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**BIBLICAL SCHOLARSHIP**

**AS A MODERN JEWISH HERMENEUTIC**

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Dear readers,

In the 19<sup>th</sup> century, coming on the heels of Jewish emancipation in a newly nationalized Europe, the antecedents of modern biblical scholarship ruptured the Ashkenazic world. Thus, for example, Rabbis Abraham Geiger, Zacharias Frankel, and Samson Raphael Hirsch (whose names would later be affiliated – albeit somewhat anachronistically – with the three most populous Jewish denominations today), each responded differently from one another as each sought to reconcile the drive that infused meaning in their developing Jewish identities intersected with the wedge of intellectual arguments that attempted to erode any ‘divine’ imprint in the Hebrew Bible. Geiger and his early Reform colleagues accepted the challenge of distancing themselves from the conception of the Torah as an authoritative document for contemporary guidance; Frankel focused his academic criticism on early rabbinic sages and the interpretation of and translations of Biblical texts (paralleling, perhaps presciently, the Jewish Theological Seminary of America’s hesitation even to teach the Pentateuch or the documentary hypothesis during most of the institution’s first century of existence); and Hirsch, championing an enlightened traditionalist camp, wrote a full Torah commentary peppered with the occasional polemic against historical-critical approaches to Judaism’s sacred scriptures.

Two centuries later, the greater academy of Jewish studies and Jewish communities that view themselves as modern across the world struggle to make sense of the social, intellectual, and spiritual roles that the Hebrew Bible ought to play in the life of a Jew. Furthermore – especially in light of the critiques that scholars have raised in their study of this ancient anthology – how a modern Jew should appropriately respond to the words of this writ continues divide Jewish circles from one another in their search for meaning in modern Biblical interpretation. Such distinctions have yielded a wide range of beliefs about Sinaitic revelation and a variety of attitudes towards Jewish religious authority – all resulting in questions, answers, and even quips that have defined the character of Jewish movements and institutions today.

This special issue of *Zeranim* opens with David Frankel’s reflection on “Contemporary Jewish Theology in Light of Divergent Biblical Views on Revelation’s Content.” Highlighting the Hebrew Bible’s conflicting records of the words and ideas conveyed at Sinai,

Frankel provides suggestions as to how one might find religious meaning in the 'polyphonic' nature of some of the *Tanakh's* contradictory teachings and might attune one's ears for a divine voice amidst the multivocality.

Reflecting on the work of Bible scholars who have written on ancient Israelite or contemporary Jewish theology, Alan Mittleman critiques the gaps left in the philosophical turns of several oft-cited writers in biblical studies. In his "Reconstruction and Retrieval: On Historical and Philosophical Interpretations of Scripture," Mittleman suggests both that the lessons taught by historical-critical scholars will be strengthened by familiarity with dominant trends in philosophy and that scholars attempting contemporary Jewish philosophical writing must be prepared to learn from the historical-critical school.

The second half of our issue focuses on the transmission of the Hebrew Bible among English-speaking people of faith. Providing a brief introduction to the greater contextualization of how the *Tanakh* has been translated for Jewish audiences, Adele Berlin's "On Bible Translations" promotes the study of translations as an entry point for discovering the nuances in, or read into, the Masoretic text.

This special issue closes with an early, advance presentation of, and an appended excerpt from, Martin S. Cohen's forthcoming ambitious 'targumic' translation of the 'Five *Megillot*' (i.e., Song of Songs, Ruth, Lamentations, Ecclesiastes, and Esther) and the Torah, the latter of which is presented in accord with the ancient Palestinian triennial lectionary cycle (the divisions of which have been restored by such scholars as Shlomo Naeh, whose work supports Cohen's organizing principles). Cohen's "Introducing *Humash Kol Ha-Tor* and *M'gillot Kol Ha-tor*: Some Preliminary Considerations" provides our readers with insight into some of the particular challenges of conveying the full emotional and intellectual range—as presented in prose and poetry, of texts from many centuries ago—for a modern audience of English readers seeking to delve more deeply in their study of *Tanakh*.

In retrieving the old, *Zeramim* (meaning "Streams"), representative of a wide range of Jewish thought, seeks to help readers find new meaning in the oldest of Jewish sacred writings—in this special issue and in all our issues, indexed by RAMBI (The Index of Articles on Jewish Studies), and archived on our website at [www.zeramim.org](http://www.zeramim.org). The editors of our journal are honored to publish this issue, shedding

some new light on how modern lenses reading the Tanakh can shape Jewish thought today.

With gratitude,

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## Table of Contents

### CONTEMPORARY JEWISH THEOLOGY IN LIGHT OF DIVERGENT BIBLICAL VIEWS ON REVELATION'S CONTENT

*David Frankel*

p. 5

### RECONSTRUCTION AND RETRIEVAL: ON HISTORICAL AND PHILOSOPHICAL INTERPRETATIONS OF SCRIPTURE

*Alan Mittleman*

p. 37

### ON BIBLE TRANSLATIONS

*Adele Berlin*

p. 59

### INTRODUCING *HUMASH KOL HA-TOR* AND *M'GILLOT KOL HA-TOR*: SOME PRELIMINARY CONSIDERATIONS

*Martin S. Cohen*

p. 71

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## CONTEMPORARY JEWISH THEOLOGY IN LIGHT OF DIVERGENT BIBLICAL VIEWS ON REVELATION'S CONTENT

David Frankel

### Introduction

Over the past two decades or so, discussion amongst critically oriented biblical scholars has been mounting regarding the possibilities of engaging in what is referred to as "Jewish biblical theology." Of course, though some important books and articles have given voice to much debate and deliberation, no consensus has emerged as to what a Jewish biblical theology might look like, or what it ought to attempt to accomplish.<sup>1</sup> Without denying the legitimacy of the various suggestions and approaches that have been put forward, I would like to present here my own conception of how a theological engagement with the Hebrew Bible might proceed, specifically within a Jewish context.<sup>2</sup>

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<sup>1</sup> Amongst the many noteworthy contributions to this discussion we mention only a few representative works: Marvin Sweeney, *Tanak: A Theological and Critical Introduction to the Jewish Bible* (Minneapolis: Fortress, 2012); Benjamin D. Sommer, "Dialogical Biblical Theology: A Jewish Approach to Reading Scripture Theologically," in *Biblical Theology: Introducing the Conversation*, Leo Perdue (ed.) (Nashville: Abingdon Press, 2009), pp. 1-53 and 265-285; Ziony Zevit, "Jewish Biblical Theology: Whence, Why and Wither?" in *Hebrew Union College Annual (HUCA)* 76 (2005), pp. 289-340; Isaac Kalimi (ed.), *Jewish Bible Theology: Perspectives and Case Studies* (Winona Lake: Eisenbrauns, 2012); and James Barr, *The Concept of Biblical Theology* (Minneapolis: Fortress, 1999), pp. 286-311.

<sup>2</sup> Cf. also David Frankel, "Israelites and Non-Israelites in the Land of Promise: The Use of Biblical Models in the Construction of a Jewish The-

In order to illustrate my approach, I have chosen to focus on divergent biblical accounts of the revelation in the wilderness of Sinai. I will not be concerned with the question of *how* the divine will was thought to have been conveyed (verbally or in some other form) and to whom (Moses or Israel or various combinations of the two) in the different Pentateuchal accounts. This has been the subject of significant recent attention.<sup>3</sup> I will focus, rather, on a less talked about issue within the theological context: the question of *which specific demands* were said to have been conveyed in the different and conflicting biblical accounts of the foundational revelation. This is the kind of question that is usually left in the hands of the biblical critics who attempt, on the basis of these materials, to reconstruct the history of ancient Israelite law and religious institutions. The divergences and conflicts have not, as a whole, been employed constructively in contemporary Jewish theology. Indeed, the great Jewish theologians of the recent past continually underscored the unity of the biblical message and either ignored or downplayed elements of internal incongruity.<sup>4</sup> In my view, this one-sided emphasis on unity is unfortunate. The identification of divergent or conflicting biblical views on any issue, including the one to be discussed below, provides rich resources not only for the historian, but also for the theologian. While the historian may see various historical developments behind the conflicting texts, and the sociologist may see behind them various social groups vying for power, the theologian can go beyond this. He or she can discern in the conflicting texts divergent and even antithetical theological orientations the differences of which are not fully accounted for by reference to the specific historical circumstances within which they were expressed. Most important, these conflicting theological orientations may still be instructive for our own contemporary situation. The attempt to harmonize the texts in pursuit

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ology of Coexistence," in *Jewish Studies: Forum of the World Union of Jewish Studies* (forthcoming).

<sup>3</sup> See Benjamin D. Sommer, *Revelation and Authority: Sinai in Jewish Scripture and Tradition* (New Haven and London: Yale University, 2015).

<sup>4</sup> See, for example, Franz Rosenzweig, "The Unity of the Bible: A Position Paper Vis-à-vis Orthodoxy and Liberalism," in Lawrence Rosenwald and Everett Fox (eds.), *Scripture and Translation*, (Bloomington: Indiana University, 1994), pp. 22-26. Martin Buber, "On Translating the Praisings," in Lawrence Rosenwald and Everett Fox (eds.), *Scripture and Translation* (Bloomington: Indiana University, 1994), p. 91.

of a unified biblical message often serves only to flatten them. In sum, the identification of distinct and contrary theological views in the bible provides the constructive theologian with more working material in which to ground his or her inquiry and discussion and with more “choices” that are grounded in Scripture. It also allows the critically minded reader of the bible who is not a “professional” theologian to engage with Scripture in a way that is both intellectually honest and, at least potentially, engaging and meaningful.

The relevance of conflicting biblical texts for contemporary Jewish thought cannot, to be sure, be presented without extracting the abstract conflicting theological principles from their concrete and specific expressions in the texts. These conflicting principles may then be correlated with ones that appear in different garb in later Jewish literature, down to our own day. Finally, it is also of vital importance to show how these principles may be brought to bear on the various challenges facing us today.<sup>5</sup> The following, then, is an attempt to demonstrate in a rudimentary way how all this might be done with reference to a single topic, the divergent biblical views concerning the content of the founding revelation given in the wilderness.

### **Is Child Sacrifice One of the Commandments? Jeremiah vs. Ezekiel**

The first important point that needs to be established is that the question of what content was related to Israel in the founding covenant revelation was in fact the subject of radical disagreement in the Bible. This becomes most evident when we investigate some prophetic passages outside the Pentateuch.<sup>6</sup> One of the most striking texts in pro-

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<sup>5</sup> A significant collection of essays that attempt to extract theological principles from the laws of Lev 25 and discuss how those principles might be applied in today’s world is Hans Ucko (ed.), *The Jubilee Challenge: Utopia or Possibility? Jewish and Christian Insights* (Geneva: World Council of Churches, 1997).

<sup>6</sup> An interesting example of prophetic disagreement over the law concerns the use of foreigners as cultic personnel in the Temple service. According to Ezekiel 44:6–8 this is a violation of the covenant (see also Zechariah 14:21). In verse 9, the prophet issues a further prohibition against the very entrance of foreigners into the Temple. In contrast, according to Isaiah 56:5–9, YHWH promises to repay foreigners who

phetic literature is that of Ezekiel (Ezek) 20. This oracle presents Israel's earliest history as an unending story of rebellion against God and God's good life-giving commandments. God continually considered wiping out Israel completely both in Egypt and the wilderness, but, then realizing that this would reflect negatively on God's reputation, God stayed God's hand (as told in vv. 5–17). In Ezekiel's unique and unparalleled historical narrative, the second generation of Israelites in the wilderness disobeyed God's good commandments that God had given to their fathers. Thus, the second generation continued the path of rebellion initiated by the first (vv. 18–21). After realizing, once again, that destroying Israel would be counterproductive, God instead decided then and there to disperse the second generation's descendants among the nations at some point in the distant future (vv. 22–24). God also decided on a further response. In Ezek 20:25–26, that they might know that I am the LORD."<sup>7</sup> In other words, after the Israelites rejected God's good commandments, God proceeded to give them *bad commandments by which they could not live*. God did this so as to punish them for their rejection of God's good laws. The prophet then gives a specific example of one of the bad laws that God gave in the wilderness. As recognized

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have accepted the covenant with service at the Temple. According to J. Schaper, this disagreement reflects divergent interpretations of the laws concerning who may enter the community of YHWH of Deuteronomy 23:2–9. This proceeds from the assumption that the prophets agree on the content of the founding revelation and merely disagree on the interpretation of that content. See Joachim Schaper, "Re-reading the Law: Inner-biblical Exegesis and Divine Oracles," in Bernard M. Levinson and Eckart Otto (eds.), *Recht und Ethik im Alten Testament: Studies in German and English in Honor of Gerhard von Rad, Altes Testament und Moderne* 16, (Munster/London: LIT 2002), pp. 125–144. It is also possible, however, that the prophets disagree more fundamentally on the very contents of the revelation.

<sup>7</sup> Translations in this paper are mine.



by Moshe Greenberg,<sup>8</sup> Jon Levenson<sup>9</sup> and others,<sup>10</sup> the Hebrew words *ואטמא אותם במתנותם בהעביר כל פטר רחם למען אשימם* (“and I defiled them with their gifts, with the giving over of everything that opens the womb, so that I may devastate them”) refer to the divine command to sacrifice firstborn children to God! This may allude to the somewhat ambiguous command of Exodus (Exod) 22:28–29, to other written texts that were not incorporated into the Torah, to oral tradition, to earlier versions of our Torah text, or to some or all of the above.<sup>11</sup> In any event, for Ezekiel, who speaks in the name of the God of Israel, child sacrifice was one of God’s *mitzvot*!

In contrast, Exod 13:13 and 15 and 34:20 and Numbers (Num) 18:15 all insist that the firstborn son must be redeemed. Deuteronomy (Deut) 12:30–31 and 18:10 (and many other biblical texts) condemn child sacrifice as an abomination of the nations, which must not be adopted in Israelite worship of the Lord. There is not even any need, according to Deut 15:19–23, to redeem the firstborn. Moreover, when Ezekiel’s older contemporary, Jeremiah, condemns child sacrifice, he adds the threefold insistence that this form of worship is one “which I did not command, nor speak, nor even entertain in my mind” (Jeremiah [Jer] 7:31 and 19:5). This profuse denial clearly indicates that Jeremiah was rejecting his audience’s belief that child sacrifice was indeed commanded by God. This common belief, however, was not restricted to the crowds that partook in this cult. It was declared true by the God of

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<sup>8</sup> Moshe Greenberg, *Ezekiel 1–20*, AB (Anchor Bible) 22 (Garden City: Doubleday, 1983), pp. 368–370.

<sup>9</sup> Jon D. Levenson, *The Death and Resurrection of the Beloved Son: The Transformation of Child Sacrifice in Judaism and Christianity* (New Haven: Yale University, 1993), pp. 3–17.

<sup>10</sup> See, e.g., Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1986), p. 185. For traditional Jewish interpretations of Ezek 20:25–26 see Rimon Kasher, *Ezekiel, Introduction and Commentary, Volume One, Mikra Leyisra’el: A Bible Commentary for Israel* (Jerusalem: Magnes, 2004), 404–406 (in Hebrew). See also, P. W. van der Horst, “I Have Them Laws That Were Not Good’: Ezekiel 20:25 in Ancient Judaism and Early Christianity,” in J. N. Bremmer and F. Garcia Martinez (eds.), *Sacred History and Sacred Texts in Early Judaism: A Symposium in Honor of A. S. van der Woude* (Kampen: Kok Pharos, 1992), pp. 94–118.

<sup>11</sup> See the discussion in Levenson, *Death and Resurrection*, pp. 3–17, for some of these possibilities.

Ezekiel,<sup>12</sup> even if as a form of punishment, "so that I may make them desolate, so that they might know that I am the Lord!"

## A Theological Interpretation of the Debate

Let us now briefly examine this "historical" dispute over what God did or did not command in theological terms. The God of Ezek 20, like the God reflected in at least one reading of the story of the *Akedah* (the 'binding' of Isaac in Genesis [Gen] 22),<sup>13</sup> is not constricted by ethical

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<sup>12</sup> In my view, this evidence stands in the face of the sweeping pronouncement of Joshua Berman:

Perhaps the most significant observation we can make about the presentation of the various laws elsewhere in the Bible is this: no-where in the Hebrew Bible do we find a prophet, priest, or king—or even a biblical narrator—who argues in explicit fashion for the legitimacy of one version of a law over another... Alas, any trace of this supposed fight for supremacy between the schools is utterly absent from the extensive record of extra-pentateuchal biblical books.

See Joshua Berman, "Supersessionist or Complementary? Reassessing the Nature of Legal Revision in the Pentateuchal Law Collections," in the *Journal of Biblical Literature* (JBL) 135 (2016), p. 214.

<sup>13</sup> See the provocative and compelling essay of Yehuda Liebes, "The Love of God and Divine Jealousy: On the Dualistic Dialectic that is the Heart and Essence of Religion" (אהבת האל וקנאתו: על השניות הדיאלקטית שהיא) (לבנה ומהותה של הדת" *Dimuy* 7 (דימוי) (1994), pp. 30-36 (in Hebrew). For a similar reading of the divine response to Job that is equally provocative and suggestive see Edi Tzemach, "What Did God Answer to Job?" (מה ענה אלהים לאיוב?), in *Moznaim* (מאונים) 69/9 (1988), pp. 14-17 (in Hebrew.) Attempts to interpret the story of the *Akedah* as a negation of the possibility of child sacrifice on the basis of the fact that God stays Abraham's hand falter in light of the fact that God in no way indicates that Abraham's intended act of obedience was problematic, let alone deplorable. On the contrary, Abraham's near slaughter of his son

constraints.<sup>14</sup> The concerns of God in this theological picture are focused on the achievement of glory and a “great name” beyond all else.<sup>15</sup> An analogous conception of the deity is clearly articulated in the Book of Daniel:

*All the inhabitants of the earth are accounted as nothing; and he does according to his will in the host of heaven and among the inhabitants of the earth; and none can stay his hand or say to him, “What doest thou?”<sup>16</sup>*

In accordance with the fundamental worthlessness of all of existence in the face of the divine, and the idea that no heavenly or earthly being can stay God’s hand or intimate what God should do, the God of Ezekiel decides to refrain from destroying Israel independently, and does not do so at the behest of Moses (*cf.* Ezek 20:9, 14, and 22 with Exod 32:11–13, Num 14:13–19, and Deut 9:18 and 26–29). Further, God’s considerations are thoroughly theocentric, related to God’s honor and reputation alone.<sup>17</sup> Concomitant with this conception of the deity as radically other and beyond all human construal is a conception of God’s commandments as standing in a class that lies beyond the distinction be-

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is taken as a positive sign of his great devotion and is therefore rewarded.

<sup>14</sup> For the relationship between morality and the divine command, see Avi Sagi, “The Suspension of the Ethical and the Religious Meaning of Ethics in Kierkegaard’s Thought,” in the *International Journal for Philosophy of Religion* 32 (1992), pp. 83–103. For the Jewish context see, in Hebrew, idem, *Judaism: Between Religion and Morality* (יהדות בין דת למוסר) (Israel: Hakibbutz Hameuchad, 1998).

<sup>15</sup> See on this D. A. Glatt-Gilad, “Yahweh’s Honor at Stake: A Divine Conundrum,” in the *Journal for the Study of the Old Testament (JSOT)* 98 (2002), pp. 63–74.

<sup>16</sup> Daniel (Dan) 4:32. Italics added.

<sup>17</sup> For a recent discussion of Ezekiel’s conception of God’s name, see Tova Ganzel, “Defilement of God’s Name in Ezekiel,” in Michael Avioz, Elie Assis, and Yael Shemesh (eds.), *Zer Rimomim: Studies in Biblical Literature and Jewish Exegesis Presented to Professor Rimom Kashner* (Atlanta: Society of Biblical Literature [SBL], 2013), pp. 206–219.

tween good and evil.<sup>18</sup> To put it more precisely, God can give commandments that are just and good for the individual and for society, but God can also give "חֻקִּים לֹא טוֹבִים," commandments that are neither good nor just nor beneficial for either. God is radically free, such that God can do as God pleases.<sup>19</sup> And, since human life, like all of creation, is "accounted as nothing," the command to sacrifice children to God is both beyond criticism and fully comprehensible. The command is given "so that I may make them desolate, in order that they know that I am YHWH" (v. 26).

In an admittedly limited, yet perhaps instructive way, the theological position of Ezek 20 is reminiscent of modern Jewish thinkers such as Yeshayahu Leibowitz and Joseph B. Soloveitchik. Leibowitz puts strong emphasis on absolute divine transcendence, the theocentric orientation of the divine commandments and the complete independence of religion from human concerns or the realm of the ethical.<sup>20</sup> And Soloveitchik, though less extreme, highlights the theme of surrender,

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<sup>18</sup> Contrast this with the insistence of Maimonides that "the laws of the Torah are not vengeance on the world but mercy and kindness and peace for the world." He states this in support of the Rabbinic position that the Sabbath must be desecrated to save the sick. He then goes on to state:

Those heretics that say that desecrating the Sabbath is prohibited – it is concerning them that scripture states, "I too have given them laws that are no good and statutes through which they will not live" (Ezek 20:25).

See Mishneh Torah, Hilkhot Shabbat 2:3.

<sup>19</sup> The idea of God's radical freedom is also reflected rather clearly in Exod 33:19, "I show favor to the one to whom I show favor, and I show compassion to the one to whom I show compassion."

<sup>20</sup> See Yeshayahu Leibowitz, *Judaism, Human Values and the Jewish State* (edited and translated by E. Goldman), (Cambridge, Massachusetts and London: Harvard University, 1992). Eliezer Goldman, "Religion and Morality in the Philosophy of Isaiah Leibowitz" ("דת ומוסר בהגותו של" (ישעיהו ליבוביץ" in Avi Sagi and Daniel Statman (eds.), *Between Religion and Ethics* (בין דת למוסר) (Ramat Gan: Bar-Ilan University, 1993), pp. 107–114 (in Hebrew).

self-negation, and personal sacrifice in the worship of God.<sup>21</sup> He also depicts those who would bring external sets of values to bear in evaluating the Halakha (Jewish law) as modern day followers of Korah (cf. Num 16).<sup>22</sup> Of course, neither of these thinkers goes so far as to cite the

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<sup>21</sup> Though these themes appear throughout Soloveitchik's writings, they stand out in Joseph B. Soloveitchik, *The Lonely Man of Faith* (Northvale, N.J.: Aaronson, 1997) and *idem*, *Out of the Whirlwind: Essays on Mourning, Suffering and the Human Condition* (edited by David Shatz, Joel B. Wolowelsky, and Reuven Ziegler), (New York: Toras Ho-Rav Foundation, 2003). For a recent discussion of these works see Dov Schwartz, *From Phenomenology to Existentialism: The Philosophy of Rabbi Joseph B. Soloveitchik, Volume 2* (translated by Batya Stein), Supplements to the Journal of Jewish Thought and Philosophy (SJJTP) 19 (Leiden and Boston: Brill, 2013), pp. 227-289 and 319-363.

<sup>22</sup> See Joseph B. Soloveitchik, "The 'Common-Sense' Rebellion Against Torah Authority," in Abraham R. Besdin (ed.), *Reflections of the Rav*, (Jerusalem: Department of Torah Education, 1979), pp. 139-149. See also Lawrence Kaplan, "Ethical Theories of Abraham Isaac Kook and Joseph B. Soloveitchik," in Elliot N. Dorf and Jonathan K. Crane (eds.), *The Oxford Handbook of Jewish Ethics and Morality* (Oxford: Oxford University, 2013), pp. 166-185. Note especially the discussion at pp. 178-179, where Kaplan cites Soloveitchik's statement regarding the disallowing of a marriage between a gentile girl who had converted and her fiancée, an assimilated Jewish man whom she had brought back to Judaism and who turned out to be a *kohen* (a male of priestly descent). Soloveitchik pronounced:

When you reach the boundary line you have to say, 'I submit to the will of the Almighty.' With sadness in my heart, I shared in the suffering of the poor girl. She was instrumental in bringing him back to the fold, and then she had to lose him. She lost him. She walked away.

As Kaplan points out, though Soloveitchik applauds the young woman for her heroic submission, he obscures the problematic fact that his own renunciation of the ethical in the incident (*i.e.*, his refusal or inability to issue a lenient ruling) had tragic consequences for somebody else. The difficulties confronting the *posek* (halakhic decisor) when a ruling would engender great suffering for the individual requesting a ruling is acknowledged and discussed frankly in Aaron Lichtenstein, "Mah Enosh:

bald formulation of Ezek 20:25–26. Yet significant traces of the Kierkegaardian ideal of the religious suspension of the ethical can be detected in their writings.<sup>23</sup>

The position of Jeremiah, and of the many biblical texts that insist that God's commandments are good (Nehemiah [Neh] 9:13), just (Deut 4:8), and life-sustaining (Leviticus [Lev] 18:5) reflects, first and foremost, an antithetical conception of the nature of God. This is the God who ascribes great worth to humanity as is concerned to act on her behalf and benefit. This is the profound implication of the idea that humanity was created in the divine image (Gen 1:27 and 9:6).<sup>24</sup> Divinity and humanity are not radically incommensurate but, in a certain sense, fundamentally alike. Since humanity's worth is grounded in its divine

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Reflections on the Relation between Judaism and Humanism," in *The Torah U-Madda Journal* 14 (2006–2007), pp. 1–61, at p. 50.

- <sup>23</sup> The idea of the submission of own's own ethical sense to the higher authority of Halakha is prominent amongst Orthodox thinkers, even those that seek to highlight the centrality of individual ethical intuition. Note, for example, the following statement from Walter S. Wurzburger :

It would be the height of arrogance to challenge the validity of an explicit divine imperative on the ground that it runs counter to our own ethical intuitions. Indeed, to permit humanistic considerations to override divinely revealed commandments amounts to a desecration of the Divine Name. In the event of conflict with explicit halakhic requirements, all ethical, aesthetic, intellectual or prudential considerations must be set aside. (Walter S. Wurzburger, *Ethics of Responsibility: Pluralistic Approaches to Covenantal Ethics* [Philadelphia: Jewish Publication Society {JPS}, 1994], p. 29.)

For a critical discussion of Wurzburger's book, see David Shatz, "Beyond Obedience: The Ethical Theory of Rabbi Walter Wurzburger," in *Jewish Thought in Dialogue: Essays on Thinkers, Theologies, and Moral Theories* (Boston: Academic Studies Press, 2009), pp. 305–325.

- <sup>24</sup> For a thoughtful reflection on the nature of humanity in light of general philosophy and Jewish sources that is centered around the idea of humanity as created in the image of God, see Alan L. Mittleman, *Human Nature and Jewish Thought: Judaism's Case for Why Persons Matter* (Princeton and Oxford: Princeton University, 2015).

likeness, people can confront and challenge God, in spite of the assertions of Dan 4:32. In the words of Abraham, who indeed challenges God over the destruction of Sodom, God is “Judge of all the earth” and God must, perforce, perform justice and righteousness (Gen 18:25).<sup>25</sup> If so, God’s commandments must also be just, good, and beneficial in simple human terms. If they appear to be otherwise, humans can and should scrutinize and challenge them (*cf.* Lev 10:16–20),<sup>26</sup> and even, at times, deny their purported divine authority. The various biblical affirmations that the laws are “good” are not only offered as pious platitudes. They are at least sometimes to be taken as adamant rejections of the alternative conception represented most clearly by Ezek 20:25. This rejection of Ezek 20 is also implicit in the well-known rabbinic gloss to Lev 18:5, **וְלֹא שִׁמּוֹת בָּהֶם—וַיְחִי בָהֶם**, “‘You shall live by them’ – this indicates that one is not meant to die by them.”<sup>27</sup>

In terms of the contemporary situation, it hardly needs to be demonstrated that the controversy over the relationship between Jewish law and universal ethics is far from settled. Not a few of today’s religious authorities, in continuity of a sort with Ezek 20 and Dan 4, insist that Judaism and its divine dictates (as they interpret them) stand above and beyond the bounds of “human” morality. Our place is not to judge but to comply submissively, regardless of the pain that may be inflicted on ourselves or others.<sup>28</sup> In this context, I would suggest that it is the

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<sup>25</sup> For the prevalence of the theme of challenging God in the Bible, see Claus Westermann, “The Complaint Against God,” in Tod Linafelt and Timothy K. Beal (eds.), *God in the Fray: A Tribute to Walter Brueggemann*, (Minneapolis: Fortress Press, 1998), pp. 233–241; Sheldon Blank, “Men Against God: The Promethean Element in Biblical Prayer,” in *JBL* 72 (1953), pp. 1–13. For the continuation of this theme in rabbinic literature see Dov Weiss, *Pious Irreverence: Confronting God in Rabbinic Judaism* (Philadelphia: University of Pennsylvania, 2017).

<sup>26</sup> This text provides a striking example of Aaron’s dissension from Moses’ Torah instructions on the basis of his independent reasoning concerning what might be “right in the eyes of YHWH” in the unique situation at hand. The story provides a counterpoint to the story of Nadab and Abihu at the beginning of the chapter (Lev 10:1–3), which presents Aaron as silently acquiescing to Moses’ representation of the divinity.

<sup>27</sup> See Babylonian Talmud (b.), Yoma 85b.

<sup>28</sup> See Shlomo Aviner, “The Aqeda: Divine Command and Human Morality,” *Be’ahavah Uve’emunah* (בְּאַהֲבָה וּבְאֵמוּנָה) 121 (1998), pp. 1–4 (in Heb-

continuing task of the followers of Jeremiah to invoke his divine voice and proclaim: "I did not command; I did not speak thus; it never entered my mind."<sup>29</sup> I will return to this point at the end of this essay.

## Disagreement Between Torah Sources Over the Contents of the Law

Let us now turn to the Pentateuch itself. As has been shown rather decisively by critical analysis, the various Pentateuchal law collections with their surrounding narrative frameworks largely reflect divergent accounts of the initial covenant between YHWH and Israel and the essential stipulations that that covenant entailed.<sup>30</sup> This is the

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rew). For an instructive study of recent extremist, fundamentalist trends in Israel, see Motti Inbari, *Jewish Fundamentalism and the Temple Mount: Who Will Build the Third Temple?* (translated by Shaul Vardi) (New York: SUNY, 2009). A broader treatment in Hebrew of the conflict between democratic values and religious authority in Israel is Dov Schwartz, *Walking a Tightrope: Religious Zionism and Democracy* (על חבל) (דק: דמוקרטיה וערכיה בהגות הציונית הדרתית) (Jerusalem: Carmel, 2018).

<sup>29</sup> Samuel Hugo Bregman writes:

The principle should be that wherever there is a conflict between sanctified text and my own moral sense, I should sacrifice the text and not my intelligence or my feeling. Whenever we are told that God commanded something which we consider immoral, we ought to answer: it is inconceivable that God commanded it. (Samuel Hugo Bregman, *The Quality of Faith: Essays on Judaism and Morality*, translated by Y. Hanegbi [Jerusalem: Youth and Hechalutz Department, 1970], p. 29).

For a critique of this position, see A. Sagi and D. Statman, *Religion and Morality* (Bialik: Jerusalem, 1993), pp. 188–195 (in Hebrew). Of course, the more traditional strategy for resolving the conflict between divine text and morality is through a moralizing interpretation of the text. To a great extent, the pervasiveness of historical consciousness in contemporary society renders this approach of limited use.

<sup>30</sup> This argument is an extension of the thesis of Jacob Licht, "The Biblical Foundation Claim" ("טענת הכינון המקראית"), in *Shnaton: An Annual for*



best way to account for the multiple repetitions, inconsistencies, and outright contradictions that exist between both the various laws and law collections as well as between their various narrative frameworks.<sup>31</sup> It was only when the final redactors combined these texts into a single, continuous narrative that the conflicting accounts of God's covenantal demands came to be seen as complementary ones.

In fact, these law collections and their narrative frameworks are best understood not only as divergent formulations of God's essential demands of Israel, but also, at least to a certain extent, deliberately disputatious and competitive. Thus, when we read, in Deut 4:44, "וְזֹאת הַתּוֹרָה אֲשֶׁר שָׂם מֹשֶׁה לִפְנֵי בְנֵי יִשְׂרָאֵל" ("This is the teaching that Moses set before the Israelites"), we should probably hear an emphatic זֹאת (*zot*, "this"). *This*, the teaching of Deuteronomy, is the Torah of Moses, and *not* the covenant texts of Exod 19–24, Exod 34, the Priestly teachings now found throughout the books of Exodus, Leviticus and Numbers,

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*Biblical and Ancient Near Eastern Studies* (שנתון לחקר המקרא והמזרח הקדום) 4 (1980), pp. 98–128 (in Hebrew).

<sup>31</sup> For a highly conservative approach to the issue, see, however, Joshua A. Berman, *Inconsistency in the Torah: Ancient Literary Convention and the Limits of Source Criticism* (Oxford: Oxford University, 2017). Berman presents a multipronged case for seeing the law collections both in their pre-redactional stages and at the redactional stage as intended and presented as complementary to earlier law collections, even as they sometimes stand in mutual contradiction. However, at least with regard to Deuteronomy, the text clearly presents itself as a repetition of the Decalogue and a first presentation on the plains of Moab of the additional Horeb laws that the people refrained from receiving from the divine voice (Deut 6:1 with reference back to Deut 5:31 (28)). This makes no sense if Deuteronomy was meant to complement Exodus. Moshe Weinfeld writes:

...he [the Deuteronomic author] makes it quite clear that at Sinai the Decalogue was proclaimed, whereas the law proper was given to Israel by Moses on the plains of Moab. In other words, Deuteronomy would be seen as replacing the old book of the covenant and not as complementing it. (Moshe Weinfeld, *Deuteronomy 1–11*, AB 5; [New York: Doubleday, 1991], p. 19.)

or other Mosaic covenantal law texts that are no longer extant. This claim to exclusive authority is implicit in Deuteronomy's insistence: "Be careful to follow everything that I command you; *you shall not add to it or take away from it*" (13:1; cf. 4:2). The passage implies that the Deuteronomic text is completely adequate unto itself, presenting the first and final word on God's covenant stipulations.<sup>32</sup> Circumcision, it may be noted, is never enjoined by Deuteronomy as an obligation of the covenant, though Deuteronomy does affirm that which is, in its view, truly important, the symbolic circumcision of the heart (10:16). From Deuteronomy's perspective, then, the conversion of physical circumcision from an ethnic rite into a *Mitzvah*, indeed, into the very "sign of the covenant," may be an illegitimate addition to God's covenant de-

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<sup>32</sup> Note the comments of Michael Fishbane (*Biblical Interpretation*, p. 263) regarding this emphatic statement of Deut 13:1:

Following Deut. 12, which is a radical cultic revision of the rules of altar-building found in the Covenant Code (Exod. 20:24), and just as much a radical transformation of the rules of slaughter found in the Holiness Code (Lev. 17), such a remark is certainly as tendentious as it is programmatic. Moreover, because of the temporal generality of the verb "which I command" used in this verse, the restriction on innovations and deletions has a broader horizon, and point to the entire Deuteronomic corpus of law which follows.

See also Bernard M. Levinson, "You Must Not Add Anything to What I Command You: Paradoxes of Canon and Authorship in Ancient Israel," in *Numen* 50 (2003), pp. 1-51, at pp. 6-7. It must be stressed that Deut 13:1 does not imply that Deuteronomy contains *all the laws that Israel needs for its public life*, only that it constitutes the definite statement of *the terms of the covenant*. The same implication can be discerned in Deut 17:18-20 and 31:9-13 and 24-27. Deuteronomy alone is to be written and kept by the ark, read continuously by the king and read to the people every seven years, since it alone provides the correct account of the covenant stipulations. Instructions provided by the priests must be obeyed and are enforced by the death penalty (Deut 17:8-13), but they do not attain the status of covenant stipulations.

mands.<sup>33</sup> The Priestly law collection also claims that it provides the single correct version of God's Sinaitic demands. This is the strong implication of the formula that is frequently appended to Priestly laws, חקת עולם (לדורותיכם), "(for your generations) as an eternal command," or the like.<sup>34</sup> Thus, from the perspective of the Priestly law, which considers the marriage of a man to his late brother's widow an "abomination" (Lev 18:16 and 24–30 and 20:21), Deuteronomy's *mitzvah* of levirate marriage (25:5–10) is complete sacrilege! Though the Covenant Code of Exodus 19–24 makes no *explicit* claim to the enduring character of its laws, the fact that the blood of the covenant is sprinkled on the people after they proclaim "we shall do, and we shall listen" in response to the recitation of the "book of the covenant" strongly implies

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<sup>33</sup> Of course, at Joshua 5:2–9, circumcision is presented as an important Israelite rite, commanded by God (v. 2). What is more, this text is often characterized as belonging to the work of an editor influenced by Deuteronomy, known as the "Deuteronomistic editor." However, scholars have pointed to the many points in which this editor diverges from the theology and ideology of Deuteronomy, so this could constitute one more example of this. See Bernard M. Levenson, "The Re-conceptualization of Kingship in Deuteronomy and the Deuteronomistic History's Transformation of Torah," in *Vetus Testamentum* 51 (2001), pp. 511–534. My own view is that the text of Josh 5:2–9 has undergone editing that was influenced, at least in part, by the Priestly approach to circumcision. According to the text in its original form, Joshua was the one who first introduced circumcision into Israel. See on this Alexander Rofé, "The End of the Book of Joshua According to the Septuagint," *Henoah* 4 (1982), pp. 17–36, esp. pp. 23–24. For a recent study of circumcision in the Priestly materials, see David A. Bernat, *Sign of the Covenant: Circumcision in the Priestly Tradition* (Ancient Israel and its Literature 3; Atlanta: SBL, 2009).

<sup>34</sup> Reference should also be made to the laws of Leviticus 17–26 (27), which many scholars view as a separate kind of Priestly material. Those who see it as an independent law collection that originally stood on its own emphasize the finality implicit in Lev 26:46: "These are the laws, rules, and instructions that YHWH established, through Moses on Mount Sinai, between Himself and the Israelite people." Cf. also Lev 27:34. For a clear and insightful discussion see J. Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26*, Supplements to *Vetus Testamentum* (SVT) 67 (Leiden: Brill, 1996), pp. 1–28.

that a similar conception of finality is assumed. The text certainly does not reflect an expectation that the laws will be revised or supplemented, let alone abrogated in the future. The same may be said for the laws of Exod 34:10–26, which conclude with the statement of verse 27, “And the LORD said unto Moses, ‘Write these words—for, based on these words, I have made a covenant with you and with Israel.’” These words and no others form the foundation of the covenant and are preserved in writing for all of posterity.<sup>35</sup>

### Reading the Torah and its Laws as a Polyphonic Text

The question I would like to raise here concerns how we might conceive *reading* this conglomeration of repetitive and partly contradictory legal materials today. On the whole, two critical alternatives have been pursued. Most critics break up the present Torah text into putatively coherent and internally consistent, independent documents, each with their own legal collection. They proceed to read and analyze each document separately, following the assumption that the conglomerated whole is simply unreadable.<sup>36</sup> Others seek to read the entire Pentateuch as a continuous whole, and interpret the law collections that follow Exodus 19–24 as complementary applications and extensions thereof.<sup>37</sup> However, this synchronic reading of the Pentateuch and, particularly, of the legal materials in it often entails what many would

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<sup>35</sup> On Exodus 34 in relation to the “Covenant Code,” see Shimon Bar-On, “The Festival Calendars in Exodus XXIII 14–19 and Exodus XXXIV 18–26,” in *Vetus Testamentum* (VT) 48 (1998), pp. 161–95.

<sup>36</sup> See, e. g., Joel Baden, “Why is the Pentateuch Unreadable?—Or, Why Are We Doing this Anyway?” in Jan C. Gertz, Bernard M. Levinson, Dalit Rom-Shiloni, and Konrad Schmid (eds.), *The Formation of the Pentateuch: Bridging the Academic Cultures of Europe, Israel, and North America*, FAT 11 (Tübingen: Mohr Siebeck, 2016), pp. 243–52.

<sup>37</sup> Aside from Berman, *Inconsistencies*, see Ekhardt Otto, “The Pre-exilic Deuteronomy as a Revision for the Covenant Code,” in *Kontinuum und Proprium; Studien zur Sozial- und Rechtsgeschichte des Alten Orients und des Alten Testaments*, *Orientalia biblica et christiana* (OBC) 8 (Wiesbaden: Harrassowitz, 1996), pp. 112–22; and Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*, FAT 2/25 (Tübingen: Mohr Siebeck, 2007).

consider forced and harmonistic exegesis. I would like to suggest a third alternative. The various law collections of the Torah with their surrounding narrative frameworks can be taken together as, among other things, a polyphonic amalgamation or anthology of alternative and competing claims regarding the stipulations of the covenant.<sup>38</sup> As a polyphonic text, this amalgamation is not read with an eye for narrative continuity and complete coherence, much less as a practical handbook on how to carry out the law,<sup>39</sup> but as a pastiche or collage of partly conflicting understandings of the scope and meaning of the founding covenant. A similar type of reading has been suggested for other biblical books that severely challenge attempts to find consistency and coherence, such as the books of Job<sup>40</sup> and Ecclesiastes.<sup>41</sup> Following this approach to the Torah, we may identify in the various legal-collections alternative models for a host of significant theological issues—models upon which we may contemplate or synthesize, and from which we also may ultimately choose.<sup>42</sup>

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<sup>38</sup> For the Torah as an anthology see also Benjamin D. Sommer, “Book or Anthology? The Pentateuch as Jewish Scripture,” in Jan C. Gertz *et al.* (eds.), *The Formation of the Pentateuch*, pp. 1091-1108; and Jeffrey H. Tigay, “Anthology in the Torah and the Question of Deuteronomy,” in David Stern (ed.), *The Anthology in Jewish Literature* (Oxford: Oxford University, 2004), pp. 15-31.

<sup>39</sup> For the question of the relationship between the laws of the Torah and legislation see Anne Fitzpatrick-McKinley, *The Transformation of Torah from Scribal Advice to Law*, Journal for the Study of the Old Testament Supplement Series (JSOTSS) 287 (Sheffield: Sheffield Academic Press, 1999); Michael LeFebvre, *Collections, Codes, and Torah: The Re-characterization of Israel's Written Law*, The Library of Hebrew Bible/Old Testament Studies (LHB/OTS) 451 (New York: T&T Clark, 2006).

<sup>40</sup> See Carol A. Newsom, “The Book of Job as a Polyphonic Text,” in *JSOT* 97 (2002), pp. 87-108.

<sup>41</sup> Mary E. Mills, “Polyphonic Narration in Ecclesiastes and Jonah,” in Katharine J. Dell and William L. Kynes (eds.), *Reading Ecclesiastes Intertextually*, The Library of Hebrew Bible/Old Testament Studies (LHB/OTS) 587 (London: Bloomsbury, 2014), pp. 71-83.

<sup>42</sup> In essence, I see my suggestion as an extension of Soloveitchik's theological, biblical exegesis as exhibited in his classic work, *The Lonely Man of Faith*. Soloveitchik eschews the attempt to harmonize the two creation narratives of Genesis or to read them as a single, continuous narrative. Instead, he takes them as two conflicting accounts reflecting conflicting

## Fixed Standardization vs. Spontaneity in the Laws of the Festivals

A brief example should prove instructive. One of the perennial tensions in Jewish life involves the twin values of "*keva* and *kavvanah*," that is, fixed standardization as opposed to inner intention.<sup>43</sup> To what extent should we strive for careful regimentation in religious life and to what extent should we encourage free-flowing spontaneity? While careful regimentation can invest religious life with structure, stability, and continuity, it almost inevitably leads to a certain degree of automation and a concomitant loss of personal sincerity and authenticity. The issue is not only a pragmatic one. It also entails a theological deliberation: Is divine service through obedience to the commandments meant to be a thoroughly theocentric enterprise, or might it be designed, at least in part, to serve as a vehicle for an existential relationship between God and God's people? Following the first understanding, one could hardly allow the considerations of the heart to disrupt the fixed structures of worship, but following the second understanding these considerations would be central. As is well known, Yeshayahu Leibowitz stood firmly in favor of the principle of *keva*, and, for support, he often cited the passage in Num 28:4 concerning the daily public offering of the *tamid* sacrifice: "the one lamb shall be offered in the morning and the other lamb shall be offered in the evening." This is indeed a thoroughly legitimate and appropriate use of the passage. The passage comes from a section of the Torah (Num 28–29; cf. also Lev 23) that determines all the festivals and sacred days that repeat themselves on the exact same date, year after year, and delineates the precise kinds and amounts of sacrifices that the people are required to provide to the sanctuary for each occasion. The section recognizes no possible divergences from this fixed, repetitive cycle because of changes in an indi-

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theological orientations to humanity, which he interprets as standing in dialectical tension. I suggest that the law collections and their surrounding narratives can also be read discontinuously and interpreted as reflecting opposing theological stances.

<sup>43</sup> For this terminology, see Abraham Joshua Heschel, *God in Search of Man: A Philosophy of Judaism* (New York, Meridan, and Philadelphia: JPS, 1959), p. 342 and p. 383.

vidual's personal lot or in the nation's political history. Emotion of any kind is nowhere hinted at.

The central point I would like to make is that most of the Pentateuchal parallels to Num 28–29 contradict it in multiple ways. Most important for the issue at hand, the laws of the festivals in Exod 23:14–19 and 34:18–26 and Deut 16:1–17 make no reference to these fixed public offerings at all. Theologically speaking, the historical or sociological explanations for this divergence are immaterial. The fact is that these texts do not include the fixed public offerings in their versions of the covenant stipulations. Indeed, in these versions of the covenant stipulations, the festivals are *not* fixed in terms of calendrical dates since the timing is related to the situation in the field. The gifts that the worshippers bring to the sanctuary are freely determined by the worshippers themselves (Exod 23:15) in correlation with the degree of blessing received (Deut 16:10 and 17). Finally, the imperative of joy is continually underscored (Deut 16:11 and 14). We have in these texts, then, an alternative model of the worship of God that puts strong emphasis on spontaneity and *kavvanah*. This does not negate Leibowitz's model of Num 28–29. It merely clarifies that it is only one of several models. Of course, one may seek to bring these models together in a new theological synthesis, but there is no imperative to do so. Some may find the highly structured and uniform model of Num 28–29 with its strong theocentric emphasis compelling while others may find that the model of Exodus and Deuteronomy resonates more for them. The juxtaposition of the different models in the same Torah may be taken as an indication that we need not seek theological uniformity. In this instance, as in others, we might readily affirm, "these as well as these are the words of the living God."<sup>44</sup>

## **Homosexual Sex: A Critical Review of Modern Accommodating Interpretations**

Let us now consider a contemporary application of this reading strategy. The designation of the male homosexual act in Lev 18:22 and

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<sup>44</sup> See Babylonian Talmud, Eruvin 13b and Gitin 6b. For the theological pluralism of the Jewish tradition, see Menachem Kellner, *Must a Jew Believe Anything?* (Oxford: Littman Library of Jewish Civilization, 2006).

20:13 as an “abomination” and a capital offense places many contemporary Jews in an embarrassing situation. Modern sensibilities make it nigh impossible to identify positively with these texts. And yet, they are an inherent part of our sacred writings, traditionally read on the holiest day of the year. One of the methods employed in dealing with this matter is to construe the texts as somehow saying something other than what they seem to be saying. The following is a critical review of some Jewish interpretations of this kind.

Jacob Milgrom, who was both a leading Leviticus scholar as well as an ordained Conservative rabbi, offers three different approaches. First, he argues that the biblical prohibition reflects the concerns of a precariously fledgling nation with its own preservation through human reproduction. In other words, biblical law prohibits homosexual relations between men because they threaten to thwart reproduction through heterosexual relations. Following this interpretation of the law, Milgrom goes on to assert that it is not applicable in the world of today, which struggles with the challenges of overpopulation. This approach, however, ignores the fact that the homosexual act is referred to as a *תועבה* (*to'evah*, “abomination”). It is preceded in Lev 18:21 by the law against child sacrifice and followed in Lev 18:23 by the prohibition against bestiality. If the issue were simply the concern to heighten procreation then why is there no prohibition of masturbation or non-procreative heterosexual sex? The category of “abomination,” as the adjacent examples show, surely reflects a deep aversion to something that is considered fundamentally offensive. It cannot be reduced to the level of rationalistic and pragmatic considerations concerning population growth.<sup>45</sup>

Milgrom further argues that the prohibition is addressed to those living in the land of Israel and has no implications for the rest of the world. Obviously, this is hardly helpful for the people living in Israel. Beyond that, however, I would argue that this characterization of the laws in 18:5 implies that we are dealing with a law-collection that sees

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<sup>45</sup> For a discussion of the biblical conception of “abomination” in terms of disgust see Eve Levavi Feinstein, *Sexual Pollution in the Hebrew Bible* (Oxford and New York: Oxford University, 2014), pp. 20–21 and 23 and passim. Her discussion on the ban on sex between men is found on pp. 174–76. According to Levavi Feinstein, “acting with a man as one would with a woman seems to violate the natural order assumed by the text, much like sex between a human and an animal” (p. 176).



itself as a representing a universal ethic: “You shall keep my laws and my rules, by the pursuit of which a person shall live, I am YHWH.” The fact that God’s laws are contrasted with the ways of both the Canaanites and the Egyptians, who permitted such activities (Lev 18:3 and 24), strengthens the impression that they are essentially seen as universal.

Lastly, Milgrom, following one of his students, suggests taking the prohibition of lying with a man מִשְׁכְּבֵי אִשָּׁה (*mishkevey ishah*, i.e., in accordance with, literally—and ambiguously—“the lyings of a woman”) as referring to the prohibited heterosexual relationships mentioned earlier in the text. In other words, the text indicates that just as a man cannot have sex, for instance, with his uncle’s wife, so may he not have sex with the male counterpart to her, his uncle. Homosexual activity with a man from outside one’s family would then be permitted. Milgrom himself acknowledges, however, that there is very little basis for this interpretation.<sup>46</sup>

Rabbi Steven Greenberg interprets the biblical prohibition of Lev 18:22 as concerned basically with the active partner. The phrase “lyings of a woman” is taken as a reference to sex as an expression of “humiliation and violence.” Following this, Rabbi Greenberg suggests that the verse considers it an abomination for a man to have sex with another man only when it is “for the perverse pleasure of demeaning another man.”<sup>47</sup> However, there is no compelling reason to take “lyings of a woman” as a reference to violence and humiliation. Furthermore, the interpretation of Lev 18:22 is hardly helpful since Lev 20:13, which condemns both men to death, would thus be punishing a victim of an abusive sexual act for having been violently abused!

Rabbi David Greenstein suggests that the phrase אוֹיֵשׁ אִשֶּׁר יִשְׁכַּב (אִשָּׁה) refers to ‘a man who lies with a woman together “את זָכָר” (et zakhar, “with another man”):’ i.e., “A man who lies, together with another man, with a woman.” These two men, who have heterosexual relations with the same woman at the same time, are condemned to death. The woman is not

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<sup>46</sup> Jacob Milgrom, *Leviticus: A Book of Ritual and Ethics: A Continental Commentary* (Minneapolis: Fortress, 2004), pp. 196–197 and 256.

<sup>47</sup> Rabbi Steven Greenberg, *Wrestling with God and Men: Homosexuality in the Jewish Tradition* (Madison, Wisc.: University of Wisconsin Press, 2004), pp. 205–206.

held accountable since she is considered a victim of rape.<sup>48</sup> However, the phrase ש-כ-ב את (sh-kh-v et) in the bible always refers to sexual relations *between* the individuals mentioned. Thus, the phrase וַיִּשַׁב אִישׁ אִשׁוֹ וַיִּזְכֹּר זָכָר (ve'ish asher yishkav et zakhar) must refer to 'a man who has sex with another man.'

Finally, Richard Elliot Friedman and Shawna Dolansky bring an anthropological perspective to the issue. They argue that homosexual penetration of a person of equal or higher status was experienced by the receiver as a disgraceful feminization and lowering of status and was therefore prohibited. Penetration of persons of lower status, however, was not experienced by the receptive partners as a lowering of status and was therefore permitted. The Torah shared the concern to protect men from being disgraced through feminization. Since, however, the Torah considered all men to be of equal status before God, it prohibited penetration across the board, without regard to the relative social status of the partners. Today, when homosexual penetration is no longer experienced as degrading or as a lowering in status, there is no longer a need to prohibit it.<sup>49</sup>

Let us assume that the anthropological analysis for the Ancient Near East is correct. Is it correct for the biblical material? Was homosexual congress prohibited because it feminized the recipient? Why, then, are both partners put to death? Why not just punish the active partner? And why is there no textual hint of this explanation? Perhaps, then, the act itself is considered an "abomination" having nothing to do with the act's *effects* in terms of feminizing the other?<sup>50</sup>

In sum, it is of little use to attempt to make the text say something other than what it plainly says. An authentic grappling with the biblical text requires intellectual honesty and exegetical candor. How, then, might we accommodate for these texts?

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<sup>48</sup> David Greenstein, "'A Great Voice Never Ending': Reading the Torah in Light of the New Status of Gays and Lesbians in the Jewish Community," in R. Lisa J. Grushcow (ed.), *The Sacred Encounter: Jewish Perspectives on Sexuality*, (New York: CCA Press, 2014), pp. 43–56.

<sup>49</sup> Richard Elliot Friedman and Shawna Dolansky, *The Bible Now* (New York: Oxford University, 2011), pp. 1–40.

<sup>50</sup> See also Levavi Feinstein, *Sexual Pollution*, pp. 174–176.

## Is Homosexual Sex Among the Prohibitions? Another *Machloket* ('Dispute') in the Torah

The question of male homosexual sex may be seen as another issue that was subject to dispute between the various law collections. Leviticus 18 and 20 prohibit male homosexual congress in the strongest of terms, but both of these texts are part of one legal corpus, the Holiness Collection. No other law text says anything about homosexual relations.

The collection of curses to be recited on Mt. Ebal (Deut 27:9–26) is particularly instructive since it contains the only other list of sexual prohibitions in the Torah. Like the Decalogue, it mentions idolatry and the honoring of parents, but then goes on to address different matters, among them matters of sexual conduct. While bestiality and various forms of incest – all represented in Lev 18 and 20 – are mentioned, homosexuality is not.<sup>51</sup> The silence of all sources but one on male homosexual congress stands in sharp contrast to the prohibition against bestiality, which appears in three separate legal collections (Exod 22:18, Lev 18:23 and 20:15–16, and Deut 27:21). Perhaps we may say that the Covenant Collection of Exodus and the Deuteronomic Curses on Mount Ebal recognize that bestiality and homosexuality cannot be classed together. While bestiality is a form of sexual release that degrades human dignity, a homosexual relationship between two human beings created in the divine image can be founded on mutual love and respect and can enhance human dignity. As many scholars have cogently argued, this approach, quite possibly, is reflected in David's public lament for Jonathan in 2 Samuel (2Sam) 1:26, "I grieve for you, my brother Jonathan, you were most dear to me. Your love was wonderful to me more than that of women."<sup>52</sup> Of course, we cannot assume that all the authors

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<sup>51</sup> The significance of the omission should not, perhaps, be pushed too far. After all, the list of curses-prohibitions is hardly extensive and several severe prohibitions, such as adultery, are equally left unmentioned. In any event, the failure to mention homosexual congress in all the law collections is surely significant.

I would like to clarify, however, that the argument presented here is not intended as an halakhic one. The halakhic issue must be confronted with the tools of halakhah, not biblical analysis.

<sup>52</sup> See Saul Olyan, "'Surpassing the Love of Women': Another Look at 2 Samuel 1:26 and the Relationship of David and Jonathan," in *Social*

of the texts of the Torah that fail to prohibit homosexual sex would necessarily have approved of homosexual relations or relationships. But none of them deemed this matter relevant or worthy of mention within the context of the foundational covenant made between God and Israel.

Indeed, if we recall Deuteronomy's prohibition on adding or subtracting from its own list of covenant stipulations, we may conclude that Deuteronomy would see in the prohibition of homosexuality of Leviticus an illegitimate addition! If Deuteronomy can present levirate marriage, characterized by Priestly law an "abomination," as a *mitzvah* (see above), it can surely conceive of other alleged "abominations" in at least neutral terms. We have, then, a מחלוקת (*machloket*) in the Torah on male homosexual sex. While Lev 18 and 20 severely prohibit it, the other law-collections of the Torah do not deem it relevant to the covenant.<sup>53</sup>

### Is Sacrificial Worship Among the Commandments? Jeremiah vs. Leviticus and Deuteronomy

I would like to turn now to a final example of biblical disagreement concerning the specific contents of the founding covenant. In Jer 7:22 we read, "for I did not speak to your ancestors or command them at the time that I took them out of the land of Egypt concerning whole offerings and sacrifices." This bold statement has been the source of much perplexity. Lev 7:37–38 ends the first section of Leviticus by stating:

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*Inequality in the World of the Text: The Significance of Ritual and Social Distinctions in the Hebrew Bible* (Gottingen: Vandenhoeck & Ruprecht, 2011), pp. 85–99.

<sup>53</sup> Might we not further associate this מחלוקת (*machloket*, "dispute"), at least from a modern Jewish perspective, with the earlier one about whether or not God could command laws that inflict severe pain and radically diminish life? Might we not also invoke the biblical-rabbinic principle of וחי בהם – ולא שימות בהם, particularly in light of the high suicide rates of homosexual youth? These considerations may have limited bearing on the principle issue of homosexual sex from an halakhic point of view. From a theological perspective that is grounded in the Jewish Bible, however, they strike me as potentially significant.

This is the law of the burnt offering, of the cereal offering, of the sin offering, of the guilt offering, of the consecration, and of the peace offerings, which the LORD commanded Moses on Mount Sinai, on the day that he commanded the people of Israel to bring their offerings to the LORD, in the wilderness of Sinai.

Leviticus is not alone in this conception. Deuteronomy similarly mentions the fact that God commanded that sacrifices be offered to God (Deut 12:6–7 and 11). How could Jeremiah contravene these passages? Many insist that Jeremiah was using hyperbole and that what he meant to say is that sacrificial worship is not what God was *really* concerned with at Sinai, though, of course, he did command it.<sup>54</sup> This is not the place to present a detailed rebuttal of the various “explanations” that have been offered to account for Jeremiah’s strong formulation. In general, however, it may fairly be stated that they reflect an apologetic concern to deny that the essential contents of the founding covenant might have been subject to serious debate among biblical authors.<sup>55</sup> In

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<sup>54</sup> See C. Lattey, “The Prophets and Sacrifice: A Study in Biblical Relativity,” in the *Journal of Theological Studies (JTS)* 42 (1941), pp. 155–165; and Jack R. Lundbom, *Jeremiah 1–20* (AB 21A; New York: Doubleday, 1999), pp. 488–489. Against this interpretation see William L. Holladay, *Jeremiah 1* (Philadelphia: Fortress, 1986), p. 261.

<sup>55</sup> Moshe Weinfeld argued that Jeremiah was following the unique approach of Deuteronomy, according to which most of the divine laws, including those about sacrificial worship in the place that God would choose, were given on the Plains of Moab, in the fortieth year of the exodus, after the wilderness period. Only the Decalogue was given when the Israelites first left Egypt. Accordingly, Jeremiah was not denying that God gave commandments about sacrificial worship, but only that those commandments were given in the Decalogue at the time of the exodus. See Moshe Weinfeld, “Jeremiah and the Spiritual Metamorphosis of Israel,” in *Zeitschrift für Alttestamentliche Wissenschaft (ZAW)* 88 (1976), pp. 17–56, at pp. 52–55. The problem with this is that Deuteronomy identifies the laws given on the Plains of Moab with the time of the exodus. See, for example, Deut 4:45–46. Jacob Milgrom, “Concerning Jeremiah’s Repudiation of Sacrifice,” in *ZAW* 89 (1977), pp. 273–275, argued that Jeremiah refers to voluntary sacrifices offered by in-

light of all that has been said above, I believe that we must take Jeremiah as meaning precisely what he says: *God did not command Israel sacrificial worship at the time that the covenant was formed.* If religious authorities such as the authors of Lev 7 and Deut 12<sup>56</sup> claimed otherwise, they are simply misinformed! This does not necessarily mean that the prophet deemed animal sacrifice thoroughly worthless, nor even that he denied that it was commanded through the priests at some juncture in Israel's later history. Sacrificial worship was not, however, a component of the foundational covenant between God and Israel. As such, it must not be deemed to have theological primacy.

The text of Jer 7:21–22 has often been cited together with other prophetic texts as an indication of the prophetic belief in the primacy of ethics and social action as opposed to ritual.<sup>57</sup> In fact, these specific verses do not present ethics as the alternative to sacrifice. Verse 23 reads: “But this command I gave them, ‘Obey my voice, and I will be your God, and you shall be my people; and walk along the whole way that I will command you, that it may be well with you.” According to this verse, what God commanded Israel, and what served as the foundation of the covenant, was no specific laws or instructions at all!<sup>58</sup> It was

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dividuals rather than the communal sacrifices that go on throughout the year. The prophet thus emphasized to individual worshipers at the Temple that they are involved in an activity that was never made obligatory. He in no way challenged the claim that the Temple's public service was commanded at Sinai. For a good critique, see Jonathan Klavans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (New York: Oxford University, 2006), pp. 81–82.

<sup>56</sup> Note that even Exod 20:24 presents a divine instruction to offer whole offerings and well-being offerings on altars of earth.

<sup>57</sup> For a recent reevaluation of the prophetic critique of the cult, see Klavans, *Purity*, pp. 75–100.

<sup>58</sup> This position should not surprise us, as the presentation of a law collection within the framework of a covenant with a deity is largely anomalous in the Ancient Near Eastern context. See Joosten, *People and Land*, pp. 20–22. It is also worth noting that the separation between the founding of the covenant and the giving of the laws is also represented in Ezek 20. First, YHWH establishes the covenant with Israel in Egypt (vv. 5–7) and only afterwards does YHWH give the laws and commandments in the wilderness (vv. 10–12). See on this Abraham Ahuvia, *As it*

rather that the people obey God. Further, it was that the people obey that which God *will* command in the future. From the continuation of the text in verses 24–28 it becomes clear that “all My servants, the prophets” were God’s designated agents for relaying to the people the divine “ways,” and they are the ones God commanded Israel to obey.<sup>59</sup> The theological implications of this position are, indeed, far-reaching and deserve to be carefully and thoroughly teased out. The following discussion presents a modest beginning.

### Continuous Prophetic Law vs. Written Mosaic Law

Jer 7:24–28 refers to “all my servants, the prophets” without any reference to Moses or his Torah. Thus, the text implicitly stands in opposition to the idea that Moses was the greatest of all prophets and that he formulated God’s covenantal demands in a fixed, written, and eternally binding form. It is no coincidence that Deuteronomy’s warning against adding to or diminishing from the law of Moses appears right before the law concerning wayward prophets (13:1 and 2–6), or that its assertion of the superiority of Moses over all other prophets appears just following the report of the installation of the next prophetic leader, Joshua (34:9–12; cf. Num 12:6–8). Prophets, by their very character as spokespersons for the divine, pose a serious threat to the stability and reliability of all fixed formulations of the divine will. Jeremiah, as opposed to Deut 34:10–12, places all prophets throughout the generations on the same footing. And Jeremiah is not a lone prophetic voice in this matter. The prophet Zechariah, for example, similarly refers to the laws of First Temple times as “**My words and laws which I commanded to My servants the prophets**” (1:6, and cf. 7:12).<sup>60</sup> If Moses is at all thought

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*is Written...* (בכל הכתוב) (Tel-Aviv: Sifriyat Poalim, 1977), p. 168, n. 1 (in Hebrew).

<sup>59</sup> A very similar approach is implied in Deut 18:15–19. Note that future prophets here are referred to as similar to Moses. This text thus stands in tension with the assertion of Deut 34:10.

<sup>60</sup> For biblical texts that refer to prophetic law see Sara Japhet, “Law and ‘The Law’ in Ezra-Nehemiah,” in Japhet, *From the Rivers of Babylon to the Highlands of Judah: Collected Studies on the Restoration Period* (Winona Lake: Eisenbrauns, 2006), pp. 137–151. For the issue in rabbinic literature, see Ephraim. E. Urbach, “Halakha and Prophecy,” in *The World of*

of here, he is at least not mentioned by name and must be considered just one in a long series of prophets through whom God revealed God's laws. This approach implies that God's covenantal demands cannot be formulated in once-and-for-all terms in a single written book. As Israel's situation evolves and changes, God's demands change as well. The medium of the prophets is chiefly that of oral teaching and transmission rather than writing, for orality more readily allows for "adding and removing" from God's previous demands in accordance with God's current will.<sup>61</sup> In sum, Jer 7:21–23 denies much more than the idea that God commanded sacrificial worship to the exodus ancestors. The prophet denies the idea of a fixed and final, Mosaic Torah, probably as represented by the book promoted in his times, (Proto-)Deuteronomy. In place of this, he calls upon the people to obey God's voice as it is currently expressed by the prophet, that is, by Jeremiah himself. This, then, is a מחלוקת between Jeremiah and Deuteronomy concerning whether God revealed fixed covenant stipulations or rather demanded obedience to his continuously evolving demands.

Elements of this biblical debate echo in the writings of Martin Buber. In a manner that is reminiscent of Jer 7:21–23, Buber rejected the idea that God commanded (or commands) fixed rituals of religious worship.<sup>62</sup> Further, Buber's emphasis on God's ever-present call to the individual in his or her unique situation in the present is not unlike Jeremiah's conception of the prophet as the bearer of the uniquely fresh

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*the Sages: Collected Studies* (מעולמם של חכמים: קובץ מחקרים) (Jerusalem: Magnes, 1988), pp. 21–49 (in Hebrew). A recent book-length treatment of the issue from a source-critical perspective is Jeffrey Stackert, *A Prophet Like Moses: Prophecy, Law and Israelite Religion* (Oxford: Oxford University, 2014).

<sup>61</sup> See J. Blenkinsopp, *Prophecy and Cannon: A Contribution to the Study of Jewish Origins* (Notre Dame: University of Notre Dame, 1977), pp. 80–95.

<sup>62</sup> For an instructive and accessible treatment of Buber's position see Paul Mendes-Flohr, "Law and Sacrament: Ritual Observance in Twentieth-Century Jewish Thought," in Arthur Green (ed.), *Jewish Spirituality: From the Sixteenth-Century Revival to the Present*, World Spirituality 14 (New York: Crossroad, 1989), pp. 317–435.



and contemporary divine communication.<sup>63</sup> Elements of Jeremiah's theological stance have particular relevance in today's Jewish world. Many individuals, for example, often seek to address complex contemporary political and social challenges primarily if not exclusively on the basis of ancient sacred texts. In response to this, one might maintain, with Jeremiah, that God *did not* anticipate all future situations and seek to address them in the initial revelation. Thus, we cannot determine God's will for us today strictly or even chiefly on the basis of what God said yesterday.<sup>64</sup> Of course, the position which places emphasis on the finality of the Mosaic Torah is also one that speaks to the contemporary situation. It can be taken as a reminder that any living tradition that relinquishes meaningful grounding in the stable structures of the past runs the risk of losing its bearings. Once again, then, biblical debates over the contents of the foundational covenant may be brought into contemporary discourse on Jewish theology.

## Closing

I would like to close this study with a final citation from Martin Buber. In an essay in which he responded to various critiques of his thought, Buber noted Jeremiah's profuse denial that God commanded Israel to offer sacrifices. In connection with this, he pointed to the important passage of Jer 8:8: "How can you say, 'We are wise, and the

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<sup>63</sup> See Martin Buber, "False Prophets (Jeremiah 28)," in Nahum N. Glazer (ed.), *On The Bible: Eighteen Studies by Martin Buber* (New York: Schocken Books, 1982), pp. 166–171.

<sup>64</sup> The debate analyzed here is related to another biblical debate over the question of whether God changes God's mind (as in Gen 6:6; Exod 32:14; 1 Sam 15:11) or not (as in Num 23:19; 1 Sam 15:29). The position that maintains that God does not corresponds nicely to the idea that God could define the terms of the covenant in a definitive form at the time of the exodus. The position that maintains, on the other hand, that God does change God's mind corresponds to the idea that God continually makes God's will known through prophets in each generation. The biblical debate on God's ability to change God's mind is discussed in Alexander Rofé, *The Prophetical Stories* (Jerusalem: Magnes, 1988), pp. 164–170.

Torah of the LORD is with us'? But behold, *the false pen of the scribes has made it into a lie.*" Following this citation, Buber wrote (my italics):

We do not know which "Torah"-texts Jeremiah had in mind when he says (8:8), "the lying pen of the scribes" has been active in it. They may be texts which afterward were not taken into the canon; *it could also be otherwise.* But in any case, the prophet can here hardly mean anything else by "lies" than that *human will was passed off for the divine within the "Torah,"* which the people call their own to an apparently not insignificant extent. Thereby "laws" appeared as an absolutum that were none... *I must agree in this matter.*<sup>65</sup>

I do not wish to get involved here in Buber's overall position on the relationship between law and commandment. I rather want to note Buber's daring contention that Jeremiah openly and explicitly alleged that Torah-texts that conflicted with his own prophetic views were nothing less than scribal forgery. Though the text and meaning of Jeremiah 8:8 is difficult and disputed, this interpretation is not impossible.<sup>66</sup> Most important for a contemporary engagement with the biblical "commandments," Buber takes Jeremiah's stance as providing a precedent for contemporary readers of the Bible. If Jeremiah could reject the claims to divine authority of at least certain biblical commandments, we may similarly scrutinize them today. Though a modest individual might prefer to balk at such a daring enterprise, the presence of deeply disturbing commandments—such as the complete annihilation of the

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<sup>65</sup> Martin Buber, "Replies to my Critics," in Paul A. Schlipp and Maurice Friedman (eds.), *The Philosophy of Martin Buber*, The Library of Living Philosophers 12 (London: Cambridge University, 1967), pp. 728–729.

<sup>66</sup> See, especially, Baruch Halpern, "The False Torah of Jeremiah 8 in the Context of Seventh Century BCE Pseudepigraphy: The First Documented Rejection of Tradition," in Amnon Ben-Tor, J.P. Dessel, William G. Dever, Amihai Mazar, and Joseph Aviram (eds.), *"Up to the Gates of Ekron": Essays on the Archaeology and History of the Eastern Mediterranean in Honor of Seymour Gitin* (Jerusalem: The Israel Exploration Society, 2007), pp. 337–343. For alternative approaches see Fishbane, *Biblical Interpretation*, pp. 33–36 and n. 51; and Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon, 1972), pp. 159–161 and n. 8.

Canaanites (Deut 20:16–18) or the injunction, “You shall cut off her hand; you must show her no pity” (Deut 25:11–12) – renders this enterprise, in my view, unavoidable. I would add in support of Buber’s position, that Jeremiah’s claim that certain Torah-laws are not authentic is itself rooted in a claim to divine authority! The religiously engaged reader of the bible is thus called upon *by the divine voice in the Bible* to attempt to distinguish between the “divine” and the “scribal,” within its conflicting reports about what God commanded.

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*Contemporary Jewish Theology  
in Light of Divergent Biblical Views on Revelation's Content*

*David Frankel*

## RECONSTRUCTION AND RETRIEVAL: ON HISTORICAL AND PHILOSOPHICAL INTERPRETATIONS OF SCRIPTURE

Alan Mittleman

Several years ago, I hosted Prof. Lenn Goodman at the Jewish Theological Seminary, where he gave a lecture on biblical conceptions of holiness. Goodman, as a leading rationalist philosopher of Judaism, construed holiness in an ethical way. He downplayed supernatural or ontological (that is, reified) features of holiness and also purged it of any amoral elements such as Rudolf Otto made famous in his characterization of the holy as the *mysterium, tremendum et fascinans* (i.e., ‘the mystery before which humanity trembles and is fascinated’), a primordial, dangerous force.<sup>1</sup> My colleague, Prof. Benjamin Sommer, a biblical scholar oriented toward biblical theology, challenged Goodman. He disagreed with the overtly ethical thrust of Goodman’s interpretation, preferring to focus on the nexus of divine presence, in embodied, tangible form and on the conditions of purity or impurity that enable or impede the divine epiphany—in short, on precisely those mythic dimensions, inherent in the text as it was originally conceived or transmitted, which Goodman wanted to marginalize. As I heard this exchange develop, my first thought was that this was a typical contretemps between a certified member of the guild of historical critical biblical scholars and a philosopher, who was viewed by the former as an interloper. I soon realized, however, that the dialogue was more complicated than that. Both of these interpreters cared about historical context as well as ideas. Goodman’s philosophizing tried to take historical research, such as the work of Jacob Milgrom, into account. And Sommer’s critique advanced his own theological

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<sup>1</sup> Rudolf Otto, *The Idea of the Holy*, trans. John Harvey (New York: Oxford University Press, 1973 [1923]), pp. 12–13.

ideas about what the text can say to us about God. Neither party scanted the motivating concerns of the other. Yet something important divided them, and it was not just specific to the particular interpretive issue at hand; it was systemic.

I would frame the systemic problem as one of relative weighting between reconstruction and retrieval. By “reconstruction,” I mean the project of historical critical scholars of the biblical literature to understand what the text meant to its earliest hearers or readers (as well, of course, of how the text came into existence). These scholars seek to reconstruct the relevant historical context of the text and to order the meaning of the text to the possibilities afforded by its original temporal setting. Jon Levenson describes such scholars as those who “are prepared to interpret the text against their own preferences and traditions, in the interest of intellectual honesty.”<sup>2</sup> This implies that one’s own theological or philosophical “preferences” and traditions cut against intellectual honesty—that the historical critical or reconstructive project vouchsafes scholarly objectivity. Perhaps the rigor of such historical investigation rises to Max Weber’s mandated freedom from “value judgments” (*Wertfreiheit*); the scholar does not allow her own commitments, most likely here to be religious commitments, to deflect or to direct the trail of evidence. On the other hand, as Weber was aware, the antecedent choice of a research topic is ineluctably value-laden. What one finds important, consequential, significant, or urgent very much refracts one’s own axiological commitments. That is especially the case in a field such as biblical studies. So—although they practice a methodology that aspires to scientific dispassion—historical-critical scholars such as Levenson or Sommer begin with Jewish commitment and, in the end, want to retrieve religious claims that can be brought, in some highly mediated way, into contemporary theological concern. Accordingly, these scholars seek to ‘bracket’ out the most insistent demands of those concerns while in the process of “value-free” investigation. Thus, in the relative weighting of reconstruction and retrieval, reconstruction plays the leading role.

What of the project of retrieval? By “retrieval” I mean what philosophically-minded interpreters have always done: find evidence in the text for the best and highest views to which they, from their cur-

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<sup>2</sup> Jon D. Levenson, *The Death and Resurrection of the Beloved Son* (New Haven: Yale University Press, 1993), p. 3.

rent perspectives, on rational grounds, are committed and to portray that evidence in a compelling way. Retrieval entails that not all elements of the text have equal value (which is not to say that any element wholly lacks value)—the ‘best’ teachings of the text, from a contemporary viewpoint, should be lifted up. That which is conceptually necessary should be sorted from what is merely adventitious, contingent. If there is a work of reconstruction here, it is to reassemble the valued elements in a more systematic or perspicuous form than the purely literary one in which they inhere. An early text, such as Genesis chapter 1, reflects mythological elements—allusions to a primordial *Chaoskampf*, for example—but these features of its original setting pale in comparison to its enduring philosophical core: that the ordered, living world is suffused with goodness, with the goodness of being, or so one might argue. The philosophical interpreter, seeking to retrieve the deep and abiding truth of the text, need not scant the work of historical critical scholars. He or she sees, rather, a horizon of meaning for the text which outstrips its original temporal setting. In this, the philosophical interpreter resembles the traditional exegete.

But how does this interpreter avoid what Quentin Skinner calls the “mythology of doctrines?” How does he or she avoid confining the significance of the text to the possibilities inherent in the interpreter's *own* temporal setting?<sup>3</sup> The basic move of the philosophical interpreter is to claim that the truth of the text is deep and abiding because the fundamental existential problems and possibilities are enduring; the authors of the text strove to address these problems within their own culturally available medium.<sup>4</sup> We can decode their language and symbolism and find structures of thought commensurable to our own. In this way, the work of historical critical scholars in reconstructing the cultural world of the text can scaffold the retrieval of its highest meaning. Reconstruction is ordered to retrieval; the latter value subordinates the former.

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<sup>3</sup> Quentin Skinner, “Meaning and Understanding in the History of Ideas” *History and Theory*, Vol. 8, No. 1 (1969), pp. 3-53.

<sup>4</sup> Skinner doubts that there are such deep enduring considerations that can be retrieved, translated, and brought into a meta-cultural coherent conversation. To attempt to discern them abuses the intentions of the authors of the text, on Skinner's (highly historicist) view. The approach Skinner opposes is that of Leo Strauss. See *ibid.*, p. 12.

In what follows, I would like to show some examples of these relative weightings and to try to defend the philosophical ones, especially against the criticism that they impose (alien) meaning upon the text.<sup>5</sup>

## Edward Greenstein

To begin, consider the opposing views of the biblical scholar Edward Greenstein and myself on the meaning of the repeated divine affirmation that creation “is good” (*ki tov*) in Genesis chapter 1. I see in this text a literary scaffolding for our intuition that being is good: that being is better than nothing. That implies, in my view, that goodness characterizes existence as such; existence is a fundamental good. However much suffering any individual existent experiences needs to be weighed against the basal goodness of existence per se. One of the ramifications of this view is that tragedy is balanced or checked by goodness. To claim that existence is fundamentally tragic, absurd, or valueless is wrong. Existence may be painful, perplexing, or recondite, but it is so (when it is so) only because a background of positive value allows us to take the measure of disvalue. Plato's view that the supreme form of the Good, *i.e.*, the form of forms, orders being and renders it intelligible is another, more overtly philosophical way of expressing this intuition of basal goodness. The midrash, remarking on God's final affirmation that creation is “very good” (*tov meod* in Gen-

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<sup>5</sup> The categories of “reconstruction” and “retrieval” are not exclusive. An intermediate case is presented by David Frankel, “Divergent Biblical Views About the Content of Revelation and their Relevance for Contemporary Jewish Theology,” in this issue. Frankel wants both to reconstruct the plurality and polyphony of sources with their implicit theological views *and* retrieve them for contemporary Jewish theology. He is committed to an open-ended pluralism of discrepant views, which he finds was productive for subsequent Judaism and can be heuristic for contemporary Judaism, as well. His reluctance to rank and order views as ethically better and worse distinguishes his project from much contemporary Jewish philosophy, even philosophy that finds irreducible strangeness in scripture. See, *e.g.*, Samuel Fleischacker, *The Good and the Good Book* (Oxford: Oxford University Press, 2015).



esis 1:31) and that the “very” (*meod*) includes death (*mavet*) is yet another way of attesting to the underlying positivity of being.<sup>6</sup>

By contrast, Greenstein proposes that creation is not good *at all*.<sup>7</sup> Greenstein argues, based on texts that reflect the primordial *Chaos-kampf*, as well as Genesis 6:1–4, that God is actually rather malevolent. The repeated use of “good” in Genesis 1 signifies only “pleasing to the tastes” of God (*Elohim*, which he ominously translates as “the Powers” to distance a biblical understanding of divinity from ours, where “God” inevitably triggers association with its etymological cousin, “good”).<sup>8</sup> But divine taste “does not mean that it was all good, or good at all, in the moral sense.”<sup>9</sup> Furthermore, “God may be pleased with creation, and it may for some reason need to be the way it is – but that does not in and of itself mean that creation is good or makes for goodness.”<sup>10</sup> Finally, “[I]t has not been made essentially, inalterably good; it already contains the elements of its own corruption. And these, of course, have been made or left there by God.”<sup>11</sup>

Greenstein severs the good of Genesis chapter 1 from moral goodness (and perhaps, by implication, from any goodness, whether aesthetic or epistemic) and reduces it to arbitrary divine preference, thus introducing irrationality, unintelligibility, and caprice into the concept of God. He sets up a full-blown ‘Euthyphro problem.’<sup>12</sup> He

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<sup>6</sup> These views are developed and argued for at length in Alan Mittleman, “The Durability of Goodness,” in Jonathan A. Jacobs (ed.), *Judaic Sources & Western Thought* (Oxford: Oxford University Press, 2011); for the midrashic source, see *Bereshit Rabbah* (Vilna) 9:5 (paralleled in the Theodor-Albeck edition at 9).

<sup>7</sup> See Edward Greenstein, “Presenting Genesis 1, Constructively and Deconstructively,” *Prooftexts* 21 (2001), p. 14. Some of my treatment of Greenstein is taken from my article noted *supra* at fn. 6.

<sup>8</sup> *Ibid.* p. 13

<sup>9</sup> *Ibid.*, p. 14.

<sup>10</sup> *Ibid.*, p. 16.

<sup>11</sup> *Ibid.*.

<sup>12</sup> Plato’s Euthyphro considers the relationship between holiness and goodness and thereby the relationship between God and morality. The critical question is whether God wills something because it is good – and that therefore God is beholden to external standards of goodness – or whether good things are good just because God wills them, thus making all value depend on divine fiat or command.

then impugns the perfection of God, or at least of God's handiwork, by portraying the world as intentionally flawed, unstable, and prone to self-generated corruption. Why God would create such a world is left undeveloped. It is just the kind of thing that the blatantly mythological deity of Genesis chapter 1, on his interpretation, does. The story of God and creation is a just-so story, a bit of local wisdom devised by a late Bronze Age culture. The text does not point toward a higher teaching or synthesis about value, God, being, or the grounds of normativity. Its wisdom seems to be that human suffering is ineluctable and unsurprising given the character of the created world in which humans find themselves.

Whatever merit this highly provocative reading has as historical critical biblical exegesis, I think it fails philosophically. Greenstein claims that

it makes no sense to interpret the term "good" in Genesis 1 valuatively [*sic*], because "good" can only mean good in contrast to bad, just as darkness can be recognized only in contrast to light.<sup>13</sup>

He overlooks two complications. The first is that to claim that good implies pleasing to God's tastes is precisely a "valuative" claim. "Pleasing to tastes" assumes a contrast with "displeasing to tastes" and asserts the superior value of the former. God judges, just as we do, between objects of higher and lower value. What is left unclear is God's standard of judgment. Greenstein implies that it is radically different from ours. But what evidence is there, taking into account the larger biblical context, that God's "tastes" are wholly disjointed from God's moral attributes, from everything that we believe we know, on the basis of Scripture and reason, about God's nature? Greenstein claims that the view that portrays an essentially arbitrary and violent God better captures the tragedy of "our experience of reality." I would say, by contrast, that it privileges a tragic reading of our experience by ignoring the deeper implications of the claim that creation is good.

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<sup>13</sup> *Ibid.*, p. 13.

Greenstein's position rests content with an essentially mythological god by arresting philosophical inquiry.<sup>14</sup>

There is a second complication besetting Greenstein's view that "good" cannot refer to a recognizable or humanly cognizable value insofar as it is a contrast term and the contrast is lacking. The contrast is not lacking. The goodness of being contrasts with the welter and waste, the *tohu vavohu* of the primordial chaos (*i.e.*, in Genesis 1:2). The goodness of ordered, created being is evident against the contrastive background of disordered, formless potentiality. Granted that "good" is a contrast term—that is precisely why it makes logical sense for the biblical author to use it to judge the value of the world in whose midst we find ourselves by contrast with its presumptive alternative. The goodness of being, clarified against the putative conceptual backdrop of sheer nothingness, ramifies into divine and human projects to secure, to advance, and to further it. Naming the animals, tending the garden, procreating, cultivating and civilizing the world, as well as the divine grant of normative orientation (*i.e.*, the Torah), serve the cause of a goodness established in creation. The meanings of *tov* are disclosed performatively by the ontic project of realizing it. Far from being contained in the arbitrary preferences of a quixotic creator demi-god, the *tov* of creation means what we ordinarily recognize it to mean and suggests an understanding of divine action that is intelligible to us and consonant with our highest beliefs.

I don't wish to disparage historical critical readings such as Greenstein's, let alone more extensive essays such as Levenson's *Creation and the Persistence of Evil*.<sup>15</sup> Nor do I mean to imply that only rather metaphysical readings can do justice to the biblical text. I argue, rather, that attention to philosophical matters would assist historically minded critics and that, *ceteris paribus*, neglect of historical-critical

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<sup>14</sup> That arrest is legitimated by his argument on behalf of deconstruction, to wit, that all assertions of truth are framework-relative and perspective-dependent. (Except, one supposes, that one truth.) The very assertion that one truth—*i.e.*, the truth of framework relativism—is transcendent shows, however, the incoherence of this view and calls for a deeper, more philosophical inquiry.

<sup>15</sup> *I.e.*, Jon D. Levenson, *Creation and the Persistence of Evil: The Jewish Drama of Divine Omnipotence* (Princeton: Princeton University Press, 1988).

study can lead to scholarly irresponsibility on the part of philosophers.

### Jon Levenson and Benjamin Sommer

Let us now consider two historical critical works, both of very high scholarly quality, both highly provocative in an intellectual sense: Jon Levenson's understanding of the *akedah* (i.e., the 'Binding' of Isaac in Genesis ch. 22) in *The Death and Resurrection of the Beloved Son* and Benjamin Sommer's understanding of the divine in *The Bodies of God and the World of Ancient Israel*.<sup>16</sup> These books pose an acute challenge to the philosophical reader or interpreter. Levenson reconstructs an archaic milieu in which child sacrifice is an appropriate, even virtuous, response to the claims of divinity. He thus presents an early version of the God of Israel as one with a right, so to speak, to possession, through sacrifice, of the firstborn son. Far from intending the *akedah* to end once and for all the horror of child sacrifice—the God who presides over the *akedah* upholds the essential meaning and purpose of it, indeed, the normativity of it (i.e., in Genesis 22:16–18). The event does not forever purge violence from the monotheistic concept of God, as Lenn Goodman would have it; rather, the *akedah* underwrites violence of a very specific type. Levenson opposes all of those apologetic readings that see in the *akedah* a mighty protest against child sacrifice. Although the later prophets condemned the practice, Genesis chapter 22 does not. On Levenson's reading, the morality of the early biblical God becomes quite alien to us.

Sommer, in his reconstruction of the ancient Israelite thought-world, also fixes upon a most strange and philosophically opaque understanding of God, in a way almost designed to give a provocation to the philosophically-minded reader. For Sommer, the biblical God, far from being incorporeal, is an embodied being. Sommer discerns two schools, one in which God takes on many different bodies and selves simultaneously and another in which God is embodied in one body, in one place, at one time. But on either account, God is embo-

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<sup>16</sup> Levenson, *The Death and Resurrection of the Beloved Son: The Transformation of Child Sacrifice in Judaism and Christianity* (see above, at fn. 2) and Benjamin D. Sommer, *The Bodies of God and the World of Ancient Israel* (New York: Cambridge University Press, 2009).

died, which is to say, physical, limited, space-occupying, partite, and time-bound. The spiritual, incorporeal God of Maimonides, ontologically unique and linguistically indescribable, is simply “un-Jewish,” an alien (Greek) import in Sommer’s view.<sup>17</sup> Sommer reconstructs an intramural debate in biblical Israel, not just to engage in historical research for its own sake, but to provide inspiration for contemporary Jewish theology; to enable Jewish theology to overcome its philosophical, rationalist captivity and to return to a more “authentic” matrix.

Both of these works reconstruct early strata of the biblical world in order to retrieve sets of ideas. These ideas directly challenge our ordinary, inherited intellectual traditions of a God whose “ways are entirely just” (*kol derakhav mishpat* as per Deuteronomy 32:4) and whose being is categorically, absolutely distinct from all forms of being known to us (*lemi tedammeyuni* – “to whom can you compare Me or declare Me similar?” [Isaiah 46:5]). As such, these scholars raise questions as to the nature of the God in which ancient Israel trusted and in whom contemporary Jews are supposed to believe. These questions are at the heart of what divides the philosophical from the historical-critical interpreter.

## I. Levenson

Levenson’s book is rich and complex; I will only give a very selective summary of one of its relevant analytic threads here. As is typical of his writing, Levenson sets out to upend the received wisdom, which is expressed by the late Judah Goldin in the epigraph of the

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<sup>17</sup> Thus:

[M]any a modern Jew recognizes the extraordinarily strained nature of the hermeneutic through which Maimonides attempts to deny the corporeality of the biblical and rabbinic God. For such a Jew, Maimonides’ rejection would also compel a rejection of most of the Written and Oral Torahs. It would entail, in other words, the creation of a new religion whose earliest sacred document would be found in the tenth-century C.E. philosophical writings of Maimonides’ predecessor, Saadia Gaon. (Sommer, p. 136.)

book: "As everyone knows, nothing could be more repugnant to the God of Israel than human sacrifice."<sup>18</sup> Levenson's opening gambit is to take Exodus 22:28 at its (literal) word: "You shall not put off the skimming of the first yield of your vats. You shall give Me the first-born among your sons." The next verse prescribes: "you shall do the same with your cattle and your flocks: seven days it shall remain with its mother; on the eighth day you shall give it to Me." Thus, 'doing the same' (*ken ta'aseh*) is taken quite literally: one is to sacrifice both the firstborn human son and the firstborn of cattle, sheep, *etc.*. Both traditional exegetes and modern biblical scholars read this provision in light of Exodus 34:19–20, where a procedure for redeeming the firstborn son provides the particular remedy for the general claim that God makes in Exodus 22:28. But Levenson chooses to distinguish the two texts in which these verses inhere as separate law codes, asserting that the former knows nothing of the latter. Indeed, Levenson asserts, numerous ancient Israelites took them to be separate, if they even knew about the latter text with its provision for redemption.

Moreover, Levenson argues that the condemnations of child sacrifice by the seventh and early sixth century prophets imply that it was still current practice among some Israelites. Jeremiah condemns it by associating it with idolatry; the God of Israel never wanted God's people to do this (as per Jeremiah 19:5–6: by doing this, one worships another god). Ezekiel accepts that God once ordered child sacrifice but ascribes that command to a divinely intended punishment of Israel whereby God gave them laws that were not good (Ezekiel 20:25–26). On either account, child sacrifice is presented as deeply offensive to God. However, according to Levenson, it was not always so. God "once commanded the sacrifice of the first born but now opposes it," as the prophets see it.<sup>19</sup> Nonetheless, although the actual practice lapses, the ideal of total surrender of what is most beloved to God—who has a right to demand such surrender—remains in force.

Levenson qualifies the blunt assertion of divine right by characterizing the commandment as an *ideal* rather than a straightforward *rule*. Thus, in his words:

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<sup>18</sup> See Levenson, *Death and Resurrection*, p. 1 — without citation for source of Goldin's quote.

<sup>19</sup> *Ibid.*, p. 8.

[Exodus 22:28] articulates a theological ideal about the special place of the first-born son, an ideal whose realization could range from literal to non-literal implementation, that is, from sacrifice to redemption, or even to mere intellectual assent without any cultic act whatsoever.<sup>20</sup>

Viewed in this wide way, the sacrifice of the first-born represents the pinnacle of piety, rather than a horrible deformation of religious devotion. One could redeem one's son or dedicate one's son to divine service, as Hannah did with Samuel (in I Samuel 1:11); nevertheless, actually *sacrificing* one's son was the highest expression of love and obedience to God. Levenson reads the famous section of Micah 6:6-8, which progresses from burnt offerings to giving the firstborn son, to doing justice, loving goodness, and walking modestly with God, not as a replacement of one act by another, but as an ascent from good to better to best. It is good to sacrifice year-old calves (as per 6:6), still better to "give my first-born for my transgression, the fruit of my body for my sins" (6:7), but best to walk modestly with God (6:8). The text projects "an ideal of sacrifice, the Israelite father's offering to God of what is most beloved to him, his first-born son, the first fruit of his body presented lovingly to his lord."<sup>21</sup> The *akedah* represents precisely this ideal of piety: "any construal of the text that minimizes that willingness [of Abraham to sacrifice Isaac] misses the point."<sup>22</sup> Abraham is the hero of biblical piety precisely because he responds wholeheartedly to God's justified claim to Isaac.

The archaeological evidence from Carthage, where child sacrifice was central to the Phoenician cultus, reveals thousands of urns with the remains of young children and infants, as well as other urns with the remains of sacrificed animals. This suggests that the animals were intended as substitute sacrifices, by some Punic parents, for actual children. Either animal or child was permissible; children were likely most desirable. Levenson reads the *akedah* in light of this cognate cultural background. "Abraham is *allowed* to sacrifice the ram instead of Isaac, but never *commanded* to do so."<sup>23</sup> The text most emphatically

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<sup>20</sup> *Ibid.*, p. 9.

<sup>21</sup> *Ibid.*, p. 12.

<sup>22</sup> *Ibid.*, p. 13.

<sup>23</sup> *Ibid.*, p. 21.

does not teach a substitution of animal for child; it teaches the necessity and virtue of surrendering to God what is most beloved in an act of ultimate obedience. Levenson rejects any interpretation that posits an evolutionary view: that humans (or God) progress beyond the desire to give the most precious gift, the child, and realize that the substitution of an animal accomplishes the same purpose. In the case of Carthage, the evidence shows that child sacrifice actually increased (and animal substitution decreased) as the city became more powerful and urbane in the fourth and third centuries B.C.E.. In the case of the *akedah*, the story does not ground the practice of animal sacrifice as substitution; it reveals Abraham's absolute obedience to and love for God precisely through his willingness to slaughter his son. Thus, although substitution is a possibility, the sacrifice of the first-born son remains the ideal. It becomes, however, an ideal transformed. Through the waning of the actual practice and a narrative framing, of which the *akedah* story itself is a founding moment, the desuetude of the practice becomes justified.

In sum, for Levenson, the *akedah* qua narrative shows that the firstborn son, or a substitute for the firstborn son (here, Isaac instead of Ishmael; the best son rather than the chronologically prior one) is given to (or taken by) God and experiences near-death (or actual death, in the case of Jesus) and rebirth. The trial of the *akedah* is not only for Abraham; it is an "initiation ritual" for Isaac, which enables him through near-death and virtual resurrection to assume his exalted place in the divine plan. *The best must die, virtually or actually, and will, through God's grace be reborn.* Faith is trust in God's grace. This pattern plays out in the life of the Jewish people as such, God's firstborn, who sees itself as perpetually at risk of death in God's service, and often, through God's grace, brought back into life. The vast expansion of the story in midrash, both ancient and medieval, attests to the enduring value that Jews found in the willingness to sacrifice the beloved son in the faithful hope that he will be reborn.<sup>24</sup> In some *midrashim*, Isaac becomes a willing martyr who actually does die and is resurrected. In some, Abraham is upset that he cannot go through with the sacrifice and must substitute the ram. In many, Isaac's near-sacrifice is associated with the paschal lamb, the blood of which saves the Israelite

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<sup>24</sup> See Shalom Spiegel, *The Last Trial* (Woodstock, VT: Jewish Lights Publishing, 1993), pp. 18–21.



firstborn from the divine destroyer in Exodus 12:7. In all of these, piety understands the claim of God on the firstborn to be absolute.

The elements of obedience, surrender, and gracious treatment are morally intelligible. So is the idea that living in service to God is a risky business. But much less clear is the idea that service to God is risky *because of* God, not because of the hatred of God's enemies directed toward his servants. That is morally troubling. On Levenson's account, to be beloved of God is the most dangerous status imaginable. Innocent children, who, one would believe, are entitled to the protection of God, are the most exposed to God's possessive designs. They are his potential victims.

The *akedah* becomes foundational for Israel insofar as Abraham, who had been chosen without apparent reason by God in Genesis chapter 12, now vindicates or earns God's choice. By trusting in God's grace, Abraham becomes worthy of it, as do his descendants by associating themselves with his pious obedience. There is rationality here; a surmise is confirmed by evidence, as it were. What is absent from Levenson's portrayal is moral exemplarity, either on the part of God or on the part of Abraham. Unless, of course, moral exemplarity is disconnected from our common view of what constitutes justice, love, compassion or caring. Within a moral framework in which it is normative for fathers to ritually slaughter their firstborn as an expression of their ultimate obedience to a God who wants such devotion, it is highly exemplary. But what kind of framework is that?

Lenn Goodman's philosophical reading of the *akedah* provides a stark contrast to Levenson's historical-critical valorization of a God who shows his grace toward those who surrender themselves to (what we take to be) the unconscionable. Goodman is not insensitive to historical context. He also adverts to the Phoenician evidence, exploring the meaning of the archaeological data. His conclusion, however, does not shrink from sharp moral judgment:

The Phoenicians did not sacrifice their children because they were barbarous. Rather, they were barbarous because they sacrificed their children. The motive was not cruelty but piety. This is what the Phoenicians thought their gods desired and demanded. For horror was fused with divinity in their ritual structure. Violation of the

deepest bonds of human caring merged with reverence of the most awesome deity.<sup>25</sup>

He contrasts the *akedah* with this “ritual structure,” interpreting it as a radical break with Phoenician “ideals.” Where Levenson finds a qualified continuity, Goodman finds a volte-face.

In context, Abraham’s obedience to God’s grisly command was not surprising. The biblical world – and in this Goodman agrees with Levenson – knew of child sacrifice. But the *akedah*, for Goodman, reverses its valence. The climax of the story is Abraham’s radical decision to listen to the angelic address: “Abraham, Abraham... do not raise your hand against the boy” (Genesis 22:11–12). Goodman presents this as a moment of crisis and decision. The clear command from God had earlier been to offer up Isaac. Faced with this new address, Abraham had to decide whether it overrode the previous imperative. There was no tradition to fall back on, no revelation – for both moments had that status. Which voice to trust? Abraham’s choice to stay his hand and to seize the ram in place of Isaac was how, for Goodman, Abraham passed the test. Not piety qua blind obedience but piety as “conscious and increasingly confident loyalty to the inner logic of God, now confirmed by Abraham’s trial and forged into a principle of character.”<sup>26</sup>

God’s rewarding Abraham with blessed descendants follows from, and is realized in, Abraham’s “moral insight.” The insight he gained through the *akedah* is the discovery “of an Absolute that brooks no evil.”

Thus the angel’s promise, in God’s name and God’s oath: Since you made no exception of your son to the command of goodness, and did not accept the ghastly but ready notion that the gravest enormity would be the greatest gift, for that reason you are blessed; and your successors, through the understanding that you communicate to them, will be a blessing to the peoples of the world, witnessing their own mastery even of their ene-

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<sup>25</sup> Lenn E. Goodman, *God of Abraham* (New York: Oxford University Press, 1996), p. 20.

<sup>26</sup> *Ibid.*, p. 23.

mies – not by conquest but by the shared recognition that goodness is greater than violence and the only source of authentic power.<sup>27</sup>

In this way, Goodman reads the *akedah* as exemplifying our highest moral convictions. The moral world of Genesis chapter 22 does not constitute a strange ethical counter-cosmos; it founds the one that many of us believe we inhabit.<sup>28</sup>

As a first approximation then we might say that what is at stake between historical-critical scholars and philosophers is the character of the God who is portrayed in the text or retrieved from the text. Benjamin Sommer's work puts this issue squarely before us.

## II. Sommer

The central fact of which Sommer's book takes account is that "the Hebrew Bible contains not a single verse denying that God has a body."<sup>29</sup> The entire effort, from the Targumim forward, to depreciate the corporeality of God, cuts against the plain sense of Scripture. Among the numerous portrayals of an anthropomorphic, corporeal God, Sommer finds two main competing traditions: the "fluidity model" and the "anti-fluidity model." The fluidity model, based on Mesopotamian sources and favored by the J and E sources, has one God, YHWH, taking on corporeal form in multiple bodies, either simultaneously or successively, in one place or another. God is very

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<sup>27</sup> *Ibid.*, p. 22.

<sup>28</sup> There is a similar debate, this one actual rather than notional, between Jon Levenson and Kenneth Seeskin over the appropriateness of philosophical readings of the *akedah*. Levenson critiques Seeskin's philosophical/ethical interpretation in Kenneth Seeskin, *Thinking about the Torah: A Philosopher Reads the Bible* (Philadelphia: The Jewish Publication Society, 2016), pp. 51–70. For Levenson's review and Seeskin's reply, see Jon Levenson, "Is the Torah a Work of Philosophy?" *Mosaic Magazine*, January 3, 2017 and Kenneth Seeskin, "Response to 'Is the Torah a Work of Philosophy?'" accessed at: <https://mosaicmagazine.com/essay/history-ideas/2017/01/is-the-torah-a-work-of-philosophy/> on May 18, 2019.

<sup>29</sup> Sommer, p. 5.

much like humans insofar as He has a man-like form. But God is also very much unlike humans in that He can be simultaneously here and there, in this body and in that one all at once; God is ontically fluid. The three ostensibly human visitors who greet Abraham in Genesis chapter 18 are either all embodiments of God, or only one is an embodiment while the other two are angelic servants. Of the one that remains, Sommer explains: "This visitor clearly is and is not identical with Yhwh; rather He is an avatar, a 'descent' of the heavenly God who does not encompass all of that God's substance."<sup>30</sup> Nonetheless, he encompasses some of God's substance. There is an ambiguity or "fluidity" about divine corporeality and divine selfhood. YHWH "fragments" into "local manifestations."<sup>31</sup>

The counter-model, the "anti-fluidity" tradition, holds that God only occupies *one* corporeal form at one time and in one place. This is the dominant view of P, the Priestly source, of Deuteronomy and the Deuteronomic writings, and of Ezekiel. For P, God comes from heaven and takes up residence in the *mishkan* (Tabernacle) or in the Temple. God's embodiment takes the form of *kavod*, a "stunningly bright" presence "surrounded by an extraordinary radiance."<sup>32</sup> God's *kavod* is a "substantial blazing thing," as in I Kings 8:11-12 ("The priests could not stand to serve because of the cloud, for Yhwh's *kavod* had filled Yhwh's house."<sup>33</sup>).

D—that is, the Deuteronomist—by contrast, keeps God in heaven but allows for a quasi-manifestation of God in the form of his *shem* ("name"). *Shem* can either be taken in the linguistic sense of the "word" (in which, however, a name signifies the essence of a being) or as something more reified and hypostatic. Thus, Isaiah 30:27's "The *shem* of Yhwh comes from afar, burning in anger, with a weighty load"<sup>34</sup> is an example of a reified usage. The *shem* is a real divine manifestation, but the full divine self remains above and beyond its transient embodiment. Although "philosophically minded commentators" use Deuteronomy's relatively more abstract, less anthropomorphic understanding of God to bolster their anti-corporeal interpretation, Sommer contends that no "verses in Deuteronomy claim

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<sup>30</sup> *Ibid.*, p. 41.

<sup>31</sup> *Ibid.*, p. 54.

<sup>32</sup> *Ibid.*, p. 60.

<sup>33</sup> Translation adapted from *ibid.*.

<sup>34</sup> *Ibid.*, p. 59.

that God is invisible or lacks a body." Rather, in Deuteronomy's transcendent theology, "God's body cannot be seen by humans because the latter are on earth while God's body is in heaven."<sup>35</sup> The anti-fluidity model rejects the "multiplicity of divine embodiment" as well as "the fluidity of divine identity" in favor of an integrated divine selfhood. The declaration of Deuteronomy 6:4, known to Jews as the *Shema*, means "Yhwh our God is one Yhwh." This is to say, in the ancient Israelite context, "Yhwh's self is not fluid."<sup>36</sup>

Accordingly, for Sommer, there was an intramural argument in ancient Israel between these traditions. The fluidity model had proponents not only among the great literary artists who created the sources that biblical scholars designate as J and E but also among the common people, who worshipped a YHWH embodied in cultic pillars and stelae, in wood and stone. P and D, the latter especially, carried the day in terms of the perspectives that shaped and dominated the canon. But the fluidity model of corporeality persisted in rabbinic anthropomorphism, in rabbinic conceptions of the *shekhinah* (God's indwelling presence), in early *Merkavah* (i.e., Ezekiel-based 'Chariot'-vision-focused) mysticism, and in the kabbalah. Sommer argues that we should retrieve the trope of an embodied, fluid divinity and restore it to a central place in contemporary Jewish theology.

Sommer is not alone in rejecting a "spiritual" incorporeal divinity in favor of a corporeal, multiply-incarnate God. The Jewish theologian Michael Wyschogrod, to whom Sommer makes appreciative reference, precedes him. For both, affirmation of such a God promises greater authenticity and a greater fidelity to the God of the Bible than what they take to be an inauthentic, Hellenic import. Sommer is especially scathing in his claim that Maimonides, the leading exponent of a philosophically pure concept of divinity, founds a new religion with Saadiah Gaon's philosophical text as its scripture.<sup>37</sup>

What theological benefit does Sommer believe the return to faith in an embodied God would bring? The fluidity model was suppressed in ancient Israel because of its polytheistic implications. Worries such as these motivated its marginalization:

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<sup>35</sup> *Ibid.*, p. 64.

<sup>36</sup> *Ibid.*, p. 67.

<sup>37</sup> *Ibid.*, p. 136.

If Samaria had its own Yhwh just as Tyre had its own Baal, then these gods must be similar. Could one not worship both? If Yhwh could fragment and overlap with an angel, then why could Yhwh not overlap with Marduk as well?<sup>38</sup>

But polytheism, at least in such a bald form, is not a temptation for modern Jews. Sommer wants his readers to reexamine the fluidity model to “help, or force, modern Jews to see” latent theological possibilities in it. The first possibility he believes that the fluidity model unveils is a way of taking law—surely a central category of ancient, classical, and normative Judaism—seriously. The second is taking sacred space and land seriously. If we believe in an embodied God, then, when Genesis 2:2–3 tells us that God *rested* on the seventh day, we can actually take this claim at full force. God’s body did not work upon other bodies on Shabbat. For Sommer, following Wyschogrod, this takes Shabbat-observance out of the realm of the symbolic or “spiritual” and gives it a highly concrete setting. The main upshot is that Jewish law has little to do with “ethical but less tangible suggestions from a spiritual deity” and more to do with concrete demands from a “concrete God.”<sup>39</sup> *Imitatio dei* is no longer merely notional.

The second possibility, the question of holy or sacred land and place, is complex. The two models identified by Sommer implied different ontologies with respect to divine presence at various cultic sites, Jerusalem, the Temple and so on, in antiquity. Collectively, they asserted that sacred status entailed divine presence full-stop, whether that presence was thought permanent, ephemeral, exclusive or shared. But real—*i.e.*, concrete—divine presence does not seem to be possible today, so “the holiness of land is always either a *potential holiness* or a *conditional holiness*. This sort of holiness may be the only holiness possible in Judaism.”<sup>40</sup> Nonetheless, understanding that holiness means that the presence of God in some embodied or quasi-physical way can fill out an understanding of the sacred that moves it from the symbolic to the experiential. Accordingly, for Sommer, since we today

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<sup>38</sup> *Ibid.*, p. 137.

<sup>39</sup> *Ibid.*.

<sup>40</sup> *Ibid.*, p. 140. Italics in the original.

generally accept an absence of a fully available experience, we can exercise a certain critical caution toward claims about the holiness of space and place (in the politics of the Middle East, *e.g.*).

Sommer acknowledges that the multiply-embodied God of the fluidity tradition, in contrast with the single-embodied, Temple-dwelling God of P (that is, the Hebrew Bible's Priestly authorship) or the heavenly God of D, seems to flirt with paganism. The fluid God seems to lack the differentiation from nature that a transcendent, monotheistic God requires. This is just, according to Sommer, an illusion, however. First, the fluid God is not a pantheistic God, for He is not diffused throughout the world. He is, when embodied, in distinct forms in distinct locations.

The conception of God as multiply embodied allows for the possibility that God can be anthropomorphically involved in the world even as God is not identified with the world, because this God is bound to no one place.<sup>41</sup>

God is not bound to the *physis* of the world, as in pantheism. Rather, God chooses to be among His worshippers in a discrete, embodied manner. If God were only one transcendent person, then His becoming immanent in a natural manifestation would be an ontological scandal. But if God's selfhood as such is fluid and infinitely capable of immanent instantiation, then there is no scandal of transcendence and immanence; this is just what God is and does.

God's radical differentiation from human beings, on this account—what remains of his transcendence—lies in the fact that human beings cannot do such things. Our embodiment entails our particular existence in time and space; God's embodiment is compatible with infinite existentiations in time and space. This difference is so categorical that it amounts to a difference in kind, not degree, the shared phenomenon of embodiment notwithstanding. And yet the shared fact of embodiment is crucial, for only an embodied God can know pathos:

a God who can change is a God who can experience joy and pain, loneliness and love. And that physical God of

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<sup>41</sup> *Ibid.*, p. 141.

pathos, with one body or many, can seek out humanity. But only the God with many bodies can rise above God's own physicality. The God with many bodies remains wounded and alterable, but this deity can nevertheless be omnipotent.<sup>42</sup>

Sommer presents us with a deity we can recognize or at least recover, on a highly literal interpretation, from some of the biblical texts. It is also a deity very far from the God of classical, philosophical theism. Claims to omnipotence notwithstanding, it is a mythological God who has no necessary existence, no perfection, no absoluteness, no ultimacy – it is a God who just happens to exist and in whom we ought to trust based on a series of contingent encounters with him. How is such a God with a “body of intense light or energy, which can inhabit many places at once” different from an occult or science-fiction entity?<sup>43</sup> If such a being is more than notional – if such a being has empirical reality – what would entitle us to call it God? Why wouldn't it be just another, albeit highly interesting, contingent entity? Once we diminish God's absoluteness, we invite a *reductio ad absurdum* that runs as far as our imaginations will carry us.

Perhaps Sommer, by sharply separating the God of classical theism from the God of anthropopathic piety – and cashiering Him, renders a service by dispensing with an austere philosophical God and leading us back to an “authentic” Jewish God. But authenticity is a morally dubious ideal. It can cash out at fervid tribalism. Whatever warmth the God of classical or even Kantian theism lacks, He makes up for in His power to integrate our value concepts and wisely order our souls. The God of classical theism (or even the Kantian Unconditioned) underwrites and consummates our practices of seeking intelligibility, of pointing toward an ultimate explanation of being and value, of grounding a good that we intuit in thought and deed. It is unclear how the multiply embodied God of luminous manifestation, a Judaic Phoebus Apollo, could contribute to those conceptual and ethical tasks.

We are being asked, I suppose, only to trust that such a god is God. Of course, trust – *bittahon* or *emunah* – is of the essence of Jewish

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<sup>42</sup> *Ibid.*, p. 142.

<sup>43</sup> *Ibid.*, p. 137.



faith; and, at some level, trust or the ability to trust is pre-conceptual. It is a disposition formed by upbringing, particularly by the emotional and cognitive scaffolding of parents and caregivers. But to say that trust has pre-cognitive roots does not entail that it is an irrational phenomenon. The trust of a mature person, who has a choice whether to trust in someone or to rely on something, such as an institution, practice, or belief, rests on a process of justification. One must give reasons to oneself (and sometimes to others) for why one trusts. Trust rises to its full stature when it is *incorporated* into agency, which requires reason-giving. Why should one choose to trust the biblical God, on Sommer's account? Why should one trust the biblical accounts of God, if the God who guarantees them is a Jewish Apollo and not the name we give to the Highest Good? We can only secure for ourselves a trust in Sommer's God as God if we have some prior, relatively well-formed conception by which to test the candidate divinity against an absolute standard. Kant said that even the holy one of the Gospel must be proofed against our rational conception of the moral law. The same applies here, except in this case our sense of the absoluteness and ultimacy of God has been nourished by the tradition of classical theism, which is rooted in the very texts from which Sommer would banish it. Yes, language and method have been learned from the Greeks, but the synthesis of Plato and Moses, of Torah and Sophia, is the work of countless generations of Jews. They have not been misguided, nor has their struggle been "inauthentic."

## Conclusion

The philosophical interpreter can learn from the historical-critical scholar. The work of retrieving and forming beliefs that are compelling should be disciplined by reference to ancient frameworks of meaning. I am not suggesting that Levenson and Sommer are wrong in their interpretations or in the pursuit of their projects. I am suggesting that historical critical reconstruction, when it aspires to theological articulacy, should be disciplined by keeping a high, philosophical purpose in mind. The Babylonian Talmud puts it vividly: "The seal of the Holy One, Blessed be He, is truth" (Shabbat 55a). We should seek to tell the highest truth of which we are capable

and should believe that, changes in idiom notwithstanding, the biblical authors aim at telling it too.

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## ON BIBLE TRANSLATIONS

Adele Berlin

The topic of Bible translation has come to the fore recently with Robert Alter's *The Hebrew Bible: A Translation with Commentary*<sup>1</sup>, a work that completes Alter's decades-long project of translating the entire Tanakh. I want to put this newest translation into the larger context of Bible translations, especially English Bible translations, and examine many of the issues involved in translating the Bible and the choices that translators make.

### What Are the Earliest Translations of the Bible?

Translating the Bible began in ancient times. The first Bible translation was the Greek translation, called the Septuagint. It was made for the Greek-speaking Jews of Alexandria. It began with the Torah in the 3<sup>rd</sup> century BCE (a hundred years before Judah Maccabee), and then went on to include the entire Tanakh. While originally a "Jewish" translation, it was later adopted by the Church as its official Bible. It fell out of use in Judaism and is now largely unknown to most Jews.<sup>2</sup>

More familiar to Jewish readers is the Targum, the Aramaic translation, for the Jews of the land of Israel and Babylonia. Actually, we should say "Targumim" in plural since there are a number of them. They date, in written form, from around the 1<sup>st</sup> century C.E. and thereafter; however, they were originally oral, and parts of their contents

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1 Robert Alter, *The Hebrew Bible: A Translation and Commentary* (W. W. Norton, 2018)

2 [Ed. note: See further discussion by Berlin below. See also, e.g., Leonard Greenspoon, "The Septuagint," in Amy Jill-Levine and Marc Zvi Brettler, *The Jewish Annotated New Testament* (New York, NY: Oxford University Press, 2011), pp. 562–565.]

go back quite a while before they were written down. The Targumim are more than just translations; they add various explanations and elaborations.<sup>3</sup>

### What Is the Status of Bible Translations in Jewish Tradition?

As we have seen, Jewish tradition accepts translations of the Hebrew Bible. However, the translated Bible never replaced the Hebrew original. In normative public liturgical recitation, it is the Hebrew text of the Torah, the Prophets, and the *megillot*, that is to be read. Judaism's official Bible has always been in Hebrew. Translations have remained subordinate. To be sure, the Targum was held in great esteem in Jewish tradition; it was considered part of the Oral Law and contained authoritative interpretations. Yet it never took the place of the Hebrew Bible. It is fascinating to see the delicate balance that the Rabbis attempted to maintain between the biblical text and its Aramaic translation.

In Rabbinic times, the Targum was used in the synagogue and for study. In the synagogue, the Targum accompanied the public reading of the Torah.<sup>4</sup> After each Torah verse, the Targum of that verse was spoken aloud (for the haftarah, the Targum came after every 3 verses). The Rabbis specified a number of rules to keep the Torah and the Targum distinct: The Torah reader and the translator, the *meturgeman*, must be two different people. The Torah reader had to be clearly seen to be *reading* from the scroll; the translator had to recite the Targum from memory. He was not allowed to use a written text in the synagogue,<sup>5</sup> nor was he permitted to look at the Torah scroll — “lest,” said the amoraic sage Ulla, “the people should say that the translation is

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<sup>3</sup> [Ed. note: See, *e.g.*, the chapter on “The Targumim” by Paul Virgil McCracken Flesher in Jacob Neusner, *Introduction to Rabbinic Literature* (New York, NY: Doubleday [Anchor Bible Reference Library] 1994), pp. 606–629.]

<sup>4</sup> [Ed. note: The Targum is in fact read still in Yemenite communities, as of this writing, such as in the Anaf Haḥayyim synagogue on Yehoshu’a bin Nun St. in Jerusalem.]

<sup>5</sup> [Ed. note: As regarding the present practice, note the previous footnote.]

written in the Torah.”<sup>6</sup> Nor was the Torah reader allowed to prompt the *meturgeman* if he faltered.<sup>7</sup>

In preparing the weekly portion privately, a person was supposed to read it “twice in the Bible (*Miqra*’) and once in the Targum.”<sup>8</sup> Here, too, the Targum accompanies the biblical passage but remains separate from it, and inferior to it in status.

The situation is quite different in Christianity and Islam. From its outset, part of Christianity’s Bible—namely, that part that Christians call the ‘Old Testament’—was a translated Bible. Prioritizing a biblical text in a vernacular that the laity could understand, the early Church adopted the Septuagint as its official Bible, adding its own New Testament, which was written in Greek. Christianity was born into a Greek-speaking world, and, therefore, it made sense to have a Greek Bible. Several centuries later, the Latin-speaking Roman Catholic Church adopted the Vulgate, a Latin translation of both the Old and New Testaments.<sup>9</sup> The Septuagint is still the official Bible of the Eastern Orthodox Church.

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<sup>6</sup> Babylonian Talmud, Megillah 32a. [Ed. note: The *amora'im* constituted an era of rabbinic sages ending shortly before the compilation of the Babylonian Talmud and immediately following the *tanna'im*, the final generation of whom saw the compilation of the Mishnah circa 225 C.E..]

<sup>7</sup> [Ed. note: The principal discussions begin in the Mishnah at Megillah 4:4. For further discussion, see, e.g., Steven D. Fraade, “Rabbinic Views on the Practice of Targum and Multilingualism in the Jewish Galilee of the Third-Sixth Centuries,” in Lee Levine (ed.), *The Galilee in Late Antiquity* (New York, NY: Jewish Theological Seminary, 1992), pp. 253–286.]

<sup>8</sup> Babylonian Talmud, Berakhot 8a.

<sup>9</sup> [Ed. note: The Vulgate notably began as a Latin text predominantly based in the process of translating from the Greek Septuagint; however, in the late 4<sup>th</sup> century, the Latin Christian priest Jerome began the work of revising the Vulgate so as to accord better with the original biblical texts in Hebrew. For more on the relationship between the Hebrew Bible and the resultant Latin Vulgate, see, e.g., Görgo K. Hasselhoff, “Revising the Vulgate: Jerome and his Jewish Interlocutors,” in *Zeitschrift für Religions- und Geistesgeschichte*, Vol. 64, No. 3 (2012), pp. 209–221.]

In Islam, things are just the opposite. The Arabic language of the Quran was held in such high esteem – it was considered within Islam to be of such purity and clarity that the divine word could only be transmitted through it – that many medieval Islamic scholars forbade the translation of the Quran into any other language, even for non-Arabic-speaking Muslims. Eventually, as a matter of necessity, the Quran was translated into other languages, but the translations never acquired official religious status.<sup>10</sup>

### **Are There Differences Between Jewish and Christian English Translations?**

While most modern Bible translations are done by scholars, both Christian and Jewish, who employ academic methodologies and up-to-date information, translations may be conditioned by the translators' religious traditions and beliefs. Moreover, many translations are aimed specifically at either Christian or Jewish audiences and are designed to meet the needs of those audiences. For the most part, Jewish and Christian translations are in agreement, but there are some notable differences between them.

1. First of all, besides including the New Testament, Christian Bibles arrange what they call the Old Testament (our Tanakh, or Hebrew Bible) in a different order. They have the Torah or Pentateuch first, then the Historical Books (Joshua, Judges, Ruth, Samuel, Kings, Chronicles, Ezra, Nehemiah, Esther); The Poetical and Wisdom Books (Job, Psalms, Proverbs, Ecclesiastes, Song of Songs); and finally, the Prophetic books, which include Lamentations (which follows Jeremiah, who is traditionally held to be its author), and Daniel (considered to be a prophet in Christianity – and in some ancient Jewish circles as well). It is not an accident that the prophetic books come last in the Christian Old Testament, for they lead up to the major

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<sup>10</sup> [Ed. note: For the narrative of a modern controversy over the translation of the Quran into other languages spoken even in Muslim-majority lands, see, e.g., M. Brett Wilson, "The First Translations of the Qur'an in Modern Turkey (1924–38)," in *The International Journal of Middle East Studies*, Vol. 41, No. 3 (August 2009), pp. 419–435.]

prophet of Christianity, whose coming the Old Testament prophets foretell (according to Christian theology).<sup>11</sup>

2. Christian translations may also reflect Christian theology. Perhaps most famous is the “sign” in Isaiah 7:14: הנה העלמה הרה וילדת בן (hinneh ha’almah harah veyoledet ben). The New Jewish Publication Society Tanakh (NJPS) renders: “Look, the young woman is with child and about to give birth to a son.” Robert Alter has: “the young woman is about to conceive and bear a son.” But the King James Version reads: “Behold, a virgin shall conceive, and bear a son.”

The Hebrew word translated as *virgin* in the King James is עלמה (*almah*), which means “a young woman of marriageable age.” So where did *virgin* come from? Ultimately from the Septuagint, by way of the Gospel of Matthew. The Septuagint renders עלמה as *parthenos*, which means “virgin” or “maiden,” that is, an unmarried woman, presumably a virgin. Now in the New Testament, Matthew (1:18–25), which was written in Greek, quotes the Septuagint’s version of this verse from Isaiah in his account of Mary’s pregnancy and the birth of Jesus, which he sees as a fulfilment of Isaiah’s prophecy. It thus seems quite natural for the King James Version, a Christian translation, to understand Isaiah 7:14 the same way that Matthew did.

Now modern scholarly Christian translators know that עלמה does not mean *a virgin*, but they handle this in different ways. The New International Version, a conservative Christian translation, puts the word *virgin* in the main translation of the Isaiah verse with a footnote that says “or *young woman*.” The New Revised Standard Version, a more ecumenical Protestant translation whose translation committee included one Jew, puts *young woman* in the main translation with a footnote that says “Greek: *the virgin*.”

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<sup>11</sup> [Ed. note: By contrast, the order in the Tanakh apparently reflects the stages in which the different books were accepted as authoritative—first the Pentateuch, then the Prophets, then the miscellaneous “writings”. See generally, for example, Marc Zvi Brettler, *How to Read the Jewish Bible* (New York, NY: Oxford University Press, 2007) at pp. 9–12 and 276–277. While the last book in the present ordering, *i.e.*, II Chronicles, indeed ends on an ‘upbeat’ note from a Jewish-historic perspective, Brettler cautions, at p. 288, fn. 19, that this was not the placement in many of the most accurate early manuscripts.]

3. Some Jewish translations do the reverse, purposely avoiding terms that have a Christological nuance. For example, NJPS and Alter never use *salvation* but rather synonyms like *deliverance*, *rescue*, *victory*. On the other hand, the ArtScroll translation, circulating widely in the Orthodox Jewish community, finds no problem with *salvation*. Are Orthodox Jews so removed from Christian thought that they are oblivious to the Christological concept of salvation?

4. Jewish translations stick mainly to the “official” Jewish Tanakh, the Masoretic Text (the Hebrew text of the Bible, as prepared by the Masoretes,<sup>12</sup> which includes the vowel signs and the *trop* signs). Christian translations today are generally also based on the Masoretic Text since that is our only complete Hebrew text. But they are more likely to adopt readings from the Septuagint,<sup>13</sup> which has a higher status in Christianity than in Judaism (as the Septuagint has no status in Judaism). We saw this in the case of the Isaiah verse.

Let me give another, non-theological, example—the missing *nun*-verse in the alphabetical-acrostic Psalm 145 (this psalm forms the bulk of the *Ashrei* prayer). The Masoretic Text lacks a verse beginning with the letter נ (*nun*). Its absence is explained midrashically in the Babylonian Talmud by the fact that the Bible contains a negative statement about Israel beginning with *nun* and that, therefore, our psalm did not want to recall it, even indirectly:

R. Yohanan says: Why is there no *nun* in *Ashrei*? Because the fall of Israel's enemies [a euphemism for the fall of Israel] begins with it. For it is written: קום לֹא-תוֹסִיף לְנַפְלֵהּ”

<sup>12</sup> [Ed. note: *I.e.*, scholars of the Bible text, flourishing in the 6<sup>th</sup>–10<sup>th</sup> centuries, exemplified by the Aleppo Codex of ben Asher (circa 930 C.E.).]

<sup>13</sup> [Ed. note: In most places the differences between the Septuagint, Vulgate, and Masoretic texts are in the understanding of individual phrases. Certain books of the Septuagint, however, *e.g.*, Jeremiah, Esther, and Job, are materially different from the Masoretic texts, either because the translators were working from different underlying traditions and/or made modifications of their own. See, for example, Berlin's discussion of the Septuagint additions to Esther, in Adele Berlin, *The JPS Bible Commentary: Esther* (Philadelphia, PA: Jewish Publication Society, 2001), pp. xlix–lii.]



“בְּתוּלַת יִשְׂרָאֵל” (“Fallen is the virgin of Israel, she shall no more rise”) (Amos 5:2).<sup>14</sup>

Actually, though, we know what that missing *nun*-verse is, for it is present in translation in the Septuagint and Syriac versions, and it is written in Hebrew in the large Qumran Psalms Scroll (11QPs<sup>a</sup>) from the Dead Sea scrolls.<sup>15</sup> It reads:

נאמן אלוהים בדבריו וחסיד בכול מעשיו  
Trustworthy is God in His words and faithful in all His works.

This verse appears in the main translation of some Christian Bibles (New Revised Standard Version, New International Version) but not in Jewish translations, which tend to stick more closely to the Masoretic Text, although this missing verse is mentioned in the footnotes of some Jewish translations and commentaries (e.g., that of Alter’s).

This is not to say that modern Jewish translations never adopt Septuagint readings when they differ from the Masoretic Text, or that Christian Bibles always do; however, Jewish translations are less likely to depart from the Masoretic Text.

## Why Are There So Many English Translations of the Bible?

Translation, like commentary, is a way to engage with the Bible, and it is a perennial preoccupation. In fact, every translation is a mini-commentary, a way to convey, very succinctly, what the Bible means. Moreover, every translation has an agenda or a goal. It may aim for a

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<sup>14</sup> Babylonian Talmud, Berakhot 4b.

<sup>15</sup> Scholars are somewhat divided about whether this verse was original or whether it was added later to make the acrostic complete. [Ed. note: See, e.g., arguing that the ‘omission’ was original and intentional, Reuven Kimelman, “Psalm 145: Theme, Structure and Impact,” in *The Journal of Biblical Literature* 113:1 (Spring 1994), pp. 37–58. See also Adele Berlin’s forthcoming discussion on Psalm 145 as part of JPS’ forthcoming multivolume commentary on Psalms.]

number of different things: to draw on new discoveries or new linguistic knowledge; to offer an innovative interpretation, or to promote an alternative interpretation, or to reinforce a traditional interpretation; to update the English wording or style for the benefit of the modern reader; to convey the Bible's own literary style (that is Alter's goal); to transmit a theological position or religious worldview.

In pursuing their goal, translators have to make choices. Here are the major types of decisions.

1. Should the translation be literal (word-for-word) or dynamic/free? How closely to the biblical language should it be? If it is too literal, it may be unintelligible to the modern reader; if it is too free, it may lose the flavor of the original.

2. Does "biblical" style demand old-fashioned English or should the translator aim for contemporary English? For example, how is חגור מתניך (*hagor motnekha*) best rendered? "Gird up your loins" (King James Version); "tie up your skirts" (NJPS); "get ready" (Common English Bible); or "Tuck your cloak into your belt" (New International Version)?<sup>16</sup>

3. Should a given Hebrew word always be translated by the same English word? Should the syntax of the original be preserved or changed to make it flow better in English? My answer is that while it is not possible, and not correct, to always use the same English word for the same Hebrew word (the semantic range of each word differs from language to language), some attempt should be made to capture the Bible's use of repetition and key words and phrases, for this is a hallmark of biblical style.

4. How should the translator render Hebrew terms that we understand but that have no easy English equivalent? To take three examples:

1) אשרי (*ashrei*) does not mean "happy," in the sense of feeling good or being cheerful.<sup>17</sup> It means to be in a good state or condition,

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<sup>16</sup> [Ed. note: For the original phrase, see, e.g., II Kings 4:29, in the story of Elisha and the woman from Shunem, which most (though not all) Jewish communities read as the *haftarah* (i.e., 'concluding' reading from the Prophets) after *Parashat Vayyera* (i.e., Genesis 18:1–22:24).]

<sup>17</sup> [Ed. note: Familiar from the opening lines in Jewish liturgy to Psalm 145, drawn from Psalms 84:5 and 144:15—*ashrei* is also the first word in Psalm 1:1, discussed below.]

to be in a fortunate position in life.<sup>18</sup> (Yet “fortunate” sounds like it is a matter of luck, which it is not.)

2) The word חסד (*hesed*)<sup>19</sup> is more than “kindness” or “favor,” for it implies an obligation as well, a sense of loyalty. God’s *hesed* to Israel derives from His covenant obligation to His people.<sup>20</sup> The King James Version often renders חסד as “loving-kindness” (I am not sure what that means to modern readers) and NJPS has “faithfulness” or “steadfast love” (NJPS is often inconsistent).

3) נפש (*nefesh*)<sup>21</sup> does not have the body/soul dichotomy that most people identify with the English word “soul.” נפש means “self” or “being” or sometimes “life” or “throat.”<sup>22</sup>

5. Then there are words whose meaning is uncertain. For instance, what is the כתנת פסים (*ketonet passim*) that Jacob had made for Joseph (Gen. 37:3)? The King James Version offers “a coat of many colours,” the New Revised Standard Version sees “a long robe with sleeves,” NJPS reveals “an ornamented tunic,” and ArtScroll presents “a fine woolen coat.”

6. How should proper names be rendered? What is the difference in effect between *Jacob* and *Yaakov*? Between *Jerusalem* and *Yerushalayim*? Most translations opt for *Jacob* and *Jerusalem*, but the Koren

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<sup>18</sup> [Ed. note: On this etymology, see, e.g., Hava Tirosh-Samuels (ed.), *Happiness in Premodern Judaism: Virtue, Knowledge, and Well-Being* (Cincinnati, Ohio: Hebrew Union College Press, 2003), p. 62.]

<sup>19</sup> [Ed. note: See, e.g., Ruth 1:8, 2:20, and 3:10. On the idea of “*hesed*-living” as an ideal, see Edward F. Campbell Jr., *Ruth: A New Translation With Introduction and Commentary* (New York, NY: Doubleday Press [Anchor Bible Series], 1975), pp. 29–30.]

<sup>20</sup> [Ed. note: For a more detailed exploration of this complex term, see Nelson Glueck, *Hesed in the Bible*, Elias L. Epstein (ed.) and Alfred Gottschalk (trans.) (Cincinnati, Ohio: The Hebrew Union College Press, 1967).]

<sup>21</sup> [Ed. note: See, e.g., Genesis 2:7 and 2:19 and the extended discussion of the word in Francis Brown, Samuel Rolles Driver, and Charles Augustus Briggs, *Hebrew and English Lexicon of the Old Testament* (first published in 1906 and frequently reprinted).]

<sup>22</sup> [Ed. note: For further analysis of the multiple meanings of this term, see Victor Avigdor Hurowitz, “A Forgotten Meaning of *nepes* in Isaiah LVIII 10,” in *Vetus Testamentum*, Vol. 47, Fasc. 1 (Jan., 1997), pp. 43–52.]

translation<sup>23</sup> prefers the transliterated Hebrew rather than the Anglicized forms (that derive from the Greek).

7. As for gender-sensitivity<sup>24</sup>: The masculine is the default in Hebrew, much as it is, or used to be, in English. Now we are more conscious of gender, and we try to find neutral expressions when the gender is not specified. Should we do that in Bible translations? When does the masculine in the Bible refer to men only, and when to both men and women? This is an especially contemporary problem, and its complexity deserves a separate essay. Here again, a balance should be sought. The translation should not erase all gender, as the New Revised Standard Version does at Lamentations 3:1, with its “I am the one” for *אני הגבר*, where *גבר* is a strongly masculine term. But neither should a translation slip into the masculine linguistic default when the text is not referring exclusively to males. It is often difficult to decide, but the effort leads to a better understanding of the ancient mentality and our own.

To take one common phrase, how should we translate *בני ישראל* (*benei yisra'el*)? “Sons of Israel,” “children of Israel,” or “Israelites?” At Exodus 1:1, “These are the names of the sons of Israel” is appropriate, for listed are the names of Jacob’s sons. But, for the most part, *בני ישראל* refers to the people of Israel (as the singular *בן* [*ben*] means, not only “a son of,” but also “a member of”), so *Israelites* is better. *Children of Israel* is presumably a way to be gender-neutral, but it risks infantilizing the people.

Does God have a gender? How should God’s proper four-letter name, and the pronouns referring to God, be translated? The most common translation of God’s name is “LORD,” but some people think that “Lord” is too masculine and too hierarchical; it is associated with slaves or with a rigid class system. Therefore, some of the more liberal Jewish translations prefer the more neutral “Eternal.” Other translations opt to just write the four Hebrew letters, unvocalized, of God’s proper name. When it comes to divine pronouns, attempts to circum-

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<sup>23</sup> [Ed. note: *I.e.*, the *Jerusalem Bible* (Koren), a 1964 modernizing by Harold Fisch of the traditional English Jewish translation in 1881 by Michael Friedländer, generally viewed as an ‘Orthodox’ translation.]

<sup>24</sup> See the excellent work of David E. S. Stein, *The Contemporary Torah. A Gender-Sensitive Adaptation of the JPS Translation* (Philadelphia, PA: Jewish Publication Society, 2006).

vent gendered pronouns are successful up to a point, but, it can be argued, male metaphors for God (as a warrior, for instance) should be rendered by male pronouns.<sup>25</sup>

The first two words of Psalm 1, אֲשֶׁרִי הָאִישׁ (*ashrei ha'ish*), present us with two problems alluded to earlier. "Happy is the man" reads the New Jewish Publication Society translation (first published completely in 1985), while the King James Version has "Blessed is the man." Neither *happy* nor *blessed* quite capture the right nuance, but both can be justified. The New Revised Standard Version, being gender-sensitive, reads "Happy are those" (but makes the singular into a plural); better is the New International Version: "Happy is the one." The word אִישׁ (*ish*) does not refer solely to a male; in fact, it may refer to an inanimate object, like a star (Isaiah 40:26) or the wings of the figures in Ezekiel's vision (Ezekiel 1:9). The word means *a person* or *an individual*. So, a gender-neutral translation is apt and especially appropriate for modern readers. On the other hand, one could argue that in ancient times the person referred to in Psalm 1, who is immersed continually in Torah study, was most likely to have been male.

We can argue endlessly about the merits of one translation or another and agree that there are no perfect translations. But studying and comparing Bible translations is one of the easiest and most pleasurable ways of engaging with the biblical text.<sup>26</sup>

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<sup>25</sup> [Ed. note: See, e.g., Tikva Frymer-Kensky, "On Feminine God-talk," in *The Reconstructionist*, Vol. 59 (Spring 1994), pp. 48-55; and, in the same issue, Marcia Prager, "Beyond Lordship: Personalizing Adonay" pp. 32-37; and, similarly, Shohama Harris Wiener, "Connecting God's Names and My Name: A Spiritual Journey" pp. 80-85 (esp. pp. 83-84).]

<sup>26</sup> [Ed. note: As no translation can capture the nuance of the original, engaging with or contrasting different translations permits the reader to discover, however, with some of the richness of the original text that gets lost in another translation. For more on this, see, e.g., Edward L. Greenstein, "Theories of Modern Bible Translation," in *Prooftexts*, Vol. 3, No. 1 (Special Issue on Translation: January 1983), pp. 9-39; Robert Alter, "How Berkeley Made the Old Testament New: Liberating a new translator of the Hebrew Bible," in *Boom: A Journal of California*, Vol. 5, No. 4 (Winter 2015), pp. 85-89; and Hillel Halkin, "On Translating the Living and the Dead: Some Thoughts of a Hebrew-English Trans-

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lator," in *Prooftexts*, Vol. 3, No. 1 (Special Issue on Translation: January 1983), pp. 73-90.]

## INTRODUCING *HUMASH KOL HA-TOR* AND *M'GILLOT KOL HA-TOR*: SOME PRELIMINARY CONSIDERATIONS

Martin S. Cohen

My forthcoming *Kol Ha-tor* commentary on the Torah and the five *m'gillot* includes a fresh translation of all six works. I hope that the books will stand well on their own, yet I find myself eager to explain in advance some of the principles that guided me while working and to which I have attempted to remain faithful in the course of the *twenty-odd* years I have been laboring away, one way or the other, on this project. This is more challenging than it sounds however – and for the simple reason that those principles have had to be updated many times in the course of all those years to reflect new directions in my thinking on various pertinent matters. Nor have the same principles governed the translation and the commentary, both of which I nevertheless hope will be perceived as fully reflective of the same level of commitment to the level of intellectual, literary, and spiritual integrity I have endeavored to bring to them both. Also worth mentioning is that it has not been solely those principles that have been in flux throughout these last years: as I myself have continued to evolve as an author both of non-fiction and fiction, my sense of what it means to undertake any sort of translation at all has also morphed forward into new and (I hope) improved iterations of the set of ideas I brought to the project originally.<sup>1</sup>

I believe *Kol Ha-tor* to be the first Torah commentary based on the ancient Palestinian triennial cycle to be composed since ancient times.<sup>2</sup> (And since, no, there is no limit to the hubris I bring to my own

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<sup>1</sup> A survey of the writing I've undertaken in the course of the years I've also been working on *Humash Kol Ha-tor* and *M'gillot Kol Ha-tor* is available at [www.martinscohen.net](http://www.martinscohen.net).

<sup>2</sup> I have based my work on the division of the text into sections intended to be read as part of a triennial lectionary cycle in the Leningrad

work, let me observe too that no such actual commentary from antiquity exists either.<sup>3</sup>) Fully devotional in nature and thus intended primarily for contemplative study, the commentary starts from the assumption that the Torah was meant all along to be a kind of founda-

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Codex, written in 1008 or 1009 C.E. and standardly considered the oldest complete manuscript of the Hebrew Bible. The triennial cycle in use in some Conservative synagogues today is not at all like its ancient triennial predecessors, all of which moved forward, section by section, through the Torah from beginning to end. For a very comprehensive survey in English of the various scholarly and practical issues relating to the use of a triennial cycle, see Lionel E. Moses' "Is There an Authentic Triennial Cycle of Torah Readings?" a responsum composed for the Committee on Jewish Law and Standards of the Rabbinical Assembly that was approved by that body in 1987 and which is—as of June 16, 2019—available to the public on the website of the Rabbinical Assembly at [https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/19861990/moses\\_triennial.pdf](https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/19861990/moses_triennial.pdf).

Hebrew readers will want to compare the material in Rabbi Moses' responsum to the one penned by the late Rabbi Simchah Roth and published by the Rabbinical Assembly and the Masorti Movement in Israel in the sixth volume of responsa of the *Va-ad Ha-halakhah* (ועד ההלכה) (Jerusalem, 5758–5759 [1997/1998–1998/1999]), pp. 98–188. And readers with fluent Hebrew will surely want also to compare what they think they know about the ancient triennial cycle with the groundbreaking essay by Shlomo Naeh, "Sidrei K'ri-at Ha-torah B'erez-Yisra-el: Iyyun M'huddash" (סדרי קריאת התורה בארץ ישראל: עיון מחודש), published in *Tarbiz* 67:2 (5758 [1997/1998]) (תרביץ סז:ב), pp. 167–187. With respect to my own work, what Naeh has to say about the larger significance of a triennial cycle featuring specifically 167 *s'darim*, the number presented in my own work, is both fascinating and remarkably validating.

- <sup>3</sup> It certainly seems self-evident that preachers in ancient Israel pegged their homilies to the weekly Torah reading and some of those sermons certainly survive in the various extant collections of homiletical *mid-rashim* from ancient times, but those sermons almost invariably focus on the opening verses of the weekly reading. What there is no evidence of having existed in ancient times is a section-by-section commentary on the entire Torah based on the triennial lectionary cycle.



tional spiritual document “to them who hold fast unto it” and so attempts to suggest on a *seder* by *seder* basis what each section of the Torah can be reasonably imagined to have to teach to people embracing it in that specific way.<sup>4</sup> Imagining in that vein why the *Akeidah* (i.e., the Binding of Isaac story, Genesis 22) was included in the text is one thing, however. And writing about the passage that discusses at length the contaminative potential of dead *sh’ratzim*,<sup>5</sup> a different kind of task entirely... and particularly if the point is not solely to learn something informative or interesting about the laws of purity but cogently and rationally to say in what specific sense that section of the text was intended to be of value to readers seeking spiritual advancement through the contemplation of Scripture centuries after the bulk of laws related to purity and impurity were permitted to fall into lamented or unlamented desuetude.

I suppose I should begin by explaining the name I’ve given both works, *Kol Ha-tor*. The phrase means “voice of the turtledove” and comes from the Song of Songs, where it alludes to the advent of springtime: “For the winter is over and the rains are ended. The buds are visible again in the land. The gardeners’ day has come and the voice of the turtledove (*kol ha-tor*) can again be heard in our land.”<sup>6</sup> It’s a very nice verse! But the detail that makes the name work in this context is a personal one: before my people were Cohens, we were Turkeltaubs. (The possibly true story is that my great-grandfather, arriving at Ellis Island and thinking it wise to start off life in America with a less Jewish name than Turkeltaub, chose Cohen instead.) And since Turkeltaub is the Yiddish for “turtledove,” the *tor* in *Kol Ha-tor* serves to link me to my own work. Plus, of course, there’s also the possibility of taking *tor* as the masculine word of which *torah* is the feminine form,

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<sup>4</sup> “To them who hold fast to it.” Proverbs 3:18.

<sup>5</sup> The Hebrew term *sh’ratzim* denotes the class of reptiles deemed in death to constitute sources of impurity at Leviticus 11:29-30; cf. the elaboration of the law by Maimonides in his *Mishneh Torah* in the fourth chapter of the section labelled *Hilkhot Avot Ha-tumah*. Rambam (i.e., Maimonides), of course, merely takes the passage in the Torah at face value as a source of information about one specific aspect of the laws of purity and impurity.

<sup>6</sup> Song of Songs 2:11-12. The words *kol ha-tor* are in verse 12.

thus rendering it a suitable term to qualify a male author attempting to serve as the voice of the Torah to his readers.<sup>7</sup>

Some of the principles I set in place as I wrote have to do with the nature of the works at hand. Others, with the specific nature of the Hebrew language. And still others with the concept of translation itself. Some are reflective of well-known issues over which scholars continue to fuss. Some are broad enough to constitute the literary version of the axioms that undergird scientific or mathematical research without themselves being demonstrable in any truly cogent way. And some are seriously idiosyncratic notions, ideas that have taken root in me over all these many years and which seem to me to constitute inarguable truths—somewhat in the way I feel certain that the sky is blue even though I understand perfectly well that what I see when I train my gaze upwards is far more a function of the way my brain interprets the electronic signals that my optic nerve sends into its inner neurological matrices than of anything I could reasonably qualify as absolute reality unrelated to my own perceptive consciousness. I would like to mention some of those principles here and explain why they seem so fundamental to my understanding of the nature of the biblical text.

The first principle that has guided my work is the conviction that the Torah is a unified work, a principle out of sync neither with a text-critical approach to the biblical text nor with a more traditionalist approach. To the layperson, this will sound as an obvious truth: what else could the Torah be if not a unified work with a famous beginning, a long middle, and a melancholic end? But the reality is far more complex than that makes it sound.

The well-known Documentary Hypothesis, first proposed in a recognizable version well over two centuries ago, supposes that behind the text of the Torah as it has come down to us is a library of anterior texts that later editors redacted to create the current work, and that the version that has come down to us as the *textus receptus* reached its current state only in Second Temple times.<sup>8</sup> The theory founders,

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<sup>7</sup> This is a whimsical observation. The word *torah* is a common noun in Hebrew meaning “teaching” and has no masculine form.

<sup>8</sup> The literature regarding the Documentary Hypothesis is immense. Probably the best introduction is still Richard Elliot Friedman’s *Who Wrote the Bible* (New York: Simon & Schuster, 1987; reprint, 2019), to

and more than just a bit, on the fact that none of the allegedly anterior works actually exists, as also do not any fully unambiguous literary references to them in any surviving ancient work. Traditionalists, of course, understand the Torah to be the work composed by Moses at the end of his life, just as the story in Scripture makes almost clear.<sup>9</sup> These viewpoints are regularly described as antithetical, but I have chosen nonetheless to work the stable ground between them and presume that the Torah—the Pentateuch—exists in our day (and existed long before the rabbinic period) as a unified work that came into existence at some specific moment in history and that that is so regardless of whether any parts of it preexisted its final redactor's efforts. (For what it's worth, the Torah itself references at least one anterior source, *The Book of the Wars of YHVH*, so the idea *itself* of the Torah being at least in part developed from earlier sources is hardly untraditional.<sup>10</sup>)

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which may be compared Walter Houston's *The Pentateuch* (London: SCM Press, 2013) or Ernest Wilson Nicholson's *The Pentateuch in the Twentieth Century: The Legacy of Julius Wellhausen* (Oxford, New York; et al.: Oxford University Press, 2003).

<sup>9</sup> The traditionalist approach understands Deuteronomy 31:9 ("And Moses composed this *torah* and entrusted it to the priests of the tribe of Levi, bearers of the Ark of the Covenant of YHVH, and to the elders") to mean that Moses composed the Torah at the end of his life, drawing on his personal recollections, his knowledge of his people's prehistory, and the documents he himself created in the course of the nation's years in the wilderness. See below, note 6, and *cf.* the theory of the talmudic sage Rabbi Banaah cited in the Talmud in the Babylonian Talmud (at Gittin 60a) to the effect that the Torah was revealed "scroll by scroll," *i.e.*, in a series of discrete oracles revealed to Moses atop the mountain and in the Tent of Meeting, and then, at the end of Moses' life, pasted together into one big scroll that became "the" Torah.

<sup>10</sup> *The Book of the Wars of the YHVH* is referenced at Numbers 21:14-15, to which may be compared the references to a written version of something called the Book of the Covenant at Exodus 24:4 and 7, to the itinerary of the various oases in which the Israelites camped in the wilderness that Moses is said at Numbers 33:2 to have composed in writing, and to the tablets of the law which are themselves described as written documents that clearly antedated the composition of the work that presents two different versions of their text to the reading public.

This was a crucial point for me as I wrote and chose to focus on the fact that, given that the Torah exists in the first place (and that it has come down to us with a remarkably few number of textual variants), the unified nature of the work we know by that name is unassailable. This approach opens many exegetical doors without taking on questions that, in the final analysis, will not be conclusively answered possibly ever—and surely not by myself.<sup>11</sup>

The quinquepartite nature of the Torah is also an important plank in my platform. As every Religious School child knows, the Torah has come down to us in five parts. More important, though, is that no scholar supposes that the five books of the Torah (*i.e.*, Genesis, Exodus, Leviticus, Numbers, and Deuteronomy) *themselves* all had literary pre-histories as single works that were later brought together by an anthologizer who simply pasted them together to create a kind of super-work in five parts. Far more likely is the notion that the Torah, created at a point in history as a unified work, was presented to the reading public in five parts and that that five-part structure was meant to signal to the savvy reader that the book at hand was not a literary creation in the normal sense but an extended prophetic oracle.<sup>12</sup> This notion—that the Torah is a work of prophecy—will also

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<sup>11</sup> On the other hand, see the papers that are focused on this specific point (and many related points) in Matthias Armgardt, Benjamin Kilchör, and Markus Zehnder (eds.), *Paradigm Change in Pentateuchal Research* (Wiesbaden: Harrassowitz, 2019), and, particularly, the essays published there by Richard E. Averbeck and Matthias Armgardt on pp. 21–44 and 79–82 respectively.

<sup>12</sup> I discussed the various reasons that the five-part structure can be taken to point to the prophetic nature of the text in my essay, “Who Knows Five?,” printed in *Conservative Judaism* 55:2 (Winter 2003), pp. 63–71, to which may now be compared Elaine Goodfriend’s essay, “Why Is the Torah Divided into Five Books?,” published online at *TheTorah.com: A Historical and Critical Approach* and available at <https://thetorah.com/why-is-the-torah-divided-into-five-books/> (as accessed on May 16, 2019). And *cf.* also the interesting essay by Thomas Römer and Marc Z. Brettler, “Deuteronomy 34 and the Case for a Persian Hexateuch,” in the *Journal of Biblical Studies* 119:3 (2000), pp. 401–419, which analyzes the older theory that the Torah along with the Book of Joshua was originally a unified work, a Hexateuch rather than a Pentateuch,

sound banal, or at least ordinary, to most. But its implications are profound and very far-reaching. And, almost more than anything else, it is the ground on which *Chumash Kol Ha-tor* stands.

One of the most vexing issues for anyone considering the text of the Torah to work through are the inconsistencies in the text. Some, it is true, are subtle and easily missed. But others are so blatant that it seems impossible to imagine anyone *at all* not noticing them, let alone a trained scribe or professional editor. The most commonly proposed explanations for the existence of these blatantcies are, at least in my estimation, profoundly wanting. The argument, for example, that the Torah was simply poorly edited because its final redactor was so little talented as to be unable to notice flagrant discrepancies between passages that occasionally appear in contiguous or almost contiguous passages seems facile.<sup>13</sup> Indeed, I would say just the opposite, that the Torah presents as a tautly and carefully edited work. As a result (and really to say the very least), it seems hard to imagine that the same editorial hand that was capable of creating a text featuring narratives of uncommon profundity and literary beauty was *also* sufficiently unskilled not to have noticed, say, that the same individual referenced as Elyasaf ben De-u'eil in Numbers 1 is called Elyasaf ben Re-u'eil a few dozen lines later in Numbers 2.<sup>14</sup> The other commonly set forth

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but without considering that there may well have been reasons for wanting the final book to be in five rather than six parts. There have also been efforts to understand the Torah as part of a Heptateuch (*i.e.*, a seven-part work including the five books of the Torah plus Joshua and Judges) or as part of an Octateuch (*i.e.*, an eight-part work including the above-mentioned books plus Ruth) or an Enneateuch (*i.e.*, a nine-part work including the five books of the Torah plus Joshua, Judges, Samuel, and Kings), but none of these theories undoes the importance of the fact that the Torah itself was, at least at a certain point in its literary evolution, presented to the public not in six, seven, eight, or nine parts, but in five specifically — a number Professor Goodfriend and I believe to be both fully intentional and profoundly meaningful.

<sup>13</sup> Cf., e.g., Jean-Louis Ska, *Introduction to Reading the Pentateuch*, trans. Pascale Dominique (Winona Lake, IN: Eisenbrauns, 2006), p. 165: "... a work such as the Pentateuch, a work of mediocre literary quality...."

<sup>14</sup> The man is called Elyasaf ben De u'eil at Numbers 1:14 (and cf. the repeat references at Numbers 7:42 and 47, and at Numbers 10:20), but Elyasaf ben Re u'eil at Numbers 2:14. Cf. the valiant effort of Ramban

explanation of the discrepancies — that the final redactor felt for some reason *unable* to alter any of the anterior sources in play — also sounds exaggerated in that the same text scholars who write encouragingly about this approach *also* seem uniformly to agree that the anterior sources they posit once to have existed were specifically *not* taken *holus-bolus* into the text at all, but were *all* reworked for inclusion in the Pentateuch. And if that is so, then how can we imagine that the final redactor felt unable on literary or spiritual grounds to fix minor incongruities in the text, almost all of them inconsistencies that made the work less — not more — likely to be accepted by the public as sacred writ?

In contrast, taking the Torah as a work of prophecy has much to recommend it. For one thing, that is precisely how the Torah presents itself — as a collection of oracles received at Sinai and the Tent of Meeting by Moses, whom the Torah itself celebrates as the greatest of all Israelite prophets.<sup>15</sup> For another, the nature of prophecy itself makes the issue of discrepancy dramatically less important: since all human language is rooted in human experience, and since God by definition exists outside of and beyond all human experience, the effort to channel the experience of communicative communion with God through the prism of human language is, by definition, an effort to capture in a specific medium something that by its nature exists outside of that medium. That the prophet can intelligibly channel anything of his or her encounter with the divine is itself a kind of a miracle, or at least testimony to the remarkable psychic stamina and linguistic/literary ability of the prophet under consideration. That being the case, that oracular material is not fully congruent in all its parts and subparts feels as though it should mean almost nothing at all. Spending time trying to reconcile discrepancies in the text is not that different, therefore, from pedantic literary critics spending long hours trying to reconcile one reference in some poet's oeuvre to the sea being blue and another to it being green. To say the same thing even more simply: if the poet can present the sea as having two different colors,

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(that is, the famous Spanish rabbi Moshe ben Naḥman, also called Naḥmanides, who lived from 1194 to 1270) in his commentary to this latter verse to argue that both names are nonetheless correct.

<sup>15</sup> Cf. Numbers 12:7–8 in light of Deuteronomy 34:10.

why can't the prophet present the prince of Gad as having two different names?

I have thus approached the text of the Torah along both paths mentioned above: as a unified work with outer boundaries and inner divisions *and* as a work of prophecy. (If the Torah reached its final stage in Second Temple times, then those assumptions nicely mirror its parallel work, the Book of Psalms, which is also presented in five parts and which is also best understood as work of latter-day prophecy.<sup>16</sup>) But, even more to the point, ignoring the question of anterior sources, foregoing the need to muse endlessly about the identity of the final redactor, taking the Torah seriously as a book of prophecy, and treating the Torah as a unified, organic whole—these literary suppositions open the door to interpreting the text as a book with overt and less overt themes running through it... and also to unpacking the discrepancies that so annoy modern readers neither as accidental errors nor as evidence of slipshod editing, but as features of the text intended to teach subtly what would be less well taught overtly or fully openly.

Some of these themes are widely known, while others seem rarely (if ever) to be discussed.

There is, for example, the theme of the unfulfilled promise that runs through the Torah. God specifically tells Adam that he, Adam, will die on the day he ingests the fruit of a specific tree in Eden from

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<sup>16</sup> Readers unfamiliar with this way of reading the Psalter can profitably consult Raymond Tournay's great volume, *Voir et Entendre Dieu avec les Psaumes, ou la Liturgie Prophétique du Second Temple à Jérusalem* (=Cahiers de la Revue Biblique no. 24; Paris: Gabalda, 1988), published in English as *Seeing and Hearing God with the Psalms: The Prophetic Liturgy of the Second Temple in Jerusalem* (=Journal of the Study of the Old Testament Supplement Series, no. 118; Sheffield, United Kingdom: Sheffield Academic Press, 1991.) And cf. also the comments of Mark Leuchter in his *The Book of the Twelve and 'The Great Assembly' in History and Tradition*, published in Rainer Albertz, James Nogalski, and Jakob Wörlé (eds.), *Perspectives on the Formation of the Book of the Twelve* (Berlin and Boston: Walter de Gruyter, 2012), pp. 337–352, particularly pp. 347–349, to which may be compared that same author's more recent comments towards the end of his essay, "The Aramaic Transition and the Redaction of the Pentateuch," published in the *Journal of Biblical Literature* 136:2 (2017), pp. 249–268.

which he has been forbidden to eat. But then Adam does eat of the fruit of that tree, and he specifically doesn't die.<sup>17</sup> The text does not explain why not, nor does it even nod to the issue.<sup>18</sup> That this passage is part of the larger narrative about Adam and Eve in Eden is obvious, but more interesting is its relation to other instances in the narrative in which God is *also* depicted as making threatening promises that seem later on to be forgotten. The punishment of endless wandering decreed against Cain is an interesting example: it seems wholly to be forgotten almost immediately when the text turns from it to depict Cain *not* as endlessly wandering at all but, rather, as settling in a place called Nod and then founding a city, naming it after his son, and settling in there, presumably for the long run.<sup>19</sup> And there are other examples too, some of which I have discussed in an essay entitled "Forgiveness and Subtlety" and to which I refer readers for further consideration of the issue.<sup>20</sup> My point here is that taking the Torah as a unified work allowed me reasonably to interpret these stories (and the others discussed in my essay) in each other's light.

Related to the unfulfilled promise is the forgotten detail, which likewise links the scriptural texts that feature it to each other. Moses, for example, in his final oration time and time again appears to have forgotten that the people to whom he is speaking from the edge of his own life are specifically *not* the people who stood at Sinai, all but two of whom have now died in the wilderness.<sup>21</sup> It would be tempting—

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<sup>17</sup> God forbids Adam to eat of the fruit of the Tree of the Knowledge of Good and Evil at Genesis 2:17.

<sup>18</sup> Cf. the valiant effort by Ramban in his comment *ad locum* to explain that the punishment is not that Adam shall die on that specific day (although that is exactly what the text says), but that he will become a mortal and not live forever

<sup>19</sup> Cain's punishment: Genesis 4:12. Cain settling into the land of Nod: Genesis 4:16. Cain founding a city and naming it for his son: Genesis 4:17.

<sup>20</sup> Martin S. Cohen, "Forgiveness and Subtlety," in *Conservative Judaism* 56:4 (Summer 2004), pp. 43–51.

<sup>21</sup> Cf., among many examples of Moses appearing to have forgotten that the people to whom he was delivering his final oration were not the people who stood at Sinai, Deuteronomy 4:11–12 ("And thus did you all approach the foot of the mountain and stand there as the mountain



and this is the approach of many scholars – to suppose that those texts were composed by someone unfamiliar with the part of the narrative that depicts the Israelites as being punished for the mistake of listening to the wrong spies with death in the desert. My approach, on the other hand, is to see this as one of many places where a known detail is intentionally ignored, and then to ask myself why that might be or, to say the same thing in more provocative words, what the text is asking its readers to understand by depicting the greatest of all prophets as unable to recall the greatest of all tragedies to have befallen his nascent people to date. And also to wonder how this specific detail feels when considered in light, say, of the fact that Jacob appears utterly to have forgotten that he purchased the birthright from his older brother when he, Jacob, approaches their father and asks for the blessing that goes along with the status of firstborn.<sup>22</sup> Or in light of Moses' own apparent inability to remember how many children he has.<sup>23</sup> All these can be waved away as examples of faulty editing or as flaws in the narrative. Or they can be interpreted as manifestations of a common theme intended to link stories that would otherwise appear disparate and invite readers to consider them in each other's light.

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was ablaze with fire that rose to the heart of heaven...but *also* with darkness, cloud, and fog. And then did the Lord your God speak to you from the midst of the fire....").

<sup>22</sup> Jacob is specifically said to have purchased the birthright at Genesis 25:33, but, when Rebecca tells Jacob that she has overheard Isaac saying that he is planning to give Esau the blessing due him, presumably the blessing of the firstborn son, and concocts her complicated scheme to dupe her husband into giving his younger son that blessing, Jacob is for some reason specifically *not* depicted as simply telling her that he'll take care of the whole thing by informing his father that the birthright has legally and legitimately passed to him.

<sup>23</sup> Admittedly, this is an example of forgetting in advance. The names of Moses' sons are given explicitly at Exodus 18:3-4 as Gershom and Eliezer, and these are presumably the sons referenced earlier in the narrative at Exodus 4:20. But when either Moses or the redactor channeling Moses tells the story of his marriage, and his and Zipporah's reproductive efforts, we read only of one son, Gershom. Eliezer appears to have been forgotten. Or at least passed over.

And related both to the unfulfilled promise and the forgotten detail is their mute sibling, the unmade observation, which theme also runs through the pentateuchal narrative. Adam and Eve have two, then one, then two sons.<sup>24</sup> The only woman in the world is their mother. Yet they manage to reproduce...somehow. It feels like the text should nod to the problem and suggest how it was solved without the boys having had to engage with their mother. Yet the problem is left unnoted and thus also unaddressed in the text, as is the problem connected with Jacob spending his wedding night in bed with the sister of the woman he was planning to marry and whom he wished to wed, yet seeming not to notice. It feels like the kind of plot twist that needs to be explained: surely your average man could not spend a whole night in bed with his sister-in-law without noticing that the woman next to him was not his wife, let alone on his wedding night! But Scripture fails even to nod to the issue, let alone to attempt coherently to come up with some plausible explanation.<sup>25</sup> Later, Jacob and his sons descend into Egypt in the second year of a seven-year famine. Five years later, the famine ends.<sup>26</sup> But neither Jacob nor his sons respond by thanking the Egyptians for their hospitality and going home. This eventually turns out to have been a huge error of judgment, and—at that—one with the most far-reaching implications possible, yet the text fails even to nod in passing to the problem, let alone seriously to attempt to resolve it.

Another example of a theme that runs through the text would be the feature of the dual-aged character. In the story of his and his mother's banishment from Abraham's camp, for example, Ishmael is depicted simultaneously as a baby and as a teenager.<sup>27</sup> Nor is he the

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<sup>24</sup> Two sons: Genesis 4:1-2; one son: Genesis 4:8; two sons again: Genesis 4:25.

<sup>25</sup> Later on, a famous midrash preserved in the Babylonian Talmud at B. (=Babylonian Talmud) Megillah 13b would propose *some* sort of explanation (although not a very convincing one), but my point is that the text of Scripture itself simply leaves the matter out there for readers to notice and then presumably to ponder on their own.

<sup>26</sup> For the seven-year famine, see Genesis 41:54. For Jacob and sons arriving in year two, see Genesis 45:2.

<sup>27</sup> Abraham is said at Genesis 16:16 to have been eighty-six years old when Ishmael was born and ninety-nine when he and Ishmael were

only personality that appears to be two ages at the same time, a technique that has an almost weirdly post-modern feel to it but which links the passages that feature it and suggests that they be read, at least slightly, in each other's light.<sup>28</sup> And related to that theme would be the theme of individuals depicted out of sync with their theoretical ages — Moses himself, for example, who is presented as a young married man with a living father-in-law, a pregnant wife, and the agility and physical stamina necessary to walk alone across a desert when he is specifically *also* said to be a man in his eighties.<sup>29</sup>

Yet another theme that runs through the narrative features the discordant response. Well-known is the story of God's response to Moses slightly disobeying the divine instruction to elicit water from an outcropping of stone by speaking to it.<sup>30</sup> And many is the preacher who has easily riffed on the story by comparing it to a similar story earlier on in the Torah that features Moses doing much the same thing — eliciting water from some large stone — by striking it as he had been instructed to do.<sup>31</sup> But those stories fit easily together: one features Moses pleasing God by doing what he was told and the other features Moses *displeasing* God by *not* doing what he was told to do. The stories complement each other nicely, surely, but far more provoc-

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circumcised on the same day (*cf.* Genesis 17:24–25). Ishmael, the text says, was thirteen years old on that day. When Isaac was born the following year, Abraham was one hundred years old (this point is made explicitly at Genesis 21:5,) and Ishmael must have been fourteen. The action then picks up after Isaac was weaned, presumably years later. (Rashi, in his comment on Genesis 21:8, *s. v., va-yiggamal* says that Isaac nursed at his ancient mother's breast for twenty-four months.) That would make Ishmael sixteen years of age when Abraham sent him and his mother into the wilderness. Yet Scripture depicts him as a baby whose mother carries him on her back (21:14), who cries when he is thirsty (verse 17, although the previous verse says it was Hagar who wept aloud — another riddle!), and who can neither crawl nor walk (verse 16).

<sup>28</sup> I discuss many of these passages in my essay, "Ishmael at Sixteen," published in *Conservative Judaism* 53:4 (Summer 2001), pp. 36–43.

<sup>29</sup> Even his death notice only notes that he retained his good eyesight and the natural moistness of his limbs until the end of his days.

<sup>30</sup> Numbers 20:1–12.

<sup>31</sup> Exodus 17:1–7. I myself have given this sermon many times.

ative would be to compare the story in Numbers that features Moses being punished almost incredibly severely for striking the rock when he was told to speak to it and the story in Exodus of the first plague that features Aaron doing almost *precisely* what Moses is depicted in the Numbers story as doing—being told in this case to initiate the first plague by extending his staff over the Nile but then using his staff to strike the river instead—and yet not being punished at all. Indeed, the fact that the incident passes in the narrative without comment is sufficiently discordant with God's dramatic response to Moses in the Numbers passage to make it reasonable to ask what readers might reasonably learn by comparing the two passages.<sup>32</sup>

By taking the book as a whole—but without using that approach as an excuse for ignoring discrepancies in the text—the door opens to treating the Torah both as a literary work and as a sacred book, as a work of prophecy.<sup>33</sup> The unified nature of the book—regardless of who its final redactor may or may not have been—makes reasonable the assumption that passages in which the same underlying themes appear are meant to be read in each other's light. The prophetic nature of the text makes literary discrepancies both meaningful—because they can be presumed to be pointing to lessons that Scripture prefers to teach subtly—and literarily acceptable because the nature of prophecy itself precludes absolute consistency in the transcription of oracles. I have, therefore, approached these discrepancies

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<sup>32</sup> Moses being told to instruct Aaron to turn the Nile to blood by extending his staff over it: Exodus 7:19. Aaron striking the water instead: Exodus 7:20. How to deal with the fact that the text itself not only does not pause to note the discordance but *itself* notes that Moses and Aaron did as they were instructed—which is precisely the opposite of the story as told—is yet another example of inner-textual discordance that it feels impossible a redactor doing the normal work of an editor could possibly have failed to notice.

<sup>33</sup> For a poetic sense of just how far this way of reading the Torah as a prophetic oracle can be taken, I recommend two chapters from Heschel's *The Prophets*, "Prophecy and Ecstasy" and "Prophecy and Poetic Inspiration" (1962; rpts. New York, Evanston, San Francisco and London: Harper & Row, 1971), pp. 104–114 and 147–169, respectively. And, *cf.* also Mark Leuchter's essay on the "Book of the Twelve" referenced above in note 14.

not by waving them away as evidence of some inconsonant anterior version of the story or legal passage at hand but as proof that they come to us as *bona fide* oracles, the flaws and discrepancies in which can far more reasonably be mined for meaning than derided as evidence of some unnamed ancient redactor's lack of editorial skill.

As an example of the style of the commentary included in *Humash Kol Ha-tor*, I will present a *seder* from the larger work with translation and commentary as an appendix to this essay.

Turning to the translations that will appear in *Humash Kol Ha-tor*, I wish to begin by noting that they are completely fresh but not quite as literal as readers might at first blush expect them to be.

As anyone who has tried will attest, translating from Hebrew to any other language, and particularly to a non-Semitic one, is a complex undertaking. I wouldn't go as far as Rabbi Judah bar Ilai, the second century *tanna*, went in his day when he taught that, while it is so that anyone who undertakes to translate a verse from Scripture literally is to be considered a liar, it is *also* so that the would-be translator who adds anything to the verse, presumably even for the sake of not lying about it by translating it literally, is rightfully to be condemned both as a blasphemer and as a calumniator.<sup>34</sup> The Italians say *traddutore traditore* ("to translate is to traduce"), which comes to the same thing: that precise translation is an impossibility, that translators are by definition dishonest in their work because things said in one language can *never* been captured exactly (or ultimately perhaps even at all) in another, and that the only way to read anything honestly is

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<sup>34</sup> Rabbi Judah's remark is preserved at B. Kiddushin 49a. The original reads *ha-m'targeim pasuk k'tzurato harei zeh bada i v'ha-mosif alav harei zeh m'hareif u-m'gaddeif*. What exactly *k'tzurato* means in his context is not entirely clear to me, but *cf.* Rashi's *ad locum* comment, *s.v. ha-m'targeim pasuk k'tzurato*, which may be compared the comments of Rabbenu Hananel (*i.e.*, Hananel ben Hushiel of 11<sup>th</sup> century Kairouan in Tunisia) cited on that same page of Talmud in the comment of the Tosafot, *s.v. ha-m'targeim pasuk k'tzurato*. As a boy in Hebrew School, I first came across Rabbi Judah's comment (or at least its first half) in the preface to Rabbi Ben Zion Bokser's edition of the traditional prayer-book, *Ha-siddur: The Prayer Book* (New York: Hebrew Publishing Company, 1957), p. xii. Why it then stayed with me for all these years is a good question.

in the language in which it was first written.<sup>35</sup> I get the point. But, as a lifelong translator, I have a lot to say about it.

I begin by asking simply if it is really the case that *all* efforts at translation are by definition failures. Are they really? Languages are, after all, just artificial codes made up by smaller or larger groups within the human family to reference with sound things that exist either physically or not physically.<sup>36</sup> And there is surely neither falsehood nor calumny—and surely also not blasphemy—in saying that the Swedish word for “cherry” is the precise translation of the Finnish word for that same fruit. Assuming the speaker got the words right, how could such a statement not be true? Surely fruit eaters on both sides of the Gulf of Bothnia mean the same thing when they reference the same fruit of the same tree in their respective languages! Still, there is also some truth to Rabbi Judah’s observation, one tied to the specific detail that Hebrew words fall easily into families linked to each other by virtue of the common three-letter roots that generate them, a feature mostly absent from Indo-European languages in any sort of way easily discernible to non-linguists. Yet the fact that it is impossible to translate from Hebrew without losing at least most of the allusive feel to the vocabulary in the original does not mean to me that any exercise in translation is by definition wasted, let alone sinful, effort.

It is surely true, by way of example, that Hebrew *mizbei ah* can be reasonably translated with the English word “altar.” Behind the Hebrew word, however, the sacrificial beast, the *zevah*, is hiding in plain sight and lending its own imagery to the structure upon which its innards are to be immolated and against the walls of which its blood is to be dashed: the English word suggests a kind of pristine

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<sup>35</sup> The Italian apothegm first appeared in a collection of Tuscan proverbs published by nineteenth-century author Giuseppe Giusti called, aptly enough, *Proverbi toscani* (Florence: Gino Capponi, 1873). The English word “traduce” means “to betray.”

<sup>36</sup> The literature regarding the reasonability and practice of translation is immense. For an introduction, I recommend Lawrence Venuti’s *The Translator’s Invisibility: A History of Translation* (London and New York: Routledge, 2017) or Umberto Eco’s *Mouse or Rat: Translation as Negotiation* (London: Phoenix, 2004).

worship-table, the Hebrew, a bloody mess of blood, bones, and pre-immolated entrails.<sup>37</sup>

Yes, you can sometimes find a way to suggest some of a word's ideational understructure, but it's rarely (if ever) *quite* right: hiding behind the Hebrew *mallah* ("sailor") is the salt (*melah*) in the sea upon which the sailor sails—and there is the English expression "old salt," once in common usage to reference sailors. To translate that Hebrew word invariably with that English phrase, however, would lend an exceptionally peculiar feel to the English, whereas the Hebrew sounds straightforward and not at all stilted or old-fashioned. And because so many Hebrew words are built on trilateral roots that expand into all sorts of other words whereas almost no English words have easily discernible roots at all, translating Hebrew into English invariably requires coming to terms with the awful truth that the best you can realistically hope to accomplish when undertaking to translate from Hebrew into a Western language is to convey accurately the simple meaning of the Hebrew, but almost always to have to do so without bringing to bear the allusive suggestiveness that inheres in a language in which dozens of words built on the same root are deemed part of the same morphological family.<sup>38</sup> And all that being the case, it is thus the case that, while, *pace* Rabbi Judah, it surely is possible to say in English something that was originally said in Hebrew—or at least adequately to convey the same meaning—it is also so that the allusive universe of suggested meaning that lurks behind most Hebrew words

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<sup>37</sup> This is slightly more apparent in Hebrew, where the *mi-* prefix regularly denotes the place in which the action suggested by the verbal root takes place, e.g. *mishkan* ("dwelling place") from *shakhan* ("to dwell").

<sup>38</sup> It is also worth noting that many Hebrew words do not appear to have three-letter roots at all. And others have roots that seem not to have generated any other words at all. The Hebrew author thus often has an interesting choice to make between using a word with strong allusive value and one with none, a choice talented authors will know how to exploit to their own advantage. As examples of words without recognizable roots, I could mention such basic scriptural vocabulary words as *eretz* ("land"), *shamayim* ("heaven"), *yam* ("sea"), *yom* ("day"), *lailah* ("night"), *rei'a* ("friend"), or *eish* ("fire").

will never adequately be conveyed in any other language. In the end, this is something the translator must learn to accept as a given.<sup>39</sup>

My translations both in *Humash Kol Ha-tor* and in *M'gillot Kol Ha-tor* are expansive and rest on the foundational idea that speakers of a language often leave at least part of what they mean to say unsaid. Sometimes the unsaid part is signaled in some other way; other times the unspoken part of the narrative will be audible solely to native speakers fully conversant with the specific dialect of the language being spoken or, even, with the speaker's personal speech patterns. The upshot here is that I, a student of Hebrew one way or the other for well over half a century, hear things in the text that aren't actually written out and that one might reasonably argue aren't *really* present at all. This is, of course, shaky ground upon which to stand: writing what I hear requires me to relate tolerantly – or at least to attempt to relate tolerantly – to people who either do not hear what I do or who hear different things. The bottom line, though, is that there are lots of literal or literal-ish translations of the Torah out there. Some are of little value, but many are very worthwhile efforts that I have spent time with and from which I have learned lots.<sup>40</sup> But my own work is not of that genre, but something far more personal and idiosyncratic.<sup>41</sup>

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<sup>39</sup> This is not to say that valiant attempts to translate Hebrew without losing the allusive layer of meaning suggested by the roots of the words in any given verse haven't been undertaken. Most notable of efforts in this direction would surely be the translation by Martin Buber and Franz Rosenzweig published by Schocken in 1936 under the title *Die Schrift*. Regarding that effort, see the authors' essay *Schrift und ihre Verdeutschung*, now available in English translation by Lawrence Rosenwald and Everett Fox under the title *Scripture and Translation* (Bloomington, IN: Indiana University Press, 1994).

<sup>40</sup> Among the valuable, I should mention the work of Everett Fox, *The Five Books of Moses* (New York: Schocken Press, 1994); Richard Elliot Friedman, *Commentary on the Torah with a New English Translation* (San Francisco: HarperSanFrancisco, 2003); and Robert Alter, *The Five Books of Moses: A Translation and Commentary* (New York: Norton, 2004) – as well as the Old and New versions produced by the Jewish Publication Society in Philadelphia in 1917 and 1985, respectively.

<sup>41</sup> With respect to the question of whether translations should be dispassionate or personal (even to the point of being idiosyncratic), see



Some examples will suffice to make this all a bit clearer.

At the burning bush theophany, Moses asks God what he should do if the people do not believe that God has truly sent him to bring them forth from Egypt to freedom. Moses formulates his question specifically, however, and asks God what he should say if the people, unimpressed with his vague reference to having been sent by the God of their ancestors, ask him to prove his prophetic *bona fides* by revealing to them God's name. This plot device makes no real sense. If the people don't already know the name Moses reveals to them, then how will they know Moses, whom they already suspect of misrepresenting himself to them, isn't lying about this as well? And if they do know the name, then what will it prove that Moses knows it too? Yet this problem is unnoticed in the text, which translates literally as follows:

And Moses said to God, "Here I am going to the Israelites and saying to them, 'The God of your ancestor sent me to you.' And they will say to me, 'What is His name?' What shall I say to them?" God said to Moses, "I shall be [*ehyeh*] what I shall be." And He then said, "So shall you say to the Israelites, 'Ehyeh sent me to you.'" And then God said to Moses, "So shall you say to the Israelites, 'YHVH, the God of your ancestors, the God of Abraham, the God of Isaac, and the God of Jacob sent me to you. That is My name forever, my appellation in every generation.'"<sup>42</sup>

That translation is literal enough, but it fails to say much of what I hear just behind the text, what I would like to imagine the savvy reader or the informed auditor are *supposed* to sense behind the outer patina of the text, behind its linguistic escutcheon. (Also worth mentioning is that my translation prints the four-letter name of God—the one

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the very interesting symposium published in the *Jewish Review of Books* (Winter, 2019) featuring responses by Ronald Hendel, Aviya Kushner, Shai Held, David Bentley Hart, Adele Berlin, and Adam Kirsch to Robert Alter's publication of his 3500-page-long English-language translation of the full Bible. One way or the other, each respondent addresses the question of how much of the translator should be in the translation.

<sup>42</sup> Exodus 3:13–15.

rendered incomprehensibly above as YHVH—in Hebrew letters, thus offering the English-language reader the same experience that the Hebrew reader has of seeing the four-letter name of God printed without vowels and deciding how to negotiate that spiritually charged moment either by retreating to one of several widely used substitutions—Adonai, Hashem, the Lord, the Eternal, *etc.*—or by attempting to pronounce the name despite Abba Shaul's ancient warning that doing so could cost someone his or her portion in the World to Come.<sup>43</sup>) And so, listening with my third ear as the text declaims itself to me with all its allusive content packed into its few words, I translated the text as follows:

To this, Moses said, "Let's suppose that I actually do go to the Israelites and say to them that 'the God of your ancestors has sent me to you' and they respond by asking me, 'What is God's name? What shall I tell them then?'" To this too God had an answer. "Tell them," God said to Moses, "that My name is Ehyeh Asher Ehyeh, for I am what I am!" And then God went on usefully to add, "But you can also just say this to the Israelites, 'Ehyeh sent me to you.'" Then, reconsidering, God spoke to Moses yet again, this time saying, "Say more formally to the Israelites, 'יהוה, the God of your fathers—that is, the God of Abraham, the God of Isaac and the God of Jacob—has sent me to you.' For that is my true name for eternity, the name by which I shall be recalled in every generation."

My translation is more than slightly targumic here, but it addresses the key issues that I hear in the text: the relationship between what are essentially three different answers to the same question, the

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<sup>43</sup> Abba Shaul's comment is preserved in the Mishnah at M. (=Mishnah,) Sanhedrin 10:1. This was the system I first used in my edition of the Psalter, *Our Strength and Our Haven: The Book of Psalms* (New York: Aviv Press, 2004). This is a latter-day version of the technique used by some of the scribes who wrote the Dead Sea Scrolls, *i.e.*, those who wrote the four letters of the Tetragrammaton in paleo-Hebrew script so as to discourage too casual readers from inadvertently saying it aloud.

problem of using the heretofore unknown Ehyeh name to prove to the people that God truly sent Moses to free them from bondage, and the confusing relationship between the three divine names brought to bear in the story. (As noted, readers seeking a more literal translation have lots of options!)

Perhaps I should explain in more detail what I mean by “targumic.” The *targumim* are a set of ancient translations of the biblical text into Aramaic, the *lingua franca* of the Jewish world in ancient times.<sup>44</sup> Undertaken by many different hands in the forms they have come down to us, the various *targumim* differ from each other dramatically. Some are more literal, others more expansively homiletical. But most, perhaps even all, have in common a willingness to say in one language what the translator hears in another. It is that concept of bringing to a translation what I *hear*, as well as what I *see*, that I have taken to designating slightly idiosyncratically as “targumic.” Also worth noting is that there was a custom in ancient times, if not universal then certainly widespread, of having the text of the Torah declaimed in the vernacular (*i.e.*, in the Targum) verse by verse as it was read aloud from the scroll in Hebrew.<sup>45</sup> I like to think of myself in that light, as a kind of latter-day *m'turgeman* offering a useful elucidation of Scripture to people who want to hear what I do in the text. And that aspect of my translation accords nicely with my presentation of the text of the Torah according to the divisions that pertained in ancient Palestine where the text was read out in the course of three years or slightly more than that.<sup>46</sup> So, assuming I have done my job correctly

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<sup>44</sup> Readers unfamiliar with the genre would do best to start with Paul V. M. Flesher and Bruce Chilton's *The Targums: A Critical Introduction* (Waco, TX: Baylor University Press, 2011).

<sup>45</sup> The best place for an introduction to the concept of the *m'turgeman* is possibly still Solomon Schechter and Caspar Levia's encyclopedia entry “Meturgeman,” in the 1901 *Jewish Encyclopedia*, available online, as accessed at <http://www.jewishencyclopedia.com/articles/10742-meturgeman> on July 31, 2019. The oldest set of rabbinic traditions regarding the *m'turgeman* is in the Mishnah at M. Megillah 4:4–10.

<sup>46</sup> And *cf.* in this regard the essay by Shlomo Naeh referenced above in note 2, who refines that concept considerably and suggests entirely convincingly that the cycle ran its course in three and a half years, thus bringing auditors through the entire Torah twice per sabbatical-year cycle.

and well, *Ḥumash Kol Ha-tor* will offer its readers the experience both of hearing the Torah declaimed by a latter-day *m'turgeman* and also of hearing it interpreted as someone attending synagogue services in Roman Palestine would also have.

Another example, this one of a text that ended up having far-reaching and seriously upsetting implications for Western theology, would be the story of the curse of Canaan that concludes the Noah story.<sup>47</sup> Translated literally from the Hebrew, the text reads as follows:

Noah became a farmer and planted a vineyard. And he drank of the wine and became drunk and became exposed in his tent. Ḥam, the father of Canaan, saw his father's nakedness and told his two brothers on the outside. Shem and Yefet took the garment and put it on both their backs, then, walking backwards, covered their father's nakedness. Their faces were turned backwards so they did not see their father's nakedness. Noah woke up from his wine and knew what his youngest son had done to him. He said, "Cursed be Canaan. He shall be his brothers' slave of slaves [*eved avadim*]." He said, "Blessed be YHVH, the God of Shem; may Canaan be his slave. May God make expansive Yefet that he may dwell in the tents of Shem, and Canaan shall be his slave."<sup>48</sup>

This literal translation too raises lots of unanswered questions. Why was Canaan cursed if it was his father who sinned? What does the expression "his brothers' slave of slaves" mean exactly? And how did Noah know what Ḥam had done when he awakened from his drunken stupor? One could make a cogent argument that these issues should specifically *not* be resolved, lest the reader in translation not feel as perplexed as a reader of the original. But not every reader or auditor is the same! And when I read or hear this text, I bring to the experience what I know of the larger scriptural narrative, what I sense hiding

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<sup>47</sup> See, e.g., David M. Goldenberg's *The Curse of Ham: Race and Slavery in Early Judaism, Christianity, and Islam* (Princeton and Oxford: Princeton University Press, 2003).

<sup>48</sup> Genesis 9:20–27, translating *yaft* at 9:27 according to Rashi's comment *ad locum*.

behind the written text, what I know of traditional exegesis, and also what I have learned from the way these verses were both used and abused in Jewish and Christian sermons preached in these United States on both sides of the Mason-Dixon Line in the decades leading up to the Civil War. And so my translation reads as follows:

In time, Noah turned to agriculture and planted a vineyard. But when he over-imbibed the wine that vineyard produced, he ended up collapsed in his tent as naked as he was drunk. When Ham (as already noted, the father of Canaan) happened into the tent and saw his father so shamefully exposed, he called out to his brothers outside so that they might get a good look as well. Shem and Yefet, however, responded respectfully, taking a cloak and draping over their own shoulders as they backed into their father's tent, thus managing to cover up their naked father while keeping their faces turned away so that they themselves would not have to gaze on their father's nakedness. Eventually, Noah awoke from his drunken stupor and somehow got wind of the way his young son had behaved while he was inebriated. But then, instead of responding to Ham's disgraceful behavior directly, Noah turned rather to Ham's son and spoke. "Cursed be Canaan," he said, "for he shall surely end up as a slave to his brothers' slaves." And then he blessed his other sons. "Blessed be יהוה, the God of Shem, and let Canaan be Shem's slave. And may God grant that Yefet increase and dwell always in the tents of Shem. In fact, let Canaan be a slave to them both!"

I understand, of course, that my translation offers more than the original, that I offer to the English-language reader more than the Hebrew original offers the Hebrew-language one. That, I truly do get. But I think my translation is accurate nonetheless, that it conveys accurately what I personally see and hear in the Hebrew. And since this is specifically *my* translation, I offer it up to the reading public precisely as such: as what I personally hear in the text, what it says to me personally and that I am able, therefore, to convey honorably (and not misleadingly or deceitfully) to people reading my book.

There's a lot more to say, of course. As noted, I have been working on this on and off for decades in the course of which I have brought out much other material. But there has always been *this* project too, patiently or impatiently waiting to claim some of my time, to draw me into its sphere, to demand some of my attention. Now both projects are finally finished: the full translation of the Torah and the five *m'gillot*, and complete sets of commentaries on all 167 *s'darim* of the Torah as set out in the oldest complete biblical manuscript, the so-called Leningrad Codex, and all thirty-nine chapters of the five *m'gillot*. I feel fortunate to have gotten this far and hope to bring out both works in the course of the next several years. I look forward to seeing how my work is received by readers into whose hands the books find their way. And I feel very fortunate indeed to have this space in *Zeremim* to present my work in advance to the reading public.

## APPENDIX:

### THE THIRD SEDER OF EXODUS — TRANSLATION AND COMMENTARY

III<sup>49</sup>

(Exodus 3:1-4:17)

[*Sh'mot* 4] 3:1-2 And so Moses became the shepherd of the sheep of his father-in-law Jethro, priest of Midian. One day, he was leading the flock in such a way so as to circumvent the desert and there an angel of יהוה appeared to him in a fiery flame from within a bush that

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<sup>49</sup> Note that my translation is presented, in Roman numerals, according to the old triennial cycle but includes both the more "normal" chapter-and-verse designation in rounded parentheses and also, in square brackets, the numbered *aliyot* that go with the annual lectionary cycle in use today.

Moses noticed as he arrived at Horeiv, God's mountain. Indeed, this happened just as he was looking at the bush and taking in the remarkable detail that, for all it was clearly on fire, the bush was somehow nevertheless not being consumed. **3** Moses said, "I will go out of my way a little to see this remarkable sight. How could the bush possibly not be burning up?" **4** And then, when יהוה saw that Moses had turned off his path to take a better look, God called out to him from within the bush. "Moses, Moses," God called out. And Moses answered, "I am here."

**5** God then responded, "Come no closer. In fact, take your shoes off your feet altogether, for the place in which you are standing is holy ground." **6** And then God continued to speak. "I am the God of your ancestors—that is to say, the God of Abraham, the God of Isaac, and the God of Jacob." Hearing this, Moses covered his face, for he was afraid to gaze directly at God. **7** But יהוה had more to say. "I have taken careful note of the misery of My people in Egypt," God said, "and I have heard their screams at the hands of their forced-labor gang leaders. Indeed, I know all about their pain. **8** And so am I planning Myself to descend to save them from Egypt and to bring them up from that land to a good and capacious land, to a land aflood with milk and honey, to the territory currently occupied by the Canaanites, the Hittites, the Emorites, the Perizites, the Hivites, and the Jebusites. **9** But for now it is the Israelites' screaming that has my attention, for I have also seen the terrible pressure that the Egyptians are exerting upon them. **10** And now go, for am I sending you to Pharaoh to bring My people, the Israelites, out from Egypt."

**11** Hearing this, Moses responded, "Who am I that I should go to Pharaoh, that I should bring the Israelites out from Egypt?" **12** God answered, "But I shall be with you! And the sign by means of which you will know with certainty that it was I who sent you on this mission is that, when you finally do bring the people out from Egypt, you shall all worship God on this very mountain." **13** To this, Moses said, "Let's suppose that I actually do go to the Israelites and say to them that 'the God of your ancestors has sent me to you' and they respond by asking me, 'What is God's name?' What shall I tell them then?" **14** And to this too God had an answer. "Tell them," God said to Moses, "that My name is Ehyeh Asher Ehyeh, for I am what I am!" And then God answered more usefully, "You can just say this to the Israelites, 'Ehyeh sent me to you.'" **15** But then, reconsidering, God spoke to Moses

again. "Say this more formally to the Israelites," God said, "'יהוה, the God of your fathers—that is, the God of Abraham, the God of Isaac and the God of Jacob—has sent me to you.' For that is my true name for eternity, the name by which I shall be recalled in every generation. [Sh'mot 5] 16 Go then and gather the elders of Israel and say to them, 'יהוה, the God of your fathers, appeared to me—and I am referring to the God of Abraham, Isaac, and Jacob—and said, "I have taken deep note of you and that which is being done to you in Egypt. 17 Furthermore, I have decided that I shall personally bring you up out from the misery of Egypt to the land of the Canaanite, the Hittite, the Emorite, the Perizite, the Hivite, and the Jebusite, to a land aflow with milk and honey.'" 18 And they shall listen to you too, whereupon you and the elders of Israel will go to see the king of Egypt and say to him, 'יהוה, the God of the Hebrews, has unexpectedly come to us. And so shall we now, with your leave, travel for three days into the desert and there hold a great sacrifice to יהוה, our God.' 19 Now I know full well that the king of Egypt will not grant you permission to go, not even if I threaten to bring force to bear by bearing a mighty arm. 20 But I shall nonetheless send forth that arm of Mine and smite Egypt with all manner of wonders that I am already planning to do in its midst. And then he *will* send you forth. 21 Furthermore, I shall engender a kind of affection for this people in the eyes of Egypt and so when you leave shall you not leave empty-handed. 22 Instead shall each woman ask her neighbor or a co-dweller in her own home for vessels of silver and vessels of gold, and also for garments in which to dress your sons and your daughters. In that way, you shall spare the general Egyptians from the full force of what is to come."

4:1 To all this Moses answered, "They will neither believe me nor will they obey me, for they will simply say, 'יהוה did not really appear to you.'" 2 The response came in the form of a question. "What's that in your hand?" יהוה asked of Moses. 3 Moses answered, "A staff." God then said, "Throw it to the ground." Hearing this, Moses threw it to the ground, where it promptly turned into a snake, one from the presence of which Moses naturally recoiled.

4 Now יהוה said to Moses, "Reach out your hand and grab it by its tail." Moses reached out his arm and took hold of it, whereupon it became a staff again in his hand. 5 (All this, God assured Moses, was specifically designed so that "the people believe that יהוה, the God of



their fathers—that is, the God of Abraham, the God of Isaac, and the God of Jacob—has appeared to you.”) **6** And then יהוה moved on, saying to Moses, “Insert your hand into your bosom.” Moses did just that, placing his hand inside his bosom. But when he removed it he saw that his hand had become as leprous-white as snow.” **7** God told him, “Put your hand back into your bosom.” He did that too, putting his hand back into his bosom and then, when he withdrew it, he saw that his hand had returned to the normal color of the rest of his flesh.

**8** And now God spoke again. “I assure you,” God said, “if they do not believe you and heed the implications of the first sign, then they shall surely believe you once they experience the latter one. **9** And if they somehow still do not believe you and insist on declining to obey your instructions even after experiencing both these signs, then take some water from the Nile and pour it out on the dry land and that water, the water that you take from the Nile, shall turn to blood as it hits the dry ground.”

**10** Moses now said to יהוה, “Take pity, Lord, for I am not at all eloquent, nor was I such a man yesterday or the day before, or for that matter ever on any day at all since You began to speak to your servant, for I am possessed of a clumsy mouth and a heavy tongue.” **11** To this יהוה responded, “Who is it that first made Adam his mouth? And who is it that is ultimately responsible for any individual being mute or deaf, sighted or blind? Is it not I, יהוה? **12** Now, go, and I shall work your mouth for you and so teach you what to say.” **13** Still resisting, Moses said, “Take pity, Lord. Send someone else, whomever You will.” **14** But now יהוה became angry with Moses and said, “Do I not already know that Aaron, your brother Levite, is more than adequately eloquent? In fact, he’s already travelling towards you so that when you see him your heart can rejoice. **15** Tell him everything, and put My words in his mouth, for I shall guide both your mouth and his, and I shall instruct you both regarding what you must do. **16** You and he can go speak to the people. (You will be running the show, however, and he will merely serve as your mouthpiece.) **17** And take that staff in your hand so that you can perform all the aforementioned wonders....”



The doctrine of divine omnipotence—the dogmatic assertion that God is all-powerful and that nothing may therefore be considered *a priori* beyond God's inherent capability—is so firmly at the core of Jewish theology that even those moderns who have attempted to explain some otherwise inexplicable part of recent history or reality—the suffering of innocents, for example, during the Shoah—have felt constrained to explain any perceived limit on the concept of an all-powerful God as having been self-imposed (or rather Self-imposed) and thus essentially a sign of restraint rather than incapacity. Nor is this notion of an all-powerful Deity a medieval or a modern convention, but rather one that has strong biblical roots as well.

All that being the case, then, it is especially interesting to note how moderns, including pious moderns prepared to subject even the most mundane aspects of their daily lives to divine law, routinely insist that God cannot act in history in a truly meaningful way. Indeed, even in the most observant circles, people who claim, for example, that God came to them to deliver a specific message intended for them to share with the world are supposed to be mentally ill and are subsequently encouraged to see psychiatrists rather than invited to preach the word of God vouchsafed to them alone from the pulpits of their synagogues. More to the point, if the divine message in question actually contains specific instructions—for the individual or for the community with which that individual is affiliated—and especially if those instructions involve previously unknown requirements related to the specific way in which individual or that community is being called to the service of God, then the general response across the board in more or less every Jewish community would be, depending on how radical the message, either to marginalize or to attempt to institutionalize its bearer.

Invariably left unexplained, however, is how exactly anyone knows with anything approaching certainty that the specific message vouchsafed to that specific individual is a sham. Surely, after all, the kind of omnipotent God capable of creating a universe and splitting a sea can be imagined able to speak a few words to a specific human being at a specific moment in history! Nor can moderns reliably fall back on the supposition that, the age of prophecy being past, God simply does not speak to individuals any longer because Scripture is replete to overflowing with stories of God speaking not solely to *bona*

*fide* prophets but to regular men and women who merit the experience simply because God has something to say to them. Surely even if the age of prophecy were undeniably to be past—a rabbinic doctrine far more related to the preservation of rabbinic authority than to any esoteric knowledge the rabbis of classical antiquity claimed somehow to possess about God’s plans for the world—that could still not logically or reasonably lead to the image of a hamstrung God unable to communicate with the faithful, or for that matter with anyone at all, at will.

And so we come to the third *seder* of Exodus, the famous story of Moses’ commission at the burning bush. One of those stories everybody more or less knows and yet which reads very differently when actually encountered in the context of the actual biblical narrative in which it appears, the story of how Moses came to know (or at least to feel as *though* he knew) that God had sent him on the most unlikely of missions—to demand of the king of Egypt that he allow not thousands but millions of his slaves to go off on a three-day journey into the desert to hold some sort of festival there involving sacrificial worship that for some unspecified reason could not be performed elsewhere—rests on the theological supposition that God absolutely *can* speak at will to individuals.

Readers cannot reasonably wave the issue aside with reference to Moses’ subsequent status as the greatest of all prophets because the story here only makes sense if we take it literally to mean that Moses was neither a professional prophet nor a seer, but merely a shepherd drawn off his path by something specifically created to lure him away from his work in the first place. That he is eighty years old at the time only makes the point clearer, in fact: the tableau against which the third *seder* of Exodus takes place presupposes an elderly shepherd suddenly charged by God with a mission that no rational person would accept easily, let alone automatically. Nor does, in fact, Moses accept his commission docilely or passively. Indeed, the fact that he does *not* accept it without an argument—and also not without demanding proof of the most convincing nature that it is truly God Who is sending him on his mission and that he has therefore not fallen prey to some inner need to self-aggrandize that he himself has merely projected out onto the world—that fact *itself* points to Moses’ lack of professional training as a prophet and makes the point even more clearly that God can speak to individuals regardless of circumstance

and charge them with missions priorly unknown . . . to them and to everyone else in the world as well.

As told, the story itself seems straightforward enough. The years have passed. Moses, who fled to Midian as a young man, is now eighty years of age. He is still a shepherd, however. And he is the still wholly vigorous father of at least one young son and possibly two. So the portrait of Moses that emerges is that of one of Scripture's old-young men, in this case the portrait of a man who must be eighty (because Scripture eventually makes that point explicitly and also because he dies forty years later at 120 years of age) but who is also still in the throes of producing his family and who is still vigorous enough to work daily in the wilderness and guard his father-in-law's sheep.

It's a homey tale. God, the divine Pedagogue, knows perfectly well that no teacher can teach anyone anything without first motivating the designated pupil to wish to learn. And so, instead of just telling Moses what he needs to know (or just magically inspiring him somehow to know it all on his own), God draws Moses in first, subtly getting the latter's attention by drawing his attention to a bush of some sort that has somehow caught fire. Moses notices it, just as any shepherd watching over animals in the open naturally would, but as he looks more closely he sees something unexpected: the bush, for all it is truly ablaze, does not seem actually to be burning up. Not only that, but Moses sees some sort of angelic being within or amidst the flames and so really cannot keep himself from swerving from the traveled path and approaching the wondrous sight he has espied from afar off. And then God, having effectively drawn his target in close, finally speaks. Even here, though, the narrative is more charming in its folksy simplicity than it is stirring because of the magnificence of its detail. Since Moses makes his living walking around after a flock of sheep, his shoes must be presumed filthy and so he is ordered to remove them in the divine presence. And then, perhaps thinking the angel-in-the-flames gambit was possibly just a touch too subtle, God announces formally in Whose presence it is that Moses now finds himself tarrying.

Having artfully set the stage, God now quickly gets to the point. God has taken note of the suffering of the Israelites and has come "down," presumably from heaven, to make things right. However, for reasons left unspecified, God is not going to bring the full force of

divine might to bear in accomplishing this task, or at least not in the way the reader might reasonably expect, but is rather going to send Moses to demand from Pharaoh that he manumit his Israelite slaves. And with this, the dialogue opens for which this *seder* is so justly famous.

Moses is not inclined simply to accept what has happened. He clearly believes in God, but is unprepared to imagine that his personal destiny could be tied to the will of God so closely as to make it reasonable for God to appear to him personally and charge him with its eventual fulfillment. But to counter each reasonable argument Moses puts forward for not doing as God has commanded him, the patient Deity provides an equally rational response.

Moses begins by asking how he can even know if this is for real, if he is not self-generating the flattering fantasy that God is calling him to the mission at hand. To this, however, God offers what sounds at first blush to be the disappointing answer that Moses will know he was truly called by God when, after the Israelite nation is free, the people gather to worship God on the very mountain (here called Horeiv but elsewhere, mysteriously, Sinai) at which Moses and God are having this initial conversation. For moderns reading this tale, that response should offer some chilling insight into how this whole business of being called to one's destiny in God actually works. You do not ever get to know you're right until long after the fact. When God speaks and you feel yourself called to divine service, you do not get confirmation by return e-mail in the style of an online hotel booking but only the eventual satisfaction that comes from looking back on your life and seeing it suffused not with self-arrogated importance but with divinely inspired purpose. In other words, you only find out whether you have truly heard God's call or merely convinced yourself that you have after it is far too late to begin again. Moderns will want to pause here to consider this lesson carefully. We *all* want to know upfront that we are not merely willing ourselves to feel called to this or that aspect of service to God, to the Torah, or to the Jewish people. But that is not how it worked in Moses' time and it is certainly not how it works today either.

Moses' next argument is that the Israelites themselves will not believe him when he announces that he has come to effect their liberation from bondage and will want him to prove the legitimacy of his mission by revealing God's personal name. Why this makes sense,

predicated as it appears to be on the assumption that the people will recognize the legitimate name but that that detail does not render Moses' own knowledge of it unimpressive, is not explored in the text. But God does not pause to make that, or any, point, but simply addresses the issue by offering Moses an unfamiliar version of the four-letter name in use elsewhere in Scripture, one that presumably one could only know via divine revelation. And then, presumably reflecting further on the situation, God self-corrects and suggests that probably it would be more practical simply for Moses to speak aloud the name of God already known to his contemporaries and to assure them that the name he has spoken aloud is God's eternal name that will endure through all generations. Neither plan really works: there is no way for the people to know that the unfamiliar name is not just something Moses himself made up, but the familiar one would surely be one Moses himself, like his listeners, already knew. In this, moderns can hear taught a lesson they will probably not particularly enjoy learning: that when called by God to action, none of us can expect that we will be given the secret password that, once uttered, will easily convince the world that we are legitimate, that God truly has sent us to do what we claim we are called upon to do, what we truly *feel* called upon by God to accomplish. We can affirm the traditions already known. We can insist that we come not to alter destiny but to advance the people towards it. We can argue for the legitimacy of our mission as best we can. But the fantasy that God will give us the secret key to the hearts of those we are sent *to*, that, the Torah is teaching, is just so much wishful thinking.

Presumably seeing the intractable problems with Plan A, Moses' next argument is that the mission is doomed to failure, that no one will listen to him, that he will surely do as he has been bidden but that he will nonetheless fail to impress the gravity of his mission on the very people he feels himself sent to save. In other words, the Israelites will listen politely, then dismiss him as a crazy person who hears voices and has delusions of grandeur. This problem, God takes entirely seriously and addresses by providing Moses with three wonders that will "prove" that he has truly been sent by God. And they are indeed excellent tricks: he is bidden to turn a staff into a snake and then return it to its wooden state, to make his hand totally leprous and then restore it to its original healthy appearance, and to pour out some

water from the Nile and watch as it turns to blood upon contact with the dry ground. Moderns who wonder what the modern equivalents of these tricks could possibly be will soon come to the depressing realization that there are none, that God appears for whatever reason unwilling to provide people sent to the world on divinely-inspired missions with anything as persuasive as magic rods and amazing cures with which effectively to demonstrate the legitimacy of their calling. For better or worse, those called by God—to shoulder the burden of an observant life, to settle in the land of Israel, to participate personally in its defense, to devote a life to the teaching of Torah or to its study—such people may be entirely correct as to how things are, but they appear more or less *never* usefully to be provided with the kind of surefire parlor trick that indubitably would “prove” the authenticity of their calling to anyone at all, including (if they are being wholly honest) to themselves. The bottom line to those standing before personal burning bushes is dour. You’re on your own. No one will listen. You have nothing to show, no cards to play. All you have is your inner certainty that God has called you to your personal destiny. But even you yourself cannot be sure that you’re not *just* hearing voices. It’s that kind of world. And it’s not going to change.

The story moves forward as Moses, almost but not entirely convinced, plays his final card by mentioning that he is cursed with a “clumsy” mouth and a heavy tongue. The Hebrew uses the same adjective to describe Moses’ mouth and tongue, but without saying clearly whether he means literally to say that he has some sort of actual speech impediment or is using the language of physical disability to suggest the degree to which he thinks of himself as merely inarticulate. The Hebrew could bear either interpretation, yet the metaphoric explanation is probably the more likely one because nowhere in the subsequent narrative is Moses *actually* depicted as speaking anything but clearly and fluently. (It is true that this is not Moses’ sole reference to his inability to speak clearly. But it is also so that Moses *never* appears to speak anything but fluently and forcefully when subsequently, and repeatedly, delivering God’s words to Pharaoh.) Whatever, the bottom line is that Moses’ final argument has to do neither with the mission itself nor its likelihood of success but with his sense of personal inadequacy, with the degree to which he considers himself unworthy of the greatness he must by this point in the narrative surely feel being thrust upon him. With this, moderns will

identify entirely easily. Which of us, speaking honestly, feels up to his or her own destiny? More to the point, which of us, wracked with self-doubt and ill ease regarding our personal adequacy, could not find an endless list of reasons to step aside from our callings in life, possessed of the near certainty that discretion will always make more sense than valor as a personal course to choose forward in life?

Doctors know that a false diagnosis can kill rather than heal a patient. Lawyers know that a bungled defense can lead to the incarceration, even possibly to the execution, of an innocent defendant. Stockbrokers know that innocent misapprehension regarding the worth of an investment vehicle risks to ruin a client, possibly even permanently. Still, doctors, lawyers, and investment counselors somehow manage to do their work even absent the certainty that they are invariably right. And, at least for the most part, rabbis ascend to the pulpits of their synagogues to preach the Torah to their congregations as they have come to understand its inmost meaning, but without actually being possessed of any tangible (or intangible) assurance that they are actually right about what they think, that they are not misleading the very people they are hoping to inspire. Indeed, like people in every walk of life, any rabbi possessed of true intellectual integrity could argue fully cogently that the safest course of action when attempting to speak in God's name almost *always* would be to say nothing at all, thus also at least to do no damage by misleading listeners into presupposing knowledge on their rabbi's part that he or she does not actually possess. But how could one do any good at all in the world by adopting such a policy? And how could the same not be so with respect to the clergy of all faiths?

God's answer to Moses speaks directly to this set of issues. Speaking in an uncharacteristically poetic style, God points out to Moses that this is not a game he is being invited to play, that God governs the world not by making people do this or that thing in the manner of an imperious puppeteer yanking on a marionette's strings, but by calling individual men and women to their personal destinies... and then challenging them to rise to the occasion if they can and if they will. In this *seder* of the Torah, God can be heard subtly to be saying that there is *never* any real impediment to the fulfillment of destiny that cannot be overcome, that no one is *ever* vouchsafed a sense of divinely-inspired purpose that simply cannot be attained. If



Moses feels inarticulate, his brother can speak for him. If the people mistrust him, he can impress them with a few impressive tricks. If Pharaoh declines to heed him, there will be a way forward nevertheless.

Finding the precise boundary between faith in one's sense of personal destiny and the arrogant assumption that one can attain whatever one imagines oneself capable of attaining merely by deluding oneself into considering oneself divinely called to do that thing is the challenge all God-fearing people must eventually face if they are to meet their own destinies in this world. Although we are all used to Moses' story sounding reasonable, the narrative in this *seder* of Exodus can serve to remind us just how unlikely it must have seemed at the time that an octogenarian fugitive could possibly return after decades in exile to liberate an entire people merely by presenting himself to the king of Egypt and speaking in God's name forcefully and fully possessed of the conviction that he was fulfilling his personal destiny by doing so. The lesson for moderns is that an all-powerful God can surely call each individual on earth to his or her personal destiny . . . and that it is as illogical as it is self-serving to step away from that calling with reference to one's chances of success or one's sense of personal inadequacy. In the end, we cannot all be Moseses. But the narrative here is not expecting any of us to channel the historical Moses as we live our lives and thus to be his latter-day representatives on earth, but simply to accept that we are now, as he was once, possessed of a role to play in the history of the world and that our great task in life is to identify that role and then to respond to its discovery forcefully and faithfully . . . and without allowing ourselves to be paralyzed by the fact that we will probably *never* find out whether the way we perceived ourselves called to our own destinies bore or bears any correspondence to actual reality. Life is not a sucker's game, not really. But it can only be lived the most fully and meaningfully by the spiritually, emotionally, and intellectually brave. And our *seder* calls upon us all to will ourselves into their ranks through the sheer force of our own desire to do God's calling, to be who we are and were meant to be, and to spend our lives listening to God's voice calling to us from even the least likely settings.

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## GENERAL SUBMISSION GUIDELINES

### Content

*Zeramik* welcomes the submission of essays in any subject of applied Jewish studies – articles analyzing subjects of Jewish inquiry that offer a unique lens on any aspect of Jewish life or thought that affects the present and/or future of how Jewish culture, religion, and/or people operate in the modern world.

### Style

Submissions should be intellectually informed by and informative of current understandings in Jewish academia, referencing recent studies. Any terminology or abbreviations likely to be unfamiliar to non-specialists should be succinctly clarified in the article itself. Submissions should be accessible to a lay readership and helpful to professional academics and/or Jewish professionals; an ideal submission should be able to bring a nuanced exploration of a subject to a diversity of readers.

### Format

English texts in English should be typed in the font Book Antiqua – with Hebrew in the font Shofar. (Fonts for other languages should be recognizable and legible.) The main text of submissions should be in size 10, and footnotes should be in size 9.5.

### Gendered Terminology

Gendered pronouns for entities that might be either without gender (*e.g.*, “God Himself”) or not necessarily restricted to one gender (*e.g.*, “a scholar should doubt himself”) should only be used if the author intends to convey a point about gender by identifying a gender in such situations. Likewise, gender-neutral nouns (*e.g.*, “humanity”) are encouraged instead of gender-exclusive nouns (*e.g.*, “mankind”) unless a point about gender is in-

tended to be conveyed by using gender-exclusive terminology. *Zeramim* encourages gender-neutral language (e.g., “God’s self”) and gender-inclusive language (e.g., “a scholar should doubt himself or herself”); we ask our authors to be sensitive to the assumptions involved in such usages and how our readers will perceive those assumptions.

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### **Languages**

Submissions should be in English but may integrate terms and passages from non-English languages as long as the foreign language text is translated into English. Key characters, terms or phrases in languages written with characters other than those of the Latin alphabet (e.g., Hebrew, Greek, Arabic, *etc.*) should ap-

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Every submission should include a 2–5-sentence biography of any and all of its authors.

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