

### Parshas Va'eira 5772

## THE GREAT STAFF / SERPENT TRICK

Are magic shows permissible? This obviously is a question better suited for qualified *poskim* (halachic authorities) who do, in fact, deal with the issue (see, e.g., *Igros Moshe, Yoreh Deiah, 4:13*). Just to touch here upon the basic outline of the issue, it appears that the matter may hinge upon a question of definition. Namely, how do we define the term used in the following Mishnah (*Sanhedrin 7:11*), which states:

הַמְכַשֵּׁף הָעוֹשֶׂה מַעֲשֵׂה, חָבֵב, וְלֹא הָאוֹחֵז אֶת הָעֵינָיִם.

“One who performs an act of sorcery is liable (for having violated the prohibition against engaging in sorcery). But one who is simply *ocheiz es ha'einayim* (literally, “grabs the eyes”), is not liable.”

Whatever exactly this *ocheiz es ha'einayim* is, it should be pointed out that his performance is no simple matter. Whereas the Mishnah seems to attribute greater leniency to performing these acts over standard acts of sorcery, this is not to say that doing so is permissible. Rather, as the Gemara clarifies (*ibid. 65b*), this falls within the purview of a separate transgression. Whereas the transgressor may not be liable for the prohibition of *מְכַשֵּׁף* (sorcery), his acts are still included in the prohibition known as *מְעוֹנֵן* (*Devarim 18:10; cf. Kessef Mishnah, Hilchos Avodah Zarah 10:9*).

So, what is proscribed through this prohibition against *ocheiz es ha'einayim*? The Rambam provides a description that sounds substantially similar to many of the “magic shows” performed in our times. He writes: “(It refers to acts) associated with quick hand movements, which

cause the observers to perceive that which does not really occur... (For example), they will take a rope, place it within their garments, and then – upon its retrieval – they take out a snake; or, they will toss a ring into the air and then “retrieve” it from the mouth of a member of the audience... One who conducts himself in this manner is called an *ocheiz es ha'einayim*” (*Sefer Hamitzvos, lo sa'aseh 32*). Apparently, the Rambam understands this term to refer to regular illusions and tricks performed through nothing other than skillful sleight of hand. Accordingly, it would seem – according to the Rambam’s definition – that the performance of standard-fare magic tricks is forbidden.

### REAL OR IMAGINED?

This definition happens to dovetail with the Rambam’s stated opinion concerning witchcraft in general. As mentioned elsewhere (*cf. Mishnas Chayim, parshas Kedoshim, 5771*), there exists a broad dispute amongst the Rishonim (Medieval Commentators) regarding the nature of this institution; were the practitioners of this craft able to perform real “magical” feats, or was the entire field of sorcery just one big sham? The Rambam is of the opinion that the sorcerers are all, in fact, a bunch of skillful fakers. Accordingly, when the Torah proscribes the performance of *achizas einayim*, the Rambam understands this to be a prohibition against the performance of these illusionary activities.

Others (including the Ramban and the Semag) attribute actual abilities to the magicians. (That is, one who engages in black magic and the like is able to harness certain impure spiritual forces to perform real feats, but such practice is forbidden by the Torah.) As such, the Semag (*lo sa'aseh 53*) defines the prohibition against *achizas einayim* somewhat

Howard & Rochelle Gans, Paramus NJ, wish their son  
Menachem a Mazel Tov  
upon the second Anniversary of his Bar Mitzvah Parshah.

Kindly take a moment to study MISHNAS CHAYIM in the merit of  
בערל אברהם בן חיים ניסן ע"ה, a fellow Jew who passed away with  
no relatives to arrange Torah study on behalf of his neshamah.

differently than the Rambam. While also understanding that the term refers to some type of illusionary duping of the audience, he maintains that the practitioner makes use of actual powers of sorcery to aid in the performance of his tricks. As such, the Semag would seemingly permit the performance of such acts so long as the performer employs mere sleight of hand (*cf. Tamim Tihyeh, ch. 6*).

As we shall soon see, this dispute manifests itself through one of the seminal events in this week's *parshah*, in quite a fascinating way.

## ***DON'T TRY THIS AT HOME – THE HAZARDS OF THE JOB***

In their appearance before Pharaoh, Moshe and Aharon performed a miracle to demonstrate that their mission was Divinely ordained: a staff thrown to the ground turned into a snake. In an attempt to dismiss the power of this wondrous act, Pharaoh called on his magicians to duplicate the feat. And while the magicians were able to perform a similar act, their staffs-turned-serpents were swallowed by Aharon's (*Shemos 7:8-12*).

Here we have a scriptural narrative, the simple interpretation of which implies that an act of actual magic took place. The Egyptian magicians plied their trade to grant life to an inanimate object. Their efforts proved fruitless, however, in light of the superiority demonstrated by the agents of the Divine. This episode fits well with the view of those Rishonim who grant credence to the exploits of sorcerers (but maintain that their practice is Biblically proscribed). How would the Rambam – representing the school of thought that discounts the field of witchcraft – understand this particular event?

The Malbim provides an enlightening approach, which appears to corroborate with the Rambam's way of thinking. He explains that Egypt's magicians performed in similar fashion to the modern-day type, relying primarily on deft movements and sleight of hand to create an illusion of "magic". Pharaoh's magicians had perfected this particular act of transforming a staff to a serpent using props and barely-perceptible arrangements. Their well-

rehearsed version basically came down to this: they would quickly exchange the staff for a dead snake skin they had at the ready, within which they would wrap themselves and perform serpentine movements. To the audience it appeared that the staff had become an actual, slithering snake.

Alas, for Pharaoh's magicians, this was to be their last act. The Malbim concludes his exposition by explaining what happened when Aharon's staff swallowed that of the magicians. Being that the magicians themselves lurked beneath the snaky surface, it was *they* who were swallowed up by Aharon's miraculous deed.

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