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A LETTER FROM THE EDITORS

Dear readers,

We (the editors) like to read essays that raise interesting questions, and present for your consideration three such articles. Shai Cherry starts with a question raised by Abraham Joshua Heschel: how are we to understand the various Midrashic teachings that our prayers somehow strengthen or empower God? Analyzing a wide variety of texts, Shai Cherry suggests, in “The Camouflaged *Ta’am* (‘Motive’): Redemptive Implications of Rabbinic Theurgy,” that there is a critical messianic undercurrent to these teachings – and identifying that theme can perhaps help us to better contextualize their message.

Another question: is there a common element in how we understand our own personal travails, and how we understand the travails of the People Israel generally? We often think of the Book of Job as addressed to the challenges we face as individuals. Nathan Moretto and Richard Claman, in “Reading Job (*Iyyov*) as a Stand-In for the People of Israel,” review, however, the curious history of how the Book of Job has been understood, by Martin Buber and others, as having a collective dimension.

Lastly, the final of the Ten Commandments raises the curiosity of law that appears to try to regulate our inner thought-processes. Zachary James Silver, in “Mind Control? A Halachic and Meta-Halachic Investigation of Forbidden Thoughts” reviews how traditional commentators have struggled with this concept, and some approaches towards an answer.

Thoughtful questions deserve, we suggest, the opportunity for the sort of sustained engagement that we try to offer through *Zeramim* – in this new issue, and in our prior issues, all of which are available at our website, www.zeramim.org, and are indexed on RAMBI, the Index of articles in Jewish Studies maintained by the National Library of Israel in Jerusalem. Our next issue, which we look forward to releasing in the Spring/Summer, will likewise be open to addressing a variety of questions. We are starting, however, to plan for ‘next year’ and so include here a Call For Papers, an initial outline of some questions that interest us in the category of “Why Medieval

Matters?" Again, we appreciate the encouragement of our authors and readers.

With gratitude,
The Editors

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The editors of Zeramim receive and solicit submissions from a range of authors diverse in age, gender, and denominational identity. For information on how to submit original works to Zeramim, please see the back of this issue.

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

Shai Cherry

Introduction

The literature that most influenced and informed the Rabbis' worldviews was the Hebrew Bible.¹ 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.² 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

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

¹ 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 1st century C. E. to the 6th century.

² 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."³ This paper, which relates "beliefs to one another in synchronic webs and diachronic sequences,"⁴ 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.⁵ 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.

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

⁴ Bevir, p. 304.

⁵ 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.”⁶ 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.⁷

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.⁸

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

⁶ 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.

⁷ 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.

⁸ 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).⁹ 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.¹⁰

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).¹¹

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*.¹² Idel was showing Rabbinic

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

¹⁰ 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.)

¹¹ 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.

¹² 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.¹³ 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?¹⁴ 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.¹⁵ 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."¹⁶ 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."¹⁷ As

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

¹⁴ 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.

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

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

¹⁷ *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."¹⁸ 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.¹⁹ 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."²⁰ Baruch A. Levine argues that one purpose of the biblical sacrifices was to attract the potent Presence of God.²¹ 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.²²

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:

¹⁸ 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.

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

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

²¹ 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.

²² 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).²³

Klawans notes elsewhere that the “Divine Presence cannot or will not abide in a land defiled by idolatry, murder, and sexual sin.”²⁴ 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.²⁵ 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

²³ Klawans, *Purity, Sacrifice and the Temple*, p. 55.

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

²⁵ 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).²⁶ 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.²⁷

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.²⁸ 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:

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

²⁷ 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.)

²⁸ 271 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.²⁹

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.³⁰

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.³¹

²⁹ Deuteronomy 30:19-20

³⁰ 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.

³¹ 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.³² 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.³³ 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.³⁴

³² 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.

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

³⁴ 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.³⁵

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.”³⁶ 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 6:28-30.³⁷ 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).³⁸ Rav explains above that God is indifferent as to whether

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.

³⁵ Genesis Rabbah 44:1.

³⁶ *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.

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

³⁸ *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.³⁹ 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.⁴⁰

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.⁴¹ Moreover, the Rabbinic gloss on Leviticus' demand to "be holy" is to "be separate!"—another central strand in the Rabbinic web of beliefs.⁴² Thus, if the parade example that the

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.

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

⁴⁰ *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*.

⁴¹ 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.

⁴² *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.⁴³ 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

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

⁴³ 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.⁴⁴

The consequences for disobedience are also spelled out in the biblical material.⁴⁵ 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

⁴⁴ 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.

⁴⁵ Leviticus 26 and Deuteronomy 27.

discrete statements and facts to offer a compelling new vision.⁴⁶ 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?⁴⁷ 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?⁴⁸ 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."⁴⁹ While Stern, focused

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

⁴⁷ 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.

⁴⁸ 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.

⁴⁹ 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.”⁵⁰ 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.”⁵¹ 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.”⁵² 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.⁵³

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?⁵⁴ The Mishnah

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

⁵¹ *Ibid.*, p. 129.

⁵² *Ibid.*, p. 133.

⁵³ *Ibid.*, pp. 138ff..

⁵⁴ 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.⁵⁵ 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).⁵⁶ 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-

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.

⁵⁵ 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.

⁵⁶ 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?!"⁵⁷ 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.⁵⁸

⁵⁷ 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.

⁵⁸ 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.⁵⁹ 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.⁶⁰ An ancient hermeneutical or midrashic principle is that of the *gezerah shavah*, which linguistically links seemingly unrelated biblical verses.⁶¹ 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.⁶²

bellion or Repair and Damage") [Hebrew] דיני ישראל (*Dinê 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.

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

⁶⁰ Silman, "Introduction," pp. 19ff.

⁶¹ 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.

⁶² 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.⁶³ 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.⁶⁴ 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.⁶⁵ 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."⁶⁶

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."⁶⁷ 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

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.

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

⁶⁴ 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.

⁶⁵ 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.

⁶⁶ 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.

⁶⁷ 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.⁶⁸

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. 6th 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."⁶⁹

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

⁶⁸ 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.

⁶⁹ 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.⁷⁰

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.⁷¹ 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."⁷² 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."⁷³

⁷⁰ 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."

⁷¹ Heschel, *Heavenly Torah*, p. 88.

⁷² 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.

⁷³ 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:⁷⁴ “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).⁷⁵ 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.⁷⁶ 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.⁷⁷ This understanding of redemption seeks to restore the Temple and divine sovereignty through the augmentation

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.

⁷⁴ 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.

⁷⁵ 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.”

⁷⁶ 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.

⁷⁷ 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.⁷⁸ The Rabbis very often beseeched for the Temple to be rebuilt, "speedily and in our days."⁷⁹

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."⁸⁰ Kimelman makes the point that the Shema liturgy, for example, is not descriptive as much as it is *performative*.⁸¹ "The worshipper finds him/herself praying for, if not actually announcing, the future redemption."⁸² 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.⁸³ (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

⁷⁸ *Bereshit Rabbah* on *Vayyera* 56:2 on Genesis 22:5.

⁷⁹ 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..

⁸⁰ Kimelman, "Rabbinic Prayer," p. 609.

⁸¹ 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).

⁸² Kimelman, "The Shema and its Rhetoric," p. 129.

⁸³ *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.⁸⁴ The importance of God hearing our prayers is also biblical in origin.⁸⁵ 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.⁸⁶ 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.⁸⁷

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

⁸⁴ Kimelman, "Rabbinic Prayer," p. 601.

⁸⁵ See I Kings 8:49 and II Chronicles 6:32-40.

⁸⁶ 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..

⁸⁷ 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.

⁸⁸ 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.⁸⁹

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.⁹⁰

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.⁹¹

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.⁹²

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

⁸⁹ *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.

⁹⁰ Green, *Keter*, p. 35.

⁹¹ *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.

⁹² 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.⁹³

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.⁹⁴ 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.⁹⁵

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.⁹⁶ 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).⁹⁷ Once we disabuse ourselves of the idea that the biblical and Rabbinic God is omnipotent, immutable, impassable, and self-sufficient, then the

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

⁹⁴ 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..

⁹⁵ B. Berakhot 7a.

⁹⁶ Apothaker, p. 100.

⁹⁷ 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.⁹⁸

Kimelman argues that the blessing formula is an affirmation of divine sovereignty—and Rabbi Yohanan says that all blessings must include mention of divine sovereignty⁹⁹—but Kimelman stops short of claiming that our blessings bless God in the theurgic sense.¹⁰⁰ Although there is a statement that all *mitzvot* require blessings, the halakhah is that blessings are generally not said on interpersonal *mitzvot*.¹⁰¹ 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.¹⁰² The symbiosis is elegantly measure for measure:¹⁰³ 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.¹⁰⁴ Another Talmudic

⁹⁸ 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.

⁹⁹ B. Berakhot 12a.

¹⁰⁰ 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.

¹⁰¹ B. Pesachim 7a-b. Maimonides, *Mishneh Torah, Hilkhot Berakhot* 11:2 and, *ad loc.*, *Kesef Mishneh*.

¹⁰² M. Berakhot 6:2.

¹⁰³ M. Sotah 1:9.

¹⁰⁴ 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.¹⁰⁵ 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?¹⁰⁶ 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.¹⁰⁷ The Talmud contains a tradition that if Israel keeps the laws of Shabbat for two consecutive *Shabbatot*, they would be redeemed immediately.¹⁰⁸ 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-

¹⁰⁵ B. Niddah 13b and B. Yevamot 63b.

¹⁰⁶ 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.

¹⁰⁷ 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.

¹⁰⁸ 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.¹⁰⁹

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.¹¹⁰ Observing *mitzvot* hastens the building of Jerusalem and the Temple, we hear in another midrashic collection.¹¹¹ "Great is repentance, for it brings redemption."¹¹² 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?¹¹³ I do not

¹⁰⁹ 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.

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

¹¹¹ *Pesikta Rabbati* 31.

¹¹² B. Yoma 86b.

¹¹³ 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.¹¹⁴ 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?¹¹⁵

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."¹¹⁶ 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

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.

¹¹⁴ 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.

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

¹¹⁶ Cf. I Chronicles 28:8.

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

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."¹¹⁸ 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

¹¹⁷ 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, בחקר ספרות המדרש. *Higgayon LeYonah: Heybetim Chadashim BeCheker Sifrut HaMidrash, Ha'Aggadah VeHaPiyut*, i.e., *Higayon 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.

¹¹⁸ *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.*"¹¹⁹

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 *mitzvot*, 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."¹²⁰

As Heschel, and later Fishbane, have pointed out, the function of Temple sacrifices has also been absorbed by the Torah and its ritualistic study.¹²¹ "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."¹²² Given our discussion of the performative aspect of *derashot* above, more interesting is the specific claim that

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

¹²⁰ M. Avot 3:6.

¹²¹ 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.

¹²² *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.¹²³

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.¹²⁴ 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].¹²⁵

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.¹²⁶ As Rabbi Yehudah dejectedly

¹²³ B. Menachot 110a and Fishbane, "Aspects," pp. 124–128.

¹²⁴ M. Yoma 8:8–9.

¹²⁵ *Impurity and Sin in Ancient Israel*, p. 131. Italics added.

¹²⁶ 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."¹²⁷ 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).¹²⁸

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."¹²⁹ 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.¹³⁰

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.¹³¹

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

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

¹²⁸ *Tanchuma Vayyikra* (Buber) on *Acharei Mot* 18.

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

¹³⁰ 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.

¹³¹ Rubenstein, p. 253.

¹³² 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.”¹³³ 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.¹³⁴ 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.¹³⁵

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.¹³⁶

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.¹³⁷

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*.¹³⁸ Yet, *lehavi* is

¹³³ Rubenstein, *Talmudic Stories*, p. 37. Emphasis added.

¹³⁴ M. Sukkah 1:1.

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

¹³⁶ Rubenstein, *The History of Sukkot*, p. 271.

¹³⁷ 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.

¹³⁸ 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*.¹³⁹ 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.¹⁴⁰ 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.¹⁴¹ 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.¹⁴² Rabbi Akiva's

¹³⁹ 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.

¹⁴⁰ 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).

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

¹⁴² 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.¹⁴³ 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."¹⁴⁴ 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.¹⁴⁵ Some scholars, from Gershom Scholem to Baruch Bokser, argue against even restorative messianism in Tannaitic collections.¹⁴⁶ 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,

¹⁴³ 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.

¹⁴⁴ B. Berakhot 61b.

¹⁴⁵ 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].

¹⁴⁶ 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.¹⁴⁷ Furthermore, according to Scholem, messianism is neither developmental nor progressive. “Classical Jewish tradition is fond of emphasizing the catastrophic strain in redemption.”¹⁴⁸ 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.”¹⁴⁹ 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*.¹⁵⁰

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*.¹⁵¹ 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

¹⁴⁷ 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.

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

¹⁴⁹ Schiffman, p. 1062.

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

¹⁵¹ 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.¹⁵² In my theory, *messianic* would be italicized not qualified.

Let us examine two climactic *mishnayyot* 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*)¹⁵³ 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.¹⁵⁴

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

¹⁵² 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.

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

¹⁵⁴ 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.¹⁵⁵

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."¹⁵⁶ 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."¹⁵⁷ 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*

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

¹⁵⁶ See Isaiah 10:20.

¹⁵⁷ 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.¹⁵⁸ A later medieval commentator, Rabbi David Kimchi, sensed the unusual syntax and suggested that it was Israel who was the object of glorification.¹⁵⁹ 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.¹⁶⁰ 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."¹⁶¹ 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.¹⁶²

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*:

¹⁵⁸ Rashi, *ad loc.*.

¹⁵⁹ Radak, *ad loc.*.

¹⁶⁰ 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.

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

¹⁶² 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.¹⁶³

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

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*.¹⁶⁵ 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.¹⁶⁶ 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.”¹⁶⁷

¹⁶³ *Pesikta Rabbati* 31:5 on Psalm 137.5. *Pesikta Rabbati* is dated to the 9th century, but this *midrash* is attributed to Rabbi El'azar HaKappar, a late 2nd-century Tanna.

¹⁶⁴ A theurgic reading of even this *midrash* is, again, underdetermined.

¹⁶⁵ 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.

¹⁶⁶ 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.

¹⁶⁷ 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.¹⁶⁸

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);¹⁶⁹ 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).¹⁷⁰ The existence of such informants is attested outside Rabbinic literature, as well. “The Roman emperors were

¹⁶⁸ 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.”

¹⁶⁹ 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.

¹⁷⁰ 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].”¹⁷¹

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.¹⁷² 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.¹⁷³

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.”¹⁷⁴ 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

¹⁷¹ 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.

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

¹⁷³ Boyarin, *Intertextuality and the Reading of Midrash*, p. 14. Emphasis added.

¹⁷⁴ 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.¹⁷⁵

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*.¹⁷⁶ The frequent Rabbinic admonitions to neither be embarrassed nor ashamed are intelligible only in a situation where mortification would be a natural response.¹⁷⁷

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*),¹⁷⁸ Berechياهو Lifshitz argues that the word *aggadah* means that "which is tied up, or, in other words, hidden and mysterious."¹⁷⁹ 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*.¹⁸⁰ Thus, it may be that either the opponents of the myth of divine power, or even the proponents, wished to keep

¹⁷⁵ Scott, pp. 37ff. and 191.

¹⁷⁶ 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.

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

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

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

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

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

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*.¹⁸³

¹⁸¹ 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.

¹⁸² 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.

¹⁸³ 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.¹⁸⁴ 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.¹⁸⁵ I would add to the mix the ever-lengthening shadow of Moses Maimonides and his intellectual disciples who were embarrassed by myth and theurgy.¹⁸⁶ 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.¹⁸⁷ Modern academic treatments of myth and mysticism, to say the least, have not always been kind. In the words of Ithamar

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

¹⁸⁴ 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.

¹⁸⁵ Lorberbaum, "Reflections," pp. 41ff.

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

¹⁸⁷ *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."¹⁸⁸

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.)¹⁸⁹

Avram then asks God how he will know that he will inherit the Land. Rabbi Hama ben Hanina (late 3rd 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.¹⁹⁰

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.¹⁹¹ Fasting is like offering your fat and blood on the altar.¹⁹² One who makes *teshuvah*

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

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

¹⁹⁰ *Bereshit Rabbah*, *Lekh Lekha* 44:8.

¹⁹¹ *Sifrei Devarim* on *Ekev* 41, on Deuteronomy 11:13.

¹⁹² 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!¹⁹³ For the Tanna Rabbi Yonatan, repentance brings redemption near.¹⁹⁴ According to Milgrom, already in Leviticus, repentance is a prerequisite for God to return Israel from exile.¹⁹⁵ 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.¹⁹⁶ "Whenever Israel acts according to God's will, they add strength to the Power (*gevurah*)."¹⁹⁷ 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."¹⁹⁸ 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."¹⁹⁹

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.²⁰⁰

¹⁹³ *Vayyikra Rabbah* on *Tzav* 7:2, on Leviticus 6:2.

¹⁹⁴ B. Yoma 86b.

¹⁹⁵ 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.

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

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

¹⁹⁸ *Sifrei Devarim* on *Ekev* 38, on Deuteronomy 11:1.

¹⁹⁹ Rabbenu Bachya's introduction to the Torah portion *Balak*.

²⁰⁰ 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.²⁰¹ Scholars have noted how Rabbinic *aggadah* oftentimes rehabilitates and magnifies a biblical myth.²⁰² 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.²⁰³ 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.²⁰⁴

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

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

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

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

²⁰⁴ 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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READING JOB (IYYOV) AS A STAND-IN FOR THE PEOPLE OF ISRAEL

Nathan Moretto and Richard L. Claman

This article addresses a paradox in the ‘reception history’ of the Book of Job—that is, in how this book came to be understood by its readers over the course of time, as opposed to how the author(s) of the book may have intended it to be understood.¹

In short: on the one hand, while other Biblical authors apparently spoke of individual figures as *stand-ins*² for the people of Israel as a whole—see, for example “my servant” (*‘avdi*) in the so-called Servant Songs in the portion of the Book of Isaiah often referred

¹ For a recent methodological discussion of this distinction, see Robert A. Harris, “Sexual Orientation in the Presentation of Joseph’s Character in Biblical and Rabbinic Literature,” in *AJS Review* 43:1 (April 2019), pp. 67–104, *e.g.*, at pp. 70–71.

² For a recent discussion of the so-called Servant Songs in Second Isaiah (esp. Isaiah 52:13–53:12), arguing that the “servant [is a] representative of the Israelite nation,” see Shalom M. Paul, *Isaiah 40–66* (Grand Rapids, Mich.: William B. Eerdmans Publishing Company, 2012), at p. 18; see also pp. 397–414.

to as 'Second Isaiah,'³ or the "man" (*gever*) in Lamentations ch. 3⁴—it seems clear the author of the Book of Job, while drawing upon earlier prophetic discussions concerning the fate of Israel generally, was seeking to answer a *different* question, that had come to the fore

³ We use the term 'stand-in' here to avoid a potential confusion. In, for example, Maimonides' *The Guide for the Perplexed* (written in around 1190 C.E.), Book III, ch. 22, Maimonides argues that the Book of Job should be read as an allegory—but as a *different* allegory than that which we investigate here. For Maimonides, the different speakers in the Book of Job represent different philosophic answers to the question of why good people suffer—such as “when Maimonides' beloved brother, a successful merchant who had been subsidizing Maimonides' life [to that point] of study and writing, died in an accident at sea.” See Harold S. Kushner, *The Book of Job: When Bad Things Happened to a Good Person* (NY: Schocken Books, 2012) at p. 167. Cf. Warren Z. Harvey, “On Maimonides' Allegorical Reading of Scripture”, in *Interpretation and Allegory*, ed. Jon Whitman (Leiden: Brill, 2000), pp. 181–188. See also S. David Sperling, *The Original Torah: The Political Intent of the Bible's Writers* (NY: NYU Press, 1998), at pp. 28 and 33–36, reviewing the concept of 'allegory' and how certain medieval Jewish philosophers accordingly read the Book of Job as a philosophical allegory.

⁴ See, e.g., Adele Berlin, *Lamentations: A Commentary* (Louisville: Westminster John Knox Press, 2002) at pp. 84–85, reviewing various understandings of “the male”, and concluding: “I see the speaker as the personified voice of the exile” and as “Th[e] voice of the nation.”

beginning as of around 500 B.C.E.,⁵ *i.e.*, concerning “the operation of the divine law of justice *in the life of the individual*.”⁶

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- ⁵ See Ronald Hendel and Jan Joosten, *How Old is the Hebrew Bible?: A Linguistic, Textual and Historical Study* (New Haven: Yale U. Press, 2018) at pp. 75-76, arguing that both the prose framework and the poetry sections of the Book of Job are written in “Transitional Bible Hebrew,” pointing to a date in the Persian Period. See also Edward L. Greenstein, *Job: A New Translation* (New Haven: Yale U. Press, 2019) at p. xxvii. In both the Jerusalem Talmud (*i.e.*, the ‘*Yerushalmi*’) and the Babylonian Talmud, the Rabbis expressed a broad range of opinions as to when Job lived – ranging from the time of Abraham, to the time of Esther, and even admitting the possibility that Job was not a real person. See in the Babylonian Talmud, Bava Batra 14b-15b. [To locate the *Yerushalmi* discussion, it should be recalled that there is no standard pagination of the *Yerushalmi* (though there is for the Babylonian Talmud). In ‘traditional’ printings, each two-sided page (*daf*) contains 4 columns. Here, our discussion is at p. 20, cols. c-d. In editions that follow Ms. Leiden, such as that published by the Academy of the Hebrew Language (Jerusalem, 2005; Yaacov Sussman, intro.), the discussion is at ch. 5, sec. 5, *halakhah* [‘law’] 8.] The underlying Mishnah is Mishnah, Sotah 5:5. Accordingly, while some of the Rabbis opined that the Book of Job was written by Moses, others agreed that it was written after the Babylonian exile.
- ⁶ Robert Gordis, *The Book of God and Man: A Study of Job* (Chicago: U. of Chicago Press, 1965) at p. 149 (italics added). Gordis argues (at p. 149):

This shift in emphasis from the destiny of the group to the welfare of the individual became dominant after the return from the Babylonian exile. The tiny Jewish commonwealth, subservient to a succession of foreign masters, beset by hostile neighbors, and torn by dissention within, offered a limited theatre of activity for the operation of God’s law of righteous retribution applied to the nation. It could not satisfy the deeply human desire to see justice established in the world. But when the law of consequence was transferred to the laws of individual men and women, it was crystal clear that experience contradicted it at every turn [–hence, the problem addressed by the author of Job].

Gordis’ position was attacked by David Wolfers, *Deep Things Out of Darkness: The Book of Job* (Grand Rapids: Eerdmans; 1995). (Wolfers was a medical doctor who left his practice in Australia to move, for the last twenty years of his life, to Jerusalem, to study the Book of Job). Wolfers

But, on the other hand, the Book of Job has come to be associated, liturgically, with the Fast Day of Tisha B'Av—which commemorates various *collective* tragedies that have befallen the Jewish people;⁷ and, as will be reviewed herein, a number of modern

argued that “The Book of Job is a political-historical allegory” (at p. 69), written at the time of Assyria’s near-destruction of the Kingdom of Judea during the reign of King Hezekiah (in 701 B.C.E.), to address questions about the covenantal relationship between God and Israel—in which, for example, the Leviathan, in Job ch. 40, is “a symbol for Assyria” (at p. 183; see also, *e.g.*, at pp. 15, 53, and 95).

A review of Wolfers by Scott B. Noegel, in *Journal of the Association for Jewish Studies* 22/2 (1997), pp. 243–248, notes, however, how Wolfers rests on a variety of problematic methodological assumptions. Noegel also notes (at pp. 244–245) that reading Job as a stand-in for Israel “never dawned on any of the sages before” the kabbalist Solomon Molcho (1500–1532 C.E.).

Compare also the ‘psychological’ reading of Job in Tiffany Houck-Loomis, “Reimagining in Order to Reimagine God: A Depth Psychological Look at the Book of Job in Relation to the Deuteronomist History and its Application for Today,” in *Union Seminary Quarterly Review* (2016) at pp. 23–41 (relying on Wolfers, but proposing to relocate the book’s setting to the period of the Babylonian exile).

This article will generally follow Noegel, Gordis, Kushner, and Greenstein, *supra*.

- ⁷ In the Ashkenazic communities, the Book of Job is considered one of the few sections of the Bible that one is allowed to study on Tisha B'Av—for study of Torah is generally considered an inherently joyous experience, inconsistent with the nature of Tisha B'Av. This custom derives from the statement in the Babylonian Talmud, Ta’anit 30a:

Our Rabbis taught: All obligations that are observed by a mourner are observed on Tisha B'av: one is forbidden in eating and drinking, in anointing and the wearing of shoes, and in sexual relations, and it is forbidden to read from the Torah [*i.e.*, the Pentateuch], Nevi'im [*i.e.*, the Hebrew Bible’s middle ‘third,’ labeled “Prophets’], or Ketuvim [*i.e.*, the Hebrew Bible’s final ‘third,’ labeled “Writings”], or to learn Mishnah [*i.e.*, canonized teachings of rabbinic sages ending with the compilation of ‘the Mishnah’—literally, the “teaching”—edited circa 225 C.E.], Talmud [*i.e.*, ‘exposition’ related to Mishnaic teachings], Midrash [*i.e.*, interpretations related to the Hebrew Bible], Halachot [*i.e.*, Jewish “laws”], or Aggadot [*i.e.*, rabbinic “narratives”]. But ...

thinkers, in addressing the Shoah—and in particular, Martin Buber—have used the Book of Job as starting-points for their discussions.

Accordingly, the first part of this essay will review some recent readings of the Book of Job as a stand-in for the people of Israel. This essay will then point to certain features of the Book of Job that facilitate such readings.

Some Modern Readings

Many modern Jewish authors and scholars have certainly seen an exilic theme within the Joban text. Writing about various 20th century Jewish exiles displaced after the Second World War, Guy

one may read the books of Lamentations, Job, and the sad parts of Jeremiah.

Translation from David Fried, “The Relationship between Tisha B’ Av and the Book of Job,” *Jewish Bible Quarterly* 44:3 (2016) at pp. 157-165. See, likewise, Rabbi Joshua Flug, “Torah Study on Tisha B’ Av,” as accessed at www.yutorah.org/sidebar/lecture.cfm/783235/rabbi-josh-flug/torah-study-on-tisha-b-av/ on October 1, 2019.

In various ‘Sephardic’ traditions, moreover, the Book of Job is chanted publicly in the synagogue on Tisha B’ Av. Thus, A. Z. Idelsohn, *Jewish Music in its Historical Development* (NY: Holt, Rinehart & Winston; 1929) (reprint by Schocken Books, 1967) at p. 57, observed:

Among the Oriental and Sephardic Jews, Job is read on the ninth of Ab, immediately after Lamentations. Therefore, among these groups its [musical] mode has been preserved, while the Ashkenazim—not having this custom—have forgotten the tradition of this mode as the “Job Mode”. Instead, they employ it for the reading of the Pentateuch on the High Holiday...

Herbert C. Dobrinsky—in his survey of customs and practices of the various ‘Sephardic’ communities that have relocated to the U.S. and/or Canada, *A Treasury of Sephardic Laws and Customs* (3rd ed.; NY: Yeshiva U. Press, 2001; originally published 1986)—at pp. 295-307, notes that the Book of Job is chanted publicly in the Moroccan and Judeo-Spanish (*i.e.*, Balkan and Levant) communities, and is read privately/silently in the Syrian community; however, it is not read in the ‘Spanish and Portuguese’ (Amsterdam) community.

Stern states: "As a rule the exiled writers worked with more limited themes from the Hebrew bible. For understandable reasons, none claimed as wide a hold on the refugee writers as did the Book of Job."⁸ Stern then goes on to identify various Jewish writers who have referenced Job from the midst of exile and have seen similarities between the ancient text and their present exilic situation. These authors include Nobel Laureate Nelly Sachs, Karl Wolfskehl, Fritz Rosenthal, Otto Klepetr, Freidrich Torberg, and others.⁹

A few similarities stand out amongst these modern Jewish interpretations. First, for the most part, they dismiss the figure referred to in Job ch. 1 as "the Satan" (*'ha-satan'*) [*i.e.*, the adversary, or the challenger/provocateur] in the 'prologue,'¹⁰ who is conspicuously absent in the 'epilogue.' This figure to them is either unimportant, or (they contend) was written separately from the poetic dialogues in chs. 3-41. Second, Israel's suffering is generally perceived by these writers to be a mysterious matter of divine sovereignty, originating in the court of heaven as a decree of YHWH. Thirdly, very few of these modern Jewish writers address the positive aspects of the epilogue (*i.e.*, where God grants Job *new* children, and a lengthy life; see below), perhaps due to the distressing circumstances of their own present exilic situation.

Perhaps the most important Jewish commentator who saw Job as a stand-in for a collective exilic Israel was Martin Buber. In an essay first published (in Hebrew) in 1941, translated into English in 1948 as part of the volume titled *Prophetic Faith*, Buber writes, "Behind this 'I' [of Job's] there stands the 'I' of Israel."¹¹ Buber argued that the Book of Job was written during or near the beginning of the Babylonian Exile, so that its author was confronting the question of why that generation was suffering. In his recent biography of Buber, Paul Mendes-Flohr accordingly quotes the following passage from a lecture that Buber gave in New York in 1951:¹²

⁸ Guy Stern, "Job as Alter Ego", *The German Quarterly*, Vol. 63, No. 2 (Spring 1990), pp. 199-210, esp. p. 203.

⁹ *Ibid.*, p. 204.

¹⁰ On the general distinction between the prose prologue and epilogue, in contrast to the intermediate poetic dialogues, see Kushner, *supra*, fn. 3.

¹¹ Martin Buber, *The Prophetic Faith* (NY: MacMillan, 1949), trans. Carlyle Winton-Davies, p. 183.

¹² Paul Mendes-Flohr, *Martin Buber: A Life of Faith and Dissent* (New Haven:

How is a Jewish life with God still possible in a time in which there is an Oswiecim [Auschwitz]? The estrangement has become too cruel, the hiddenness [of God] too deep. One can still “believe” in Him who allowed these things to happen, but can one speak to Him? Dare we recommend to the survivors of Oswiecim, the Job of the gas chambers: “Call to Him, for He is kind, for His mercy endureth forever?”

Noah Zvi Farkas critically examines Buber’s insightful interpretation of Job and writes:

Buber’s notion of God’s eclipse, along with his patient faith in God’s return, is framed both prior to and after the Shoah as a historical working out of his commentary on the book of Job. The sufferings of Job, for Buber, are more than the writings of a single man; they are the representation of a nation faced with an unprecedented communal disaster whose myriad theological responses to the experience of suffering stand as the cornerstone of religious belief.¹³

Plainly, Buber and others have sought to draw from the Book of Job insights in regard to questions that are broader than the questions

Yale University Press, 2019) at p. 294, quoting from Martin Buber, *The Knowledge of Man: Selected Essays*, ed. Maurice Friedman (NY: Harper Torchbook, 1965) p. 61. Mendes-Flohr speculates (*id.*) that the aforementioned passage “may have been the first [philosophical attempt] to broach the question of faith after Auschwitz.”

It has been argued, however, that there is a *discontinuity* between Buber’s earlier and later readings of the Book of Job. See Tamra Wright, “Self, Other, Text, God: The Dialogical Thought of Martin Buber,” pp. 102-121 in Michael Morgan and Peter Gordon (eds.), *The Cambridge Companion to Modern Jewish Philosophy* (New York: Cambridge University Press, 2007), esp. at pp. 115-116.

¹³ Noah Zvi Farkas. “Martin Buber, the Book of Job, and the Shoah,” in *Conservative Judaism*, Vol. 61, No. 4 (Summer 2010), pp. 43-53, esp. p. 44. Farkas noted that Buber did not use the term ‘Holocaust’ or ‘Shoah’, but rather used “Auschwitz” as a metonym. (*Id.* at p. 51, fn. 1.)

that, according to scholars such as Gordis, *supra*, were the original contextual concerns of that Book's author. In the next section, we note features of the Book of Job that facilitate such broader readings.

Three Features of the Book of Job Facilitating A 'Collective' Interpretation

A first puzzling feature of the Book of Job, lending itself to reading Job as a stand-in for Israel in distress, is its connection to Esau/Edom. Thus, Job is said to live in the land of Uz ('Uz'). Where 'Uz' exactly is has been the subject of considerable discussion and debate. Two prevailing theories suggest that Uz is either in Edom or Syria. Support for an Edomite locale is provided by the genealogical history of Esau in Genesis 36:28, which states, "And the sons of Dishan [Esau's great-grandson] were these: Uz and Aran."¹⁴ Lamentations 4:21 specifically states that Uz is in the land of Edom: "Rejoice and exult, Fair Edom, who dwell in the land of Uz."

The names of Job's three friends also suggest an Edomite provenance: Eliphaz the Temanite, Bildad the Shuhite, and Zophar the Naamathite. Eliphaz is the name of Esau's firstborn son (Genesis 36:4) and is found nowhere else in the Hebrew Bible except in Job. 'Temanite' is derived from 'Teman,' an area that is situated in Edom by some of the prophetic authors, including Jeremiah (49:20) and Amos (1:12). A king from the land of Teman is said to have ruled the nation of Edom in Genesis 36:34.

Bildad is found nowhere else in the Hebrew Bible except in the Book of Job, and 'Shuhite' most likely refers to the area of Shuah. Again, the ancestral genealogical lists of Genesis tell us that Shuah is also of Edomite origin (Gen. 25:2). The origin of Zophar the Naamathite, the third friend, is even more enigmatic than the other two. 'Naamathite' perhaps refers to the modern city of Naamah in north-western Lebanon; but it is also the name of a city in the Shephelah near Lachish or in the Sorek Valley.¹⁵ If it is the Sorek Valley, this could be considered Edom in the immediate aftermath of the exile, as the

¹⁴ All translations are taken or adapted from the NJPS, except as otherwise noted.

¹⁵ William F. Albright, "Topographical Researches in Judæa," in *Bulletin of the American Schools of Oriental Research* 18 (1925): pp. 6-11, esp. p. 7.

Edomites appropriated some of the Shephelah and southern Judean countryside after the Babylonian invasion.

Given this narrative setting (mainly) in Edom, a reader might well infer that the Book of Job reflects conditions following the destruction of the First Temple in 586 B.C.E. – for Edom has a strong association to the Babylonian exile, primarily because of Edom’s cooperation with Babylon in destroying the kingdom of Judah in 586 B.C.E.. Thus, the ‘Apocryphal’ book of 1 Esdras 4:45 states, “You also vowed to rebuild the temple which the Edomites set on fire when Judah was devastated by the Chaldeans.”¹⁶

Edom is also a source of provocation for the exilic and post-exilic Hebrew prophetic writers. Obadiah recounts Edom’s enmity against Israel, stating:

Thus said my Lord God concerning Edom... “For the outrage to your brother Jacob, disgrace shall engulf you, and you shall perish forever. On that day when you stood aloof, when aliens carried off his goods, when foreigners entered his gates and cast lots for Jerusalem, you were as one of them.”¹⁷

Likewise, “concerning Edom” (as per Jeremiah 49:7), Jeremiah 49:16 describes the impending destruction of Edom due to the violence that they have caused Israel:

Your horrible nature, your arrogant heart has seduced you, has deceived you, and the pride of your heart, you who dwell in clefts of the rock, who occupy the height of the hill. Should you nest as high as the eagle, from there I will pull you down.

It should be noted, however, that even if Job is pictured as living in Uz/Edom, the text appears to indicate that Job is not himself in Edomite. The first sentence of ch. 1 states that “there was a man *in* the land of Uz named Job” (emphasis added to the prefixal preposition

¹⁶ Translation from Jacob M. Myers, *I & II Esdras: A New Translation* (Garden City, NY: Doubleday [Anchor Bible], 1974).

¹⁷ Obadiah (– which consists of just one chapter), vv. 3 and 10–11.

that begins “בארץ עוץ” — *i.e.*, “in the land of Uz”). But we are told neither for how long Job was there nor how he arrived there.

Indeed, Job is called (in v. 3 of that first chapter) “גדול מכל בני קדם” (*gadol mikkol beney kedem* — *i.e.*, “that man was wealthier than anyone in the East”). This reference to קדם (*kedem*, ‘east’) could be in reference to Edom — although, geographically, Edom is primarily viewed as a southern neighbor to Judah, as evidenced by territorial boundary descriptions in Numbers. (See, *e.g.*, Numbers 34:3 for Edom as a southern neighbor). Instead of seeing Edom in the Joban text, one can see an allusion to a Babylonian nation often referred to in the Hebrew Bible as “from the East.” For example, Ezekiel ch. 25, in verses 4 and 10, states that Israel’s neighbors — Ammon, Moab and Seir — will likewise be handed over to “בני קדם” (*b’nei kedem*).¹⁸ Taken this way, one might read the text as strongly suggesting that Job was an exilic Israelite who had at one time lived in the land of the ‘east’ — that is, the land of Babylon — sometime in the 6th or 5th century.

Moreover, it is a character with a Hebrew name, Elihu, the true Hebrew (at least based on his name and place of origin — ‘Buzite’ being most likely a Gadite)¹⁹ who suggests to Job the prospect of returning to the land.²⁰

Second, Job’s own name also can be seen as supporting a metaphorical reading.

The person of Job is obviously central to the Joban narrative; he is the focus of the prose “prologue” and “epilogue;” and the longest of the poetic dialogues are attributed to him. He also stands as both the protagonist and the antagonist of the narrative, the former because he is an innocent man who is suffering and is in the ‘right’ compared to his three friends, and the latter because he confronts none other than YHWH himself.²¹

¹⁸ NJPS translates: “Kedemites”.

¹⁹ See 1 Chronicles 5:14.

²⁰ Elihu tells Job in 36:11, “If they listen and serve Him, they complete their days in prosperity, and their years in pleasantness”.

²¹ The nature of Job’s confrontation with God is notoriously the subject of multiple and conflicting interpretations. For a recent summary, see Troy W. Martin, “Concluding the Book of Job and YHWH: Reading Job from the End to the Beginning,” in *Journal of Biblical Literature* 137:2 (2018) at pp. 299–318.

The story begins in a familiar way with introducing the main character, but ch. 1, v. 1, switches the normal Hebrew word order of verb-noun and starts with ‘a man,’ indicative of the emphasis placed on the person of Job, rather than emphasis on his place of residence. Yet, it is unclear whether the name Job is of a Judean (*i.e.*, a Jew) or not.²² Etymologically, the name ‘Job’ is inconclusive. Scholars disagree over whether אִיּוֹב (*Iyov*, “Job”) is connected to the root of the Hebrew word אוֹיֵב (*oyev*), meaning ‘enemy.’ This is one interpretation of Job’s name given in the Babylonian Talmud,²³ and the intention might have been to create a pun: God is treating Job as an enemy, the very indictment Job levies against YHWH.²⁴ Being an enemy, or at enmity, is also how various prophets portrayed God relative to Israel.²⁵ As God’s enemy, both Job *and* Israel are facing God as their adversary, and, even though there is another אֲדֻשָׁן ([*i.e.*, “the Adversary”]) figure in the narrative (*e.g.*, Job 1:6), it is God who is indirectly inflicting the suffering upon Job. The ambiguity of agency here is familiar to readers of the Hebrew Bible, for both אֲדֻשָׁן and YHWH elsewhere are said to incite David to take a census of the nation of Israel. (Contrast 2 Sam. 24 with 1 Chronicles 21:1.) This suffering causes Job to react with cursing, not upon YHWH, but upon himself. In this way, Job mirrors another exilic author, Jeremiah, who also condemns the day of his death in light of the suffering of exile, and the points of contact between these two, particularly at Jer. 20:14-18, are clearly evident and show a commonality in their respective themes.

²² See discussion in Louis Ginzberg, *Legends of the Jews* (NY: JPS, 2003 [reissue of original publication, 1909-1938]), at pp. 452-453, fn. 3, reviewing the history of this debate in the midrashic texts. Contrast the Septuagint version of the Book of Job, which includes a postscript, see ch. 42:17, opining that Job was a grandson of Esau.

²³ Babylonian Talmud, *Bava Batra*, 16a.

²⁴ Job 13:24 states, “Why do You hide Your face and treat me like an enemy?”

²⁵ See, for example, Isaiah 63:10, explaining that even after God delivered Israel,

they [Israel] rebelled, and grieved his holy spirit; *vayyehafekh lahem le'oyev* (“then he became their enemy”) and Himself made war against them.

Similarly, it is noteworthy that Job's wife is nameless in the text.²⁶ Job's wife calls for Job to curse God and die (ch. 2, v. 9). Some have seen in this sequence a harkening back to Genesis 1-3, and Eve's involvement in bringing a curse upon Adam,²⁷ but one can more generally see how the figure of Job's wife might represent faithless Israel, while Job, as shown above, represents the faithful remnant. The imagery of the faithless wife abounds in the Hebrew Bible, most notably in Ezekiel 16. The conspicuous absence of any reference to Job's wife in the 'prose epilogue' (ch. 42) might accordingly be read to imply that faithless Israel is no more, and all that remains are those who adhere to Torah.

Lastly, a third point that facilitates reading Job as a stand-in for all Israel is presented at the end of the Book of Job, in the prose Epilogue. Job 42:10 states: "And the Lord gave Job *mishneh* [i.e., "twice"] what he had before."

What is the significance of this double portion? A double portion is nowhere expressly promised as a resolution of suffering, no matter the source or cause of that suffering, yet that is exactly what Job receives: doubling of all of his pre-suffering possessions, and a doubled number of sons. How is one to interpret this extremely gracious provision from the hand of YHWH? A literal reading of the text makes it difficult to do so.

Rather than seeing Job's *personal* possessions doubling, if one were to read the text metaphorically as representing the nation of Israel in exile, one might then *expect* a doubling of the portion for the nation after their return from Babylon, for this is exactly what we see expressly communicated in the prophetic material of the Hebrew Bible.

Isaiah 61:7 is case in point. Isaiah, writing to a nation in the throes of catastrophic upheaval and in the middle of regaining (or recreating) a national identity, asserts, "Because your shame was *mishneh* [i.e., "double"] ... assuredly, they shall have a double share in their land, joy shall be theirs for all time."

²⁶ In Ginzberg's retelling of the story of Job, in *Legends of the Jews*, *supra*, Job's first wife was named Zitidos (at pp. 458 and 460), and, after her death (towards the end of Job's period of suffering), Job married Jacob's daughter Dinah (see pp. 308-309 and fn. 288 and p. 461 and fn. 35.)

²⁷ Sam Meier, "Job I-II: A Reflection of Genesis I-III," in *Vetus Testamentum*, Vol. 39, Fasc. 2 (April 1989), pp. 183-93.

Again, in Zechariah 9:12, which is a post-exilic text describing the return of the *golah*, that prophet states, "Return to [your fortress], You prisoners of hope; In return I announce this day: I will repay you *mishneh*."

Accordingly, in respect of Job as well, one can understand that the promise from YHWH to Israel concerning a double portion was never intended to be taken at a personal, experiential level, but at the corporate level of Israel, as YHWH remembers his ברית (*berit*, "covenant") with his people and extends to them a gracious doubling of their pre-exilic status, including possessions.

Moreover, even the longevity of Job's post-suffering life might be read as an enigmatic clue. The text states that Job lived 140 more years after the blessing the Lord bestowed upon him. This can sound like a doubling of the exilic '70' years predicted by Jeremiah (25:11 and 29:10); the Lord doubled Job's possessions, and the days of that blessing are twice greater than the days of exile.²⁸

Conclusion

The Book of Job is famously enigmatic and challenging, in multiple respects, and on multiple levels. As already recognized by some of the Rabbis in both Talmuds, its core ambiguities lend themselves to, and invite, readings that go beyond the specific circumstances attributed to the character known as Job. Whether or not intended by the original author(s), the possible readings explored in our own time by Martin Buber and others encourage us to return and re-read, and re-think, this text.

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²⁸ For those who are prepared to read the Book of Job in a way where, at the end, God admits that he has wronged Job, then it may be that the doubling corresponds to the principle enunciated in Ex. 22:3, that a thief is required to pay *double compensation* for the theft. See, e.g., Greenstein, *supra*, commenting on Job 42: 9-10.

Reading Job (Iyyov) as a 'Stand-In' for the People of Israel

Nathan Moretto and Richard L. Claman

evaluation of the Deuteronomistic History, as well as the status and influence of the Northern Kingdom of Israel during the late Iron Age periods.

Richard L. Claman teaches and writes about issues in contemporary Jewish thought. He is a Senior Editor of Zeramim and is head of business litigation at a boutique New York City law firm.

Mind Control? A Halachic and Meta-Halachic Investigation of Forbidden Thoughts¹

Zachary James Silver

During my second year of rabbinical school, one of my friends and classmates sat down for lunch in the courtyard of the Jewish Theological Seminary and reflected that, as he was going through his college alumni magazine, he felt jealous of many of his peers. As he noted, he had chosen a different path. He has a beautiful family and the love of friends, and he is engaged in a living dream as he studies Torah each day.

It was not as if he actually wanted to be at the top of a particular law firm. In fact, he had just left the law world to pursue studying Torah and becoming a rabbi! But, still, it was tough to read about the accomplishments of others and not covet their place in life.

Such is the conundrum of the tenth commandment of the Decalogue. Is it really possible ever to fulfil the mandate of not coveting? In broader terms, can thought be legislated?

Exodus 20:13 reads in full:

You shall not covet your neighbor's house; you shall not covet your neighbor's wife, nor his man-servant, nor his maid-servant, nor his ox, nor his ass, nor any thing that belongs to your neighbor.²

¹ I initially began exploring this topic in 2010, culminating in a paper that I wrote in Rabbi David Golinkin's class at Machon Schechter in Jerusalem. I have since taught this content in New Jersey, New York, and Chicago and am thankful for the feedback throughout this time.

² All Biblical translations are from the New Jewish Publication Society (NJPS) unless otherwise noted.

American popular culture captured the troubling nature of this commandment, featured as a dialogue between the characters Sam Seaborn and Leo McGarry in the first season of *The West Wing*:

SAM: There's a town in Alabama that wants to abolish all laws except the Ten Commandments. . . . Well, they're going to have a problem. . . . Coveting thy neighbor's wife, for instance. How're you going to enforce that one?

And then, in a follow-up to this rhetorical monologue:

SAM: Leo, did you know there's a town in Alabama that wants to (abolish all laws except the Ten Commandments)...

LEO: Yes.

SAM: What do you think?

LEO: Coveting thy neighbor's wife's gonna cause some problems.

SAM: That's what I said. Plus, if I were arrested for coveting my neighbor's wife, I'd probably bear false witness.³

This is precisely the issue, of course – how does one mandate thought, let alone legislate against it? Do humans have control over their thoughts at all, and, if not, is legislating how people should think setting people up to fail?

This Catch-22, however, lives in tension with empirical reality – that thoughts lead to action.⁴ “In fact,” suggests psychologist Moshe Halevi Spero:

a religious patient's claim to be unable or not allowed to

³ Aaron Sorkin (Writer), Ken Olin (Director), (26 January 2000) “Take out the Trash Day,” *The West Wing*. For a full transcript, see <http://www.twiztv.com/cgi-bin/transcript.cgi?episode=http://dmca.free.fr/scripts/thewestwing/season1/thewestwing-113.txt> (accessed 20 May 2010).

⁴ The concluding words of *Lechah Dodi* poignantly note that the creation of the world began first with a thought, *sof ma'aseh bema'hashavah tehillah*.

discuss certain topics or think certain thoughts may be a powerful resistance through which to prevent uncomfortable yet critical therapeutic progress.⁵

The Rabbis' claim that *hirhur kedibbur damei* ("thoughts are similar to speech") holds legal relevance to all who hold the *halachic* system as a guide toward structuring society.⁶ Through an analysis of the laws of *hirhurim* ("thoughts")⁷ connected to *Orah Hayyim*,⁸ along with the archetypal *mitzvah* of *lo tahmod* ("you shall not covet"), this paper will investigate both the evolution of the particular laws as well as the entrenched meta-halachic issues of prohibiting *hirhurim*.

***Hirhurim* in the Eyes of the Sages**

The *Al Het* acrostic (a litany of lines beginning with the phrase *Al Het* ["For the sin of..."]) throughout the High Holiday liturgy makes a clear ideological statement that we are responsible for our thoughts.⁹ During Yom Kippur, Jews state "*al het shehatanu behirhur ha-lev*," ("for the sin that we have transgressed with thoughts"). In the world of the Rabbis and the prayer life of every Jew, sinful thoughts are explicitly sinful.¹⁰

⁵ Moshe Halevi Spero, "The Halachic Status of Hirhur Assur in Psychotherapy," in *Asya* 7 (Jerusalem: Falk Schlesinger Institute for the Study of Health and Torah, 1970), p. 25. Also see Spero, *Judaism and Psychology*, (New York: Yeshiva University Press, 1980), pp. 145–152.

⁶ Babylonian Talmud, Berachot 20b. See further explication of this text below.

⁷ This word does not appear in the Bible and first appears in Talmudic literature, both as a verb and as a noun. Its root is *heh-reysh-heh-reysh* (הרהר).

⁸ This is the first quarter of Rabbi Jacob Ben Asher's code of Jewish law, *Arba'ah Turim* (also called the *Tur*), which chronicles all of the laws related to the Jewish calendar. Joseph Caro also organizes the *Shulhan Aruch* in this fashion.

⁹ This liturgy is also said on fast days and throughout "the Ten Days of Repentance"—the two days of Rosh HaShanah, the day of Yom Kippur, and the seven days in between these two High Holidays.

¹⁰ Assuming one can be found guilty of sinful thoughts, there is one additional question at hand; is liability for mere intention to be charged in

Yet there is some ambiguity throughout rabbinic texts about whether a person is liable for these sinful thoughts. In commenting on Numbers 5:6—*i.e.*, “When a man or woman commits any of the sins that men committed by breaking faith with the Lord...” —the aggadic midrash *BeMidbar Rabbah* (edited in the Land of Israel in the 4th century C.E.¹¹) specifies that the text refers to such unfaithful individuals “when they do it [*i.e.*, commit such a sin]—not when they intend to do it yet do not do it.”¹² Though not a halachic text, *BeMidbar Rabbah*’s position certainly reflects a view of the Rabbis: they do not believe that God holds humans responsible for forbidden thoughts.

Similarly, in the collection *Mishnat Rabbi Eli’ezer*, one is liable only for an intention that is combined with an act.¹³ In this case, the text does not refer to thoughts, but rather to unfulfilled spoken intentions. Clearly, with this understanding, one would not be liable for a mere thought. In the words of *Mishnat Rabbi Eli’ezer*:

There are two [kinds of] intentions. An intention combined with an act is [legally treated] like an act. But an intention not combined with an act is not [legally treated] like an act. For example, if he took up his weapon and went out [to search] but did not meet his fellow, that is an intention combined with an act. One regards him as if he has killed. But if he [*i.e.*, the murderer] intended but did not take up his weapon, that is an intention not combined with an act and is not [legally treated] like an

a divine or human court? Bernard Jackson notes that “there is no evidence that liability for mere intention was ever tried in human court” and that “equally significantly, the idea did exist that merely to intend a wrong was wrong itself.” See Bernard Jackson, “Liability for Mere Intention in Early Jewish Law,” in *Hebrew Union College Annual* 42 (1972), p. 212.

¹¹ Note that this text was expanded and codified as late as the 10th century. For more information on dating, see H. L. Strack and Günter Stemberger, *Introduction to the Talmud and Midrash*, tr. Markus Bockmuehl (Minneapolis: Fortress Press, 1996 edition), pp. 310–311.

¹² *BeMidbar Rabbah* (Vilna) Parashat Naso, Parasha 8, cited in Jackson, p. 212.

¹³ The dating of this text is disputed, with H. G. Enelow dating it to the Tannaitic era, with other scholars suggesting it dates to the Geonim, and others still to the time of Heraclius, or the 8th century. For more information, see Strack and Stemberger, pp. 22–23.

act.¹⁴

Contemporary scholar Bernard Jackson distinguishes between the arguments of Beit Shammai and Beit Hillel¹⁵ on the subject of liability for incitement; Beit Shammai consistently declares a person liable for incitement while Beit Hillel declares somebody liable only after an action.¹⁶

Yet, while one is not liable in a human court for thoughts, the Rabbis nonetheless give particular credence to the power of thought and its potential to lead to action.¹⁷ For example, in Tractate Berachot in the Babylonian Talmud, the seventh-generation Amoraic sage Ravina and third-generation Amoraic sage Rav H̄isda argue whether a person who has had a seminal emission (*a ba'al kerī*) should think about the words of the *Shema* (and not immediately say them). Ravina claims that one should think about the words of the *Shema* instead of stating them aloud, for “thinking is the same as speech;” thus, these thoughts count equally as saying the words out loud.¹⁸ However, the *sugya* rejects this statement and declares that thoughts are not the same as speech. Indeed the *halachah* in other cases comes to this conclusion, such as the case of thinking about non-Shabbat topics on Shabbat.¹⁹ Yet Ravina's viewpoint indicates a common perspective

¹⁴ Translation from *The Mishnah of Rabbi Eliezer*, ed. H. G. Enelow (New York, 1933), p. 163; in Jackson, p. 215.

¹⁵ These schools of Rabbis represent “two scholastic tendencies in first-century Pharisaism and in the period of Yabneh, in which the halakhic controversies of the two schools are already largely recorded in fixed literary forms.” See Strack and Steinberger, p. 68.

¹⁶ See, for example Babylonian Talmud, *Kiddushin* 42b-43a, Mishnah, *Bava Metzi'a* 3:12. Vered Noam also speaks about this issue of intention in the eyes of Beit Shammai and Beit Hillel in “Ritual Purity in Tannaitic Literature: Two Opposing Perspectives,” *Journal of Ancient Judaism* I (2010): 65-103.

¹⁷ I think particularly of one of the *midrashim* relating the different activities that God did on the first day of creation. During the first hour, God thought. For every action, certainly every action that has potential, careful thought preceeds actions. See *Vayyikra Rabbah* 29.

¹⁸ Rav H̄isda, in turn, notes that with this logic, if thoughts are truly the same as speech, then there would be no need to differ from the norm of saying the *Shema* out loud when one is impure. Babylonian Talmud, *Berachot* 20b.

¹⁹ I explore this later in this paper.

during the time of the Rabbis.

While the Rabbis do not declare thoughts *synonymous* with action, the thoughts certainly *are* one step away from action. A text in Tractate Avodah Zarah, for example, draws a direct connection between impure thoughts during the day leading to impurity at night. Conversely, Torah thoughts bring one closer to God.²⁰

In Tractate Yoma, the third-generation Amoraic rabbi, Rav Nahman, states that uncontrolled thoughts are more dangerous even than the sin itself (toward which the thoughts are inclined), noting that the smell of roasting meat is often more appetizing than actually eating the meat itself.²¹ On first glance, this case seems to suggest that indeed the thought is as bad as action. But in context, by way of the analogy, we see that the thoughts are temptations toward something else, and thus the ill from thinking about a sin actually comes from the inevitable outcome of those thoughts.

Throughout each of these texts sits a decided tension between the fact that thoughts lead to action and the reality that humans are flawed creatures, perhaps incapable of controlling thoughts in many cases. The first-generation *amora* Rav acknowledges this psychological reality: no human is spared from *hirhur*.²² Humans sin, with regard to both thoughts and actions. *Teshuvah* (repentance) thus remains one of the key components of human interactions with God and each other.

In his edited collection, Judah David Eisenstein (1854–1956, Poland/America) brings a *midrash* which summarizes the Rabbinic opinion that thoughts have great power, in the form of advice from father to son:

Son, when you stand from your sleep in the middle of the night, speak to your wife with holiness. Do not let your mouth slip, even to say a joke, for you will be liable in the

²⁰ Babylonian Talmud, Avodah Zarah, 20b.

²¹ Babylonian Talmud, Yoma 29a.

²² Babylonian Talmud, Bava Batra 164b:

Rav Amram said in the name of Rav, “On a daily basis, there are three things that no human is saved from: forbidden thoughts, sins regarding deliberating in prayer, and malicious speech.”

future for this conversation between you and your wife.
And when you wake up from your sleep, *do not turn your heart to bad thoughts, because thoughts lead to action.*²³

The Commandment of *Lo Tahmod* (Do Not Covet)

The notion of restraining thought, or more accurately restricting it, is at the forefront of the tenth statement of the Decalogue.²⁴ Abraham ibn Ezra (1089-1167, Spain) introduces his commentary to the Exodus version²⁵ of the text with a self-reflective question: “Many people are astonished about this *mitzvah*! How is it possible that one can restrain coveting something beautiful in his heart if it is so beautiful in his eyes?!”²⁶

Such a rhetorical introduction to the comment notes the inherent difficulty in following this *mitzvah* and elucidates the underlying debate about the meaning of the text: does it refer to a sin of thoughts or of actions? In this comment, ibn Ezra clearly suggests that the commandment forbids thoughts, while also noting just how difficult this law is to fulfil; this tension suggests how Jewish law could possibly restrict thinking.²⁷

The Hellenistic philosopher Philo (20 BCE-50 CE, Alexandria) similarly suggests that this law prohibits thoughts, proposing that the previous four laws of the Decalogue all stem from this one—if one does not covet, he or she will not murder, commit adultery, steal, or bear false witness.²⁸ As Leonard Greenspoon suggests, “for Philo,

²³ *Otzar HaMidrashim*, Vol. 1, ed. J.D. Eisenstein (New York, 1915), p. 29. Emphasis is mine. Unless otherwise indicated, all translations are mine.

²⁴ Exodus 20:14; Deuteronomy 5:18.

²⁵ There is a version of the Decalogue in Deuteronomy 5, as well, with one main difference in the 10th statement. I cover this later in this paper.

²⁶ Ibn Ezra on Exodus 20:14.

²⁷ Ibn Ezra concludes this comment by suggesting that one can train oneself to suppress these feelings through psychological training. See Leonard Greenspoon, “Do not Covet: Is it a Feeling or an Action?” at www.thetorah.com (as accessed at <https://www.thetorah.com/article/do-not-covet-is-it-a-feeling-or-an-action> on October 20, 2019).

²⁸ *Ibid.*.

coveting is the root of all social evil.”²⁹

The Bible uses the verb *hamad* many times beyond the two occurrences of the Decalogue, some of which feature both thought and action, and others which seem to refer exclusively to internal desire.³⁰

Scholar Bernard Jackson illustrates that Biblical critics also argued over the contextual understanding of *hamad* in the Decalogue, many following twentieth-century scholar J. Hermann’s view that the verb means something more than ‘covet’ “and approaches the meaning of an actual appropriation.”³¹ But, through all of the examples of the verb root *h-m-d*, Jackson proves that—while there are examples where the verb form means “to take” as it does in Deuteronomy 7—ultimately, “there is no reason to doubt the traditional meaning of the tenth commandment, (to covet with thoughts).”³²

Similarly, modern biblical translator Robert Alter notes that the Hebrew word *hamad*

exhibits a range of meaning from “yearn for,” “desire,” even “lust after” to simply “want.” But here [in the Decalogue] it clearly suggests wanting to possess something that belongs to someone else and so the King James version rendering of “covet” still seems the best

²⁹ Greenspoon cites Philo’s “On the Ten Commandments” (*De Decalogo*, XXXII, 1.173–174, translation by Charles Duke Yonge):

The fifth [in the second list, which equals the tenth in the full listing] is that which cuts off desire, the fountain of all iniquity, from which flow all the most unlawful actions, whether of individuals or of states, whether important or trivial, whether sacred or profane, whether they relate to one’s life and soul, or to what are called external things; for, as I have said before, nothing ever escapes desire, but, like a fire in a wood, it proceeds onward, consuming and destroying everything.

³⁰ For example, see Exodus 34:24, Deuteronomy 7:25, Micah 2:2, and Psalms 68:17.

³¹ Jackson, p. 198

³² Jackson, p. 205. Ibn Ezra, a *pashtan* fits this paradigm, as seen above. As a *pashtan*, Ibn Ezra seeks to understand the meaning of a verse in relation to the surrounding context of verses.

English equivalent.³³

Rabbi Moses Maimonides (1135-1204, Spain/Egypt) and Rabbi Avraham ben David (1125-1198, Provence) (hereafter referred to by their acronyms, the *Rambam* and the *Ra'avad*, respectively) debate how to understand the commandment by exploring when a person is liable for transgressing the commandment “do not covet.” This, in turn, reflects their understanding of the meaning of the verse. The *Rambam* says that the individual does not get the punishment for violating *lo tahmod* unless he or she actually obtains an object he craves, and he or she is subsequently retrospectively punished for the thoughts that led to that act.³⁴ Before the transaction takes place, there is no violation of the law in question—one is not liable for thought. Thought is legislated, but only when connected to tangible action.

The *Ra'avad*, who often speaks in hyperbolic terms to dispute the *Rambam*, in this case goes as far to say that “he has never seen something more shocking” than the *Rambam*'s decision. Similar to the perspective of ibn Ezra, the *Ra'avad* says that, through coveting thoughts, a prospective buyer is deemed to be “like a thief” and is thus responsible to pay a sum.³⁵

Indeed, the *Rambam*'s claim directly parallels American hate crimes legislation. In American law, one receives a harsher penalty for a crime conceived and executed with hatred against a minority group than if the criminal did not have these thoughts.³⁶

³³ Robert Alter, *The Five Books of Moses: A Translation with Commentary*. (New York: W.W. Norton, 2004), p. 432 in Seth Aaronson, “The Problem of Desire: Psychoanalysis as a Jewish Wisdom Tradition,” in *Answering a Question with a Question*, eds. Lewis Aron and Libby Henik, (Boston: Academic Studies Press, 2010).

³⁴ He comes to the same conclusions in his *Sefer HaMitzvot* as well. See *Sefer HaMitzvot LaRambam, Mitzvat Lo Ta'aseh* (“Negative Commandment”) 265.

³⁵ Maimonides' *Mishneh Torah, Hilchot Gezeilah Va'Avedah* (“Laws of Theft and Loss”) 1:9. With no ruling by the *Rif* or the *Rosh* on the subject, the *Shulhan Aruch* naturally sides with the *Rambam* on this issue. The *Shulhan Aruch* also rules with the *Rambam* with regards to the tenth commandment of the decalogue—that one is not liable until he thinks a thought that will inevitably lead to action. See *Shulhan Aruch, Hoshen Mishpat, Hilchot Gezeilah* (“Laws of Theft”) 359.

³⁶ See, for example, the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, The United States Department of Justice, 18 U.S.C.:

Citing the argument between the *Rambam* and *Ra'avad*, Rabbi Yosef Chayyim of Baghdad, the *Ben Ish Hai*, seeks to identify a further trait that defines this commandment: when does the prohibition on coveting begin to take effect?³⁷ He also draws a fundamental distinction between two adjacent commandments in the Deuteronomic version of the Decalogue (Deuteronomy 5:18), namely the two verbs that are used, *lo tahmod* and *lo tit'avveh* ("you shall not desire"). He elaborates on the *Rambam*, stating that one is guilty of *lo tahmod* if the buyer manipulates a seller into a transaction. But he is only liable for the sin if there is action.

In turn, one is liable for *lo tit'avveh* when he or she begins to think of a scheme to attain the coveted object. This differs with regard to *lo tahmod* because there is no tangible action. Rather, one is liable when there is *inevitable* action, marked through manipulation. Simple wishes in one's heart do not make one liable. Thus, according to this understanding, if one manipulated a store owner into selling an object, the buyer would be guilty of violating both *lo tahmod* and *lo tit'avveh*—the first for beginning the manipulation process in his head and the second for going through with the action.

The *Rambam* takes his definition of *lo tahmod* directly from the the Midrashic commentary on Exodus, the *Mechilta deRabbi Yishma'el*. In this case, the text draws from a text in Deuteronomy that also speaks about coveting property:

Perhaps even the mere expressing of one's desire for the neighbor's things in words is also meant? But it says: "Thou shalt not covet the silver or the gold that is on them so that thou take it unto thee" (Deuteronomy 7:25). Just as [in Deuteronomy] it is only the carrying out of one's desire into practice that is forbidden, so, also here, it is forbidden [in the case of *lo tahmod*] only to carry out the desire into practice.³⁸

249, as accessed at <https://www.justice.gov/crt/matthew-shepard-and-james-byrd-jr-hate-crimes-prevention-act-2009> on December 21, 2019.

³⁷ See *Ben Ish Hai* on *Ki Tavo*, chapter 17.

³⁸ *Mechilta DeRabbi Yishma'el* on *Yitro* (*Massehta DeVaHodesh Parasha*) 8. Translation from J. Z. Lauterbach, *Mekilta de Rabbi Ishmael* (Philadelphia, 1933–1935), vol. II, p. 266—as cited in Jackson, p. 209.

Indeed, as Bernard Jackson notes, this proof of the Tannaitic *midrash* is the very same one that Biblical critic J. Hermann would use at the beginning of the twentieth century.³⁹ It differs, however, in that the question at hand “is whether or not the expression of one’s desire involves liability, and not whether the mere existence of one’s desire involves liability.”⁴⁰ Yet, through an *a fortiori* argument, the reader understands that there would be no penalty for casual, unexpressed desires, for there is already no liability for expressed ones.

No examples explicate the tenth statement of the Decalogue in Tannaitic literature other than in the aforementioned Midrash. The Babylonian Talmud has only one short reference to the topic at hand: “‘Thou shalt not covet’ is understood by people to apply only to what one is not prepared to pay.”⁴¹ Here, too, the Talmud finds a person liable only for thought that will lead to an inevitable action: *i.e.*, that one is not liable for casual thoughts.

With this understanding, it seems clear that the *halachah* follows the opinion outlined in the *Mechilta*: while thought can make someone liable in the divine court, liability is only present in the case where the thought *inevitably* leads to action. Thus, only action deems somebody responsible for the initial thoughts.⁴² This disagreement of the *Rambam* and *Ra’avad* illustrates a fundamental difference-in-worldview about culpability based on intention.

A clear evolution advances from a biblical understanding of the law to the one codified in Jewish law. But in structuring a society according to the divine code, the *posekim* retain a taste of the original intent of the contextual understanding of *lo tahmod*. Citing Pirkei Avot, in his opening *se’if* (‘article’) to the *Tur*, Rabbi Ya’akov ben Asher asserts that a person must “conquer like a lion in the morning.”⁴³ Why?

Because the eye sees and the heart covets and the tools of

³⁹ This will be discussed later in the paper.

⁴⁰ Jackson, p. 210.

⁴¹ Babylonian Talmud, Bava Metz’i’a 5b (following the Soncino translation). *The Soncino Talmud*, ed. Isidore Epstein, (London: Soncino Press, 1961).

⁴² Despite rabbinic texts which lead a different way, the *Ra’avad* cannot go against the *peshat* (contextual reading) of the Torah, codifying the principle that one is liable for thoughts.

⁴³ Mishnah, Avot 5:20.

action are at that point submitted to being done. And it says [in *Pirkei Avot, ibid.,*] “be mighty like a lion against the heart,” because mightiness for the sake of worshipping the Creator resides in the heart.⁴⁴

Particularly in the morning, one must be strong and assertive like a lion, because this is a time when one’s heart covets. The *Tur* turns the negative commandment of “do not covet” into a positive invocation that will prevent sinful thoughts of lusting after what does not belong to the individual. If one fulfills the mitzvah of “conquer like a lion,” he in turn will not fail at “*lo tahmod!*”

Is controlling one’s thoughts possible? While there are different voices present in the tradition, the halachic literature certainly does not find one culpable for thought with regard to *lo tahmod*; instead, the law punishes action, or, at least, inevitable action.

But the ideals of the contextual meaning of the tenth commandment of the Decalogue remains in the first *simman* of the *Tur* and *Shulḥan Aruch*. Through a positive commandment, one can prevent transgressing this commandment and thus protect the integrity of society. Simultaneously, following the commandment fosters a world where people do not covet others’ property and can live in psychological peace.⁴⁵

⁴⁴ *Tur, Oraḥ Ḥayyim* 1.

⁴⁵ Chancellor Arnold Eisen of the Jewish Theological Seminary posits a similar thesis with regard to Ben Zoma’s statement in *Pirkei Avot* of “Who is happy? The one who is happy in their portion” (4:1). One will live without coveting only if he or she is comfortable with her portion in life. For more on Eisen’s talk, see, from my blog, *Magash Hakesef*, as accessed at <http://magashhakesef.blogspot.com/2010/01/return-to-mind-control-comfort-with.html> on May 20, 2017. Rabbi Shai Held similarly suggests this in his commentary on *Parashat Va’etchannan*:

The words of the tenth commandment challenge us to purify our inner life, both for its own sake and in order that we not deprive others of what is rightfully theirs. We are taught not to pressure other people to let go of what they have, not to scheme to acquire their things, and not even to fantasize about possessing what they do. We are warned about the dangers of greed, especially when coupled with the power to inflict great harm. And we are reminded that real, deep freedom is not a

Torah Thoughts In the Bathroom

Where do people do their best thinking? For most people, it is the bathroom.⁴⁶ For students of Torah, a significant halachic problem arises from this reality – namely, that Torah thoughts are traditionally forbidden in the bathroom.⁴⁷ If I am thinking about Torah all day, it is only natural, perhaps even productive, that this thinking continues when I am alone and thinking.⁴⁸

The law that prohibits Torah thoughts in the bathroom originates in the Babylonian Talmud, Kiddushin 33a. In this case, the *Gemara*⁴⁹ itself notes a difference between voluntary and involuntary thoughts, but, as will be discussed, the *posekim* do not codify the law as such:

For Rabbah bar Bar Hanah said: One may meditate [on learning] everywhere except at the baths and in the toilet. [That however does not follow:] maybe it is different

one-time gift but a hard-won struggle. God gives us political freedom at least in part so that we can embark on achieving inner freedom as well.

See Shai Held, *The Heart of Torah: Volume 2* (Philadelphia: Jewish Publication Society, 2017), p. 214.

⁴⁶ Jacquelyn Smith, “72% of people get their best ideas in the shower – here’s why,” *Business Insider*, <http://www.businessinsider.com/why-people-get-their-best-ideas-in-the-shower-2016-1>, as accessed on 23 July 2017.

⁴⁷ As I will elaborate, this law technically applies to *beit hakhkisse*, ‘the toilet room.’ While the law certainly applies to the toilet, in modern bathrooms, the toilet is almost always in the same room as the shower, and may also apply to when someone is in the shower.

⁴⁸ The Rabbis of the Talmud were particularly sensitive to the bathhouse both because of the need to maintain modesty when studying Torah, but also because the bathhouse is a Greco-Roman institution with visual depictions of Greek and Roman gods. For more information, see Burt Visotsky, *Aphrodite and the Rabbis: How the Jews Adapted Roman Culture to Create Judaism as We Know It*, (New York: St. Martin’s Press, 2016), pp. 125–130.

⁴⁹ The *Gemara* is the expositional layer of the Talmud’s comments deriving from relating to and debating the meaning of the Mishnah.

when [done] involuntarily.⁵⁰

There is a parallel text in Tractate Berachot as well:

Who said that Rabbi Yochanan spoke thusly? Rabbah bar Bar Chana said in the name of Rabbi Yochanan: In every place it is permissible to think words of Torah—except for the bathhouse and the toilet.⁵¹

Commenting on the Kiddushin text, Rabbi Shlomo Yitzhaki (1040-1105, France, hereafter referred to as Rashi) explains that people often accidentally think about certain subjects. Even when one specifically decides at the entrance to the bathhouse/modern bathroom that he or she is not going to think about such topics, sometimes the thoughts *force* their way into a person's mind.

Immediately after concluding that *hirhurim* are permitted on Shabbat,⁵² the *Gemara* engages the topic of thinking about Torah in the bathroom, giving a biblical proof for why such thoughts are forbidden:

For the Lord your God walks in the midst of your camp, to deliver you, and to give your enemies to you; therefore your camp will be holy; that He sees no unseemly thing in you, and turn away from you.⁵³

Israel must keep the “camp” holy, and holiness should not reside in dirty places. Rashi notes that Jews always think about Torah, and thus Jews' thoughts naturally travel toward holiness in unholy places.⁵⁴

Rabbi Yizhak Alfasi (b. 1013 Algeria, d. 1103 Spain, hereafter referred to by the acronym for his name, the *Rif*) codifies Rabbi Yoḥanan's statement in Tractate Berachot, that it is forbidden to have

⁵⁰ Babylonian Talmud, Kiddushin 33a (Soncino translation).

⁵¹ Babylonian Talmud, Berachot 24b, (Soncino Translation).

⁵² Babylonian Talmud, Shabbat 150a.

⁵³ Deuteronomy 23:15.

⁵⁴ Rashi on Shabbat 150, *s.v.*, *vehayah mahanecha*.

hirhurim in the bathroom, particularly for a wise person, for, existentially, he or she⁵⁵ always thinks about Torah:

Rav Huna said: A Torah scholar is forbidden to stand in a place of excrement, because it is impossible for him to be without Torah. And Rabbi Yochanan said: In all places, one is allowed to have *hirhurim*—except in the bathhouse and toilet room.⁵⁶

The *Rambam* codifies the laws about proper intention while in the bathroom within *Hilchot Keri'at Shema* (“The Laws of Reciting the *Shema*) because the *Shema* requires particular intention in its recitation. The *Rambam* codifies the stringent opinion in the *Gemara*, which forbids even thinking “Torah thoughts” while in the bathroom, or in the vicinity of it, for that matter.

This does not apply only to reciting the *Shema*, rather any aspect [which could apply as] “Holy words” is forbidden to say in the bath house and in the toilet room. And it is even forbidden to say it in a mundane language [anything other than Hebrew]. *And not only is saying it forbidden, but even to think words of Torah in his heart while in the bathhouse or toilet room is forbidden...*⁵⁷

The *Shulḥan Aruch* rules identically to the *Rambam*—thought is forbidden:

Even thinking about words of Torah is forbidden in the toilet room and in the bath house and in a place of refuse, defined as a place where there is feces and urine. REMA: And even the laws of the bath house are forbidden to learn in the bath house.⁵⁸

⁵⁵ The Rabbis of the Talmud always assumed that only men would study Torah. In today’s world where women study and teach Torah, these laws and teachings readily apply to all people.

⁵⁶ *Rif* on the Babylonian Talmud, *Berachot*, chapter 3..

⁵⁷ *Rambam*, *Hilchot Keri'at Shema*, 3:4. Emphasis added.

⁵⁸ *Shulḥan Aruch*, *Oraḥ Ḥayim*, 85:2.

But what exactly defines “Torah?” The 24 books in the *TaNaCh*? Halachic texts? The gamut of philosophy in the Jewish tradition? Hebrew grammar?

In his commentary on the *Shulḥan Aruch*, the *Mishnah Berurah* says that one may not think about Hebrew grammatical details, such as verb tables, because that might lead the individual to think of a biblical verse with similar constructs.

It is forbidden to study Hebrew noun and verb tables in the bathroom, because there is no way to prevent one from *only* thinking about the Writings and he will come to think about the Torah...⁵⁹

How are humans supposed to prevent Torah thoughts from entering their minds, particularly if Rashi’s statement is true, that Jews always think about the Torah?

Both the *Magen Avraham* (Abraham Abele Gombiner, 1633–1688, Poland) and *Sefer Hasidim* (Judah ben Samuel of Regensburg, 1150–1217) bring a positive suggestion of thinking about business matters, which could prevent transgressing the *mitzvah* in question.⁶⁰ After all, if one is concentrating on *something else*, he or she will not think of prohibited Torah thoughts. The suggestion is particularly important because one must not think about business matters during Torah study and, thus, in order to prevent proscribed thoughts about Torah study, he thinks about business matters.

Similarly, both the *Shulḥan Aruch HaRav* (by Shneuer Zalman of Liadi, 1745–1812) and the *Mishnah Berurah* suggest that one think of “beautiful pictures,” or “nice buildings,” or other such facets of the aesthetic imagination, in order **not** to think about Torah thoughts in a prohibited place.⁶¹

The halachic system attempts to echo the biblical imperative of “your camp shall be holy.” A necessary tension exists between

⁵⁹ *Mishnah Berurah*, 85:5. Note that the *Mishnah Berurah* suggests that thinking about the Writings (*Ketuvim*) would be permitted, but not the Torah (Five Books of Moses). Thus, not studying verb tables is a fence around the law/Law?, preventing Torah thoughts in the bathroom.

⁶⁰ *Sefer Hasidim*, *Simman* 546; *Magen Avraham*, 75:1.

⁶¹ *Mishnah Berurah*, *Simman* 75, *Se’if Katan* 6 and *Shulḥan Aruch HaRav*, *Orah Hayyim*, *Hilchot Keri’at Shema*, *Simman* 65, *Se’if Katan* 1.

creating an “ideal community,” where God can dwell, and the fact that humans have natural flaws that prevent this from happening.

Are thoughts preventable from a psychological perspective? The answer by the aforementioned *Aḥaronim* (Jewish legal commentators writing after the codification of the *Shulḥan Aruch*) seem to be an enthusiastic “no.” One cannot help but think about Torah matters as a person is going through life. Yet if he or she actively thinks about a mundane topic, he or she prevents transgressing this negative commandment, indeed helping to protect the very fabric of a worldly community where God dwells.

Not thinking about Weekly Activities on Shabbat

Jewish law emphasizes not bringing God’s presence into spaces that are unclean, and thus unfit, for God. And it even suggests that one must not think about God in the bathroom.

But do these values apply to time, as well? On days when Jews sanctify time, specifically the Sabbath, can they speak about activities that are inimical to the holy time? Can they even think about them? Do they have an obligation to sanctify time by focusing *only* on the day itself?

Philo of Alexandria suggests that even the “mental consideration of considered prohibited labor” is prohibited, because the purpose of the day is to allow people exclusively to pursue wisdom.⁶² Scholar Alex Jassen elaborates:

Philo’s statement on cessation from action and thought on the Sabbath is far-reaching. One should not only abstain from prescribed labor on the Sabbath but also refrain even from mental consideration of it.⁶³

Yet the dominant Rabbinic tradition comes to a very different

⁶² Jassen notes that the Dead Sea Scrolls have a similar philosophy about thinking about prohibited activities on Shabbat. See Alex Jassen, *Scripture and Law in the Dead Sea Scrolls*, (New York: Cambridge University Press, 2014), pp. 152-154.

⁶³ Jassen, p. 154.

conclusion than those suggested during the Second Temple Period.⁶⁴ The original Talmudic discussion of this subject appears in Tractate Shabbat of the Babylonian Talmud.⁶⁵ The give-and-take of the *Gemara* is quite clear: the law follows the view of Rabbi Yehoshua ben Korḥa, that speech about labor-related (*melachah*) activities is forbidden, but thoughts are permitted. The Mishnah's statement that one may not instruct his neighbors to hire laborers applies to all cases where a person speaks about doing an activity that would transgress Shabbat.

The *Rif* codifies the view of Rabbi Yehoshua ben Korḥa, namely, that one may not speak about labor-related activities on Shabbat but one may think thoughts about them.

Rabbah bar bar Hannah said in the name of Rabbi Yohanan: The *halachah* is in the name of R. Yehoshua ben Korḥa. As scripture states, "From seeking your own pleasure and speaking your own word" (Isaiah 58:13) – *your* own pleasure is forbidden (my emphasis). (But) the pleasure of God is permitted.⁶⁶

Regarding controlling one's thoughts on Shabbat, the *Rambam* also says that one may not speak about mundane actions of the week, such as business matters that he/she will undergo the next day or how a person will build his or her house, plans for what people will do on Saturday night, and so on (*Hilchot Shabbat* 24:1). However, thinking about these actions is permitted:

There are things that are forbidden on Shabbat despite the fact that they are not *melachah* (forbidden work on Shabbat) and they also do not bring one to do *melachah*. And why was this forbidden? Because it says, "If you refrain from trampling the sabbath, From pursuing your affairs on My holy day; If you call the sabbath 'delight,' The Lord's holy day 'honored'; And if you honor it and go not your ways Nor look to your affairs, nor strike bargains, nor speaking thereof..." (Isaiah 58:13).

⁶⁴ Jassen notes that this is the perspective of the Dead Sea Scrolls as well. See *ibid.*, chapter 7.

⁶⁵ Babylonian Talmud, Shabbat 150a.

⁶⁶ *Rif* on Babylonian Talmud, Shabbat 64a.

Therefore it is forbidden for a person to go through with these business actions on Shabbat, and even to speak about them, such as speaking with his roommate what he will sell or buy tomorrow, or how he will build this and go about with this business, go to a particular location—all of this, and things like it, are forbidden, as it says, “Speaking thereof” (Isaiah 58:13).⁶⁷

As expressed in the *Gemara* and throughout the *posekim*, on a fundamental level, words are *as* important as the very actions that constitute our modern understanding of work, and the more nuanced understanding of *melachah* (“work”).

So why not legislate against thoughts, as well? Menachem Meiri (Southern France, 1249-1306) poignantly points out the obvious, that God did not give the Torah to angels.⁶⁸ Thus, humans are not mandated to control their thoughts on Shabbat, nor could they, even if they wanted to do so.

Yet while thinking about non-Shabbat matters is permitted during Shabbat, because human beings are (by definition) not angels, it remains only an ideal to create a world that is “entirely Shabbat.”⁶⁹ Such a vision enters the legal codes in the name of a suggestion. The *Shulḥan Aruch* permits non-Shabbat thoughts, yet discourages them:

Thinking about business matters is permitted; despite this fact, because of *oneg shabbat*, (finding joy on Shabbat) it is a *mitzvah* not to think about them (business matters) at all, and to envision for himself as if the actions have been completed.⁷⁰

Citing Rabbeinu Yonah’s *Iggeret HaTeshuvah*, Joseph Caro explains this suggestion, perhaps overly stringently, in the *Beit Yosef*, Caro’s own commentary to the *Tur* of Jacob ben Asher (d. 1306 Toledo, Spain):

Despite this, it is a *mitzvah*, because of the concept of *oneg*

⁶⁷ All translations of *posekim* are mine, unless noted otherwise

⁶⁸ *Beit HaBehirah LaMe’iri* on the Babylonian Talmud, Shabbat, 113b.

⁶⁹ This idea first appears as an ideal for Shabbat in Mishnah, Tamid 7:4.

⁷⁰ *Shulḥan Aruch, Oraḥ Ḥayyim*, 306:8.

shabbat, not to think about those [non-Shabbat topics]. Thus wrote Rabbeinu Yonah in *Iggeret HaTeshuvah*:
“It is forbidden for a person’s heart to be worried with business activities on Shabbat, even though the Rabbis wrote that ‘thoughts are permitted.’ If these thoughts include worrying/pain of the heart or back-and-forth worrying, it is forbidden because it says “And you shall complete all of your *melachah*” (Exodus 20:10). And it is said . . . that all of your *melachah* will appear in your eyes as if it is complete, so you don't think about it. And we also say in the Amidah on Shabbat, ‘The rest of peace, the quite and assurance, a complete rest that you want during the day.’ And in *Birkat HaMazon* (the blessing of sustenance said after eating a meal), we say ‘that there will be no distress or sadness on our day of rest.’”⁷¹

Rabbeinu Yonah’s position emphasizes the psychological reality that work-related thoughts cause stress and that stress has the opportunity to consume a person during Shabbat. Thus, during a day which emphasizes a complete rest, that rest should also include a rest of the individual’s mind. For one day, one should leave these thoughts behind, view the world completely in the moment.

In explaining the strict ruling, the *Mishnah Berurah* (by Yisra’el Meir Kagan, who lived 1839–1939, predominantly in Poland) gives a more technical answer, that one must particularly be aware of his or her “worries of the heart and mind” –lest they lead to prohibited action. There is no assurance that these thoughts will lead to action, but there is certainly a worry that this will be the case:

Thinking about his own actions is permitted: As scripture states, “speaking a word” (Isaiah 58:13). Speaking is forbidden, thinking is permitted.

It is a *mitzvah* not to think [about weekday activities]...: Despite this, the individual will have a troubled heart because of his thoughts, and there is concern such that he should be careful with this. See the Beit Yosef.⁷²

⁷¹ Beit Yosef, *Orah Hayim*, Simman 306.

⁷² *Mishnah Berurah*, Siman 306, Seif Katan 37–38.

A verse from the Shabbat song “*Mah Yedidut*” summarizes the *halachot* relating to *hirhurim* through (Hebrew) rhymes:

Business matters are forbidden, as are calculations.
Musings are permitted, and matchmaking, as are
teaching a child, singing melodies, and contemplating
the beautiful words, in all corners and places.⁷³

Is there a takeaway from this? The *Me'iri's* comments enlighten a fundamental spirit of Shabbat and, indeed, a tension that arises from it. While humans are not angels, and, thus, the *halachah* does not, indeed cannot, legislate against forbidden thoughts on Shabbat – the evolving commentary suggests that in a world of angels, *hirhurim* would be forbidden on Shabbat. As Rabbeinu Yonah suggests, thoughts are more than fleeting bursts – they have a tangible effect on behavior and inner peace. There is an ideal to create a world where there is a day that is entirely Shabbat – and humans should get as close as they can.

Forbidden Thoughts: Another Model

As we have seen, a fundamental tension pertains with regard to laws related to forbidden thoughts, or between crafting an ideal world for God's imminent presence and the fundamental fact that “humans are not angels.” As Moshe Halevi Spero states:

there is an ethical and clinical conflict... between the demand of many forms of psychotherapy that patient fantasies and verbalizations be expressed freely and without censorship versus the carefully safeguarded halachic domain of purity and sanctity in thought and speech.⁷⁴

⁷³ Translation from the *Yedid Nefesh bentscher* (i.e., book of [table-related] blessings). See *Yedid Nefesh*, ed. Joshua Cahan (2009): p. 76.

⁷⁴ Spero, *Judaism and Psychotherapy*, p. 64.

A look at Asian meditation practices enlightens many of these same issues—what to do with unwanted thoughts? Jewish legal authorities suggest focusing on a specific mundane subject, whether business, pictures, or buildings, in order to avoid thinking about forbidden Torah topics. This approach parallels the track of mantra meditation. By concentrating on this subject, a mantra, one puts his mind at ease and does not allow random thoughts, sinful or otherwise, to enter the mind.

Yet another contemporary meditation practice teaches the model of “mindfulness meditation,” of the Vipassana tradition.⁷⁵ During meditation, one concentrates on breathing, at which point thoughts inevitably enter the mind. Yet the practice teaches that people should not push the thoughts away to maintain the peace—that would be impossible and counterproductive to the ultimate goals of the practice. Rather, the practitioner labels the thought as an emotional category; he or she recognizes its place in his or her mind at that particular moment, and lets it pass. When another thought arises, he or she again places a title on the thought, notices it, and lets it pass.

The eighteenth-century ḥasidic *rebbe* Rabbi Ze’ev Wolf of Zhitomir (in modern Ukraine), posits nearly an identical theory to such a vision of labelling thoughts that one should not be thinking. He explains that one should not be ashamed of untamed thoughts, of quests toward the material, or of sexual thoughts, among others. But rather, recognize them as part of the world that God has created, and then subsequently rise to a higher plane of worshipping and praising God, the ultimate purpose in life.⁷⁶ With this understanding, Wolf, known by his pen name, *Or HaMe’ir*, explicitly disagrees with banishing particular thoughts from life. Yes, there are different planes of thought, those that elevate one toward God and those that do not.

But, according to the *Or HaMe’ir*, censoring the mind, even thinking about engaging a mantra approach toward controlling

⁷⁵ For more information on the topic, see “Plum Village,” as accessed at <http://www.plumvillage.org/> on May 20, 2015. Thich Nhat Hanh, a Buddhist monk and Zen master also spoke about this on National Public Radio’s “Speaking of Faith,” with Krista Tippett. See <http://speakingoffaith.publicradio.org/programs/thichnhathanh/> as accessed on May 20, 2017.

⁷⁶ *Or HaMe’ir* on *Parashat Tetzaveh*.

particular thoughts, runs contrary to seeing God as the creator of heaven and earth. This is not to say that there are times when certain thoughts are not appropriate, as *Or HaMe'ir* posits with regard to prayer in this case. But one must recognize these thoughts as part of a larger framework of being human, in a world that recognizes the sovereignty of God. Thus, for example, one should not enter the bathroom actively thinking about the Torah. But, if such a thought comes to mind while there, then the individual can find a way to refocus attention toward an appropriate topic.

Conclusion

The laws relating to controlling the mind provide certain ethical challenges through their very existence. Is this task possible? Even if it is, *should* humans censor their thoughts?

While the Rabbinic statement that “thoughts are similar to speech” is certainly true, and attests to the creative power of humans, thoughts still are not identical to speech, either. In the words of the 19th-century German folk song, “Die Gedanken sind frei” (“thoughts are free”).⁷⁷ Thus, the *halachah* does not forbid thinking about business on Shabbat. Nor does it find a person liable for *lo tahmod* until that person undertakes an action. But in turn, the system does provide certain restrictions to thought, seen in the prohibitions against thinking about Torah in the bathroom. Here, Jewish law seeks to provide a system where God can dwell on Earth. One should not bring God into the bathroom.

⁷⁷ The original lyricist and composer are unknown, and the most popular version was rendered by Hoffman von Fallleben in 1842. American Pete Seeger wrote his own version of the song in 1966 as part of his album *Dangerous Songs!?*. The chorus of the original song translates as:

Thoughts are free, who can guess them?
They flee by like nocturnal shadows.
No man can know them, no hunter can shoot them,
with powder and lead: Thoughts are free!

See www.mythoughtsarefree.com/bookclubguide.html as accessed on October 20, 2019.

Though not investigated here, the laws of thinking about idolatry are the strictest category of *hirhur asur* (“forbidden thought”); one must not think about idolatry, lest one be led to commit one of the several offenses that can bring the death penalty, and also because the thought itself is a sin. Thus, this category serves both to protect the individual from one of the cardinal sins in Jewish tradition and also to assure preserving the space where God’s presence can dwell on Earth.

Ben Zoma’s famous statement—“Who is rich? One who is happy with his portion”—reflects an ideal for how to fulfill the mitzvah of not coveting, indeed not thinking about prohibited thoughts more generally.⁷⁸ If I am existentially happy with my condition, I will never covet what others have or want to be in another place or position.⁷⁹ Yet, humans are not angels. *Teshuvah* remains an integral part of the human condition. One will never completely rid himself of “coveting” or of the need to purge certain thoughts at particular times. By recognizing urges, humans strive to create a world suitable for God’s presence on Earth.

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⁷⁸ Mishnah, Avot 4:1.

⁷⁹ Aaronson offers a similar conclusion in his piece (at p. 14):

What, then, might be a modern proscription for the individual who covets? The ancient categorical—and seemingly behavioral—prohibition of desire, coveting, and envy does not seem to make sense, given our modern sensibilities. What we can do is to proscribe a good internal object relationship for the individual plagued by destructive envy, a relationship in which projected hateful, envious, destructive experiences are contained, made sense of, and transformed, ultimately being returned to the individual in more palatable form. Ultimately, this allows the person to withstand the temporary bouts of envy and hatred, and recover and regain his equilibrium (temporarily lost in these dark moments). Intense coveting can be mitigated and managed with the help of a good internal object.

world and relishes the opportunity to teach in a high school, a time of immense growth in all aspects of students' lives. He is a co-chair of the Lakeview Minyan and an active member in the Rose Crown Minyan at Anshe Emet Synagogue in Chicago. He and his wife Tamara live two blocks away from Wrigley Field.

Mind Control?

A Halachic and Meta-Halachic Investigation of Forbidden Thoughts

Zachary James Silver

A CALL FOR PAPERS (WITH EXPLANATION) FOR OUR NEXT SPECIAL ISSUE: *WHY MEDIEVAL MATTERS*

In his 2010 publication, *Reassessing Jewish Life in Medieval Europe*,¹ Robert Chazan asserted that one of the “areas of Jewish achievement in medieval western Christendom” that “benefited Jewish life” during the transition to modernity was the medieval “experience as a beleaguered minority, inured to extensive pressure for abandonment of Jewish identity and equipped with the capacity to resist such pressures.”²

Chazan further asserted that the arguments in favor of adherence to Judaism that were thus developed during the medieval period “continued to move modern Jews” as well.³

¹ Robert Chazan, *Reassessing Jewish Life in Medieval Europe* (New York: Cambridge U.P., 2010).

² *Ibid.*, pp. 236-237. The other “areas of Jewish achievement” listed by Chazan were:

- demographic growth, which eventuated in the largest Jewish population in the world;
- transfer of the center of gravity in Jewish population from the Islamic sphere, which was in a process of decline, to the Christian sphere, which came to dominate the West;
- readiness for residential relocation, in the service of improvement of circumstances;
- attraction to urban centers;
- capacity for economic innovation and risk-taking;
- shift toward business and finance, which made literacy and numeracy key elements in economic success; [and]
- a well-developed communal structure that buttressed Jewish life on the corporate and individual levels.

³ Thus Chazan asserted (at pp. 246-247):

As was true for Jewish communal organization, maintenance of Jewish identity required major transition from the medieval period into modernity. Enlightenment thinking profoundly challenged the God-centered view of human affairs and placed humanity firmly at the center of all matters intellectual and

Do those medieval arguments and understandings, however, still 'work' today, in our *post-'modern'*⁴ environment? Is there anything in the medieval Jewish achievements that still matter today, and that can still be an inspiration going forward?

For our next special issue, accordingly, we would like to consider *whether*, and if so *how*, medieval Jewish thought, and/or lived experience, might provide resources for the challenges facing 'liberal' forms of Judaism today (*i.e.*, all forms that do not simply 'stop,' in effect, with the Shulchan Arukh and the Chatam Sofer), particularly

spiritual. Medieval Jews could ultimately reassure themselves that their God was the one true God and that their revelation was the one true revelation. These claims, however, resonated far less effectively among modern Jews.

Here, the medieval Jews already pointed the way to a more humanistic alternative. While they continued to believe the truth of their God and their revelation, the exigencies of the medieval Christian assault on Jewish identity and the role of rational considerations in that assault moved the Jews of medieval Christian Europe to advance rational counterarguments. They examined closely key Christian doctrines, such as Incarnation and the Trinity, and argued that these doctrines violated the canons of reason. They scrutinized the lavishness of Church architecture, the Church's valorization of physical images, and the role of saints in Christian religious praxis and argued for the intellectual and moral superiority of more austere Jewish ritual. For the Jews of medieval Latin Christendom, Judaism was obviously the simpler and more rational faith and indeed the more ethically grounded faith as well. As modern Jews faced the challenge of maintaining their identity as a minority community in a dynamic modern environment, these medieval arguments continued to move modern Jews, as they had moved their medieval predecessors.

See also at pp. 245 and 250–251. See also Robert Chazan, *The Jews of Medieval Western Christendom 1000–1500* (N.Y.: Cambridge U.P., 2006) at pp. 282–283.

⁴ Since Chazan refers to "modern Jews" in the *past* tense, we understand him to be characterizing contemporary Jews as post-modern. See Moshe Rosman, "The Post Modern Period in Jewish History," ch. 2 in his *How Jewish Is Jewish History?* (Oxford: Littman Library of Jewish Civilization; 2007).

in the United States, but also in Israel. In short—why medieval matters?

By ‘medieval,’ we start around 700 CE—recognizing, from recent studies of the ‘Rabbinic’ period, that general acceptance (*i.e.*, by the ‘masses’) of the halakhic lifestyle portrayed/imagined in the Babylonian Talmud did not occur until the Geonic/Genizah period.⁵

We end, for this purpose, the ‘medieval’ period at around the late 17th Century—viewing Shabbetai Zevi as the ‘last medieval,’ and Spinoza as the ‘first modern.’⁶

Also, while Chazan focused on ‘Western’ or ‘Latin’ Europe, we hope that our contributors will also give some consideration to the communities of Babylonia, Yemen, North Africa, Spain and ‘Eastern Europe,’ albeit within the foregoing time parameters. (*Cf.* Gotein’s note that ‘business law’ was a ‘live’ issue in Egypt during the Genizah period, in contrast to the situation in Ashkenaz—and so required a group of lay-persons with ‘practical Jewish’ learning to act as judges.⁷)

⁵ See, *e.g.*, Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: The Johns Hopkins U.P., 2003) at pp. 157-159; and Talya Fishman, *Becoming the People of the Talmud* (Philadelphia: University of Pennsylvania Press, 2011). See also Chazan, *Reassessing, supra*, at pp. 77-78, noting the selection by Haim Hillel Ben-Sasson of a starting-point for the Jewish Middle Ages at 632 CE, with the early Moslem-Arab conquests. This is contrary to older definitions, which started the Jewish Middle Ages at 315 CE, “when Constantine the Great, under the influence of Christian religious totalitarianism, began to enact against the Jews disabling laws which ultimately reduced them to the status of second-class citizens.” Jacob R. Marcus, *The Jew in the Medieval World – A Source Book: 315-1791* (NY: Harper & Row, 1965) (originally published 1938, UAHC) at p. xiii.

⁶ On the transitional period from, say, 1550-1750, also known as the ‘early modern’ period in Jewish history, see David B. Ruderman, *Early Modern Jewry: A New Cultural History* (Princeton: Princeton U.P., 2010); *cf.* Dean Phillip Bell, *Jews in the Early Modern World* (Lanham, Md.: Rowman & Littlefield Publishers, 2008), and Ruderman’s critical comments thereon, in *Early Modern Jewry* at pp. 280-281, fn. 7.

See also, *e.g.*, Yaacob Dweck, *Dissident Rabbi: The Life of Jacob Sasportas* (Princeton: Princeton U.P., 2019).

⁷ S. D. Gotein, *A Mediterranean Society: An Abridgment in One Volume* (Jacob Lassner [ed.]) at p. 273; see also Mark R. Cohen, *Maimonides and the Merchants: Jewish Law and Society in the Medieval Islamic World* (Philadelphia: University of Pennsylvania Press, 2017).

Examples of recent arguments in regard to ‘why medieval matters’ that we (the editors) found interesting, and hope will be pursued, include: (a) Robert Harris’s discussions of the values implicit in the *peshat* commentaries of Rashi’s students;⁸ (b) David Biale’s suggestion that modern ‘Jewish secular’ thought should be understood as characteristically Jewish, insofar as it engages dialectically, and productively, with medieval Jewish thought,⁹ and (c) Heidi Ravven’s contention that a return to the holistic approach of Greek philosophy, as preserved by Maimonides, is a necessary antidote to Augustine’s break with Greek tradition, as followed by Kant and others—whereby Augustine focused instead on the ‘will’ of the ‘individual.’¹⁰

* * *

William Faulkner famously asserted: “The past is never dead. It’s not even past.”¹¹ For many of us, however, the medieval world is indeed, “past,” and of seemingly no relevance to the challenges facing thoughtful Jews trying to lead meaningfully Jewish lives in today’s context. Perhaps indeed ‘medieval Jewish studies’ is just a form of antiquarianism—surely as worthy an object of study as any other historical episode, but of no practical ‘relevance,’ except for filling-up space on the time-line of Jewish development. The editors of this journal remain uncertain as to the answer, notwithstanding Chazan’s confidence, as quoted above. We look forward, accordingly, to learning from our (anticipated) contributors, and to sharing that learning with our readers.

⁸ See, e.g., Robert A. Harris, “Concepts of Scripture in the School of Rashi,” ch. 7, in Benjamin D. Sommer (ed.), *Jewish Concepts of Scripture: A Comparative Introduction* (NY: NYU Press, 2012).

⁹ David Biale, *Not In The Heavens: The Tradition of Jewish Secular Thought* (Princeton: Princeton U.P., 2011).

¹⁰ See Heidi M. Ravven, “The Future of Jewish Philosophy in the Academy,” ch. 15, in Hava Tirosh-Samuels and Aaron W. Hughes (eds.), *The Future of Jewish Philosophy* (Leiden: Brill, 2018).

¹¹ William Faulkner, *Requiem for a Nun* (1951), Act. 1, Scene 3.

GENERAL SUBMISSION GUIDELINES

Content

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

Style

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

Format

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

Gendered Terminology

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

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

Length

Submissions may be no longer than 10,000 words.

Citation

All articles should include their notes in the form of footnotes (*i.e.*, not endnotes). *Zeramim* does not publish appendices of cited sources. Authors may base their style of citation in any recognized methodology of citation (MLA, Chicago, Manual of Style, *etc.*) so long as the (not comprehensive) guidelines below are met:

- All citations of published works should include the full names of the referenced works along with the works’ authors and dates of publication.
- **BOOKS:** Citations from books should include the names of the books’ publishers.
- **ANTHOLOGIES:** Citations of works from anthologies should indicate the names of the anthologies’ editors.
- **JOURNALS:** Citations from journals should include the journals’ volume and issue numbers.
- **WEB:** Web citations should include a URL and date of access.

Languages

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

native spellings). Authors may follow any system of transliteration (e.g., SBL, Library of Congress, *Encyclopaedia Judaica*, etc.) but should be consistent within a single submission.

Biography

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

Submitting

All submissions must be sent to submissions@zeramim.org as .docx files, and all appendices to articles must be part of the same document submitted for consideration.

SPECIAL GUIDELINES FOR SUBMISSIONS TO *MIDRASH ZERAMIM*

Midrash Zeramim is a designated venue for publication of creative works that make use of artistic forms to illuminate ideas relevant to thoughtful Jewish lives—whether in the form of visual arts, creative writing or music.

Submissions for *Midrash Zeramim*, though artistic in nature, should include an introductory statement that addresses the point that the submission seeks to make and refers the reader/listener/observer to relevant sources that inspired the contribution and may provide further thought.

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