

## THE CAMOUFLAGED TA'AM ("MOTIVE"): REDEMPTIVE IMPLICATIONS OF RABBINIC THEURGY\*

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### Introduction

The literature that most influenced and informed the Rabbis' worldviews was the Hebrew Bible.<sup>1</sup> In that canon, living long on the Land that the Lord bequeathed to the Israelites was the goal. The Israelites were principally motivated to perform sacrifices and engage in other *mitzvot* as a vehicle to that end. After the destruction of the second Temple (70 C.E.), the failure of the revolt against Trajan (116 C.E.), and the Bar Kochba Rebellion (132-135 C.E.), the Rabbis sought both an explanation of their plight and a political restoration program that would not again provoke the Romans.

Abraham Joshua Heschel, in the early 1960s, isolated a textual tradition of Rabbinic thought that reveals both God's weakness and the recommended remedy.<sup>2</sup> The Rabbis responsible for that school of thought helped to create a Torah-rooted religion that explained the destruction of their society *and* offered a discrete program of national

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\* This paper is dedicated to my teacher, Rabbi Arthur Green.

<sup>1</sup> Of course, the Rabbis were reading that literature within the cultural matrix of the Roman Empire.

Note that I capitalize 'Rabbis' and 'Rabbinic' when referring to the founders of what became Rabbinic Judaism during the period from the 1<sup>st</sup> century C. E. to the 6<sup>th</sup> century.

<sup>2</sup> Abraham Joshua Heschel, *תורה מן השמים באספקלריה של הדורות* (*Theology of Ancient Judaism*), 3 vols. (vols. 1-2, London: Soncino Press, 1962-1965; vol. 3, New York: Jewish Theological Seminary of America, 1995). An English translation of all three volumes is *Heavenly Torah as Refracted through the Generations*, ed. and trans. Gordon Tucker and Leonard Levin (New York: Continuum, 2005).

restoration. The nationalist passion in evidence against the Seleucid Greeks (in the Maccabean Rebellion beginning in 168 B.C.E.) and against the Romans (beginning in 66 C.E.) became sublimated into what a contemporary psychologist might deem "*mitzvah*-mania" – excessive enthusiasm (*zerizut*) for the performance of *mitzvot*.

"The principal aim of historians of ideas must be to reveal the consistency of the webs of belief they recover."<sup>3</sup> This paper, which relates "beliefs to one another in synchronic webs and diachronic sequences,"<sup>4</sup> explains the Rabbinic *aggadot* (non-legal writings) depicting an impaired deity. Just as national security was undermined in the Torah through the commission of cardinal transgressions and the omission of sacrifices, the Rabbinic God was seen to be similarly handicapped. Thus, Rabbinic religion championed the performance of *mitzvot* and functional substitutes for the sacrifices to restore national security. With stunning anthropocentrism, these Rabbis empowered the Jews with the belief that, just as they had brought national catastrophes upon themselves, so could they be equally instrumental in reversing their fortunes through *mitzvah*-mania.

This essay argues that a theurgic myth of redemption characterizes one stream of Rabbinic Judaism, *i.e.*, the performance of commandments augments God's strength, thus effecting divine sovereignty.<sup>5</sup> Divine sovereignty empowers God to redeem the Jews, returning political sovereignty to them in the Land of Israel. Thus, a religion of prayer and commandments, as understood by one tradent within Rabbinic Judaism, is intrinsically redemptive. But, this version of redemption is neither militaristic nor apocalyptic; it is realized through a commitment to ontological *halakhah*, a legacy of biblical priestly literature, in which commandments and substitutes for biblical sacrifices (primarily prayer) affect God's being. This worldview effectively bridges a constellation of concepts from the priestly Torah to medieval mysticism.

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<sup>3</sup> Mark Bevir, *The Logic of the History of Ideas* (Cambridge: Cambridge University Press, 1999), p. 189.

<sup>4</sup> Bevir, p. 304.

<sup>5</sup> Moshe Idel applied the terms *theurgy* and *theurgical* to this stream of Rabbinic *aggadah* in his *Kabbalah: New Perspectives* (New Haven: Yale University Press, 1988), pp. 156–172. His student, Yoni Garb, prefers the term *power*. "Kinds of Power: Rabbinic Texts and Kabbalah," in *Kabbalah: Journal for the Study of Jewish Mystical Texts* 6 (2001): pp. 45–71.

In 2009, Reuven Kimelman published an article entitled “Abraham Joshua Heschel’s Theology of Judaism and the Rewriting of Jewish Intellectual History.”<sup>6</sup> Kimelman highlighted Heschel’s pioneering contribution to what has become a new paradigm in the scholarly understanding of Rabbinic Judaism, namely, “God is in need of man.” According to Heschel:

The idea of God being in need of man is central to Judaism and pervades all the pages of the Bible and of Chazal [an acronym for *chakhameinu zikhronam livrakha*—“our sages of blessed memory”], of Talmudic literature, and it is understandable in our own time.<sup>7</sup>

In Kimelman’s words:

In sum, for Heschel the idea of divine-human interdependency is the thread that weaves its way through the Hebrew Bible, rabbinic literature, and Kabbalah, creating the tapestry called Judaism.<sup>8</sup>

Heschel’s first volume of his magnum opus on Rabbinic theology, (*Torah Min HaShamayim Ba’Asplakariyyah Shel HaDorot*, “*Heavenly Torah as Refracted through the Generations*”), was published in 1962. In this volume, Heschel bifurcated Rabbinic theology. Heschel argued that within classical Judaism there was a stream of thought which emphasized God’s needs and our ability to satisfy those needs

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<sup>6</sup> Reuven Kimelman, “Abraham Joshua Heschel’s Theology of Judaism and the Rewriting of Jewish Intellectual History,” in the *Journal of Jewish Thought and Philosophy* 17:2 (2009), pp. 207-238. Professor Kimelman was helpful to me in the preparation of this essay.

<sup>7</sup> Abraham Joshua Heschel in Susannah Heschel (ed.), *Moral Grandeur and Spiritual Audacity* (New York: The Noonday Press, 1996), p. 159; cited in Kimelman, “Abraham Joshua Heschel’s Theology,” p. 220.

<sup>8</sup> Kimelman, “Abraham Joshua Heschel’s Theology,” p. 226. Dov Weiss has recently offered a helpful history of scholarship around this issue. “The Rabbinic God and Mediaeval Judaism,” in *Currents in Biblical Research* 15:3 (2017): pp. 369-390.

through the performance of *mitzvot* (commandments).<sup>9</sup> Earlier, in 1949, Heschel had written:

Thus man's relationship to God should not be that of passive reliance upon His Omnipotence but that of active assistance. "The impious rely on their gods... the righteous are the support of God." The Patriarchs are therefore called "the chariot of the Lord." The belief in the greatness of man, in the metaphysical effectiveness of his physical acts, is an ancient motif of Jewish thinking.<sup>10</sup>

As this *midrash* from *Mekhilta DeRabbi Yishma'el* (*Beshallah, Shirata* 5) illustrates, metaphysical effectiveness is a dual-edged sword. Just as we can strengthen God through our deeds, so, too, can we weaken Him:

When Israel does the will of the Omnipresent, they make the left hand into the right hand [thereby increasing God's strength]: "Your right hand, Lord, glorious in power. Your right hand, Lord, shatters the enemy" (Exodus 15:6). But when the Israelites do not do the will of the Omnipresent, as it were, they make the right hand into the left hand: "He has withdrawn His right hand," [thereby weakening God] (Lamentations 2:3).<sup>11</sup>

In the late 1980s, Moshe Idel cited many of the same sources that Heschel had isolated in a chapter entitled "Ancient Jewish Theurgy" in his *Kabbalah: New Perspectives*.<sup>12</sup> Idel was showing Rabbinic

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<sup>9</sup> Heschel, *Theology of Ancient Judaism* [Heb.], pp. 232–237. In Tucker and Levin's translation, pp. 270–274. Hereafter, *Heavenly Torah*.

<sup>10</sup> Abraham Joshua Heschel, "The Mystical Element in Judaism," in *The Jews: Their History, Culture, and Religion*, ed. Louis Finkelstein (1949; repr., Philadelphia: The Jewish Publication Society, 1960), p. 605. Heschel is citing *Bereshit Rabbah* 69:13 to Genesis 28:13; and 82:6 to Genesis 35:9. (All *Bereshit Rabbah* references are to the Theodor-Albeck edition.)

<sup>11</sup> This *midrash* is also attested in the *Mekhilta de-Rabbi Shimon bar Yochai*, *ad loc.* A functionally similar *midrash* is found in *Pesikta DeRav Kahana* 25:1.

<sup>12</sup> Moshe Idel, *Kabbalah: New Perspectives* (New Haven: Yale University Press, 1988).

precedent for medieval, Kabbalistic myths of theurgy in which the performance of *mitzvot* strengthen God.<sup>13</sup> Neither Heschel nor Idel, however, mention *the benefit to the Jewish people* of engaging in the *mitzvot* which augment the divine. A contemporary marketing guru has coined the acronym WIIFM: what's in it for me?<sup>14</sup> Heschel demonstrated that there were Rabbis who believed that the *proximate* cause of the commandments was supernal need. This paper will speculate on the *final* cause of engaging in the commandments, the WIIFM, according to this school of thought. Notice in the above *midrash* from *Mekhilta DeRabbi Yishma'el* that when Israel does the will of God, there is salvation and rejoicing at the crossing of Red Sea, but, when Israel does not do the will of God, there is catastrophe and lamentation after the first Temple's destruction.<sup>15</sup> I will suggest that a theurgic, redemptive myth of divine restoration and sovereignty undergirds one stream of Rabbinic thought in the wake of the second Temple's destruction.

### The Biblical Legacy: Entropy, Sacrifices and Exiles

"In short, rituals, and particularly sacrifices, exist in order to avert existential entropy."<sup>16</sup> The biblical theological ecosystem of the priests, when left to its own devices, moves toward disorder. We transgress the divine order, even inadvertently, and through our transgressions, *we drive away the divine*. According to Ithamar Gruenwald, "A ritual act reconstitutes a reality that has been disturbed, damaged, or gravely unbalanced, even by the tiniest thought."<sup>17</sup> As

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<sup>13</sup> As Kimelman pointed out, Heschel made this claim explicitly in his own work. See Heschel, *Heavenly Torah*, p. 113.

<sup>14</sup> Jacob Weisberg, *Does Anybody Listen? Does Anybody Care?* (Medical Group Management Association, 1994). Weisberg taught for many years at the Zeigler School of Rabbinic Studies, and I was fortunate to be the beneficiary of his wisdom and concern.

<sup>15</sup> A *midrash* is a biblical verse, or part thereof, that has been recontextualized from its biblical setting into its author's own ideational world.

<sup>16</sup> Ithamar Gruenwald, *Rituals and Ritual Theory in Ancient Israel* (Leiden: Brill, 2003), p. 193.

<sup>17</sup> *Ibid.*, p. 171. See also Jonathan Klawans, *Purity, Sacrifice and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (Oxford: Oxford University Press, 2006), p. 71.

Jon D. Levenson has pointed out in his analysis of the *chaoskampf* (i.e., the struggle against chaos) lurking behind Genesis 1, "The world is not inherently safe; it is inherently unsafe. Only the magisterial intervention of God and his eternal vigilance prevent the cataclysm."<sup>18</sup> Our thoughts and actions can warp reality, and our rituals can right reality. This worldview, in which thoughts, speech, action, and rituals affect reality is characteristic of the literature of the biblical priests.

Jacob Milgrom has shown that there are many similarities between the Israelite priestly cult and those of its Ancient Near Eastern neighbors. Among them is the notion that the sanctuary is in need of constant purification lest it be abandoned by its resident god.<sup>19</sup> Michael Fishbane has noted that throughout the Ancient Near East, there was a theological topos associating the abandonment by the deity of his shrine with a withdrawal of that deity's "protective presence."<sup>20</sup> Baruch A. Levine argues that one purpose of the biblical sacrifices was to attract the potent Presence of God.<sup>21</sup> While sacrifices may have also fulfilled a psychological function for the individual and nation, there was a national security component that cannot be ignored: sacrifices attracted and maintained the protective divine Presence within the community.<sup>22</sup>

Yet, according to Leviticus, even sacrifices were unable to protect the Israelites in the face of certain transgressions. As Jonathan Klawans has recently outlined, what many scholars term "moral impurity" leads to exile:

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<sup>18</sup> Jon D. Levenson, *Creation and the Persistence of Evil: The Jewish Drama of Divine Omnipotence* (Princeton: Princeton University Press, 1988), p. 17. Levenson treats both cosmological evil and psychological evil (the *yetzer hara*), as parallel phenomena, indicating that the biblical playing field is not level.

<sup>19</sup> Jacob Milgrom, *Leviticus: A Book of Ritual and Ethics* (Minneapolis: Fortress Press, 2004), p. 15.

<sup>20</sup> Michael Fishbane, *Biblical Myth and Rabbinic Myth Making* (Oxford: Oxford University Press, 2003), p. 78. See also Milgrom, p. 178.

<sup>21</sup> Baruch A. Levine, "In the Presence of the Lord: The Presence of God in Biblical Religion," in Jacob Neusner (ed.) *Religions in Antiquity: Essays in Honor of E. R. Goodenough* (Leiden: Brill, 1968): pp. 71-87.

<sup>22</sup> Indeed, the efficacy of human sacrifice, as practiced by Israelite *enemies*, is narrated in II Kings 3:26-27.

Moral impurity results from committing certain acts so heinous that they are considered defiling. Such behaviors include sexual sins (e.g., Lev. 18:24-30), idolatry (e.g., 19:31; 20:1-3), and bloodshed (e.g., Num. 35:33-34). These “abominations” (תועבות) bring about an impurity that morally – but not ritually – defiles the sinner (Lev. 18:24), the land of Israel (Lev. 18:25, Ezek. 36:17), and the sanctuary of God (Lev. 20:3; Ezek. 5:11). This defilement, in turn, leads to the expulsion of the people from the land of Israel (Lev. 18:28; Ezek. 36:19).<sup>23</sup>

Klawans notes elsewhere that the “Divine Presence cannot or will not abide in a land defiled by idolatry, murder, and sexual sin.”<sup>24</sup> Thus, Rabbi Yohanan ben Torta’s claim that the first Temple was destroyed because of idolatry, murder, and sexual sin is fully intelligible within a biblical frame of reference (Tosefta [henceforth, T.], Menachot 13:22). As a result of engaging in those abominations, the deity’s protective presence would have abandoned the shrine, leaving the shrine, and her nation, vulnerable to foreign invaders. Mishnah (henceforth, M.) Ta’anit 4:6 implies a chronological connection between the cessation of the daily offering and the destruction of the Temple. These two Rabbinic traditions, not necessarily contradictory, implicate both Israelites’ sins and the discontinuation of the daily offerings as explanations for the Temple’s destruction.

In the minds of several of the post-destruction prophets, rebuilding the Temple is a necessary precondition for the return of Israel’s deity to the land and better times.<sup>25</sup> In 520 B.C.E., the prophet, Haggai, encouraged the exiled Judeans to return to the Land of Judea and rebuild the Temple. “Thus said the Lord of Hosts: Consider how you have fared. Go up to the hills and get timber, and rebuild the

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<sup>23</sup> Klawans, *Purity, Sacrifice and the Temple*, p. 55.

<sup>24</sup> Jonathan Klawans, *Impurity and Sin in Ancient Israel* (Oxford: Oxford University Press, 2004), pp. 132ff.

<sup>25</sup> Gary A. Anderson, *Sacrifices and Offerings in Ancient Israel: Studies in their Social and Political Importance* (Atlanta: Scholars Press, 1987), pp. 91-99. See also Klawans, *Purity and Sacrifice*, p. 69.

House [of God]; then I will look on it with favor and I will be glorified – said the Lord” (Haggai 1:8-9).<sup>26</sup> As Levenson contends,

it is through the cult that we are enabled to cope with evil, for it is the cult that builds and maintains order, transforms chaos into creation, ennobles humanity, and *realizes the kingship of the God* who has ordained the cult and commanded that it be guarded and practiced.<sup>27</sup>

God’s potent, protective Presence is understood by the biblical authors to be a *sine qua non* for the wellbeing of the Israelites – irrespective of whether the Presence is a function of the priestly ontology or the more familiar theology of divine rewards and punishments from Deuteronomy. In his study of motive clauses that provide incentives for obeying biblical laws, Rifat Sonsino shows that the vast majority of motive clauses, 72%, deal with the priestly cult.<sup>28</sup> In addition to the cult’s clear connection to national security, there are at least a dozen discrete instances, in the book of Deuteronomy, of national security motive clauses attached to non-cultic laws. For example, “Have completely honest weights and completely honest measures so that the days on the land that the Lord your God is giving you will be lengthened” (Deuteronomy 25:15). More often, the hortatory of Deuteronomy, in which there is a disproportionate number of motive clauses promising wellbeing and longevity, incorporates all of the *mitzvot* and ties them to national security:

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<sup>26</sup> Biblical translations are based on the Jewish Publication Society *Tanakh* (Philadelphia: 1985) (known as NJPS), unless otherwise noted.

<sup>27</sup> Levenson, p. 127. Emphasis mine. Levenson emphasizes this notion of entropy and cites Brevard Childs:

the present world order established by a victory in the past does not continue automatically. It must be constantly reactivated in the drama of the cult. (*Myth and Reality in the Old Testament*, SBT 27 [London: SCM Press, 1960], 20; as cited in Jon D. Levenson, *Sinai and Zion: An Entry into the Jewish Bible* [New York: Harper & Row Publishers, Inc.: 1985], p. 103.)

<sup>28</sup> 271 out of 375. Rifat Sonsino, *Motive Clauses in Hebrew Law: Biblical Forms and Near Eastern Parallels* (Chico, CA: Scholars Press, 1980), p. 99. My thanks to Dr. David Bernat for this reference.



I call heaven and earth to witness against you this day: I have put before you life and death, blessing and curse. Choose life—if you and your offspring would live—by loving the Lord your God, heeding his commands, and holding fast to Him. For thereby you shall have life and shall long endure upon the soil that the Lord swore to your ancestors, Abraham, Isaac, and Jacob, to give to them.<sup>29</sup>

For the Torah, national security was the single greatest motivation to perform *mitzvot*. Indeed, as Rashi (Rabbi Shlomo Yitzhaki, 1040-1105) and his Rabbinic sources long ago recognized, and modern biblical scholarship has concurred, the whole thrust of the Hebrew Bible concerns getting the Israelites to, and keeping them in, the Land of Israel.<sup>30</sup>

Neither this pervasive concern with national security, nor the burning desire to be a free people, disappeared with the loss of political sovereignty in 63 B.C.E., or the second Temple in 70 C.E.. Although it has been common amongst contemporary scholars to confine the national security component of sacrifice within the biblical period, there is no reason to believe that all Rabbis did. Sacrifices certainly offered the psychological function of atonement for the individual and the nation, but I believe there were Rabbis who shifted *both functions* of sacrifices into the sphere of *mitzvot*. Thus, sacrifices still, in theory, could serve as a vehicle to restore God's presence and sovereignty, allowing the people of Israel to rule again in their occupied, ancestral land. This central strand within the biblical "web of beliefs" offered a usable resource to leaders of post-Temple Jewry.<sup>31</sup>

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<sup>29</sup> Deuteronomy 30:19-20

<sup>30</sup> Rashi on Genesis 1:1 and S. D. Goitein, עיונים במקרא (*Iyyunim BaMikra*) (Tel Aviv: Yavneh Press, 1957), 18. I disagree with Steven D. Fraade's reading of Rashi's opening statement in his Torah commentary. Rashi, like Fraade, *resists* the temptation to disentangle law and narrative. See Re'em [Rabbi Eliyahu Mizrachi, c. 1450-1526, Constantinople], *ad loc.* and Steven D. Fraade, "Nomos and Narrative Before 'Nomos and Narrative'," in Steven D. Fraade, *Legal Fictions* (Leiden: Brill, 2011), pp. 18ff.

<sup>31</sup> Bevir, pp. 213-243, esp. p. 235.

### **Ta'amei HaMitzvot – The Motives for the Commandments**

As we have shown above, the biblical material inherited by the Rabbis demanded obedience to cultic ritual and to the interpersonal *mitzvot* in order to attract the divine Presence, protect domestic tranquility, and ensure the national security of the Israelites. All agree that the *berit*, covenant, between God and the Israelites was reciprocal, if not necessarily symbiotic. Israelites performed the *mitzvot* and God protected the people. Once the Second Temple was destroyed and people exiled, what becomes the motivation for the Israelites, now Jews, to maintain the covenant through the performance of the *mitzvot*? The WIIFM question emerges in full force: what's in it for me?

One possible response is that the Jews keep the *mitzvot* because they are decrees from God, the Sovereign, and we mere mortals are forbidden to question them.<sup>32</sup> I do not wish to doubt that there were pious Jews who accepted such reasoning, even in the face of humiliating defeats by the Romans. Another incentive to maintain the *mitzvot* in the post-destruction era was the potential to acquire the Land that is purely good and eternal in duration—*i.e.*, the world to come after one has died in this world.<sup>33</sup> Indeed, already in the late biblical material, the Book of Daniel, we see this venue introduced. Yet, there were other Rabbis who explained the rationale for the commandments as having human benefit in this world, structurally analogous to the rationale within the Torah itself. For some Rabbis, the *mitzvot* “refine” us.<sup>34</sup>

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<sup>32</sup> E.g., *Sifra*, *Kedoshim* 2:4 on Leviticus 9:19; B. Yoma 67b; and *Pesikta DeRav Kahana*, *Parah Adumah* 4:6 on Numbers 19:2.

<sup>33</sup> M. Sanhedrin 10:1, M. Avot 4:16; and B. Kiddushin 39b.

<sup>34</sup> Ephraim E. Urbach, *The Sages: The World and Wisdom of the Rabbis of the Talmud* (Cambridge: Harvard University Press, 1975), trans: Israel Abrahams, pp. 365–399. Isaac Heinemann, *The Reasons for the Commandments in Jewish Thought from the Bible to the Renaissance*, trans. Leonard Levin (Boston: Academic Studies Press, 2008), pp. 15–33. See also Elliot N. Dorff and Arthur Rosett, *A Living Tree: The Roots and Growth of Jewish Law* (Albany: State University of New York Press, 1988), pp. 93–109 and pp. 246–249. None of these three texts incorporates Heschel's theurgic claims relating to observance of the *mitzvot*. Elliot Dorff did not include Heschel's insights in his discussion of *ta'amei hamitzvot* in his academic treatment, cited above, or his recent popular treatment, *For the Love of God*

After these things the word of God came to Abram in a vision, saying, *etc.* (Psalms 18:31). “The way of God is perfect; the Word of God is pure/refined; a shield is He for all who seek refuge in Him.” If His way is perfect, how much more is He Himself! Rav said: Were not the *mitzvot* given so that man might be refined by them? Do you really think that the holy One, blessed be He, cares if an animal is slaughtered in the front or in the back of the neck? Therefore, *mitzvot* were only given to refine humans.<sup>35</sup>

I would be the last to suggest that the *mitzvot* do not have a refining quality on our morality. However, the midrashic source for such a contention has been misread. An early clue to this long history of misinterpretation is Maimonides’ characterization that this *midrash* is “very strange.”<sup>36</sup> If we should have completely honest weights and measures (as per Leviticus 19:36), why would the idea that the *mitzvot* were given to refine us be “very strange”?

The expression in Hebrew, *letzaref* (or *litzrof*) *et habberiyot* (לְצַרֵּף אֶת הַבְּרִיּוֹת), literally means “to refine humanity,” and the verb comes from the field of metallurgy. Specifically, the process of refining silver involves separating out the lead. This process, called cupellation, is described in Jeremiah 6:28-30.<sup>37</sup> Although the earliest attestation of this *midrash* appears in *Mekhilta DeRabbi Shimon Bar Yochai*, other instances are found in later Rabbinic compilations and attributed to Rav (c. 175-247).<sup>38</sup> Rav explains above that God is indifferent as to whether

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*and People: A Philosophy of Jewish Law* (Philadelphia: Jewish Publication Society of America, 2007), chapter 4, esp. p. 175. It is also of interest that neither Heinemann nor Dorff recognizes that one reason to obey biblical commandments, if not the primary reason, is related to national security.

<sup>35</sup> Genesis Rabbah 44:1.

<sup>36</sup> *Guide of the Perplexed*, trans. Shlomo Pines (Chicago: University of Chicago Press, 1963), III:26, p. 508. See also L. E. Goodman, *God of Abraham* (New York: Oxford University Press, 1996), p. 188.

<sup>37</sup> Dan Levene and Beno Rothenberg, *A Metallurgical Gemara: Metals in Jewish Sources* (London: Thames & Hudson, 2007) p. 11.

<sup>38</sup> *Mekhilta DeRabbi Shimon bar Yochai* on Exodus 19:18; *Bereshit Rabbah* on *Lekh Lekha*, 44:1, on Genesis 15:1; *Vayyikra Rabbah* 13:3 on Proverbs 30:5;

we slaughter cows from the front or the back of the neck; the *mitzvot* were only given to refine humanity. In Midrash Tanchuma, the statement is associated with the Tanna Rabbi Akiva and the issue is circumcision.<sup>39</sup> Although slaughtering a cow by slicing its jugular vein may be less painful to the cow, it is not obvious that such a practice refines humans—for, after all, the laws of kashrut were given only to the Israelites. As for the commandment of circumcision, there is no compelling argument that it morally refines humans (or even Jewish men!), although Maimonides did try to make exactly that case.<sup>40</sup>

A more reasonable reading of this *midrash*, in keeping with a prevailing Rabbinic sentiment, is that the *mitzvot* were given to separate humanity, i.e., to segregate Jews (silver) from non-Jews (lead). Certainly the laws of kashrut and the mitzvah of circumcision had such a segregating effect.<sup>41</sup> Moreover, the Rabbinic gloss on Leviticus' demand to "be holy" is to "be separate!"—another central strand in the Rabbinic web of beliefs.<sup>42</sup> Thus, if the parade example that the

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and *Tanchuma* (Buber ed.), *Tazri'a* 7, on Leviticus 12:3. In the *Mekhilta* source, the Israelites at Mount Sinai are being refined as a result of the heat from the mountain. Obviously, those not at Sinai received no such benefit.

<sup>39</sup> A *Tanna* refers to the Rabbis from the period of the Mishnah, c. 70 C.E. – 220 C.E.

<sup>40</sup> *Guide of the Perplexed* III:49, p. 609. Prof. David Goodblatt kindly reminded me that, within Hellenistic Judaism, there was a widespread claim that *mitzvot* served an ethically refining purpose. See Chapter 4 of Heineemann's *The Reasons for the Commandments*.

<sup>41</sup> Circumcision, in particular, is a *mitzvah* that defined which males were inside Rabbinic Judaism and was also the subject of Greek and Roman legislation against the Jews. See Benjamin Edidin Scolnic, "Circumcision and Immortality," *Conservative Judaism* 64:4 (Summer 2013), pp. 6–29, and Seth Schwartz, "Political, Social, and Economic Life in the Land of Israel, 66–c. 235," in Steven Katz (ed.), Steven T. Katz (ed.), *The Cambridge History of Judaism, Vol. 4: The Late Roman-Rabbinic Period* (Cambridge: Cambridge University Press, 2006), p. 37.

<sup>42</sup> *Sifra* on *Shemini* 10:12, on Lev. 19:2. The earliest instance of this *midrash* in the *Mekhilta* could also be read sociologically, especially given a statement in the same section describing how sages' behavior and appearance in the marketplace are distinctive "among humans." That is also the import of the *Sifrei's midrashim* which have gentiles saying to Israel, "Come and mingle with us." *Sifrei Devarim, V'zot HaBerakhah* 343 on Deuteronomy 33:2, and Adiel Schremer, *Brothers Estranged: Heresy, Christianity, and Jewish*

*mitzvot* serve to refine us is sociological rather than characterological, WIIFM?

Our *midrash* may provide the answer. In all its versions, our *midrash* cites the first half of a verse which appears in II Samuel 22:31, Psalm 18:31 and Proverbs 30:5: “Every word of God is pure (*tzerufah*); a shield is He for all who seek refuge in Him.” The *darshan*, i.e., teacher of the *midrash*, understands God’s words as *mitzvot*, and claims the words have been purified/refined such that, by implication, by engaging in these words/*mitzvot*, Jews will also be purified/refined/separated. Importantly, the second half of the verse, although not attested in all versions, describes God as a shield (*magen*) for those who seek refuge in Him. Thus, for a Rabbinic audience who “hears” the second half of the verse even without it being explicitly articulated, this *midrash* speaks of divine protection for those who have been “refined” or who have separated themselves from the gentiles as a result of engaging in the *mitzvot*. The military associations of *magen* resonate throughout the Hebrew Bible.<sup>43</sup> Indeed, the first instance of this verse in II Samuel is intoned by David “after the Lord had saved him from the hands of all his enemies and from the hands of Saul” (II Samuel 22:1). Thus, if I am correct, this *midrash*—which has been long associated with character development—is actually a midrashic allusion to divine might and protection.

As we noted in our review of the biblical material, the consequence of Israelite fealty to the covenant included a salient component that I’ve labeled national security. In Elaine Adler Goodfriend’s words:

Rewards [for compliance to the terms of the biblical covenant] include sufficient rains and plenteous harvests, abundant fertility for their human and animal

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*Identity in Late Antiquity* (New York: Oxford University Press, 2010), pp. 40–42. See also *Sifra* on *BeChukkotai* 2:8, on Leviticus 26:38.

<sup>43</sup> See Reuven Kimelman, “The Literary Structure of the Amidah and the Rhetoric of Redemption,” in William G. Dever and J. Edward Wright (eds.), *Echoes of Many Texts: Reflections on Jewish and Christian Traditions, Essays in Honor of Lou H. Silberman*, (Brown Judaica Series: Atlanta, 1997): pp. 171–218, esp. p. 201—esp., fn. 135.

populations, immunity from foreign invaders, and God's continual and beneficent Presence.<sup>44</sup>

The consequences for disobedience are also spelled out in the biblical material.<sup>45</sup> My question, then, is if the Jews of the post-Temple era embraced a life of *mitzvot*, would not some of them have imagined that the punishments from past transgressions would be truncated and their condition returned to the *status quo ante*, akin to what transpired after the destruction of the first Temple? My suggestion is that there were Rabbis, from the Tannaim (pl. of Tanna) forward, who worked within this biblical paradigm that religious observance leads to national security. The Book of Chronicles, the final book in the Jewish biblical canon, reports King David's words:

And now, in the sight of all Israel, the congregation of the Lord, and in the hearing of God, [I say]: Observe and search all the commandments of the Lord your God in order that you may possess this good land and bequeath it to your children after you forever. (I Chronicles 28:8).

What Heschel's rewriting of Rabbinic intellectual history has offered us is a mechanism whereby that goal of possession of the land is rendered plausible. Just as transgressions distanced the priestly God's protective Presence and allowed for the destruction of the Temple and exile, rededication to God's will, as concretized through the *mitzvot* and prayer, will reverse that process and strengthen the divine Presence. That is the proximate cause of the *mitzvot*. But the final cause aspires to the restoration of Jewish political sovereignty, via divine sovereignty, in the rebuilt Land.

The remainder of this paper will reread familiar Rabbinic traditions through the prism of this theurgic myth of restoration. Even if the evidence is not all equally convincing, I believe it is consistently plausible. My hope is that the cumulative effect will supply an argument from consilience, the "jumping together" of seemingly

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<sup>44</sup> Elaine Adler Goodfriend, "Ethical Theory and Practice in the Bible," in Elliott N. Dorff and Jonathan K. Crane (eds.), *The Oxford Handbook of Jewish Ethics and Morality*, (Oxford: Oxford University Press), p. 38. Emphasis added.

<sup>45</sup> Leviticus 26 and Deuteronomy 27.

discrete statements and facts to offer a compelling new vision.<sup>46</sup> Heschel showed us that there were Rabbis who perceived supernal need. I am attempting to extend Heschel's insight to account for two unanswered questions: 1) What will God do with more power that He can't do now?<sup>47</sup> And 2) Where did the messianic impulse from the late second Temple period (beginning with the Roman conquest of the Land of Israel in 63 B.C.E.) through the crushing of the Bar Kochva revolt (in 135 C.E.) go?<sup>48</sup> Given the centrality and function of the sacrifices in the biblical system, we begin our analysis with the power of language as a prelude to our discussion of prayer as a functional substitute for the sacrifices.

### The Power of Language and the Philosophy of Law

In a popular anthology of Jewish thought from the early 1970s, Josef Stern opens his essay on "Language" with a crucially important fact that has gone underappreciated in the scholarship on prayer: "Language, as it first appears in Genesis, is divine.... Language is not merely descriptive, but constructive of reality."<sup>49</sup> While Stern, focused

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<sup>46</sup> Aviezer Tucker, *Our Knowledge of the Past: A Philosophy of Historiography* (Cambridge: Cambridge University Press, 2004), pp. 148ff..

<sup>47</sup> I am unaware that this question has even been asked.

Mark Bevir distinguished between an understanding and an explanation. Heschel, Idel, and Fishbane offer an understanding of a God in need. I am attempting to explain *why* there were Rabbis who held such beliefs. Bevir, *The Logic of the History of Ideas*, pp. 174-177.

<sup>48</sup> William Horbury, *Jewish Messianism and the Cult of Christ* (London: SCM Press, Ltd., 1998), 36-108; *idem.*, *Messianism Among Jews and Christians* (London: T & T Clark, 2003), pp. 35-122. We see the re-emergence of (human) militaristic messianism in post-Tannaitic sources. See Jacob Neusner, *Messiah in Context: Israel's History and Destiny in Formative Judaism* (Philadelphia: Fortress Press, 1984) and Lawrence H. Schiffman, "Messianism and Apocalypticism in Rabbinic Texts," in Steven T. Katz (ed.), *The Cambridge History of Judaism, Vol. 4: The Late Roman-Rabbinic Period* (Cambridge: Cambridge University Press, 2006), pp. 1065-1070.

<sup>49</sup> Josef Stern, "Language," in Arthur A. Cohen and Paul Mendes-Flohr (eds.), *Contemporary Jewish Religious Thought: Original Essays on Critical Concepts, Movements, and Beliefs* (Jerusalem: Keter Publishing House, 1972), pp. 543ff..

on the medieval debate between mystics who saw language as participating in the essence of the thing/word (*davar* in Hebrew) and the philosophers who understood language as an arbitrary convention, Isaac Rabinowitz provided the biblical foundation of that mystical worldview.

Rabinowitz describes words as “concentrations of powers.” He cites examples where certain “strong-souled” people in the Bible “invested [speech] with extracommunicative power.”<sup>50</sup> Rabinowitz claims that the expression “‘the word of the Lord came to so-and-so’ would scarcely have been possible but for the presumed capability of words to move.”<sup>51</sup> For our present purposes, it is most important to recognize that, for the Israelites, and, as I will show below, for many Rabbis as well, oral formulations “could conform realities to their verbal semblances.”<sup>52</sup> Rabinowitz concludes his article thus:

All created realities are, in their first manifestation, words: the words are incompletely developed forms, presentiments, signs of realities which, God willing, will come to their full scope. To use words to say that something has occurred, even though it may not have occurred, is thus to introduce a preliminary form of this reality into the world, and, in effect, to invite God's willingness to bring it to fulfillment.<sup>53</sup>

Nevertheless, just because the Torah empowers language with extracommunicative potency does not necessarily mean her Rabbinic heirs did the same. But they did—at least some of them. There is disagreement between the Mishnah and the Tosefta (a collection of Tannaitic teachings roughly parallel to the Mishnah) that likely concerns the ontological reality of words. If Isaac (Genesis 27:37), Jephthah (Judges 11:35) and King Ahashverosh (Esther 8:8) were unable to reverse their proclamations, how could anyone?<sup>54</sup> The Mishnah

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<sup>50</sup> Isaac Rabinowitz, “‘Word’ and Literature in Ancient Israel,” in *New Literary History* 4:1 (Autumn, 1972): pp. 120ff..

<sup>51</sup> *Ibid.*, p. 129.

<sup>52</sup> *Ibid.*, p. 133.

<sup>53</sup> *Ibid.*, pp. 138ff..

<sup>54</sup> See Leviticus 27:29 for a related biblical law. I am intentionally not distinguishing between blessings, vows and other verbal performances.



(Hagigah 1:8) seems to accord this new power of loosening vows to the sages, a power beyond what is explicitly found in the Torah. The Tosefta (Hagigah 1:9), on the other hand, explains that the sages are wise enough to find loopholes in order to invalidate the vow. According to Moshe Benovitz, the authors of this *tosefta* are more biblical in that they seemingly acknowledge that, once a vow has been properly made, it cannot be undone.<sup>55</sup> The words of the vow have created a reality that exists in the world. Although M. Nedarim 3:1-4 conditions the validity of vows upon the proper intention of the individual, in the laws of betrothal, we hear that language alone creates the essential conditions for the new reality to be effected; *intention is irrelevant—devarim shebballeh einam devarim* (B. Kiddushin 49b/50a).<sup>56</sup> Also, only the proper verbal formula for divorce is effective, even though a man may clearly be seeking to divorce his wife (B. Gittin 32a and 34a). The words of certain formulae effect a new legal status that has serious legal ramifications both for the individuals involved and their subsequent offspring. Thus, there does seem to be an extracom-

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My friend, Jonathan Lapin, reminded me how unintelligible this essentialist philosophy of language is for many today. It is precisely the desideratum of full immersion in the worldview under consideration, however, that generates the best historiography. See Peter Kosso, "Philosophy of Historiography," in Aviezer Tucker (eds.), *A Companion to the Philosophy and History of Historiography*, (Malden, MA: Wiley-Blackwell, 2009), p. 24.

<sup>55</sup> Benovitz, *Kol Nidre*, pp. 149-152. Martin S. Jaffee makes much the same point. See Maratin S. Jaffee, *Torah in the Mouth: Writing and Oral Tradition in Palestinian Judaism, 200 B.C.E. - 400 C.E.* (Oxford: Oxford University Press, 2001), p. 98.

My research has borne out the generalization that the Tosefta usually maintains an ontological approach toward *halakhah* while the Mishnah is far more likely to be nominalistic—*i.e.*, purporting or presuming that law obtains its validity because it was so legislated, not because of any intrinsic relationship to reality.

<sup>56</sup> Yet, in his discussion of the relationship between thoughts and deeds, Howard Eilberg-Schwartz points out precisely how ontologically consequential the Mishnah's philosophy of law is: "In the system of the Mishnah, therefore, the thoughts and intentions of human beings have the effect of restructuring the very character of reality." *The Human Will in Judaism: The Mishnah's Philosophy of Intention* (Atlanta: Scholars Press, 1986), 183.

municative, ontological power to language in the minds of some Rabbis regarding certain legal issues.

In a discussion of the Mishnah's statement that one does not make a woman take an oath concerning the prior receipt of her *ketubbah* settlement, the Bavli asks why that would be the case. It answers with a story of a woman who took an oath that caused the death of one of her sons. Although the woman believed her oath to be truthful, she was mistaken in a *very* minor way. "When the sages heard of the incident they remarked: If such is the fate of one who [intends to] swear truly, what must be the fate of one who swears falsely?!"<sup>57</sup> Thus, the Mishnah (Gittin 4:3), at least as interpreted by its *gemara*, accords lethal power to words irrespective of intention. Just as God is designated as the One who spoke the world into existence, so those beings created in the divine image can destroy the world through speech.

It is not only vows and oaths that have the potential to change reality. Increasingly, scholars of Jewish legal philosophy are distinguishing between what is variously called the ontological or realist philosophy of law, and the nominalist. The ontological/realist posture toward law understands law to be a window into the architectonics of the cosmos. A nominalist philosophy of law understands that legislators *name* what they want the law to be based on their own values. Take the dispute in the Babylonian Talmud (henceforth, B.), Shabbat 68a-b, about someone who never knew the laws of Shabbat, violated them, and later learned them. Is he liable for a sacrifice? For those Rabbis who follow the "entropy" world-view of priestly literature, which involves a realist/ontological philosophy of law, that person is liable for a sacrifice. The damage done by the transgressions, even inadvertently, still demands rectification. Yet, in the Rabbinic world there co-existed a nominalist philosophy of law which exempted the oblivious transgressor from such a sacrifice.<sup>58</sup>

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<sup>57</sup> B. Gittin 35a. Rabbinic literature acknowledges, using the phrase from Ecclesiastes 10:5, that even misspoken words possess extracommunicative, and lethal, power. See B. Mo'ed Katan 18a; B. Ketubbot 62b; and *Bereshit Rabbah* on *Vayyetze* 74:14 on Genesis 31:3.

<sup>58</sup> Within Rabbinic law, the case of the kidnapped child is the paradigm for an oblivious transgressor. Yohanan Silman discusses this tension in Yohanan Silman, "מצוות ועבירות בהלכה - ציות ומרי או תיקון וקלקול" (in English, "Commandments and Prohibitions in Halakhah—Obedience and Re-

Since laws, for a nominalist, do not reflect an underlying correspondence to or coherence with reality, it is unnecessary to punish someone for violating a law about which they were unaware.

With an ontological or realist philosophy of law, laws are organic and interrelated in a logical structure whereby the laws of divorce, for example, cohere with the laws of animal slaughtering.<sup>59</sup> Different realms of law are not isolated in impermeable silos. Yohanan Silman, one of the first scholars to examine this issue, notes that a realist philosophy of law is rooted in the reality of creation, a unified creation executed through speech.<sup>60</sup> An ancient hermeneutical or midrashic principle is that of the *gezerah shavah*, which linguistically links seemingly unrelated biblical verses.<sup>61</sup> This midrashic technique makes most sense within a realist philosophy of *halakhah* (i.e., Jewish law), which would justify the interrelationships and organic integrity of biblical law by the organic integrity of the entire biblical canon which, itself, reflects God's unified creation. Much of *midrash*, both aggadic and halakhic, is based on this very assumption.<sup>62</sup>

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bellion or Repair and Damage") [Hebrew] דיני ישראל (*Diné Israel*) 16 (1991-1992), pp. 173-201. See also Shai Akiva Wozner, "חשיבה אונטולוגית", "ונטורלסטית במשפט התלמודי ובישיבות ליטא", in דיני ישראל 25 (2008): pp. 53ff.; Yohanan Silman, "Introduction to the Philosophical Analysis of the Normative-Ontological Tension in the Halakha," in *Daat* 31 (1993), pp. v-xx; and Jeffrey L. Rubenstein, "Nominalism and Realism in Qumranic and Rabbinic Law: A Reassessment," in *Dead Sea Discoveries* 6:2 (1999), pp. 157-183.

<sup>59</sup> B. Zevachim 3a and Yohanan Silman, "היקבעויות הלכתיות בין נומינליזם – עיונים בפילוסופיה של ההלכה " ("Halakhic Determinations of the Nominalistic and Realistic Nature: Legal and Philosophical Considerations"), in דיני ישראל 12 (1986), pp. 252ff..

<sup>60</sup> Silman, "Introduction," pp. 19ff.

<sup>61</sup> Yitzhak Frank, *The Practical Talmud Dictionary* (Jerusalem: Feldheim Publishers, 1991), p. 60, and Adin Steinsaltz, *The Talmud: A Reference Guide* (New York: Random House, 1989), p. 151. For a treatment of the limitations of this principle within the *midrashim* associated with Rabbi Ishmael, see Azzan Yadin, *Scripture as Logos: Rabbi Ishmael and the Origins of Midrash* (Philadelphia: University of Pennsylvania Press, 2004), pp. 82ff.. Recent scholarship on the aurality of Torah does not necessarily undermine the philosophical foundation of this *midrashic* technique.

<sup>62</sup> Isaak Heinemann discussed the unification of the Bible in his *דרכי האגדה* (*Darkhei HaAgaddah*) (Jerusalem: Magnes Press, 1970). See also *Tanchuma*

Tannaitic sources say that when judges render a true verdict, they are partners with God in the act of creation.<sup>63</sup> Silman claims that a realist philosophy of halakhah bears a theurgic component, whereby acting in accordance with the divine will aids in the realization of God's own potential.<sup>64</sup> If true law complements creation and empowers the Divine, one can readily understand why halakhic disputes might persevere on seemingly picayune details. Those details constitute the difference between affecting reality and legal legerdemain.<sup>65</sup> Such a philosophy of law might also explain why judges who seek compromise, rather than allowing the law to "pierce the mountain," are referred to by some Rabbis as "sinners."<sup>66</sup>

Before we turn to prayer and liturgy, it will be worthwhile to look at a related domain in which there are real consequences of language. Nehemia Polen recently claimed that some *derashot* (Torah exegeses) are *transformative*, "that is, they make things happen in the world."<sup>67</sup> A *derashah* can release the power of the word. Polen examines the restrictions on offering a *derashah* about the account of the chariot (M. Hagigah 2:1). His claim is that the activity is dangerous

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on Numbers (Buber) on *Hukat* 52, on Numbers 21:21. Recently, Christine Hayes has characterized a *gezerah shavah* as a hermeneutical tool that is not necessarily connected to legal realism. I believe she has missed the connection between legal realism and an essentialist philosophy of language. The issue is not, as she claims, epistemological, but ontological. See Christine Hayes, "Legal Realism and the Fashioning of Sectararians in Jewish Antiquity," in Sacha Stern (ed.) *Sects and Sectarianism in Jewish History*, (Leiden: Brill, 2011), p. 129.

<sup>63</sup> *Mekhilta DeRabbi Yishmael* on *Yitro* 2, on Exodus 18:13; and *Mekhilta de-Rabbi Shimon bar Yochai* 18:13.

<sup>64</sup> Yochanan Silman, "מקור תוקפן של ההוראות ההלכתיות: עיון מטה-הלכתי," in Aviezer Ravitsky and Avinoam Rosenak (eds.), *עיונים חדשים בפילוסופיה של ההלכה* (Jerusalem: Magnes Press, 2008), p. 4.

<sup>65</sup> Idel, *New Perspectives*, p. 171. Arthur Green made this point in response to a question of mine during a class on the Zohar in 1994. This paper, dedicated to Professor Green, is the fruition of that exchange.

<sup>66</sup> B. Sanhedrin 6b. For a recent discussion of the Talmudic debate concerning compromise, see Chaim Saiman, *Halakhah: The Rabbinic Idea of Law* (Princeton, NJ: Princeton University Press, 2018), pp. 111–123.

<sup>67</sup> Nehemia Polen, "Derashah as Performative Exegesis in Tosefta and Mishnah," in Lieve Teugels and Rivka Ulmer (eds.), *Midrash and the Exegetical Mind* (Piscataway, NJ: Gorgias Press, 2010), p. 129.

precisely because there is the potential of producing a theophany! He cites other Rabbinic scholars, such as Daniel Boyarin, who have highlighted similar themes:

Ben-Azzai... read in such a way that he reconstituted the original *experience* of revelation.... [*Midrash*] is re-citing the Written Torah, as in Ben-Azzai's wonderful experience, recreating a new event of revelation.<sup>68</sup>

Consider the familiar *midrash* in B. Sotah 14a, in which we are cautioned against following God since He is a consuming fire, but we are advised to follow in certain of God's more Rabbinically sanctioned ways. Ben Azzai may be able to successfully negotiate the dangers of *derashah*, but Gershom Scholem articulates the deterrent to uninitiated dilettantes:

In the Hebrew Book of Enoch [often referred to as 3 Enoch, c. 6<sup>th</sup> century C.E.] there is an account of the description given by the Patriarch to Rabbi Ishmael of his own metamorphosis into an angel Metatron, when his flesh was transformed into "fiery torches." According to the "Greater Hekhaloth," [often referred to as Hekhalot Rabbati, likely composed earlier than 3 Enoch] every mystic must undergo this transformation, but with the difference that, being less worthy than Enoch, he is in danger of being devoured by the "fiery torches."<sup>69</sup>

Let me review our major points. Sacrifices and the other *mitzvot* had been perceived as instrumental in maintaining the national security of the Israelites. The sacrifices, in particular, helped maintain God's potent and protective Presence. Language was perceived to have an extracommunicative power, and some Rabbis continued the biblical understanding of language as essential rather than conventional. This understanding of the power of language, combined with

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<sup>68</sup> Daniel Boyarin discussing Song of Songs Rabbah 42 in Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Bloomington & Indianapolis: Indiana University Press, 1990), p. 110.

<sup>69</sup> Gershom Scholem, *Major Trends in Jewish Mysticism* (New York: Schocken Books, 1995), p. 52. Originally published in 1946 by Schocken Books.

a realist or ontological philosophy of *halakhah*, empowers Jews to change reality. This capacity is also manifest in what Polen calls performative exegesis. Engaging Torah can arouse the dormant power of the divine word. These philosophies of language and law, with their origins in the priestly Torah, endure throughout the Rabbinic period, though they become embedded in a matrix that also includes a nominalist philosophy of law and a conventional approach to language.<sup>70</sup>

## Prayer & Blessings

For those leaders who sought to restore God's Presence to Israel after the destruction of the second Temple, the biblical method of sacrifice was no longer a possibility. What, then, became the functional replacements of sacrifices? The commonplace that prayer replaced sacrifices has been nuanced over the past decade, again in keeping with Heschel's assessment 50 years ago.<sup>71</sup> Sacrifice was not replaced by prayer in any simple, direct way. According to Kimelman, "Temple associations were appropriated to create a religious continuum [between sacrifices and prayer] without creating a religious equivalency."<sup>72</sup> Nevertheless, with all the justifiable qualifications, it is worth entering into the world of Rabbinic prayer precisely because its telos is "the restoration of God's presence to Zion."<sup>73</sup>

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<sup>70</sup> Rubenstein, "Nominalism and Realism in Qumranic and Rabbinic Law: A Reassessment," pp. 179–183. Hayes argues that these mutually exclusive philosophies of law are largely responsible for the sectarianism of late antiquity. See her "Legal Realism and the Fashioning of Sectararians in Jewish Antiquity."

<sup>71</sup> Heschel, *Heavenly Torah*, p. 88.

<sup>72</sup> Reuven Kimelman, "Rabbinic Prayer in Late Antiquity," in Steven T. Katz (ed.), *The Cambridge History of Judaism, Vol. 4: The Late Roman-Rabbinic Period* (Cambridge: Cambridge University Press, 2006), p. 593; Ruth Langer, *To Worship God Properly: Tensions between Liturgical Custom and Halakhah in Judaism* (Cincinnati: Hebrew Union College Press, 1998), p. 5–14; Klawans, *Purity and Sacrifice*, pp. 208–211; and Stefan C. Reif, *Problems with Prayers: Studies in the Textual History of Early Rabbinic Liturgy* (Berlin: Walter de Gruyter, 2006), p. 180.

<sup>73</sup> Reif, p. 162. In Michael D. Swartz's recent study of liturgy, he goes so far as to classify prayer as a "subclass" of sacrifice which "should therefore be

As James Kugel has pointed out, already within the Psalter there is an assimilation of praise to animal sacrifices:<sup>74</sup> “Let my prayer be as incense before You, the raising of my hands as the evening offering” (Psalm 141:2). By the time of the Rabbis, and the destruction of the Temple, there are numerous statements that raise the value of prayer *above* that of sacrifices, such as the claim to that effect by Rabbi El’azar (B. Berakhot 32b).<sup>75</sup> Texts such as this have long been highlighted by scholars, but there has been no explicit connection drawn between the biblical function of national security and the Rabbinic functions.<sup>76</sup> Without falling prey to the genetic fallacy, I believe that this biblical function was present for some of the members of the Rabbinic class, who harbored a redemptive ideology, even/especially after the failed revolts of the first and second century C.E.. This ideology is neither apocalyptic nor dependent on Jewish militarism; God alone is the Redeemer.<sup>77</sup> This understanding of redemption seeks to restore the Temple and divine sovereignty through the augmentation

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understood not as a substitute for sacrifice, but as an act of sacrifice itself.” See Michael D. Swartz, “Liturgy, Poetry, and the Persistence of Sacrifices,” in Daniel R. Schwartz and Zeev Weiss (eds.), *Was 70 C.E. A Watershed in Jewish History? On Jews and Judaism before and after the Destruction of the Second Temple* (Leiden: Brill, 2012), p. 412.

<sup>74</sup> James L. Kugel, “Topics in the History of the Spirituality of the Psalms,” in Arthur Green (ed.), *Jewish Spirituality*, Vol. I, (New York: Crossroad Publishing Company, 1994), p. 125.

<sup>75</sup> For similar statements, see Heschel, *Heavenly Torah*, pp. 87ff., and Michael Fishbane, “Aspects of Transformation of Sacrifice in Judaism,” in Ann W. Astell and Sandor Goodhart (eds.), *Sacrifice, Scripture, and Substitutions: Readings in Ancient Judaism and Christianity* (Notre Dame: University of Notre Dame Press, 2011); pp. 114-139; Klawans, *Purity*, pp. 199-211, esp. pp. 205ff. See also Kimelman, “Rabbinic Prayer in Late Antiquity.”

<sup>76</sup> Although Langer does discuss the efficacy of prayer and mentions protection, she does not consider the national security component of sacrifices/prayer. Langer, *To Worship God Properly*, pp. 14-19.

<sup>77</sup> See Jeremiah Unterman, “The Social-Legal Origin for the Image of God as Redeemer אֱלֹהֵי יִשְׂרָאֵל of Israel,” in David Wright, David Noel Freedman, and Avi Hurvitz (eds.), *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law and Literature in Honor of Jacob Milgrom*, (Winona Lake, IN: Eisenbrauns, 1995), pp. 399-405, esp. pp. 404ff.

The early Amoraic teacher, Shemu’el, is often cited as saying that the only difference between now and messianic times is that Israel will then no longer be subject to foreign powers. See, e.g., B. Berakhot 34b.

of divine power. One Talmudic Rabbi claimed that Israel was redeemed from Egypt and the Temple built in Jerusalem as a reward for the Israelites' worship—a not-so-subtle incentive for the Jews of his own day to emulate the deeds of their ancestors.<sup>78</sup> The Rabbis very often beseeched for the Temple to be rebuilt, "speedily and in our days."<sup>79</sup>

Kimelman has emphasized the theme of divine sovereignty that wends its way through Jewish prayer. "What covenant was to biblical theology, the acceptance of divine sovereignty became for rabbinic theology."<sup>80</sup> Kimelman makes the point that the Shema liturgy, for example, is not descriptive as much as it is *performative*.<sup>81</sup> "The worshipper finds him/herself praying for, if not actually announcing, the future redemption."<sup>82</sup> Among the earliest Rabbinic understandings of the central verse of the Shema, Deuteronomy 6:4, is that "our" God will be one only in the world to come.<sup>83</sup> (In this case, "the world to come" refers to this world in the messianic future, as opposed to life after death.) The subsequent biblical and liturgical verses, the *Ve'ahavta* (Deuteronomy 6:5-9), then predicate divine sovereignty on observing the *mitzvot*. The intervening liturgical phrase, *barukh shem kevod*, speaks of God's eternal Kingship and was originally said

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<sup>78</sup> *Bereshit Rabbah* on *Vayyera* 56:2 on Genesis 22:5.

<sup>79</sup> Moshe Weinfeld compares biblical references for the coming of the day of the Lord and liturgical passages concerning messianic times, both using the language of "speedily/soon in our days," and he suggests that such rhetoric might encourage repentance as in Isaiah 56:1. Moshe Weinfeld, "The Day of the Lord: Aspirations for the Kingdom of God in the Bible and Jewish Liturgy," in *Scripta Hierosolymitana* 31 (1986), pp. 369ff..

<sup>80</sup> Kimelman, "Rabbinic Prayer," p. 609.

<sup>81</sup> Reuven Kimelman, "The Shema and its Rhetoric," in *The Journal of Jewish Thought and Philosophy* 2:1 (January 1993), pp. 111-156, esp. p. 132. Rabbi Abbahu claims that the Temple was destroyed because Jews neglected saying the Shema (B. Shabbat 119b). A possible implication is that by saying the Shema the Temple will be rebuilt. The Shema must also be said loudly enough for the worshipper (or God?) to hear (*Sifrei Devarim* on *Va'etchannan* 31, on Deuteronomy 6:4).

<sup>82</sup> Kimelman, "The Shema and its Rhetoric," p. 129.

<sup>83</sup> *Sifrei Devarim* on *Va'etchannan* 31, on Deuteronomy 6:4. *Sifrei Devarim* on *Ha'azinu* 313:10, on Deuteronomy 32:10, "admits" that prior to Abraham, God was not sovereign on earth.



aloud.<sup>84</sup> The importance of God hearing our prayers is also biblical in origin.<sup>85</sup> Given the constructive power of language, the performance of the *Shema* liturgy may very well have been designed to augment divine power, to bring the ancient Jews closer to the world to come and divine sovereignty for all.

The Amidah itself, the central prayer of the liturgy, is modeled after the sacrificial cult.<sup>86</sup> There are blessings for material prosperity, national restoration, the return of the divine Presence, and the rebuilding of Jerusalem and the Temple, culminating with the coronation of a Davidic savior and the reinstatement of animal sacrifices. Again, Kimelman notes:

The distinctive contribution made by this liturgy to the idea of national redemption lies in the particular linguistic formulation, in the sequence of events, and in the uncompromising emphasis on divine involvement, all of which converge to make the point that God alone is the redeemer as opposed to any human redeemer.<sup>87</sup>

One element of prayer, in particular, is associated with divine coronation, the *Kedushah*. In fact, some versions of the *Kedushah* reflect daily divine coronation.<sup>88</sup> In Arthur Green's work on the divine crown, he brings together complementary passages illustrating that,

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<sup>84</sup> Kimelman, "Rabbinic Prayer," p. 601.

<sup>85</sup> See I Kings 8:49 and II Chronicles 6:32-40.

<sup>86</sup> Kimelman, "Rabbinic Prayer," pp. 580-586. The tradition of praying in a whisper, though justified by an appeal to the pray-er's confidentiality (B. Sotah 32b), may have something to do with an esoteric tradition, such as *Bereshit Rabbah* 3:1, which relates to divine secrets of creation. Israel Knohl suggests that the silent Amidah is parallel to the priests' silence when offering sacrifices. Israel Knohl, "Between Voice and Silence: The Relationship between Prayer and Temple Cult," in *Journal of Biblical Literature* 115 (1996), pp. 26ff..

<sup>87</sup> Reuven Kimelman, "The Messiah of the Amidah: A Study in Comparative Messianism," in *Journal of Biblical Literature* 116:2 (Summer, 1997), pp. 313ff. For exclusive divine sovereignty, see also B. Ta'anit 25b.

<sup>88</sup> Arthur Green, *Keter: The Crown of God in Early Jewish Mysticism*, (Princeton: Princeton University Press, 1997), p. 12.

just as the smoke of the sacrifices rises to heaven, the prayers of Israel rise up and crown God.<sup>89</sup>

Depicting themselves as the daily offerers of God's crown places Israel in a position of great mythic power, one that makes them nearly equals in the economy of divine/human powers on which the world is based.<sup>90</sup>

Green cites a Rabbinic text, *Leviticus Rabbah* 24:8, that atomizes the three-fold repetition "*kadosh, kadosh, kadosh*" of the *Kedushah*. One "holy" crowns God, and two crown Israel.

Here we have a rabbinic prototype for the sort of circular exchange of sacred energy between God and Israel that will stand at the very heart of later Kabbalistic religion.<sup>91</sup>

To put it in terms used above, supernal need might be the proximate cause for prayer and performance of the *mitzvot*, but there is a felicitous byproduct, or final cause, *which crowns Israel*. The theme of divine sovereignty courses through biblical and Rabbinic traditions. According to Marc Brettler, the liturgical recitation of Psalms 96, 97, and 99 had the following function:

I understand these psalms as a (wishful) *projection* into the present of a period in which God is sovereign, and his sovereignty is recognized by all, allowing Israel to live in peace and prosperity.<sup>92</sup>

Thrice daily, divine sovereignty is announced or performed in a medium, worship/*avodah*, which stands in a continuum with biblical

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<sup>89</sup> *In passim*, pp. 33–43. *Shemot Rabbah*, *Beshallah*, par. 21:4, to Exodus 14:15; *Sifrei Bamidbar* on *Korach* 119, on Numbers 18:20; and B. Hagigah 13b.

<sup>90</sup> Green, *Keter*, p. 35.

<sup>91</sup> *Ibid.*, p. 36. The Book of Lamentations (5:16) records an image in which "the crown has fallen from our head." *Mekhilta DeRabbi Yishmael* on *Beshallah* 6, on Exodus 15:18, also features mutual coronation.

<sup>92</sup> Marc Zvi Brettler, *God is King: Understanding an Israelite Metaphor* (Sheffield: Continuum International Publishing Group, 1989), p. 150. His emphasis.

sacrifice, the purpose of which was to attract God's protective Presence. Taking into account both the power of language and the tradition of a "movable" God, the liturgy has been designed to attract God's presence and effect divine sovereignty.<sup>93</sup>

Before leaving the realm of prayer to investigate the theurgic relationship between other *mitzvot* and restorative messianism, let us consider blessings. Scholars of prayer emphatically reject the notion that blessings empower God. However else *baruch attah* is translated, scholars are unanimous that it is *not* to be understood that as a result of those words or even the ensuing action, God is "blessed" in the sense of being more powerful or more in control than prior to the blessing.<sup>94</sup> Yet, as Rabinowitz reminds us, in the biblical world, words can bless. Moreover, there exists in Rabbinic material a case where God asks for a blessing from Rabbi Ishmael.<sup>95</sup>

A recent treatment of blessings by Howard Apothaker, who also rejects the notion that God can benefit in the theurgic sense through being blessed, nevertheless emphasizes that of all the verbs employed to praise, laud, and exalt God, only *b-r-kh* is used in circumstances of covenantal reciprocity.<sup>96</sup> Indeed, when we see the verb used in late Biblical Hebrew, I Chronicles 29, King David is commanding his people to "bless God." What do the people do? They bow their heads low, as in prayer, and they offered "1,000 bulls, 1,000 rams, 1,000 lambs, with their libations" (I Chronicles 29:21).<sup>97</sup> Once we disabuse ourselves of the idea that the biblical and Rabbinic God is omnipotent, immutable, impassable, and self-sufficient, then the

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<sup>93</sup> In addition to Klawans, for the locomotive nature of the divine Presence, see *Bereshit Rabbah* on *Bereshit* 19:8, on Genesis 3:8.

<sup>94</sup> Howard L. Apothaker, "Blessing and Being Blessed in Early Rabbinic Liturgy," in *Conservative Judaism* 60:1-2 (Summer/Fall 2007-08), pp. 102 n. 55 and 114. But, see Idel, *New Perspectives*, pp. 160ff..

<sup>95</sup> B. Berakhot 7a.

<sup>96</sup> Apothaker, p. 100.

<sup>97</sup> According to David P. Wright, the initial function of priestly sacrifices was to present a feast to God with the expectation of reciprocity in the form of appeasement or good fortune. David P. Wright, "The Study of Ritual in the Hebrew Bible," in Frederick E. Greenspahn (ed.), *The Hebrew Bible: New Insights and Scholarship* (New York: New York University Press, 2008), pp. 120-138. See *Shir HaShirim Rabbah* 1:9, and Heschel, *Heavenly Torah*, p. 86.

conceptual obstacles to blessing God, in the plain sense of the word, vanish.<sup>98</sup>

Kimelman argues that the blessing formula is an affirmation of divine sovereignty—and Rabbi Yohanan says that all blessings must include mention of divine sovereignty<sup>99</sup>—but Kimelman stops short of claiming that our blessings bless God in the theurgic sense.<sup>100</sup> Although there is a statement that all *mitzvot* require blessings, the halakhah is that blessings are generally not said on interpersonal *mitzvot*.<sup>101</sup> Thus, blessings are almost exclusively for ritual actions. Once we accept the notion that performance of *mitzvot* strengthens God, why is it any more difficult to accept that we bless God through the blessings attendant to ritual *mitzvot*? There is biblical precedent, and it seems to be a very natural reading. When unsure of which blessing to use before one eats, one is able to say, "Everything was created through His word," and fulfill one's obligation to bless.<sup>102</sup> The symbiosis is elegantly measure for measure:<sup>103</sup> we bless God with our words and, thereby, strengthen God to create anew through His word.

Yair Lorberbaum, in his treatment of the divine image, may have accounted for why there *are* inter-personal blessings at a wedding. His thesis is that the propagation of humanity, which is the purpose of marriage (and life), strengthens God.<sup>104</sup> Another Talmudic

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<sup>98</sup> Bradley Shavit Artson makes this point, but then pulls back from its logical conclusion. "Barukh Ha-Shem: God is Bountiful," in *Conservative Judaism*, pp. 33 n. 4 and 41. These divine attributes are Greek, and only in the Middle Ages completely infiltrate Jewish thought.

<sup>99</sup> B. Berakhot 12a.

<sup>100</sup> Reuven Kimelman, "Blessing Formula and Divine Sovereignty," in Ruth Langer and Steven Fine (eds.), *Liturgy in the Life of the Synagogue; Studies in the History of Jewish Prayer* (Winona Lake, IN: Eisenbrauns, 2005), pp. 1-39. Kimelman does present texts showing that our recognition of God as sovereign effects his sovereignty, e.g., *Shemot Rabbah* on *Beshallah* 23:1, on Exodus 15:1.

<sup>101</sup> B. Pesachim 7a-b. Maimonides, *Mishneh Torah, Hilkhhot Berakhot* 11:2 and, *ad loc.*, *Kesef Mishneh*.

<sup>102</sup> M. Berakhot 6:2.

<sup>103</sup> M. Sotah 1:9.

<sup>104</sup> Yair Lorberbaum, *צֶלֶם אֱלֹהִים: הַלְכָה וְאַגְדָּה* (*Tzelem Elohim: Halakhah Ve'Aggadah*) [Hebrew], (Tel Aviv: Schocken Publishing House, Ltd., 2004) pp. 405-415, esp. 411. See also the series of *aggadot* beginning on B. Yevamot 63b and *Pesikta Rabbati* 42, on Genesis 21:1.

tradition claims that the messiah will come only after a certain number of children will be born.<sup>105</sup> Thus, it may be that we recognize certain ritual and inter-personal *mitzvot* to be a direct blessing to and strengthening of God. Fortifying God has redemptive consequences.

### ***Mitzvot, Repentance, & Redemption***

Throughout Rabbinic literature, the question is asked: what did our ancestors do to merit redemption from Egypt?<sup>106</sup> The assumption behind the question is that the Israelites did *something* to merit redemption. Behind their persistent questioning is not historical interest, but existential angst. What can *we, the Rabbis of occupied Palestine née Judea*, do to merit redemption? The answer, for many Rabbis, can be reduced to one word: *mitzvot*.

As we saw above in our discussion of the Shema, the sequencing of the passages offers a causal connection between accepting divine sovereignty, performance of the *mitzvot*, and redemption.<sup>107</sup> The Talmud contains a tradition that if Israel keeps the laws of Shabbat for two consecutive *Shabbatot*, they would be redeemed immediately.<sup>108</sup> Once we grant the possibility that observing *mitzvot* strengthens God, then this tradition, *and so much else*, can be read in that light. Strengthening God, by observing *mitzvot*, enables God to redeem the Jews vis-à-vis the Romans just as God did with the Israelites vis-à-vis the Egyptians. When Lawrence Schiffman writes that “several times we hear that repentance and observance of the Law are the keys to bringing the messiah,” we now must ask ourselves if this is a divine reward for being faithful covenantal partners, or if this re-

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<sup>105</sup> B. Niddah 13b and B. Yevamot 63b.

<sup>106</sup> Y. Ta’anit 1:63/4a; *Mekhilta DeRabbi Yishmael* on *Beshallah* 6; *Bereshit Rabbah* on *Vayyera* 56:2, on Genesis 22:5; and *Pesikta DeRav Kahana* 11.

<sup>107</sup> See Reuven Kimelman “Rabbinic Theology of the Physical: Blessings, Body and Soul, Resurrection, Covenant and Election,” in Steven T. Katz (ed.), *The Cambridge History of Judaism, Vol. 4: The Late Roman-Rabbinic Period* (Cambridge: Cambridge University Press, 2006), p. 968.

<sup>108</sup> B. Shabbat 118b, attributed to Rabbi Shimon bar Yochai via Rabbi Yochanan.

flects the consequence of God's enhanced ability to fulfill His covenantal responsibilities.<sup>109</sup>

Rabbis Joshua and Eliezer debate whether or not repentance will precede redemption. The answer is that, one way or another, it will. Either Jews will repent proactively, or the situation for the Jews will deteriorate to such an extent that the Jews will repent out of desperation.<sup>110</sup> Observing *mitzvot* hastens the building of Jerusalem and the Temple, we hear in another midrashic collection.<sup>111</sup> "Great is repentance, for it brings redemption."<sup>112</sup> For students of Rabbinic thought, these traditions are familiar, but they are more often than not understood as examples of Rabbinic hyperbole, which surely is present in Rabbinic rhetoric. My claim is that some Rabbis, from the very beginning of the Rabbinic period, intended these statements to be understood literally.

A puzzling statement in b. Kiddushin (31a) has it that one who is commanded to perform, and then performs, a *mitzvah* is greater than one who performs a *mitzvah* without having been commanded. Might the puzzle be resolved because the theurgic effect of the *mitzvah* only obtains when the covenantal partner is obligated?<sup>113</sup> I do not

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<sup>109</sup> Lawrence H. Schiffman, "Messianism and Apocalypticism in Rabbinic Texts," in Steven T. Katz (ed.), *The Cambridge History of Judaism, Vol. 4: The Late Roman-Rabbinic Period* (Cambridge: Cambridge University Press, 2006), p. 1018. Michael Fishbane raises this same issue. Michael Fishbane, *The Exegetical Imagination: On Jewish Thought and Theology* (Cambridge: Harvard University Press, 1998), p. 79.

<sup>110</sup> B. Sanhedrin 97b–98a. There are, of course, conflicting traditions within this collection of messianic statements.

<sup>111</sup> *Pesikta Rabbati* 31.

<sup>112</sup> B. Yoma 86b.

<sup>113</sup> Couple this with the Rabbinic insistence that in most cases *mitzvot* do not require intention (B. Rosh Hashana 28a). For Rabbis who believe in the theurgic power of *mitzvot*, that power is effective even if the specific Jew engaged in the *mitzvah* disagrees with the theurgic myth. Eilberg-Schwartz points out that the efficacy of biblical sacrifices also did not depend on the priests' intentions, only their actions, page 173. Although the priests' intention was irrelevant, the determination of which kind of sacrifice was exclusively dependent on the mental state of the individual bringing the sacrifice. See, e.g., B. Shabbat, ch. 7.

Just as the Rabbis' anthropology balanced out the biblical *yetzer hara* (evil impulse) with the Rabbinic *yetzer hattov* (impulse for good), there were those who sought a more advantageous playing field for *mitzvot*, as well.

know; nor am I confident that we can know. But once we acknowledge the possibility of this way of interpreting Rabbinic texts, there will be an increased level of indeterminacy or underdetermination.<sup>114</sup> For instance, might there be no more sacrifices in the world to come precisely because they will no longer be needed to augment God’s power, since our *mitzvot* and prayers will suffice?<sup>115</sup>

Another puzzling statement from Mishnah Kiddushin (1:10): “One who does a single mitzvah, good is caused for him, his days are lengthened, and he acquires the land.”<sup>116</sup> Although the Tosefta (1:13) and Bavli (39b) offer alternative explanations, might this not be the most basic statement of *WIIFM*? In Avraham Walfish’s analysis of this *mishnah* and the preceding one (dealing with *mitzvot* that are obligatory only in the Land of Israel), he summarizes their relationship as follows:

The halakhic mishnah, mishnah 1:9, predicates the performance of specific mitzvot on being present in the Land of Israel. The aggadic mishnah, 1:10, flips the comparison: settling the Land of Israel is dependent on the performance of ‘one mitzvah’... Thus the aggadah complements the halakhah: on the one hand, the people of Israel possessing the Land of Israel causes more

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The Rabbinic bias requires intention for transgressions but not for the *mitzvot*. There are even statements that if one intended to engage in a mitzvah, but was unable, it is as if he had engaged in the mitzvah (B. Kiddushin 40a). That playing field was once again tipped toward entropy by the medieval mystical tradition of Castille. *Mitzvot*, for full theurgic efficacy, generally required intention. Transgressions, on the other hand, could unleash their havoc regardless of one’s awareness. Anger and nocturnal emissions, where there is no conscious intent, are two cases in point. See Zohar I:219b and II:263b. See the discussion by Isaiah Tishby, *The Wisdom of the Zohar: An Anthology of Texts*, Vol. II, trans. David Goldstein (Oxford: Oxford University Press, 1961), pp. 953, 1363–1367, and 1377 n. 119.

<sup>114</sup> Mark Day and Gregory Radick, “Historiographic Evidence and Confirmation,” in Aviezer Tucker (ed.), *A Companion to the Philosophy and History of Historiography* (Malden, MA: Wiley-Blackwell, 2009), pp. 95ff.

<sup>115</sup> *Vayyikra Rabbah* 9:7; *Tanchuma* on *Pekudei* 9; and Heschel, *Heavenly Torah*, pp. 85ff.. Cf. B. Sanhedrin 90b.

<sup>116</sup> Cf. I Chronicles 28:8.

*mitzvot*; and on the other hand, the performance of *mitzvot* guarantees possession of the Land of Israel.<sup>117</sup>

I am certain that Walfish does not intend his description theurgically; I am uncertain about the Mishnah itself.

In *Sifrei Devarim*, we find: "If you perform what is required of you, then I, too, will perform what is required of me." As Steven D. Fraade characterizes it, "human action, as informed by Torah study, can trigger divine action."<sup>118</sup> Although Fraade is not suggesting a theurgic myth, it takes little imagination to see such a myth behind his description. Indeed, I have overstocked this essay with quotations from scholars who have *not* argued for a theurgic myth of redemption, but whose descriptions can, nevertheless, be easily assimilated into such a paradigm. Heschel's paradigm shift is thus more of an expansion. Traditions like the *Sifrei* might be read either conventionally, that redemption is a reward, or theurgically, that redemption is the desired byproduct, the final cause, of strengthening God through *mitzvot*. At least for now, a greater degree of indeterminacy enchants many Rabbinic traditions.

A few sections later in the *Sifrei*, there is a provocative series of associations: attaching ourselves to sages rather than God, waging war to receive Torah, and being rewarded by having the Lord dislodge the nations currently in the Land. In the middle of this sequence, seemingly out of place, we find:

The expounders of *aggadot* say: "If you desire to come to know the One who spoke and world came into being, study *agaddah*, for thereby you will come to know the

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<sup>117</sup> Avraham Walfish, "איחוד ההלכה והאגדה: עיון בדרכי עריכתה של התוספתא" ("The Unity of Halakhah and Aggadah: A Study in the Editorial Ways of the Tosefta") [Hebrew], in Yehoshua Levinson, Yaakov Elboim, and Galit Hasan-Rokem (eds.), האגדה, המדרש, בחקר ספרות המדרש. האגדה, הפיוט (*Higgayon LeYonah: Heybetim Chadashim BeCheker Sifrut HaMidrash, Ha'Aggadah VeHaPiyut*, i.e., *Higgayon L'Yonah: New Aspects in the Study of Midrash, Aggadah, and Piyut in Honor of Professor Yona Fraenkel*) (Jerusalem: Magnes Press, 2006), p. 312. Emphasis added.

<sup>118</sup> *Sifrei Devarim* on *Ekev* 41 on Deuteronomy 11:13, and Fraade, *From Tradition to Commentary*, pp. 90ff..



One who spoke and the world came into being *and cling to His ways.*"<sup>119</sup>

Although one can certainly conjure other explanations, perhaps this intruding aside about studying *aggadah* is a textual marker for one of the secrets of creation, namely, that God is dependent on Israel for maximum potency. Once that is known, *then* there is the incentive (the *WIIFM*) to cling to God's ways by waging war to perform the Torah's *mitzvoth*, which will fortify God, who will then expel those occupying the land.

### The Divine Presence & Redemption

Even after the initial construction of the second Temple, the divine Presence had relocated according to the biblical witness. When Ezra opened the Torah Scroll at the Water Gate in Jerusalem, in 458 B.C.E., the people "bowed their heads and prostrated themselves *before the Lord*" (Nehemiah 8:6). Subsequently, when the second Temple was razed in 70 C.E., God's comforting Presence continued to be found through the study of Torah. The latent divinity within was activated through its study: "When even one person sits and engages in Torah, the divine Presence therein dwells."<sup>120</sup>

As Heschel, and later Fishbane, have pointed out, the function of Temple sacrifices has also been absorbed by the Torah and its ritualistic study.<sup>121</sup> "The sage who sits and expounds to the congregation, scripture accounts it to him as if he had offered fat and blood upon the altar."<sup>122</sup> Given our discussion of the performative aspect of *derashot* above, more interesting is the specific claim that

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<sup>119</sup> *Sifrei Devarim* on 'Ekev 49, on Deuteronomy 11:22, and Fraade, *From Tradition to Commentary*, pp. 92ff. Emphasis added.

<sup>120</sup> M. Avot 3:6.

<sup>121</sup> Michael Fishbane, "Aspects of the Transformation of Sacrifice in Judaism," in *Sacrifice, Scripture, and Substitution: Readings in Ancient Judaism and Christianity*, ed. Ann W. Astell and Sandor Goodhart (Notre Dame: University of Notre Dame Press, 2011), pp. 114-139.

<sup>122</sup> *Avot DeRabbi Nathan* version A, 4:18.

whoever is occupied with the teaching of the sin offering is as if he were offering a sin offering, and whoever is occupied with the teaching of the guilt offering, is as if he were offering a guilt offering.<sup>123</sup>

When one offers a guilt offering one does not only attain atonement on a personal level—one also prevents the departure of, or attracts, the divine Presence. After all, if one were solely concerned with personal atonement, Yom Kippur (or death) was believed to be effective without repentance.<sup>124</sup> Since atonement is available without sacrifices, what more do sacrifices offer?

The potent Presence is still an ultimate concern among the Tannaim. Klawans emphasizes that the Tannaim reached beyond the Pentateuch in order to complete their portrait of divine exile:

The five results of moral defilement—the defilement of the land or sanctuary, the profanation of the Name [of God], the departure of the Divine Presence, and then sword and exile—all find their basis in biblical traditions related to moral impurity. Three of them—defilement of the land, profanation of the Name, and exile—find their basis in the Holiness Code [Leviticus 17–26] passages related to moral impurity. But for the others, *in particular the image of the departure of the Divine Presence*, the tannaim presumably drew upon passages from Ezekiel [chs. 8–11].<sup>125</sup>

The concept of moral defilement is an inheritance from the Torah; but the idea of divine exile was so central to some Rabbis that they incorporated the image of the chariot from outside the Pentateuch in the account of their own exile. The corollary to this phenomenon is that repentance and moral purity can attract the divine Presence. Once both God and Israel are understood to be in exile, then it becomes easier for the performance of the *mitzvot* to do double duty: they redeem both God and Israel.<sup>126</sup> As Rabbi Yehudah dejectedly

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<sup>123</sup> B. Menachot 110a and Fishbane, "Aspects," pp. 124–128.

<sup>124</sup> M. Yoma 8:8–9.

<sup>125</sup> *Impurity and Sin in Ancient Israel*, p. 131. Italics added.

<sup>126</sup> Fishbane, *Biblical Myth and Rabbinic Mythmaking*, pp. 146–159.

takes up the lulav on the once-carnavalesque holiday of Sukkot, he pleads, "I and He [God], save us."<sup>127</sup> And, as Rabbi Abbahu said:

Every salvation that comes to Israel, belongs [also] to the holy One, blessed be He, as it says, "I am with him in distress... and show him My salvation" (Psalm 91:15-16).<sup>128</sup>

In Jefferey L. Rubenstein's work on Sukkot he suggests: "Mythic conceptions lived on without their original ritual underpinnings and despite the loss of its sacred space."<sup>129</sup> Sukkot, the festival par-excellence during the second Temple, must have been particularly painful for the Rabbis who struggled to adjust to the Temple's destruction. As Rubenstein points out, the tendency in Tannaitic *midrashim* is to conflate biblical notions of divine protection and Presence with the clouds of glory.<sup>130</sup>

Festival sukkot [the booths that the Israelites would build to dwell in during the holiday of of Sukkot], which symbolize the clouds of glory of the exodus, thus symbolize the eschatological clouds of glory, the divine sukka of the future, as well. They call to mind the divine presence and protection that will characterize the World to Come.<sup>131</sup>

Not coincidentally, the Babylonian Talmud records an eschatological scene where gentiles kick a sukkah because they are unable to withstand the heat.<sup>132</sup> In his analysis, Rubenstein suggests

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<sup>127</sup> M. Sukkah 4:5. See Heschel, *Heavenly Torah*, pp. 107ff.

<sup>128</sup> *Tanchuma Vayyikra* (Buber) on *Acharei Mot* 18.

<sup>129</sup> Jeffrey L. Rubenstein, *The History of Sukkot in the Second Temple and Rabbinic Periods*, (Atlanta: Scholars Press, 1995), p. 179.

<sup>130</sup> Rubenstein, p. 245. Rubenstein points out on page 248 that prooftexts for the protective nature of the clouds include Psalm 18:31, the same verse used in the *midrashim* concerning the *mitzvot* given to refine/separate humanity. See above.

<sup>131</sup> Rubenstein, p. 253.

<sup>132</sup> B. Avodah Zarah 2a-3b. See also Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: The John Hopkins University Press, 1999), chapter 7.

that this fantasy was placed at the beginning of the tractate of Avodah Zarah to emphasize the “need to separate from gentiles and to avoid any association with idolatry.”<sup>133</sup> If the gentiles kick down the *sukkah*, the Jews can build it—and the detailed laws offered in the Mishnah are the instruction manual, including the requirement that there be more shade than sun.<sup>134</sup> The *sukkot* are symbols of redemption—they are where God caused the Israelites to dwell during the desert sojourn after being redeemed, by God(!), from bondage in Egypt. By the Jews building their *sukkot*, it may empower God to be able to provide redemption once again. Rubenstein concludes his analysis with the observation that this fantasy is one of the “strongest presentations” of the mythic view that the Torah is a universe-maintaining activity throughout the entire Babylonian Talmud.<sup>135</sup>

The shade of the sukka reified the experience of divine protection, love and intimacy, and foreshadowed the eschatological future when God would again deliver his people.<sup>136</sup>

My contention is that the ritual of building a sukka, for some Rabbis, does not just foreshadow redemption, it primes the fountain of divine redemption once again.<sup>137</sup>

## Messianism

At the conclusion of the first chapter of Berakhot is a rare Mishnaic reference to messianic days. The sages offer a *derashah* that the exodus from Egypt should be recited *lehavi limot hammashiach*, which is usually translated as *including the days of the messiah*.<sup>138</sup> Yet, *lehavi* is

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<sup>133</sup> Rubenstein, *Talmudic Stories*, p. 37. Emphasis added.

<sup>134</sup> M. Sukkah 1:1.

<sup>135</sup> Rubenstein, *Talmudic Stories*, p. 241. Rubenstein cites Idel's *New Perspectives* on this point.

<sup>136</sup> Rubenstein, *The History of Sukkot*, p. 271.

<sup>137</sup> See Gruenwald, *Rituals and Ritual Theory*, p. 16. When Vayikra Rabbah 30:9 describes the four species as symbols of God, the halakhic ritual, then, involves symbolically uplifting and surrounding ourselves with Divinity.

<sup>138</sup> M. Berakhot 1:5.

ambiguous. While in this *mishnah's* parallel in the Tosefta (1:10), the term clearly means to include, *lehavi* can also mean *to bring*.<sup>139</sup> In this suggested reading, which again relies on both Heschel's insight and our discussion above of the power of the language, every single mention of the exodus from Egypt brings us closer to the days of the messiah.

In the Passover *Haggadah*, the Rabbinic script for the Passover meal, we find that anyone who expatiates on the exodus from Egypt is praiseworthy.<sup>140</sup> The redemptive resonances of the *Haggadah* are well known, as is the minimizing of Moses' role in redemption. Long ago, Judah Leib Maimon suggested that the Romans are the Arameans who are trying to destroy my father, Israel.<sup>141</sup> In my reading, the *Haggadah* itself becomes a weapon to thwart their designs. The *Haggadah*, the '*telling*,' is not promoting messianic militarism, a point made by many scholars, but divine sovereignty through unleashing the salvific power of the word. Rabbi Akiva's extended messianic blessing preceding the second cup of wine at the *seder* is a case in point:

[As You redeemed our ancestors in Egypt,] so, too, Lord, our God and God of our ancestors, bring us to future holidays and festivals in peace, happy in the building of Your city and joyous in Your worship. May we eat there from the different sacrifices, the blood from which will reach the wall of Your altar and please You.

As we have seen, the power of the word to precipitate changes in the world is found throughout Rabbinic literature.<sup>142</sup> Rabbi Akiva's

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<sup>139</sup> Shamma Yehuda Friedman argues that the Toseftan version is prior to the Mishnah. Shamma Yehuda Friedman, "The Primacy of Tosefta to Mishnah in Synoptic Parallels," in *Introducing Tosefta; Textual, Intratextual and Intertextual Studies*, edited by Harry Fox and Tirzah Meacham (Hoboken, NJ: Ktav, 1999), pp. 99-121. Nevertheless, in the importation to and editing of this tradition in the Mishnah, there may have been a new meaning projected on to the tradition.

<sup>140</sup> Although there is no evidence that this phrase is Rabbinic, it does cohere with the Rabbinic claim that associates lengthening one's prayer with efficacy (B. Berakhot 32b).

<sup>141</sup> *חגים ומעדים* (Jerusalem: Mossad HaRav Kook, 1952), pp. 209-216.

<sup>142</sup> For an example of such precipitation, see M. Ta'anit 1:1.

messianic posture is not militaristic; it is part and parcel of a theurgic restoration myth.<sup>143</sup> God *will* redeem the Jews just as God *did* redeem the Israelites. According to the Babylonian Talmud, Rabbi Akiva is arrested for teaching Torah in public and killed as he performs the Shema with "all his soul."<sup>144</sup> Torah and prayer are his weapons. As Boyarin and Polen have shown, a *derashah* can re-activate revelation; so, why not redemption?

Scholarly treatments of messianism in the Tannaitic period show a strong consensus that human militaristic messianism played no central role in the literature canonized immediately after the defeat of Bar Kochba. Apocalyptic messianism, though present in ostensibly Tannaitic traditions in later Rabbinic collections, makes no appearance in the Mishnah.<sup>145</sup> Some scholars, from Gershom Scholem to Baruch Bokser, argue against even restorative messianism in Tannaitic collections.<sup>146</sup> Kimelman's analysis of the Amidah emphasizes the exclusive role of God as the Redeemer of Israel. So, where does that leave the theurgic, restorative messianism I have been describing?

In Scholem's classic work on messianism, he deconstructs Rabbinic Judaism into three forces: conservative/halakhic,

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<sup>143</sup> M. Pesachim 10:6 bears no indication of militarism. Akiva's purported identification of Bar Kosiba with the messiah (Y. Ta'anit 4:8/27 and *Vayikra Rabbah* 2:2) is, I believe, a later interpolation (in Aramaic) which conflates his restorative messianism, seen here, with the military messianism that emerges again in the Amoraic period. Elsewhere, Rabbi Akiva is explicit that only God is king (B. Ta'anit 25b). See Peter Schäfer, "R. Aqiva and Bar Kokhba," in William Scott Green (ed.), *Approaches to Ancient Judaism*, vol. 2 (Ann Arbor, Mich.: Scholars Press, 1980). For a recent treatment on this issue, compare Matthew Novenson, "Why Does R. Akiba Acclaim Bar Kokhba as Messiah?" in *Journal for the Study of Judaism* 40 (2009), pp. 551–572.

<sup>144</sup> B. Berakhot 61b.

<sup>145</sup> Ephraim E. Urbach, "Redemption and Repentance in Talmudic Judaism," in R. J. Zwi Werblowsky and C. Jouco Bleer (eds.), *Types of Redemption* (Leiden, 1970) [repr. *Collected Writings in Jewish Studies* (Jerusalem: Magnes Press, 1999), pp. 264–280].

<sup>146</sup> Gershom Scholem, "Toward an Understanding of the Messianic Idea," in Gershom Scholem, *The Messianic Idea in Judaism and Other Essays on Jewish Spirituality* (New York: Schocken Books, 1971), pp. 10ff.. B. M. Bokser, "Messianism, the Exodus Pattern, and Early Rabbinic Judaism," in James H. Charlesworth (ed.), *The Messiah: Developments in Earliest Judaism and Christianity* (Minneapolis: Fortress Press, 1992): pp. 239–258.

restorative, and utopian. His claim is that the conservative forces of halakhah “have no part in the development of messianism.” Rather, messianism is the collision of restorative and utopian thinking.<sup>147</sup> Furthermore, according to Scholem, messianism is neither developmental nor progressive. “Classical Jewish tradition is fond of emphasizing the catastrophic strain in redemption.”<sup>148</sup> My claim is that there is a neglected strain of Rabbinic thought that “neutralizes” the catastrophic element in messianism precisely by combining the conservative/halakhic forces with the restorative.

The sound and fury of apocalyptic messianism, which we find in abundance in the late second Temple period, gives way in the Tannaitic material to what Lawrence Schiffman has described as a “sort of quietism... punctuated primarily by restorative, naturalistic, messianic tendencies.”<sup>149</sup> By quietism, Schiffman means the lack of any discernible encouragement of a military messianism, the likes of which had met with catastrophic results in the generations prior to the emergence of the Tannaitic works of Mishnah and *midrash halakhah*.<sup>150</sup>

Numerous scholars have pointed out a seeming lack of messianic interest in the Mishnah. Robert Goldenberg accounts for the lull due to the messianic debacles against Rome as well as the, Mishnah being primarily concerned with *halakhah*.<sup>151</sup> Given my thesis, that there was a strain of halakhic/theurgic messianism within the earliest stratum of Rabbinic literature, might there not be additional evidence for this kind of messianism that has been overlooked? Indeed, the very focus of the Mishnah with halakhah may be intrinsically, and intensely, messianic. David Kraemer suggests that “the Mishnah represents the early rabbinic vision of a restored, Torah-perfected, ‘messianic’ world.” Yet, he footnotes his quotation of *messianic* to

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<sup>147</sup> Scholem, “Toward an Understanding,” p. 3. On Scholem and messianism, see Moshe Idel, “Messianic Scholars: On Early Israeli Scholarship, Politics, and Messianism,” in *Modern Judaism* 32:1 (Feb. 2012), pp. 22–53.

<sup>148</sup> Scholem, “The Messianic Idea in Kabbalism,” in *The Messianic Idea in Judaism and Other Essays on Jewish Spirituality*, p. 38.

<sup>149</sup> Schiffman, p. 1062.

<sup>150</sup> *Ibid.*, pp. 1060ff.. *Midrash Halakhah* constitutes a genre of early Rabbinic collections of legal material linked to biblical verses.

<sup>151</sup> Robert Goldenberg, “The Destruction of the Jerusalem Temple: Its Meanings and Its Consequences,” in Steven T. Katz (ed.), *The Cambridge History of Judaism, Vol. 4: The Late Roman-Rabbinic Period* (Cambridge: Cambridge University Press, 2006), p. 201.

qualify and dilute its meaning.<sup>152</sup> In my theory, *messianic* would be italicized not qualified.

Let us examine two climactic *mishnayot* to two different tractates. The finale of Mishnah Sotah (9:15) offers a causative sequence of virtuous personality traits stemming from the eager performance of the *mitzvot* (*zerizut*)<sup>153</sup> and culminating in the return of the holy spirit and the resurrection of the dead through Elijah the prophet. Both resurrection and the return of Elijah are part of the constellation of eschatological components, though the term "messiah" is glaringly missing from this tradition. Jacob Neusner uses this mishnah, in particular, to advance his theory that, in the Mishnah, salvation comes through sanctification.<sup>154</sup>

Neusner was consistent over the years in his assertion that the rationale for the *mitzvot* within the Mishnah is the coming of the messiah. By virtue of keeping the laws explicated in the Mishnah, the Jews help bring about the messiah. Indeed, in 1972, he claimed that through the study of Torah, the observance of *mitzvot* and the performance of good deeds, each Jew would be transformed into a rabbi, "hence into a saint":

When all Jews had become rabbis, they then would no longer lie within the power of history. The Messiah would come. So redemption depended on the "rabbinization" of all Israel, that is, upon the attainment by all Jewry of a full and complete embodiment of revelation or Torah, thus achieving a perfect replica of heaven. When Israel on earth became such a replica, it would be able, as a righteous, holy, saintly community, to exercise the supernatural power of Torah, just as some rabbis were already doing. With access to the consequent

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<sup>152</sup> David Kraemer, "The Mishnah," in Steven T. Katz (ed.), *The Cambridge History of Judaism, Vol. 4: The Late Roman-Rabbinic Period* (Cambridge: Cambridge University Press), p. 313.

<sup>153</sup> See *Sifrei BeMidbar*, Naso 1 on Numbers 4:21, for an explicit linkage between *zerizut* and *mitzvot*.

<sup>154</sup> Jacob Neusner, "Mishnah and Messiah," in Jacob Neusner, William Scott Green, and Ernest Frerichs (eds.), *Judaisms and their Messiahs at the Turn of the Christian Era* (Cambridge: Cambridge University Press, 1987), pp. 265–282.



theurgical capacities, redemption would naturally follow.<sup>155</sup>

Where I disagree with Neusner is in his understanding of theurgy and history. Given Heschel's contribution that, for some Rabbis, the performance of *mitzvot* strengthens God, it is not that Jews will rise *above* history, it is that God will become sovereign *in* history, ushering in messianic times. The refrain which punctuates our mishnah three times is: "We have no one to rely upon other than our Father in heaven."<sup>156</sup> The details are left unspecified, but God will, somehow, become King. Although the ideas of messianism and divine sovereignty may seem to be in tension, William Horbury contends that "a heavy emphasis on God's own action was fully compatible with recognition of the activity of a king or messiah."<sup>157</sup> In the Psalms, too, we have an account of God building His Temple (Psalm 78:69-70). If God built the first Temple, along with King David's son, then building the third Temple is merely a recycling of that motif.

The second Mishnaic climax, that to my knowledge has not been associated with messianism (and certainly not through theurgy), is that of Makkot 3:16. Rabbi Chananya ben Akavya was wont to say: "The holy One, blessed be He, desires to acquit Israel, as is written (Isaiah 42:21), 'God desires to justify him by enlarging the Torah and glorifying it.'" Rabbi Chananya lived in the wake of the Temple's destruction, and this tradition speaks to the problem of how to become justified or acquitted in the post-sacrifice reality. One performs some of the many *mitzvot* that God has given Israel.

The proof text in Rabbi Chananya's *midrash* comes from (second) Isaiah's chapter 42, that begins with an appeal for the Israelites to remain quiet while God "goes forth like a warrior" (vv. 2 and 13). Our proof-text, verse 21, begins clearly enough: God desires Israel's vindication. The second half of the verse suggests that such vindication is achieved through the performance of the Torah that God has enlarged, *i.e.*, given us numerous *mitzvot*. But then there is the final predicate which comes immediately after the word *Torah* — *yagdil*

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<sup>155</sup> Jacob Neusner, *There We Sat Down: The Story of Classical Judaism in the Period in which It was Taking Shape*, pp. 78ff..

<sup>156</sup> See Isaiah 10:20.

<sup>157</sup> William Horbury, *Jewish Messianism and the Cult of Christ* (London: SCM Press, LTD., 1998), p. 83.

*Torah veyadir*. It is clear that Torah/*mitzvot* will be enlarged or increased, but to what does the final word, *veyadir*, refer? Medieval commentators disagreed. Rashi thought the object was Torah, that the Torah would be glorified.<sup>158</sup> A later medieval commentator, Rabbi David Kimchi, sensed the unusual syntax and suggested that it was Israel who was the object of glorification.<sup>159</sup> By performing many *mitzvot*, Israel was both vindicated and glorified.

The root *alef-dalet-resh* appears as a verb in only one other chapter of the entire Hebrew Bible, Exodus 15. There, the verb appears twice in the *nif'al* (reflexive tense) to describe God, who is *nedar bakkodesh*, glorified in holiness.<sup>160</sup> I make no claim for what Isaiah meant, but I believe that, when Rabbi Hananya used this verse in his *derashah*, in the immediate aftermath of the Temple's destruction, he was claiming that Torah replaces sacrifices in two ways: first of all, the performance of Torah's many *mitzvot* justify/atone for the individual's sins, and secondly, the *mitzvot* glorify God by expanding His sovereign majesty. Elsewhere in the Talmud we have, "*Adir* refers only to monarchy."<sup>161</sup> The last three words of the *derashah* should, I suggest, read: He [God] expands the Torah [for Israel], and he[, Israel, expands God's] majesty.<sup>162</sup>

The covenant between God and the Jewish people is one of mutuality and reciprocity. God has needs, and some Rabbis are not shy about acknowledging that. The theurgic myth of divine power, in which Torah-observing Jews can augment or enhance divine power, has a redemptive coda. Consider the following *aggadah*:

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<sup>158</sup> Rashi, *ad loc.*.

<sup>159</sup> Radak, *ad loc.*.

<sup>160</sup> Exodus 15:11. That the context is one of divine sovereignty and redemption should not be overlooked. Exodus 15:6 links *ne'dar* to God's power. See the first *midrash* cited in this paper.

<sup>161</sup> B. Gittin 56b. See also Isaiah 33:21, Psalm 8, B. Berakhot 33b, B. Shabbat 88b/89a, and B. Menachot 53a.

<sup>162</sup> This *derashah* also concludes M. Avot, the fourth and final relevant order, thus providing an excellent rationale for the performance of the entire active curriculum of the Rabbis.

This interpretation of Isaiah was suggested in 1960 by the 'Bat Ayin,' Avraham Dov Maurits. See Yishai Hasida (ed.), *ביאורי חסידות לני"ך* (*Bi'urei Chasidut LeNaKh*) (Jerusalem: Mossad HaRav Kook, 2000), Vol. I, p. 251.

[God said:] My Torah is in your hands and the time of redemption is in My hands. Each of us needs the other. If you need Me to bring the redemption, I need you to observe My Torah and bring about sooner the rebuilding of my House and of Jerusalem.<sup>163</sup>

Since the reciprocity of the covenant is transparent and ubiquitous, why does the theurgic, messianic myth seem to be obscure?<sup>164</sup>

### Rabbinic Discretion

I would like to offer four reasons to explain why there are, or seem to be, dots to connect in bridging *ta'amei hamitzvot* (the motives for the *mitzvot*), the theurgic myth of divine power, and redemption. First of all, particularly in the Mishnah, there seems to have been a conscious editorial effort to both downplay the language of messianism and to offer an “overlapping consensus” on the importance of the fulfillment of the *mitzvot*.<sup>165</sup> As we hear repeatedly in the name of Rav (flourished 220–250 in Babylonia), perform a *mitzvah* even for the wrong reasons and you will eventually come to do it *lishmah*—for its own sake.<sup>166</sup> A recent treatment draws a similar conclusion: “a detailed study of the entire Mishnah shows that ostensibly doctrinal matters are consistently addressed in the language of praxis.”<sup>167</sup>

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<sup>163</sup> *Pesikta Rabbati* 31:5 on Psalm 137:5. *Pesikta Rabbati* is dated to the 9<sup>th</sup> century, but this *midrash* is attributed to Rabbi El'azar HaKappar, a late 2<sup>nd</sup>-century Tanna.

<sup>164</sup> A theurgic reading of even this *midrash* is, again, underdetermined.

<sup>165</sup> Richard Claman uses this term, borrowed from John Rawls, in Richard Claman, “Mishnah as the Model for a New Overlapping Consensus,” in *Conservative Judaism*, Vol. 63:2 (Winter 2012): pp. 49–77.

<sup>166</sup> B. *Pesachim* 50b. In the Mishnah, the distinction between *lishmah* and *lo lishmah* involves the propriety of the sacrifices. See Fishbane, *Biblical Myth*, pp. 184–187.

<sup>167</sup> David M. Grossberg, “Orthopraxy in Tannaitic Literature,” in *Journal for the Study of Judaism* 41 (2010), p. 519. Grossberg suggests the influence of Christianity, with its emphasis on creed, helped shape a Tannaitic Judaism with an emphasis on deed. I do not see our suggestions as mutually exclusive, though inter-sectarian posturing would be chronologically prior to the challenges of Christianity.

Although the onus of this brief has been to demonstrate a theurgic, redemptive tradition in Rabbinic thought, it is clear that there were competing philosophies and theologies within Rabbinic circles. The overlapping consensus was on the vitality of the *mitzvot* and their importance in the post-Temple world – regardless of the rationale.<sup>168</sup>

The second reason why there might be obfuscation about the messianic myth has to do with living under the watchful eye of the Roman conquerors in the wake of three failed revolts. (During the revolt against Trajan in 116, Alexandrian Jews destroyed the tomb of Pompey, the Roman who most symbolized the end of Jewish sovereignty in the Land of Israel in 63 B.C.E.) I assume that the specific reports we find in Rabbinic literature are constructed for literary, rather than historical, purposes. Yet, these reports shed light on the cultural anxieties that shaped Rabbinic traditions. Here is a sampling: Rabbi Akiva, along with other sages, were brutally executed by the Romans (B. Berakhot 61b, B. Hullin 123a, B. Avodah Zarah 11b); Rabbi Shimon bar Yochai was placed under a death sentence for speaking against Rome (B. Shabbat 33b); Rabban Gamliel had been similarly sentenced by “Turnus Rufus” (B. Ta’anit 29a); Rabbi Yehudah Ha’Nasi requested information about the new moon to be sent in code (B. Rosh Hashana 25a);<sup>169</sup> and there are nasty statements about informants throughout Rabbinic literature (M. Nedarim 3:4; Jerusalem Talmud, Peah 1:16a; and B. Rosh Hashana 17a; cf. B. Ta’anit 22b).<sup>170</sup> The existence of such informants is attested outside Rabbinic literature, as well. “The Roman emperors were

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<sup>168</sup> David P. Wright makes this point concerning biblical ritual, as well. Wright, “The Study of Ritual in the Hebrew Bible,” p. 121. Perhaps Tannaitic literature is primarily halakhic *because* of the desire to bracket ideological idiosyncrasies that were more explicit among Jewish sects. See Hayes, “Sects and Sectarianism.”

<sup>169</sup> The code, to indicate a waxing moon, was: “David, the King of Israel, is alive and endures.” For associations between the moon and Israel, see Yehuda Liebes, “*De Natura Dei*,” in Yehuda Liebes, *Studies in Jewish Myth and Jewish Messianism*, tr. Batya Stein (Albany: State University Press of New York, 1993) pp. 47–51.

<sup>170</sup> See Stephen M. Passamaneck, “Aspects of Truth and Deception in Jewish Law and Tradition,” in *Hebrew Union College Annual* 81 (2010), pp. 81–104.

sensitive enough to rumor to engage an entire cadre of officials—*delatores*—in reporting and collecting [rumors].”<sup>171</sup>

*Birkat HaMinim*, although not explicitly mentioning informers (*masarot*, *malshinim* or *dilatorin*) during the Rabbinic period, was directed against a wide swath of sectarians, miscreants, and saboteurs.<sup>172</sup> In this milieu, where there was real reason to be suspicious of informants and wary of political persecution, it is not surprising that there would be few transparent discussions of the messianic myth. *Just as midrash assumes an audience knowledgeable of Torah’s verses, so, too, there may have been such an assumption in terms of myth—particularly when the myth derives from Torah.* As Daniel Boyarin has written:

The text of the Torah is gapped and dialogical, and into the gaps the reader slips, interpreting and *completing* the text in accordance with the codes of his or her culture.<sup>173</sup>

Rabbi Natan, who flourished in the period immediately after the failure of Bar Kochba, *mandates* artful manipulation of the truth for the sake of peace (B. Yevamot 65b). His prooftext has God (!) commanding Samuel to withhold the truth from King Saul in the interest of anointing David as King of Israel (I Samuel 16:2). As Boyarin has pointed out in other contexts, there is room to suspect that the political conditions of the Rabbis may have contributed to the formation of a “public transcript” and “hidden transcript.”<sup>174</sup> The Tosefta (Hullin 2:24) provides us with an example of Rabbi Eliezer, arrested by Rome, dissembling in order to escape punishment. His ostensible explanation to the Romans conforms to the public

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<sup>171</sup> Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (Delhi: Oxford University Press, 1983), p. 251; cited in James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990), p. 144. See also T. Sanhedrin 13:5.

<sup>172</sup> We do, however, have a source mandating that informers be pushed into a pit (T. Baba Metzi’a 2:33).

<sup>173</sup> Boyarin, *Intertextuality and the Reading of Midrash*, p. 14. Emphasis added.

<sup>174</sup> This language comes from Scott. Boyarin applies these insights in his *Dying for God: Martyrdom and the Making of Christianity and Judaism* (Stanford: Stanford University Press, 1990), chapter 2.

transcript, but his intended meaning reflects the Rabbinic hidden transcript.

At its most elementary level the hidden transcript represents an acting out in fantasy—and occasionally in secretive practice—of the anger and reciprocal aggression denied by the presence of domination.... We can, in this respect, view the social side of the hidden transcript as a political domain striving to enforce, against great odds, certain forms of conduct and resistance in relations with the dominant.<sup>175</sup>

The mighty man (*gibbor*), must now, like God, exercise self-control and restrain himself in the face of Roman political domination; victory over the enemies of God will be achieved through prayer, Torah study, and *mitzvot*.<sup>176</sup> The frequent Rabbinic admonitions to neither be embarrassed nor ashamed are intelligible only in a situation where mortification would be a natural response.<sup>177</sup>

Distinct from external issues of persecution and dominance is the internal resistance to disseminating divine secrets. Building on Boyarin's work on the identification of *doreshei reshumot* (*expounders of hints*),<sup>178</sup> Berechياهو Lifshitz argues that the word *aggadah* means that "which is tied up, or, in other words, hidden and mysterious."<sup>179</sup> Lifshitz suggests that some *aggadah* are bound up with God, divine attributes, and "the hidden acts of God." He cites a tradition in the Jerusalem Talmud, wherein Rabbi Joshua ben Levi curses those who write or preach *aggadah*.<sup>180</sup> Thus, it may be that either the opponents of the myth of divine power, or even the proponents, wished to keep

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<sup>175</sup> Scott, pp. 37ff. and 191.

<sup>176</sup> Scott, p. 137. B. Yoma 69b with parallels in *Mekhilta DeRabbi Yishmael* on *Beshallah* (*Shirata* 8), on Exodus 15:11; B. Gittin 56b; and M. Avot 4:1.

<sup>177</sup> B. Berakhot 16b, *Midrash Tehillim* (Buber) 31:2, and *Eikhah Rabbah* (Vilna), *Petichtot*.

<sup>178</sup> Daniel Boyarin, "דורשי רשומות אמרו" ("On the Identification of the *Dorshei Reshumot*: A Lexicographical Study") [Hebrew], *Be'er Sheva* 3 (1988), pp. 23–35.

<sup>179</sup> Berechياهو Lifshitz, "Aggadah Versus Hagaddah: Towards a More Precise Understanding of the Distinction," *Diné Israel* 24 (2007), p. 17.

<sup>180</sup> Y. Shab. 16:1/15c. Lifshitz, "Aggadah Versus Haggadah," p. 19 n. 27.

certain traditions restricted.<sup>181</sup> Messianism, too, is a combustible concept and may have been treated gingerly even among the Rabbis them-selves.<sup>182</sup>

The fourth reason that we have been slow to see the theurgic myth has to do with *our* lack of receptivity to myth and mysticism within the Rabbinic period. I have attempted to show that the theurgic myth is not always hiding nor always written in Rabbinic code. The theurgic myth is sometimes hiding in plain sight – but few have seen it in Rabbinic materials for a combination of reasons largely having to do with modern historiography and the discomfort with the notions of a needy God and an Israel capable of meeting those needs through the halakhah. This is supposed to be the stuff of “marginal” mysticism, not “mainstream” Rabbinic Judaism. In his illuminating work on the halakhic status of *aggadah*, Yair Lorberbaum cites Jacob Katz:

Originally [in tannaitic sources], the provisions of the halakhah and their irrational foundation are inseparably interwoven, to the extent that the halakhah may be regarded as a practical, ritualistic manifestation of the very same conception that found its verbal formulation in the *aggadah*.<sup>183</sup>

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<sup>181</sup> M. Hagigah 1:8 reflects that concern regarding the acts of creation and Ezekiel’s vision of God on a chariot. See, also, footnote 84 above. Avinoam Rosenak makes a similar argument about *aggadah* as secret literature in Avinoam Rosenak, “אגדה והלכה” (“*Aggadah and Halakhah*”) [Hebrew], in Amichai Berholtz (ed.), *מסע אל ההלכה: עיונים בין-תחומיים בעולם החוק היהודי* (*Masa El HaHalakhah: Iyyunim Beyn-Techumiyim Be’Olam HaChok HaYhudi, i.e., The Quest for Halakhah: Interdisciplinary Perspectives on Jewish Law*) (Tel Aviv: Yediot Aharonot, Sifre Hemed, 2003), pp. 291ff.. See also B. Sukkah 49b.

<sup>182</sup> A discomfort with messianism may also be sensed in Jewish historiography. See Moshe Idel, “Messianic Scholars.” Idel’s description of messianic consciousness applies in an attenuated fashion to our concern with Rabbinic discretion. Moshe Idel, *Messianic Mystics* (New Haven: Yale University Press, 1998), p. 4.

<sup>183</sup> Jacob Katz, *הלכה וקבלה* (*Halakhah and Kabbalah*) [Hebrew] (Jerusalem: Magnes Press, 1984), p. 12. Cited in Lorberbaum’s English rendition of ch. 3 of Yair Lorberbaum’s *B’tzelem Elohim*: Yair Lorberbaum, “Reflections on

Lorberbaum cites the influence of two modern scholars, Yeshayahu Leibowitz and Haim Soloveitchik, for their formalistic, or what I have called nominalist, approach to halakhah.<sup>184</sup> Such an approach severs the halakhah from its aggadic roots. Lorberbaum also noted that Scholem, himself, saw Rabbinic halakhah as devoid of any mythic component.<sup>185</sup> I would add to the mix the ever-lengthening shadow of Moses Maimonides and his intellectual disciples who were embarrassed by myth and theurgy.<sup>186</sup> Maimonides, as discussed above, interpreted *letzaref* as to refine morally, even though he tipped us off that there is something strange about that *midrash*. Nevertheless, subsequent scholars accepted his interpretation. In line with Aristotle, Maimonides proclaimed God's immutability, even though there is overwhelming literary evidence in the tradition to the contrary – from God regretting that he had created humanity, to the prayers of the righteous seeking to change God's disposition from cruelty to compassion.<sup>187</sup> Modern academic treatments of myth and mysticism, to say the least, have not always been kind. In the words of Ithamar

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the Halakhic Status of Aggadah," trans. Michael Prawer, *Diné Israel* 24 (2007), p. 40.

<sup>184</sup> Lorberbaum, "Reflections," pp. 38ff. For a parallel statement and concern within the Conservative movement, see Joel Roth, "Seeking the Reasons for the *Mitzvot*: Pros and Cons," in *Conservative Judaism* 61:3 (Spring 2009): pp. 3–11. Yehuda Liebes offers an explanation for their understandings. See Yehuda Liebes, "מיתוס ואורתודוקסיה" ("*Mitus Ve'Ortodoksiyyah*," i.e., "Myth and Orthodoxy") [Hebrew], in *Jewish Studies: World Union of Jewish Studies* 38 (1998), pp. 181–185.

<sup>185</sup> Lorberbaum, "Reflections," pp. 41ff.

<sup>186</sup> See also Kimelman, "Abraham Joshua Heschel's Theology," pp. 219ff.

<sup>187</sup> *Hilkhot Yesodei HaTorah* 1:10; Genesis 6:6; and B. Sukkah 14a discussed in Yehuda Liebes' "*De Natura Dei*," p. 29. For how Maimonides was appropriated in the modern period, see Jay Harris, "The Image of Maimonides in Nineteenth-Century Jewish Historiography," in *Proceedings of the American Academy of Jewish Research* 54 (1987), pp. 117–39; Michael Meyer, "Maimonides and Some Moderns: European Images of the Rambam from the Eighteenth to the Twentieth Century," in *CCAR Journal* (Fall 1997), pp. 4–15; and, most recently, James A. Diamond and Menachem Kellner (eds.), *Reinventing Maimonides in Contemporary Jewish Thought* (The Littman Library of Jewish Civilization in association with Liverpool University Press, 2019).



Gruenwald: "At times, the scholarly liquidation of the mythic factor in Judaism reached the level of an intellectual crusade."<sup>188</sup>

## Conclusion

After these events YHWH's word came to Avram in a vision, saying: Be not afraid, Avram, I am a delivering shield [*magen*] to you. Your reward is exceedingly great. . . . I am YHWH who brought you out of Ur of the Chaldeans to give you this Land, to inherit it. (Genesis 15:1 and 7.)<sup>189</sup>

Avram then asks God how he will know that he will inherit the Land. Rabbi Hama ben Hanina (late 3<sup>rd</sup> century, Israel) explains that Avram was not challenging God, but was incredulous at such a gracious gift and is really asking God, "How will I merit such generosity?" The response, midrashically derived from Genesis 15:8, is that Avram's posterity will merit the Land of Israel by virtue of the atoning sacrifices.<sup>190</sup>

When Rabbi Hama ben Hanina crafted this *midrash*, there were no longer atoning sacrifices. Theoretically, this *midrash* might explain why the Jews no longer merit the land: namely, they are no longer offering atoning sacrifices. But, given the pervasive discussion of functional substitutions for the atoning sacrifices we see throughout Rabbinic literature, it is more reasonable to read this *midrash* prospectively rather than (exclusively) retrospectively. The Jews will once again merit the land by offering atoning sacrifices or their functional equivalents.

The Rabbis ensured that there was no shortage of functional equivalents. Prayer is worship/service of the heart.<sup>191</sup> Fasting is like offering your fat and blood on the altar.<sup>192</sup> One who makes *teshuvah*

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<sup>188</sup> Ithamar Gruenwald, *Rituals and Ritual Theory*, p. 106 and Kimelman's "Abraham Joshua Heschel's Theology."

<sup>189</sup> Everett Fox, *The Five Books of Moses* (New York: Schocken Books, 1983), p. 65.

<sup>190</sup> *Bereshit Rabbah*, *Lekh Lekha* 44:8.

<sup>191</sup> *Sifrei Devarim* on *Ekev* 41, on Deuteronomy 11:13.

<sup>192</sup> B. *Berakhot* 17a.

(repentance) is considered as if he went up to Jerusalem, built the Temple and the altar, and made *all* the sacrifices in the Torah!<sup>193</sup> For the Tanna Rabbi Yonatan, repentance brings redemption near.<sup>194</sup> According to Milgrom, already in Leviticus, repentance is a prerequisite for God to return Israel from exile.<sup>195</sup> But repentance is doing God's will, and we have a rich vein of theurgic myth that reveals that God's strength is enhanced as a result of doing God's will.<sup>196</sup> "Whenever Israel acts according to God's will, they add strength to the Power (*gevurah*)."<sup>197</sup> And we also have: "The Land of Canaan is yours if you act according to God's will; if not, you will be exiled from it."<sup>198</sup> In this theurgic, redemptive reading, God's strength must be augmented in order for Him to fulfill His obligations of the covenant. Heschel reminded us that God cannot do it alone. The theurgic myth of redemption explains what it is that God cannot do: attain sovereignty. God is incapable of restoring political sovereignty to the Jews in the Land of Israel without the contributions of the Jews themselves. "There is no king without a people."<sup>199</sup>

For students of Jewish mysticism, this argument is very familiar. Scholem has this to say about messianism in medieval mysticism:

By amending themselves, the Jewish people can also amend the world, in its visible and invisible aspects alike. How can this be done? Through the Torah and the commandments.<sup>200</sup>

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<sup>193</sup> *Vayyikra Rabbah* on *Tzav* 7:2, on Leviticus 6:2.

<sup>194</sup> B. Yoma 86b.

<sup>195</sup> Jacob Milgrom, *Leviticus*, pp. 323-325 on Leviticus 26:43-5. Many of the sources I have reviewed in this essay come from priestly circles and rely on priestly sources.

<sup>196</sup> Silman deals with repentance in "The Source of Authority," pp. 16-24.

<sup>197</sup> *Pesikta DeRav Kahana* on *Selichot* 25:1, on Deuteronomy 32:18; and Psalm 60:14.

<sup>198</sup> *Sifrei Devarim* on *Ekev* 38, on Deuteronomy 11:1.

<sup>199</sup> Rabbenu Bachya's introduction to the Torah portion *Balak*.

<sup>200</sup> Gershom Scholem, "The Messianic Idea in Kabbalism," 46. Silman identifies the Kabbalah with a realist philosophy of law, as well. Silman, "Introduction," p. 13, n. 10.

The deeds of the ancestors are signs to their children.<sup>201</sup> Scholars have noted how Rabbinic *aggadah* oftentimes rehabilitates and magnifies a biblical myth.<sup>202</sup> Similarly, the conservative appeal to the theurgic power of *mitzvot*, and its redemptive implications in medieval mysticism, is present in Tannaitic material and throughout the Rabbinic corpus. The nature of messianism shifts from the Rabbinic period to the Middle Ages, to be sure. There is less emphasis on the physical and political and more emphasis on the spiritual and metaphysical.<sup>203</sup> But, in the immediate aftermath of the Temple's destruction and the Land's desolation, the centrality of which in the Jewish mind of the first through third centuries cannot be overstated, there was no halakhic despair; only accommodation to what was hoped would be a very brief caesura in the potent Presence in, and divine sovereignty over, the Land of Israel.<sup>204</sup>

This argument for the redemptive implications of Rabbinic theurgy is one of consilience from *halakhah*, *aggadah*, *midrash*, blessings, and prayer, in both the Land of Israel and Babylonia, and from the early Rabbinic period to its closure. Its conceptual constellation, derived from biblical priestly thought, anticipates the fundamentals of Kabbalistic thought. The myth of theurgic redemption throughout the vast corpus of Rabbinic literature reveals a web of consistent beliefs, and, equally importantly, explains the sublimation of messianic impulses in the aftermath of military catastrophe. The Rabbis responsible for the perpetuation of this myth preserved an ontologically realist philosophy in which *halakhah* and *aggadah* were interweaved. Jewish actions affect God. In the Torah, Israelite actions repulsed or attracted God's protective Presence; for the Rabbis, actions strengthened or weakened God. With their promised land under Roman occupation, their population spread far beyond her borders, and their lifestyle at risk through surveillance and persecution, some

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<sup>201</sup> *Tanchuma Bereshit* (Buber), *Lech Lecha* 12, to Genesis 12:6.

<sup>202</sup> See, e.g., Levenson, *Creation and the Persistence of Evil*, p. 46, and Boyarin, *Intertextuality*, ch. 6.

<sup>203</sup> Rachel Elijor, "Exile and Redemption in Jewish Mystical Thought," in *Studies in Spirituality* 14 (2004), pp. 1-15.

<sup>204</sup> B. Baba Metzia 21b-22b and M. Tamid 4:3. See also Paul Mandel, "The Loss of Center: Changing Attitudes towards the Temple in Aggadic Literature," in *Harvard Theological Review* 99:1 (Jan. 2006), pp. 17-35, and Schremer, ch. 1.

Rabbis relied on the priestly ontology as the operating system of the cosmos to restore the divine Presence to Zion. They believed that *mitzvoah*-mania would strengthen God sufficiently to effect divine sovereignty. Only then will God be able to restore the Land and political sovereignty to His chosen people.

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