizquni) obviated the need for atonement payments with future censuses. But what was the original need for atonement?

The school of thought that interprets the Tabernacle to be a response to the golden calf would include the census passage with the “new” legislation (appearing out of chronological order together with the Tabernacle legislation). The atonement payment could then be understood to refer to the golden calf apostasy. But as we have pointed out (see our *Parashat Terumah Part I* study) there is considerable basis, even compelling evidence, to interpret the Tabernacle narrative in chronological order (as do Ibn Ezra (Exod. 25:1); Ramban (Exod. 35:1; Lev. 8:2) and others). How could the need for atonement with the census be understood according to that school of thought?

## 2. Census and Incense Altar – Another Interpretation

The textual placement of the census passage requires explanation. It follows immediately after instructions for the incense altar and precedes the instructions that prescribe the laver and its stand, the last of the Tabernacle furnishings described in these chapters. Although the half-shekel payments associated with the census constituted the primary silver used in Tabernacle construction – that for casting the foundational sockets of the wall boards, perhaps justifying inclusion of the census in the broader instructional section – why was it interposed between instructions for construction of two vessels? (As we pointed out in our study on *Parashat Tesavveh Part II*, the placement of instructions for the incense altar itself requires explanation, a matter we will now also address.)

Ibn Ezra suggests that the census is attached to the incense altar passage because the latter's last verse prescribes the *kapara* (atonement) ritual for the altar on the Day of Atonement (*yom hakipurim*). That verse employs the *k-p-r* stem three times, and the census passage deals extensively with *kapara*. Indeed, an important aspect of the incense altar's purpose is to be a vehicle to accomplish *kapara* for Israel. In Numbers 17:11, when G-d's plague struck Israel, Moses instructed Aaron to place fire from the altar in a pan, add incense and rush to the people to make *kapara* for them, as the plague had begun. Aaron "placed the incense and made *kapara* for the people" (Num. 17:12).

The association of *kapara* with the incense altar may partly explain the textual location of the census passage, but the incense altar passage itself is in an anomalous location. To briefly summarize the problem: The incense altar appears after instructions for the main furnishings are transmitted, contrary to its position within the order of furnishings that is consistently enumerated in each of the following references to them. It follows the cluster of verses that "concluded" the section of instructions for the major furnishings and basic matters relevant to the priests. When the sacrificial altar was introduced it was presented as the only altar, termed "the" altar, implying that there was no second altar. In our *Parashat Tesaveh Part II* study we reviewed many of

the traditional explanations proposed and found them unconvincing.

In our *Parashat Terumah Part I* study we discussed the controversy regarding whether transmittal of Tabernacle instructions to Moses preceded the golden calf episode – the order in which it is narrated in the text – or postdated it. Without a truly compelling reason to explain why this section should be viewed as out of chronological order we should assume the given order is chronological, for which we cited several strong indications. However, regardless of how that controversy is resolved, the evidence is compelling that not all Tabernacle instructions are in chronological order – the incense altar surely appears to have been appended later.

This golden vessel, so closely associated with atonement, seems not to have been in the original plans. It appears probable that Hashem added it as part of the national atonement process after the golden calf apostasy. He prescribed it as a golden vessel and had it placed in the Tent of Meeting contrary to standard sanctuary regulations popular in those times in neighboring societies that did not allow altars in the sanctum portion of a sanctuary (see M. D. Cassuto, *Commentary on Shemot*, p. 273, cited in our *Parashat Tesaveh Part II* study). After the epochal transgression of the golden calf, "emergency" measures had to be introduced.

The adjacent census passage also appears to have been added subsequent to the golden calf as another part of the atonement process and attached to the subject that it is thematically linked to. The plague to be averted by the atonement payment to Hashem for the individual's life was the plague Hashem decreed was to occur in retribution for the nation's betrayal of the covenant with the golden calf, as we shall soon see. Perhaps the Torah utilized the popular conviction of those times that a census is associated with plagues – resulting from the many times that a census had been the precursor of war, which in turn brought famine, pestilence and other ills – but transformed it for its purposes.

There are compelling textual hints that support the linkage of the census with the golden calf episode. In the concluding verses of the latter, after Moses stated he would try to achieve atonement for Israel, אָרְאֵה

אֲכַפְּרָה בְּעֵד הַטְּאִתְּכֶם (“perhaps I could bring about atonement for your sins” [Exod. 32:30]), he requested from G-d אִם תִּשָּׂא הַטְּאִתָּם (v. 32), using the word that opens our census passage *tissa* for forgiveness. Hashem did not accept Moses’ request for immediate forgiveness אִם תִּשָּׂא, but He provided a procedure for forgiveness, כִּי תִשָּׂא. In rejecting Moses’ request for immediate forgiveness, Hashem said it is time to proceed and וּבַיּוֹם פְּקֻדֵי וּפְקֻדֹתַי עֲלֵהֶם הַטְּאִתָּם, (“And on the day when I make an accounting, I will call them to account for their sins” [v. 34]). This is immediately followed by the closing verse of the passage which speaks of retribution וַיִּגַּף ה' אֶת הָעָם עַל אֲשֶׁר עָשׂוּ אֶת הָעֵגֶל (“And Hashem struck the people with a plague because they had made the calf” [v. 35]). This verse does not seem to be referring to the time period of the previous verses, given that Hashem had just decreed that the retribution would be at a future time. It appears to be a retrospective statement (as often found in the Torah) mentioning something that occurred later in closing the passage.

The cluster of words and phrases in these six verses (Exod. 32:30-35) is strikingly reminiscent of the key terms of the six verses of our census passage (Exod. 30:11-16): וְלֹא בִפְקֻד אֹתָם, כִּפְּר נִפְשׁוֹ, לְפְקֻדֵיהֶם, כִּי תִשָּׂא (30:11-16): וְלֹא בִפְקֻד אֹתָם, כִּפְּר נִפְשֵׁיכֶם and יִהְיֶה כְּהֵם נִגְרָה בִּפְקֻד אֹתָם.

The last of the major furnishings, the laver and its base, prescribed after the census, may also be part of the response to the golden calf. The laver’s purpose was to increase the focus on purification for Aaron and his sons and continually provide opportunity for it.

*Parashat Terumah* begins with the frequently attested introductory statement: “Hashem spoke to Moses, saying” (25:1). From that point until the beginning of the census passage (30:11), a span of more than six chapters, neither that introductory formula nor any other such formula is found in the text. This indicates that the census passage was not part of the previous body of instructions. That such an introductory formula did not precede the incense altar paragraph may be because as a furnishing (especially one that henceforth was to be fully integrated in all listings of furnishings) it was more appropriate that it be directly appended to the section that included the instructions for furnishings.

### 3. Conclusion and Summary

The Tabernacle with its legislation – the program that leads to purity and holiness (essentially the book of Leviticus) – appears to have been G-d’s plan for expansion of covenant laws and enrichment of His relationship with Israel even before the golden calf. It was a second phase of lawgiving separated from the first phase (the Decalogue and the three chapters of law of Exodus 21–23) with the covenantal procedures of Exodus 24. Instructions for the Tabernacle were given after G-d summoned Moses to receive the tablets but before He gave them and the proclamation of the blessings and curses (Lev. 26), which constitute finalization of the covenant. The purity and holiness laws were to be seen as connected to the original lawgiving at Mount Sinai.

In accordance with their respective subject matter, the two phases of lawgiving teach that G-d’s essential will was to ensure that righteousness and justice, based on a monotheistic foundation, pervade society. That is primary as constantly taught by the prophets. Ritual is a secondary phase, important to instill discipline, achieve holiness and direct the individual to a closer relationship with G-d, all of which help promote the primary goal. (This is somewhat similar to the Rambam’s interpretation of Jeremiah 7:32-33 and reminiscent of his interpretation of sacrifices as elaborated in his *Guide for the Perplexed*, III:32.)

After the golden calf episode G-d expanded the Tabernacle program to accommodate the additional purpose of national atonement. Adding the golden altar and the census laws to provide for each individual to contribute an equal share of the silver for the foundation of the Tent of Meeting, which would be an ongoing remembrance before G-d, were powerful vehicles to help achieve the necessary goal.

Accordingly, the half-shekel payment was not a requirement for an ordinary census, and that is why no mention is made of it in association with the census taken in the fortieth year (Num. 26),\*\* with the King David census, or anywhere elsewhere in Scripture.

The incense altar passage and that of the census do not include any explicit statement as to their provenance, despite the unmistakable allusions. This may be to maintain a degree of singularity and uniformity within

the laws, to emphasize that ultimately they are all from the same divine source. It may also be to avoid creating within the nation a feeling of being saddled with the sins of their fathers, a complaint that did indeed beset the nation in later times.\*\*\*

### Endnotes

\* The terms רַע עֵינַי (Prov. 28:22) and עֵינַי רָעָה with slight variations in *Mishnayot Abot* (II:9,11; V:13,19) clearly refer to the traits of miserliness, begrudging others and aspects of selfishness.

\*\* Evidence cannot be brought from the absence of a half-shekel payment in the second year's census (Num. 1) because that count appears to have been

linked with the count of our passage, with its half-shekel remittances.

\*\*\* The post-talmudic *midrashic* statements that all Tabernacle instructions are out of chronological order and post-date the golden calf (*Tanh@. Terumah 8, Tissa 31; Exod. Rab. 33:3; etc.*) may very well have derived from the original tradition that a number of passages concerning Tabernacle instructions were not in chronological order. (It appears that there were other details associated with the "late" legislation such as the Tabernacle dedication of the eighth day [Lev. 9:1], as we will discuss in our study on that topic.) This greatly diminishes the magnitude of the problem confronting the tradition as to how such diametrically opposed views on such a basic matter entered the mainstream.

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